



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-164*

For business meeting on September 19, 2023

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**Title**

Juvenile Law: Psychiatric Residential  
Treatment Facility Voluntary Admission

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2024

**Rules, Forms, Standards, or Statutes Affected**

Adopt Cal. Rules of Court, rule 5.519; adopt  
forms JV-172, JV-173, JV-174, JV-175,  
JV-176, and JV-177

**Date of Report**

August 24, 2023

**Recommended by**

Family and Juvenile Law Advisory  
Committee

Hon. Stephanie E. Hulsey, Cochair

Hon. Amy M. Pellman, Cochair

**Contact**

Kerry Doyle, 415-865-8791  
[kerry.doyle@jud.ca.gov](mailto:kerry.doyle@jud.ca.gov)

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting one rule of court and six forms to conform to recent statutory changes enacted by Assembly Bill 2317 (Ramos; Stats. 2022, ch. 589) regarding court oversight of the voluntary admission of a child, nonminor, or nonminor dependent to a psychiatric residential treatment facility.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Adopt rule 5.619 to clarify and establish noticing requirements, and to require the use of the forms recommended in this report;
2. Adopt *Ex Parte Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-172) as a mandatory form for use by the social worker or probation officer

to request a court order authorizing a voluntary admission to a psychiatric residential treatment facility;

3. Adopt *Proof of Notice of Hearing on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-173) as a mandatory form for use by the social worker or probation officer to inform the court of the parties who received notice of the hearing on the application for voluntary admission;
4. Adopt *Order on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-174) as a mandatory form for the court to make orders regarding the application for voluntary admission;
5. Adopt *Review of Voluntary Admission of Child to Psychiatric Residential Treatment Facility* (form JV-175) as a mandatory form to record the court's findings and orders regarding a child at the hearings held 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement;
6. Adopt *Review of Voluntary Admission of Nonminor or Nonminor Dependent to Psychiatric Residential Treatment Facility* (form JV-176) as a mandatory form to record the court's findings and orders regarding a nonminor or nonminor dependent at the hearings held 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement;
7. Adopt *Admission to Psychiatric Residential Treatment Facility by Consent of Conservator—Additional Findings and Orders* (form JV-177) as a mandatory form to attach to a local minute order or Judicial Council findings and orders form to document the court's findings and orders regarding the placement at any six-month review hearing when the child has been placed at the facility by the consent of a conservator.

The proposed new rule and forms are attached at pages 7–23.

### **Relevant Previous Council Action**

Assembly Bill 2317 created a new type of treatment facility and established the juvenile court's oversight role of the voluntary admission of a child or youth to this type of facility. As this is a new oversight function of the juvenile court, there is no relevant previous council action in this area.

### **Analysis/Rationale**

Assembly Bill 2317 was a comprehensive bill that made findings and declarations relating to the urgent need to provide alternatives to hospitals for children and youth experiencing severe mental health crises, and the need for psychiatric residential treatment facilities (PRTFs).<sup>1</sup> It

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<sup>1</sup> Assem. Bill 2317, § 1.

defines a PRTF as a health facility licensed by the Department of Health Care Services and operated by a public agency or private nonprofit organization that provides inpatient psychiatric services to individuals under 21 years of age in a nonhospital setting.<sup>2</sup> The bill also requires the Department of Health Care Services to set a statewide bed limit for PRTFs,<sup>3</sup> and requires a PRTF to provide the Department of Health Care Services with specific data.<sup>4</sup>

The bill adds sections 361.23 and 727.13 to the Welfare and Institutions Code<sup>5</sup> and establishes ex parte court procedures for when a parent, guardian, or Indian custodian seeks to admit their child who is under the jurisdiction of the juvenile court to a PRTF, for when a nonminor<sup>6</sup> or nonminor dependent under the jurisdiction of the juvenile court has admitted themselves to a PRTF, and for when a child under the jurisdiction of the juvenile court seeks to voluntarily admit themselves to a PRTF.<sup>7</sup>

The law now requires the court—for a child, nonminor, or nonminor dependent admitted to a PRTF—to hold a hearing 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement.<sup>8</sup> If the court finds at the review hearing that the parent, child, or nonminor dependent continues to consent; that the child or nonminor dependent continues to suffer from a mental disorder that may be reasonably expected to be cured or ameliorated by treatment at the PRTF; and that there is no other available less restrictive setting to serve the patient’s medical need, the bill allows the court to authorize the continued admission at the PRTF.<sup>9</sup> There is a rebuttable presumption that, if the child or nonminor dependent has been at a PRTF for over 30 days, the facility is not the least restrictive alternative available to meet the patient’s needs and best interests.<sup>10</sup>

If the court finds at the hearing that the parent, child, or nonminor dependent no longer consents; that the child or nonminor dependent no longer suffers from a mental disorder that may reasonably be expected to be cured or ameliorated by treatment at the PRTF; or that there is another available less restrictive setting to serve the patient’s medical needs, the bill requires the social

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<sup>2</sup> Health & Saf. Code, § 1250.10(a)(1).

<sup>3</sup> Health & Saf. Code, § 1250.10(a)(4).

<sup>4</sup> Health & Saf. Code, § 1250.10(d). The data includes the total number of patients admitted, certain demographics and treatment information about the patients served, durations of stay for each patient, and certain information about the use of restraints.

<sup>5</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated. All further rule references are to the California Rules of Court unless otherwise indicated.

<sup>6</sup> §§ 303(a), 361.23(k), 727.13(k); rule 5.502(25).

<sup>7</sup> §§ 361.23(b), 727.13(b).

<sup>8</sup> §§ 361.23(f)(1)(A), 727.13(f)(1)(A).

<sup>9</sup> §§ 361.23(f)(1)(D), 727.13(f)(1)(D).

<sup>10</sup> *Id.*

worker to immediately work with the PRTF to arrange for the child's or nonminor dependent's discharge to a different setting with the appropriate services and supports.<sup>11</sup>

Whenever a child or nonminor dependent is discharged due to revocation of consent to admission, within two days of learning of the revocation of consent, the bill requires a county child welfare agency or county probation office, as appropriate, to file a petition with the court requesting an order vacating the court's order authorizing the child or nonminor dependent's admission to the PRTF.<sup>12</sup> This provision does not require a court order for the discharge of a child when consent has been withdrawn.<sup>13</sup>

When a child or nonminor dependent has been admitted to a PRTF pursuant to the consent of a conservator, the court must review the placement at any six-month review hearing and may make any orders necessary to ensure that the child or nonminor dependent is discharged in a timely manner and with all the services and supports necessary for a successful transition to a less restrictive setting. The court may direct the social worker or probation officer to work with the facility and, where appropriate, with the conservator, to ensure the child or nonminor dependent is receiving all necessary child welfare services and to develop the aftercare plan.<sup>14</sup>

### **Policy implications**

There are no direct policy implications of this proposal, and the proposal was not controversial within the committee. The proposal will assist the public and the courts in implementing AB 2317.

### **Comments**

This proposal circulated for comment as part of the spring 2023 invitation-to-comment cycle from March 31 through May 12, 2023, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, trial court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocates (CASA) programs, and other juvenile and family law professionals. One individual and six organizations, including two superior courts, provided comment: four agreed with the proposal, one agreed with the proposal if modified, and two did not indicate a position.

One large advocacy organization commented that the forms as circulated for public comment did not include nonminors. AB 2317 is clear that the court oversight requirements apply to the voluntary admission of a child, nonminor, or nonminor dependent to a PRTF. To reflect the requirement in sections 361.23(k) and 727.13(k) that the provisions regarding nonminor

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<sup>11</sup> §§ 361.23(f)(1)(E), 727.13(f)(1)(E).

<sup>12</sup> §§ 361.23(g), 727.13(g)(2).

<sup>13</sup> *Id.*

<sup>14</sup> §§ 361.23(h), 727.13(h).

dependents equally apply to foster children who remain under juvenile court jurisdiction even if they do not meet the definition of “nonminor dependent,” the committee has revised form JV-176 to include “nonminor” in all the items that refer to “nonminor dependents” and has added “Nonminor” to the title of the form. Proposed rule 5.619(a) would cross reference rule 5.502, which has the following simplified definition: “ ‘Nonminor’ means a youth at least 18 years of age and not yet 21 years of age who remains subject to the court’s dependency, delinquency, or general jurisdiction under section 303 but is not a ‘nonminor dependent.’ ”

The committee received a comment from the Joint Rules Subcommittee of the Judicial Council’s Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee that six months, rather than the proposed three months, would be sufficient for implementation. The committee appreciates the concerns around an effective date three months from Judicial Council approval of this proposal but has determined that implementation of the statutory provisions by January 1, 2024, is needed to ensure that courts are effectively performing their new oversight role.

The committee received some comments that suggested repeating statutory text in proposed rule 5.619. As the committee has done since the spring of 2016, to enhance the brevity and accuracy of the rules and to reduce the frequency with which the rules need to be amended to reflect changes in the statutory text, the committee decided to use references to the relevant code sections in most of the rule and to repeat statutory text only when necessary. Because this is a new oversight function for the court, the committee concluded it was appropriate to repeat the statutory requirements for the timing of the setting of a hearing on a request authorizing admission and the setting of a review hearing on the authorization of admission. Additionally, since the new statutes are silent on the requirements for notice of the hearing to review a voluntary admission, the committee concluded the rule should specify who is entitled to notice and listed the same parties as those who are statutorily required to receive notice of the request.<sup>15</sup>

The committee received several comments suggesting minor edits for clarity such as adding blank lines to certain items, clarifying applicable code sections, and minor changes to improve readability and grammar. The committee agreed with most of those suggestions and has incorporated them into the revisions that it is recommending for adoption by the council.

A chart with the full text of the comments received and the committee’s responses is attached at pages 24–55.

### **Alternatives considered**

The committee considered proposing the adoption of the forms only, but since the new statutes are not clear on the requirements for notice, the committee is proposing that a rule of court be adopted to provide clarity and guidance regarding hearing notice requirements, and to require the use of the Judicial Council forms proposed by the committee.

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<sup>15</sup> §§ 361.23(b)(3) & (e)(3), 727.13(b)(3) & (e)(3).

## **Fiscal and Operational Impacts**

This proposal contains new procedures, hearings, and notice requirements, but these are required by statute.

The committee anticipates that this proposal will require courts to train court staff and judicial officers on the newly approved forms. Courts will also incur costs to incorporate the forms into the paper or electronic processes.

## **Attachments and Links**

1. Cal. Rules of Court, rule 5.619, at pages 7–9
2. Forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177, at pages 10–23
3. Chart of comments, at pages 24–55
4. Link A: Assem. Bill 2317,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2317](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2317)

Rule 5.619 of the California Rules of Court is adopted, effective January 1, 2024, to read:

**Chapter 7. Intercounty Transfers; Out-of-County Placements; Interstate Compact  
on the Placement of Children**

**Rule 5.619. Voluntary placement in psychiatric residential treatment facility (Welf.  
& Inst. Code, §§ 361.23, 727.13)**

**(a) Applicability**

This rule applies to the court’s review under section 361.23 or 727.13 when a  
voluntary admission into a psychiatric residential treatment facility is sought for a  
child, nonminor, or nonminor dependent, as defined in rule 5.502.

**(b) Notice and setting of hearing on application**

- (1) The social worker or probation officer must use *Ex Parte Application for  
Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-  
172) to request an order authorizing the voluntary admission into a  
psychiatric residential treatment facility.
- (2) After receiving an ex parte application for an order, the court must set a  
hearing under section 361.23 or 727.13 for the next judicial day. The court  
must immediately notify the social worker or probation officer and the child,  
nonminor, or nonminor dependent’s counsel of the date, time, and location of  
the hearing.
- (3) The social worker or probation officer must orally notify the parties identified  
in section 361.23(b)(3), 361.23(e)(3), 727.13(b)(3), or 727.13(e)(3) of the  
date, time, and location of the hearing.
- (4) The social worker or probation officer must complete and file *Proof of Notice  
of Hearing on Application for Voluntary Admission to Psychiatric Residential  
Treatment Facility* (form JV-173).

**(c) Conduct of hearing on application**

- (1) The court must consider all evidence required by section 361.23(c)(1),  
361.23(e)(4), 727.13(b)(1), or 727.13(e)(4), and all evidence relevant to the  
court’s determinations required under section 361.23(d), 361.23(e)(5),  
727.13(d), or 727.13(e)(5).
- (2) The court must use *Order on Application for Voluntary Admission to  
Psychiatric Residential Treatment Facility* (form JV-174) to document its  
findings and orders.

(3) If the court authorizes the admission of the child, nonminor, or nonminor dependent, the court must set a hearing to review the placement in the facility no later than 60 days following the admission.

**(d) Notice of hearing on review of placement**

At least 10 days before the hearing, the child welfare agency or probation department must provide notice of the date, time, and location of the hearing to review the placement to all parties identified in section 361.23(b)(3), 361.23(e)(3), 727.13(b)(3), or 727.13(e)(3).

**(e) Conduct of hearing on review of placement**

(1) The court must consider all evidence required by section 361.23(f)(1)(C), 361.23(f)(2)(C), 727.13(f)(1)(C), or 727.13(f)(2)(C) and all evidence relevant to the court's determinations required under section 361.23(d), 361.23(e)(5), 727.13(d), or 727.13(e)(5).

(2) The court must use *Review of Voluntary Admission of Child to Psychiatric Residential Treatment Facility* (form JV-175) or *Review of Voluntary Admission of Nonminor or Nonminor Dependent to Psychiatric Residential Treatment Facility* (form JV-176) to document its findings and orders.

(3) If the court authorizes the continued admission of the child, nonminor, or nonminor dependent, the court must set a review hearing on the child's placement in the facility no later than 30 days from the date of the review hearing.

(4) If the court does not authorize the continued admission of the child, nonminor, or nonminor dependent, the court must set a hearing in no later than 30 days to verify that the child, nonminor, or nonminor dependent has been discharged.

**(f) Placement by consent of conservator**

(1) At any review hearing under section 364, 366.21, 366.22, 366.3, or 366.31, if a child or nonminor dependent has been admitted to a psychiatric residential treatment facility by the consent of a conservator, the court must review the child's case plan. The court must make findings and orders as required by section 361.23(h).

1       (2)    The court must use *Admission to Psychiatric Residential Treatment Facility*  
2       *by Consent of Conservator—Additional Findings and Orders* (form JV-177)  
3       to document its findings and orders, and attach the form to the findings and  
4       orders document used for the review hearing.  
5

**Ex Parte Application for Voluntary  
Admission to Psychiatric  
Residential Treatment Facility**

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**  
**JV-172.v17.071023.jh**

This form must be used to request an order authorizing the voluntary admission into a psychiatric residential treatment facility. The application must be filed within 48 hours of being informed of the request for voluntary admission or, if the courts are closed for more than 48 hours after being informed of the request, on the first judicial day after being informed of the request.

① Agency requesting admission: \_\_\_\_\_  
Name and title of person filing form: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

- ② a. ☐ The child resides with ☐ parent ☐ guardian  
☐ Indian custodian ☐ Other (*specify*): \_\_\_\_\_  
and that person wants to have the child admitted to a psychiatric residential treatment facility.
- b. ☐ The child ☐ the nonminor dependent ☐ the nonminor requests to make a voluntary admission to a psychiatric residential treatment facility under Welfare and Institutions Code section 6552.

Fill in child's/nonminor's name and date of birth:

**Child's/Nonminor's name:**

**Child's/Nonminor's date of birth:**

③ The social worker or probation officer requests a court order authorizing the voluntary admission.

Court fills in case number when form is filed.

**Case Number:**

④ The child, nonminor, or nonminor dependent's mental disorder is (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

⑤ The proposed psychiatric residential treatment facility is (*specify name and address*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

⑥ The mental disorder may reasonably be expected to be cured or ameliorated by the treatment offered by the proposed facility because (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ⑦ a. ☐ The proposed facility is the least restrictive setting for care and there are no other available hospitals, programs, or facilities that might better serve the child's medical needs and best interests because (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. ☐ The nonminor or nonminor dependent believes admission to a less restrictive facility would not adequately address their mental disorder because (*describe*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- 8 The child, nonminor, or nonminor dependent's case plan is attached to this form.
- 9 a. ☐ The parent, guardian, or Indian custodian is seeking the child's admission to the proposed facility. The basis of their belief that the child's admission to a psychiatric residential treatment facility is necessary is *(describe)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. ☐ The child ☐ does ☐ does not agree with the parent, guardian, or Indian custodian's request for admission.
- c. ☐ The child is seeking admission to the facility and the parent, guardian, or Indian custodian ☐ does ☐ does not agree with the child's request for admission.
- 10 a. ☐ The mental health services, including community-based mental health services, that were offered or provided to the child, nonminor, or nonminor dependent were *(describe)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. ☐ The services in item 10a were not sufficient because *(describe)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- c. ☐ No community-based services were provided because *(describe)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 11 ☐ The child, nonminor, or nonminor dependent was given a chance to confer privately with their attorney about the admission *(describe how)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 12 a. ☐ All members of the Child and Family Team ☐ do ☐ do not agree to the admission.
- b. 1. ☐ The following members of the Child and Family Team object to the admission *(specify)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. ☐ The reason the member objects to the admission is *(describe)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Type or print your name

Signature

**Proof of Notice of Hearing on  
Application for Voluntary  
Admission to Psychiatric  
Residential Treatment Facility**

The social worker or probation officer must provide notice of the hearing on the application for voluntary admission to a psychiatric residential treatment facility to all parties in the proceeding and their counsel of record, the child's tribe in the case of an Indian child, the court-appointed special advocate, if applicable, and any person designated as the educational or developmental representative.

The social worker or probation office must arrange for the child to be transported to the hearing. The social worker or probation officer must arrange for the nonminor or nonminor dependent to be present at the hearing.

- ① The hearing on the application for voluntary admission to a psychiatric residential treatment facility set for:  
(date): \_\_\_\_\_ at (time): \_\_\_\_\_  
in Department: \_\_\_\_\_ of the superior  
court at (address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ② Notice of the hearing in ① was given to:
- a. ☐ Parent/legal guardian/Indian custodian (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- b. ☐ Parent/legal guardian/Indian custodian (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- c. ☐ Attorney for parent/legal guardian/Indian custodian (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- d. ☐ Attorney for parent/legal guardian/Indian custodian (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- e. ☐ Child, nonminor, or nonminor dependent (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**  
**JV-173.v12.071323.jh**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's/nonminor's name and date of birth:

**Child's/Nonminor's name:**

**Child's/Nonminor's date of birth:**

Court fills in case number when form is filed.

**Case Number:**



**2**

- f. ☐ Attorney for child, nonminor, or nonminor dependent (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- g. ☐ The Indian child's tribe (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- h. ☐ Attorney or representative for the Indian child's tribe (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- i. ☐ The court-appointed special advocate (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- j. ☐ The educational or developmental representative (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- k. ☐ Attorney for the child welfare agency (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- l. ☐ District Attorney (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- m. ☐ De facto parent (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- n. ☐ Attorney for de facto parent (name): \_\_\_\_\_  
Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_
- o. ☐ Other (name): \_\_\_\_\_ Date notified: \_\_\_\_\_  
(1) ☐ In person  
(2) ☐ By phone at (specify): \_\_\_\_\_  
(3) Relationship to child (specify): \_\_\_\_\_

Case Number:

- p. ☐ Other (*name*): \_\_\_\_\_ Date notified: \_\_\_\_\_
- (1) ☐ In person
- (2) ☐ By phone at (*specify*): \_\_\_\_\_
- (3) Relationship to child (*specify*): \_\_\_\_\_

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

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

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



\_\_\_\_\_  
*Sign your name*

**Order on Application for Voluntary  
Admission to Psychiatric  
Residential Treatment Facility**

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**  
**JV-174.v16.071023.jh**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's/nonminor's name and date of birth:

**Child's/Nonminor's name:**

**Child's/Nonminor's date of birth:**

Court fills in case number when form is filed.

**Case Number:**

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

- ② The court has read and considered the following:  
a. ☐ The report from the ☐ social worker ☐ probation officer  
filed on (date): \_\_\_\_\_  
b. ☐ CASA report dated: \_\_\_\_\_  
c. ☐ Other (specify): \_\_\_\_\_  
d. ☐ Other (specify): \_\_\_\_\_  
e. ☐ Other (specify): \_\_\_\_\_

**THE COURT FINDS AND ORDERS**

- ③ a. ☐ Notice requirements were met. The people requiring notice in  
Welfare and Institutions Code section 361.23(b)(3), 361.23(e)(3),  
727.13(b)(3), or 727.13(e)(3) were notified as required by California Rules of Court, rule 5.619.  
b. ☐ Notice requirements were not met. The following people were not noticed as required by law:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ④ ☐ The parent, guardian, or Indian custodian seeks to give voluntary consent to the child's admission.  
The court ☐ has ☐ has not inquired into the child's position on admission. The child's position  
is (specify): \_\_\_\_\_

- ⑤ ☐ The request for voluntary admission of a child to the psychiatric residential treatment facility identified in the  
placing agency's request is (check one):

- a. ☐ granted.

(1) The court finds by clear and convincing evidence all of the following:

- (a) The child suffers from a mental disorder that may reasonably be expected to be cured or ameliorated by  
a course of treatment offered by the hospital, facility, or program in which the child wishes to be  
placed.



- (b) The psychiatric residential treatment facility is the least restrictive setting needed to treat the child's mental disorder.
- (c) There is no other available hospital, program, or facility that might better serve the child's medical needs and best interests, including community-based mental health services.
- (d) The child has given knowing and intelligent consent to admission to the facility, and the consent was not made under fear of detention or initiation of conservatorship proceedings.
- (e) The child, and where appropriate, the parent, legal guardian, or Indian custodian have been advised of the nature of inpatient psychiatric services, patient's rights, and their right to contact a patient rights advocate.

- (2) To ensure that the ☐ child welfare agency ☐ probation department promptly makes all necessary arrangements to ensure the child is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting, the court orders the following (*specify*): \_\_\_\_\_

- (3) A court order is not needed to discharge a child if the parent, guardian, Indian custodian, or child subsequently withdraws their consent for admission.

- b. ☐ not granted. The request is not granted because (*specify*): \_\_\_\_\_

- 6 ☐ The request for voluntary admission of a ☐ nonminor or ☐ nonminor dependent to the psychiatric residential treatment facility identified in the placing agency's request is:

- a. ☐ granted.

- (1) ☐ The court finds that the nonminor or nonminor dependent has given knowing and intelligent consent to admission. A court order is not needed to discharge the nonminor or nonminor dependent if the nonminor or nonminor dependent subsequently withdraws their consent.

- (2) ☐ To ensure that the ☐ child welfare agency ☐ probation department promptly makes all necessary arrangements to ensure the nonminor or nonminor dependent is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting, the court orders the following (*specify*): \_\_\_\_\_

- b. ☐ not granted.

- (1) ☐ The nonminor or nonminor dependent has not given knowing and intelligent consent to admission. The ☐ social worker ☐ probation officer is ordered to inform the facility of this finding, direct the facility to discharge the nonminor dependent in accordance with the nonminor dependent's aftercare plan, and ensure that the aftercare plan is implemented to ensure integration with the nonminor dependent's family, school, and community upon discharge.

- 6 b. (2) A hearing to verify that the nonminor dependent has been discharged is scheduled on *(specify date no later than 30 days from today's hearing date)*: \_\_\_\_\_ *(specify time)*: \_\_\_\_\_  
in dept. *(specify)*: \_\_\_\_\_
- 7 ☐ The ☐ parent's ☐ legal guardian's ☐ Indian custodian's conduct may have contributed to the deterioration of the child's mental disorder.
- a. ☐ The child welfare agency must take appropriate action including but not limited to taking the child into protective custody and filing a petition under Welfare and Institutions Code section 342 or 387.
- b. ☐ The probation department must assess the child pursuant to Welfare and Institutions Code section 241.1, making a report to the county child welfare services agency's suspected child abuse and neglect hotline, or proceeding to modify court orders pursuant to Article 20 (commencing with Welfare and Institutions Code section 775).
- 8 ☐ A review hearing on the child's, nonminor's, or nonminor dependent's placement in the facility based on the medical necessity of that placement is scheduled on *(specify date that is no later than 60 days after the admission of the child, nonminor, or nonminor dependent to the psychiatric residential treatment facility)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_  
in dept. *(specify)*: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

# Review of Voluntary Admission of Child to Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**  
**JV-175.v17.082123.jh**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's/nonminor's name and date of birth:

**Child's/Nonminor's name:**

**Child's/Nonminor's date of birth:**

Court fills in case number when form is filed.

**Case Number:**

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

- ② The court has read and considered the following:  
a. ☐ The report from the ☐ social worker ☐ probation officer  
filed on (date): \_\_\_\_\_  
b. ☐ CASA report dated: \_\_\_\_\_  
c. ☐ Other (specify): \_\_\_\_\_  
d. ☐ Other (specify): \_\_\_\_\_  
e. ☐ Other (specify): \_\_\_\_\_

## THE COURT FINDS AND ORDERS

- ③ a. ☐ Notice requirements were met. The people requiring notice under  
Welfare and Institutions Code section 361.23(b)(3) or  
727.13(b)(3) were notified as required by California Rules of  
Court, rule 5.619.  
b. ☐ Notice requirements were not met. The following people were not noticed as required by law:  
\_\_\_\_\_  
\_\_\_\_\_

- ④ The ☐ parent ☐ guardian ☐ Indian custodian  
☐ does ☐ does not continue to consent to the voluntary admission to a psychiatric residential  
treatment facility.

- ⑤ a. ☐ The child continues to consent to the voluntary admission to a psychiatric residential treatment facility.  
b. ☐ The child does not continue to consent to the voluntary admission to a psychiatric residential treatment  
facility.  
(1) The ☐ social worker ☐ probation officer must work immediately with the facility for discharge  
to a different setting with the appropriate and necessary supports in place.  
(2) ☐ The court makes the following orders to ensure that the  
☐ child welfare agency ☐ probation department makes all necessary arrangements for  
the child's discharge promptly and that all services and supports are in place for the child's successful  
transition to a different setting: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



- 5 b. (3) The ☐ social worker ☐ probation officer must work with the facility on the child's aftercare plans as appropriate based on the child's progress.
- (4) The ☐ child welfare agency ☐ probation department must file a Welfare and Institutions Code ☐ section 388 ☐ section 778 petition within two court days of notice of the revocation of consent, requesting an order vacating the court's authorization of the child's admission to the facility.
- (5) A hearing to verify that the child has been discharged is scheduled on (*specify date that is no later than 30 days from today*): \_\_\_\_\_ at (*specify time*): \_\_\_\_\_ in dept. (*specify*): \_\_\_\_\_
- 6 a. ☐ The child does continue to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the facility.
- b. ☐ The child does not continue to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the facility.
- (1) The ☐ social worker ☐ probation officer must work immediately with the facility for discharge to a different setting with the appropriate and necessary supports in place.
- (2) ☐ The court makes the following orders to ensure that the ☐ child welfare agency ☐ probation department makes all necessary arrangements for the child's discharge promptly and that all services and supports are in place for the child's successful transition to a different setting: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (3) ☐ The ☐ social worker ☐ probation officer must work with the facility on the child's aftercare plans as appropriate based on the child's progress.
- (4) A hearing to verify that the child has been discharged is scheduled on (*specify date that is no later than 30 days from today*): \_\_\_\_\_ at (*specify time*): \_\_\_\_\_ in dept. (*specify*): \_\_\_\_\_
- 7 a. ☐ There are no other available less restrictive hospital, program, facility, or community-based mental health services that might better serve the child's medical needs and best interests. ☐ The child has been at the facility for over 30 days. The court finds that the following facts overcome the presumption that the facility is not the least restrictive alternative to serve the child's medical needs and best interests: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- b. ☐ There are other available less restrictive hospital, program, facility, or community-based mental health services that might better serve the child's medical needs and best interests.
- (1) ☐ The ☐ social worker ☐ probation officer must work immediately with the facility for discharge to a different setting with the appropriate and necessary supports in place.



- 7 b. (2) ☐ The court makes the following orders to ensure that the ☐ child welfare agency  
☐ probation department makes all necessary arrangements for the child's discharge promptly and  
that all services and supports are in place for the child's successful transition to a different setting: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) ☐ The ☐ social worker ☐ probation officer must work with the facility on the child's aftercare  
plans as appropriate based on the child's progress.
- (4) A hearing to verify that the child has been discharged is scheduled on *(specify date that is no later than 30  
days from today)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_  
in dept. *(specify)*: \_\_\_\_\_
- (5) A hearing to ensure that other services have been provided to the child is scheduled on *(specify date that is  
no later than 60 days from the child's discharge)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_  
in dept. *(specify)*: \_\_\_\_\_
- 8 ☐ As indicated in items 5-7 above the child continues to consent to admission, continues to suffer from a  
mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by  
the facility, and there are no other available less restrictive hospital, program, facility, or community-based  
mental health services that might better serve the child's medical needs and best interests. The court authorizes  
the child's continued admission to the psychiatric residential treatment facility.
- A review hearing on the child's placement in the facility based upon the medical necessity of that placement is  
scheduled on *(specify date that is no later than 30 days from today)*: \_\_\_\_\_  
at *(specify time)*: \_\_\_\_\_ in dept. *(specify)*: \_\_\_\_\_
- 9 ☐ The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the  
child *(describe)*: \_\_\_\_\_
- a. ☐ The ☐ social worker ☐ probation officer must engage with the facility to ensure the child is  
receiving all necessary services.
- b. ☐ The court has issued *Notice of Hearing on Joinder—Juvenile* (form JV-540).

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

\_\_\_\_\_  
*Judicial Officer*

# Review of Voluntary Admission of Nonminor or Nonminor Dependent to Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

**DRAFT**  
**Not approved by**  
**the Judicial Council**  
**JV-176.v16.082123.jh**

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

Fill in court name and street address:

**Superior Court of California, County of**

- ② The court has read and considered the following:
- a. ☐ The report from the ☐ social worker ☐ probation officer  
filed on (date): \_\_\_\_\_
- b. ☐ CASA report dated: \_\_\_\_\_
- c. ☐ Other (specify): \_\_\_\_\_
- d. ☐ Other (specify): \_\_\_\_\_
- e. ☐ Other (specify): \_\_\_\_\_

Fill in child's/nonminor's name and date of birth:

**Child's/Nonminor's name:**

**Child's/Nonminor's date of birth:**

Court fills in case number when form is filed.

**Case Number:**

## THE COURT FINDS AND ORDERS

- ③ a. ☐ Notice requirements were met. The people requiring notice in Welfare and Institutions Code section 361.23(e)(3) or 727.13(e)(3) were notified as required by California Rules of Court, rule 5.619.
- b. ☐ Notice requirements were not met. The following people were not noticed as required by law:  
\_\_\_\_\_  
\_\_\_\_\_
- ④ a. The ☐ nonminor ☐ nonminor dependent ☐ continues ☐ does not continue to meet the medical necessity for care and treatment in the psychiatric residential facility.
- b. There ☐ is ☐ is not an available less restrictive setting sufficient to meet the nonminor or nonminor dependent's needs, including a less restrictive facility or community-based care.
- ⑤ a. ☐ The ☐ nonminor ☐ nonminor dependent continues to consent to the voluntary admission to a residential psychiatric treatment facility, and the evidence supports the nonminor dependent's need for care and treatment at the facility.
- (1) The ☐ social worker ☐ probation officer must transmit this form to the facility or the nonminor or nonminor dependent's interdisciplinary team.
- (2) ☐ The ☐ social worker ☐ probation officer must work with the facility on the nonminor or nonminor dependent's aftercare plan as appropriate based on the nonminor or nonminor dependent's need to achieve independence.



- 5 a. (3) A hearing to review the nonminor or nonminor dependent's placement in the facility based on the medical necessity of that placement is scheduled on *(specify date that is no later than 30 days from today)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_ in dept. *(specify)*: \_\_\_\_\_
- b. ☐ The ☐ nonminor ☐ nonminor dependent does not continue to consent to the voluntary admission to a residential psychiatric treatment facility.
- (1) The ☐ social worker ☐ probation officer must notify the facility and immediately work with the nonminor or nonminor dependent and the facility for discharge to a less restrictive setting with the appropriate and necessary services and supports in place.
- (2) ☐ The court makes the following orders to ensure that the ☐ child welfare agency ☐ probation department makes all necessary arrangements for the nonminor or nonminor dependent's discharge promptly and that all services and supports are in place for the nonminor or nonminor dependent's successful transition to a different setting: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) The ☐ child welfare agency ☐ probation officer must file a Welfare and Institutions Code ☐ section 388 ☐ section 778 petition within two court days of notice of the revocation of consent, requesting an order vacating the court's authorization of the nonminor or nonminor dependent's admission to the facility.
- (4) A hearing to verify that the nonminor or nonminor dependent has been discharged is scheduled on *(specify date that is no later than 30 days from today)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_ in dept. *(specify)*: \_\_\_\_\_
- (5) ☐ The nonminor or nonminor dependent should receive treatment through another hospital, program, facility, or community-based mental health service. A hearing to ensure that the other services have been provided is scheduled on *(specify date that is no later than 60 days from discharge date)*: \_\_\_\_\_ at *(specify time)*: \_\_\_\_\_ in dept. *(specify)*: \_\_\_\_\_
- 6 ☐ The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the nonminor or nonminor dependent *(describe)*: \_\_\_\_\_
- a. ☐ The ☐ social worker ☐ probation department must engage with the facility to ensure the nonminor or nonminor dependent is receiving all necessary services.
- b. ☐ The court has issued *Notice of Hearing on Joinder—Juvenile* (form JV-540).

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

\_\_\_\_\_  
Judicial Officer

## Case Number:

## THE COURT FINDS AND ORDERS

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
1.	Hon. Stephen Ipsom, Commissioner of the Superior Court of Los Angeles County	A	No specific comments.	No response required.
2.	Judicial Council of California TCPJAC/CEAC Joint Rules Subcommittee by Corey Rada, Senior Analyst	A	The JRS notes the following impact to court operations: <ul style="list-style-type: none"> <li>• Impact on existing automated systems.</li> <li>• Results in additional training, which requires the commitment of staff time and court resources.</li> </ul>	The committee appreciates this information. No response required.
			The JRS also notes that six months is sufficient for implementation.	The committee appreciates the concerns around an effective date three months from Judicial Council approval of this proposal, but has determined that implementation of the statutory provisions by January 1, 2024, is needed to ensure that courts are effectively performing their new oversight role.
3.	Riverside County Probation Department by LaVonda Davis, Senior Probation Officer	A	I think access for long term services at a PRTF would be very beneficial for the rise in clients in need of mental health services and treatment. We have several youth who exhibit and display behaviors that require 24-hour long term treatment. STRTP's are unable to provide any services as their mental health needs continue to exceed what STRTP's are able to provide and disrupt their milieu's. We have youth attempting suicide weekly that we are unable to stabilize and based on these behaviors not allowed us to locate appropriate STRTP placement as the mental health necessity has grown beyond what they feel they can provide.	The committee appreciates this information. No response required.

SPR 23-19

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			Also, if they do go to a PRTF, would there be an option to go to one out of state or just in state?	Psychiatric residential treatment facilities are allowed under federal law. It is unknown at this time whether another state's PRTF will meet the definitions and requirements in AB 2317.
4.	Orange County Bar Association by Michael A. Gregg, President	A	The above listed proposals appropriately addresses the stated purpose.	No response required.
5.	Superior Court of Orange County by Jenny Diaz Avendano, Operations Analyst	NI	<b>Cal. Rules of Court, Rule 5.619(b)(3) and (d):</b> Reference "727.13(a)(3)" to be revised to 727.13(b)(3) as subdivision (a) paragraph (3) does not exist, as the noticing requirements for probation is reflected in subdivision (b) paragraph (3).	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>Form JV-172:</b> Add language after the form title, but before section 1 as follows: The request for admission must be served on all parties and Proof of Notice (JV-173) must be filed with Ex Parte Application.	As required by the rule recommended in this report, the social worker or probation officer must orally notify all parties of the date, time, and location of the hearing after the court has set the hearing.
			<b>Form JV-172:</b> Modify section 1 to read as follows: Replace "Child or nonminor dependent's" with "Party/Agency Requesting Admission for child or nonminor dependent"	The committee agrees with this suggestion and has changed item 1 to read: "Agency requesting admission:"
			<b>Form JV-172:</b> In item #1(a) replace "Name" with "Name of person filing form"	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. To be consistent with other forms, the item will ask for "Name and title of person filing the form:"

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<b>Form JV-172:</b> Add option “ <input type="checkbox"/> Other:” in section 2 to accommodate for those instances where none of the options listed apply.	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>Form JV-172:</b> Replace the word “wants” with “requests” in section 2b to read “ <input type="checkbox"/> The child <input type="checkbox"/> the nonminor dependent requests to make a voluntary admission...”	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>Form JV-172:</b> Require the address of the PRTF in section 5.	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>Form JV-172:</b> Add “do” and “do not” boxes in section 12a to read: Members of the child’s Child and Family Team <input type="checkbox"/> do <input type="checkbox"/> do not agree to the admission.”	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>Form JV-173:</b> Modify section 1 to read as follows:  1. The Court will hold a hearing for the request of voluntary admission into a psychiatric residential treatment facility (hearing must be set for the next judicial day). a. Hearing date:  b. Time: _____  c. Dept.: _____ _____ Cou	As required by the rule recommended for adoption in this report, this form would be used as a proof of notice of the hearing, not as a notice of the hearing.  To be consistent with other juvenile forms, the committee continues to recommend that the potential parties be listed as options on the form.

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Committee Response
		<p>rt Address: _____</p> <p>I served a copy to: _____</p> <p><b>Forms JV-174, JV-175, JV-176, and JV-177:</b> Strike “Judge’s Signature” and “Judge or”, see below.</p> <div style="border: 1px solid black; padding: 5px;"> <p><del>Judge’s Signature—</del></p> <p>Date: _____ <span style="float: right;"><del>Judge or</del> Judicial Officer</span></p> </div> <p><b>Form JV-175:</b> Add lines in section 1c (Parties and attorney’s present:) to be consistent with JV-174 and JV-176 as shown below.</p> <div style="border: 1px solid black; padding: 5px;"> <p>① a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____</p> <p>b. Judicial officer: _____</p> <p>c. Parties and attorneys present:</p> <div style="border: 2px solid red; height: 40px; margin-top: 5px;"></div> </div> <p><u>Does the Proposal appropriately address the stated purpose?</u> Yes.</p> <p><u>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</u></p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. This would make the forms consistent with the signature blocks on the recently revised juvenile dependency findings and orders forms.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>No response required.</p> <p>The committee appreciates this information. No response required.</p>

SPR 23-19

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p><i>describe), changing docket codes in case management systems, or modifying case management systems?</i></p> <p>The implementation would require adding new event codes for all 6 new forms, create new procedures, and provide brief training for staff.</p>	
			<p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes.</p>	No response required.
			<p><i>How well would this proposal work in courts of different sizes?</i></p> <p>Our court is a large court, and this could work for Orange County.</p>	No response required.
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>Does the proposal adequately address the stated purpose?</p> <p><b>Yes.</b></p>	No response required.
			<p>Would the proposal provide cost savings? If so, please quantify.</p> <p><b>Probably. The proposal saves the juvenile courts the time and effort that would be required to develop these forms on their own or to include all the new required findings and orders in their case management systems.</b></p>	The committee appreciates this information. No response required.

SPR 23-19

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p>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?</p> <p><b>In addition to those already mentioned, courts would need to inform their judicial officers and their justice partners (child welfare agency, probation department, attorney offices, CASA offices, et al.) of the new rule of court and the new mandatory forms.</b></p>	The committee appreciates this information. No response required.
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p><b>Yes.</b></p>	No response required.
			<p>How well would this proposal work in courts of different sizes?</p> <p><b>This proposal would work fine in the San Diego Superior Court (a large court).</b></p>	No response required.
			<p><b>CRC 5.619(b)(3) – Consider adding “section” and changing 727.13(a)(3) to (b)(3):</b> The social worker or probation officer must orally notify the parties identified in <u>section</u> 361.23(b)(3), 361.23(e)(3), 727.13(<del>a</del>b)(3), or</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			727.13(e)(3) of the date, time, and location of the hearing.	
			<b>CRC 5.619(c)(1) - Consider whether the rule should anticipate clean up legislation amending the mislabeled subdivision (b) of § 727.13, and whether the reference to § 366.21(e)(1) should be to (e)(4) instead:</b> The court must consider all evidence required by section 361.23(c)(1), 366.21(e)(1), 727.13( <del>bc</del> )(1), or 727.13(e)(4), and all evidence relevant to the court’s determinations required under section 361.23(d), 361.23(e)(5), 727.13(d), or 727.13(e)(5).	
			<b>CRC 5.619(d) – Consider changing reference to 727.13 from (a)(3) to (b)(3):</b> ... parties identified in section 361.23(b)(3), 361.23(e)(3), 727.13( <del>ab</del> )(3), or 727.13(e)(3).	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-172, item 6, 7a, and 9a – consider adding “proposed” before “facility.”</b>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-173, item 1.h. - consider adding “or representative”:</b> Attorney <u>or representative</u> for the Indian child’s tribe ...	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-174, item 3.a. – consider adding “or 727.13(b)(3)” after “section 361.23(b)(3)”;</b> <b>consider whether this item should be changed to “as required by law” as in the JV-175, item</b>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee has changed the citation to the California Rules of Court, rule 5.619.

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Committee Response
			<p><b>3.a., or whether the JV-175, item 3.a., should be changed to cite CRC rule 5.619:</b>  The people requiring notice in Welfare and Institutions Code section 361.23(b)(3) <u>or 727.13(b)(3)</u> were notified as required by California Rules of Court, rule 5.619.</p>	
			<p><b>JV-174, item 4.a.(5) – is “parent’s rights” supposed to be “patient’s rights”?</b></p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-174, item 5 and several other places on the forms– consider transposing “residential” and “psychiatric”:</b>  The request for voluntary admission of a nonminor dependent to the <del>residential</del> psychiatric <del>residential</del> treatment facility identified in the placing agency's request is:</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-174, item 5.a.(1) and 5.b(a) – consider adding “to admission” after “consent” (see §§361.23(e)(5)(A), 727.13(e)(5)(A)):</b>  ... consent <u>to admission</u>.</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-174, item 5.b(1) - Should “nonminor or” be inserted before “nonminor dependent” for consistency with item 5.a.(1)?</b></p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-174, item 6 – consider adding language from § 727.13(d)(3) for wards.</b>  ... taking the child into protective custody and filing a petition under Welf. &amp; Inst. Code section 342 or 387 <u>or assessing the minor pursuant to Welf. &amp; Inst. Code section 241.1, making a report</u></p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee has revised the form to separate out into separate subitems what the child welfare agency must do and what the probation department must do.

**Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission** (adopt Cal. Rules of Court, rule 5.519; adopt forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177)

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	Commenter	Position	Comment	Committee Response
			<u>to the county child welfare services agency's suspected child abuse and neglect hotline, or proceeding to modify court orders pursuant to Article 20 (commencing with Welf. &amp; Inst. Code section 775).</u>	
			<b>JV-174, item 7 – consider adding “residential” after “psychiatric.”</b> ... (specify date that is no later than 60 days after the admission of the child or nonminor dependent to the psychiatric <u>residential</u> treatment facility):	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-175, items 4, 5.a., 5.b. – Transpose “residential” and “psychiatric.”</b> ... to consent to the voluntary admission to a <del>residential</del> psychiatric <u>residential</u> treatment facility.	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-176 item 3.a. – Should 361.23(b)(3) be 361.23(e)(3); should 727.13(e)(3) be added before “were notified” (and should this item be changed to “as required by law” as in the JV-175, item 3.a., or should form JV-175, item 3.a. be changed to cite CRC rule 5.619?):</b> The people requiring notice in Welfare and Institutions Code section 361.23( <del>be</del> )(3) <u>or 727.13(e)(3)</u> were notified as required by California Rules of Court, rule 5.619.	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee continues to recommend adoption of this form with the citation to California Rules of Court, rule 5.619.
			<b>JV-176, item 4.a.(1) – consider adding “the facility or” after “must transmit this form to” (see §§ 361.23(f)(2)(D) and 727.13(f)(2)(D)):</b>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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	Commenter	Position	Comment	Committee Response
			The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer must transmit this form to <u>the facility or</u> the nonminor dependent's interdisciplinary team.	
			<b>JV-176, item 4.b.(1) – consider that the statutes do not require immediate notification of the facility (see §§ 361.23(f)(2)(E)(i) and 727.13(f)(2)(E)(i) [“... shall notify the facility and immediately work with the nonminor dependent and the facility...”]):</b> The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer must <del>immediately</del> -notify the facility and immediately work with the nonminor dependent and the facility ...	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<b>JV-176, items 5 and 5.a. – consider replacing “child” with “nonminor dependent.”</b>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
6.	Youth Law Center by Lauren E. Brady, Director of Legal Advocacy	NI	<b>Rule 5.619 (a) Applicability</b> Define the terms “child,” “nonminor,” and “nonminor dependent.”  Alternatively, the use of “child, nonminor, or nonminor dependent” throughout the Rule could be changed to “child, nonminor dependent, or other nonminor still under the jurisdiction of the juvenile court” to provide more clarity.  The forms only refer to “child” and “nonminor dependent,” so the use of the term “nonminor” may be confusing without the additional context provided in Sections 361.23(k) and 727.13(k).	These terms are defined in California Rules of Court, rule 5.502. The committee recommends adding a cross reference to rule 5.502 in rule 5.619(a).

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	Commenter	Position	Comment	Committee Response
			<p><b>Rule 5.619(b)</b>            (1) The social worker or probation officer must use <i>Ex Parte Application for Voluntary Admission to a Psychiatric Residential Treatment Facility</i> (form JV-172) to request a hearing <u><b>an order authorizing the voluntary admission into a psychiatric residential treatment facility. The application must be filed within 48 hours of being informed of the request for voluntary admission or, if the courts are closed for more than 48 hours after being informed of the request, on the first judicial day after being informed of the request.</b></u></p> <p>(2) After receiving a request for a hearing <u><b>an ex parte application for an order</b></u>, the court must set a hearing under section 361.23 or 727.13 for the next judicial day. The court must immediately notify the social worker or probation officer and the child, nonminor, or nonminor dependent’s counsel of the date, time, and location of the hearing.</p> <p>More detail and exact language from the law can be useful to inform parties of the specific requirements.</p> <p><b>Rule 5.619(b)</b>            (3) The social worker or probation officer must orally notify the <u><b>following</b></u> parties, identified in</p>	<p>The committee agrees with the suggestion to replace “hearing” with “an order authorizing the voluntary admission into a psychiatric residential treatment facility” and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee does not agree with the suggestion to repeat the statutory text here. Beginning in the Spring of 2016, the committee had several proposals to condense the rules in title 5 of the California Rules of Court that set forth the procedures to be followed during dependency court hearings. The committee deleted repetitions of statutory text or replaced them with references to the relevant code sections. These amendments enhanced the brevity and accuracy of the rules while also consolidating some shorter rules where appropriate and reduces the frequency with which the rules need to be amended to reflect changes in the statutory text. The committee will revise <i>Ex Parte Application for Voluntary Admission to a Psychiatric Residential Treatment Facility</i> (form JV-172) with an instruction about the statutory mandate for the timing of the application. The committee concluded that the information would be more accessible to the person filling out the form if the requirements were on the form itself, rather than in the rule.</p> <p>The committee agrees with the suggestion to change the subdivision and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>361.23(b)(3), 361.23(e)(3), 727.13(a)(b)(3), or 727.13(e)(3), of the date, time, and location of the hearing;</p> <p><b><u>(A) All parties to the proceeding and their counsel of record;</u></b>  <b><u>(B) The child’s parent or guardian, if not already a party to the proceeding, such as in the case of a child who is subject to a petition pursuant to Section 601 or 602;</u></b>  <b><u>(C) In the case of an Indian child, the child or nonminor dependent’s tribe;</u></b>  <b><u>(D) The child or nonminor dependent’s court-appointed special advocate, if applicable;</u></b>  <b><u>(E) Any person designated as the child or nonminor dependent’s educational or developmental representative pursuant to subdivision (a) of Section 361 or subdivision (b) of Section 726.</u></b></p> <p>More detail and exact language from the law can be useful to inform parties of the specific requirements. Some citations need to be corrected.</p> <p><b>Rule 5.619(c)</b>  (1) The court must consider all evidence required by section 361.23(c)(1), <del>366.21(e)(1)</del>, <b><u>361.23(e)(4)</u></b>, 727.13(b)[sic](1), or 727.13(e)(4), and all evidence relevant to the court’s determinations required under section 361.23(d), 361.23(e)(5), 727.13(d), or 727.13(e)(5).</p>	<p>To enhance the brevity and accuracy of the rules and reduce the frequency with which the rules need to be amended to reflect changes in the statutory text, the committee declines the suggestion to repeat the statutory text here.</p> <p>The committee also concluded that the information is more accessible for the person filling out the form by keeping the requirements on the mandatory <i>Proof of Notice of Hearing on Application for Voluntary Admission to a Psychiatric Residential Treatment Facility</i> (form JV-173), as currently proposed.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>The second citation should be corrected to reference Section 361.23(e)(4). Please also note that Section 727.13 contains an error in the law. Section (b) is repeated and there is no section (c). This citation references the second section (b).</p> <p><b>Rule 5.619(d)</b> At least 10 days before the hearing, the child welfare agency or probation department must provide notice of the date, time, and location of the hearing to review the placement to <del>all</del> <b><u>the following</u></b> parties, identified in section 361.23(b)(3), 361.23(e)(3), 727.13(a)(b)(3), or 727.13(e)(3):</p> <p><b><u>(A) All parties to the proceeding and their counsel of record, including the child or youth's parent or guardian;</u></b>  <b><u>(B) The child's parent or guardian, if not already a party to the proceeding, such as in the case of a child who is subject to a petition pursuant to Section 601 or 602;</u></b>  <b><u>(C) In the case of an Indian child, the child or nonminor dependent's tribe;</u></b>  <b><u>(D) The child or nonminor dependent's court-appointed special advocate, if applicable;</u></b>  <b><u>(E) Any person designated as the child or nonminor dependent's educational or developmental representative pursuant to subdivision (a) of Section 361 or subdivision (b) of Section 726.</u></b></p>	<p>The committee agrees with the suggestion to change the subdivision and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with the suggestion to repeat the statutory text here. The new statutes are silent on the requirements for notice of the review hearing, so the committee concluded the rule should list out who is entitled to notice and listed the same parties as those who must receive notice of the request as required by sections 361.23(b)(3), 361.23(e)(3), 727.13(b)(3), or 727.13(e)(3).</p>

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	Commenter	Position	Comment	Committee Response
			<p>More detail and exact language from the law can be useful to inform parties of the specific requirements. Some citations need to be corrected.</p>	
			<p><b>JV-172-New section at top of form</b></p> <p><b><u>The following form may be used for children and nonminor dependents under the jurisdiction of the juvenile court pursuant to Sections 300, 601, or 602, including nonminors who remain under juvenile court jurisdiction pursuant to Section 303(a) even if they do not meet the definition of “nonminor dependent” contained in Section 11400(v).</u></b></p> <p>The forms only refer to “child” and “nonminor dependent,” but Sections 361.23(k) and 727.13(k) state that these provisions equally apply “to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400.”</p>	<p>To reflect the requirement in sections 361.23(k) and 727.13(k) that the provisions regarding nonminor dependents equally apply to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400, the committee has revised form JV-176 to include “nonminor” in all the items that refer to “nonminor dependents” and has added “Nonminor” to the title of the form. Proposed rule 5.619(a) would cross reference rule 5.502 which has the following simplified definition: “Nonminor” means a youth at least 18 years of age and not yet 21 years of age who remains subject to the court’s dependency, delinquency, or general jurisdiction under section 303 but is not a “nonminor dependent.”</p>
			<p><b>JV-172 (1)</b></p> <p>Child, <b><u>nonminor</u></b>, or nonminor dependent's</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>JV-172 (2)</b>  b. The <input type="checkbox"/> child <input type="checkbox"/> <b>the nonminor</b> <input type="checkbox"/> the nonminor dependent wants to make a voluntary admission to a psychiatric residential treatment facility under Welfare and Institutions Code section 6552.</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k), and checkboxes should be added to make clear who the young person is.</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-172 (4)</b>  The child, <b>nonminor</b>, or nonminor dependent's mental disorder is (<i>describe</i>):</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-172 (7)</b>  b. The <b>nonminor or</b> nonminor dependent believes admission to a less restrictive facility would not adequately address their mental disorder because (<i>describe</i>):</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-172 (8)</b>  The child, <b>nonminor</b>, or nonminor dependent's case plan is attached to this form.</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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	Commenter	Position	Comment	Committee Response
			<p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p> <hr/> <p><b>JV-172 (9)</b></p> <p>a. The parent, guardian, or Indian custodian is seeking the child's admission to the facility. The basis of their belief that the child's admission to a psychiatric residential treatment facility is necessary is (<i>describe</i>): _____</p> <p>b. <b><u>The child <input type="checkbox"/> does <input type="checkbox"/> does not agree with the parent, guardian, or Indian custodian’s request for admission.</u></b></p> <p>c. The child is seeking admission to the facility and the parent, guardian, or Indian custodian <input type="checkbox"/> does <input type="checkbox"/> does not agree with the child's request for admission.</p> <p>Although the statute does not require this information be included in a child’s ex parte application, the court is required to inquire at the hearing about the child’s position on the admission, and including that information in the application can ensure that information is provided to the court. <i>See</i> WIC § 361.23(c)(2)(A); § 727.13(b)[<i>sic</i>](2)(A).</p> <p>Please also note that Section 727.13 contains an error in the law. Section (b) is repeated and there is no section (c). The citation above references the second section (b).</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p><b>JV-172 (10)</b>  a. The mental health services, including community-based mental health services, that were offered or provided to the child, <b><u>nonminor, or nonminor dependent</u></b> (<i>describe</i>):</p> <p>This requirement also applies to nonminors and nonminor dependents. <i>See</i> WIC §§ 361.23(e)(1)(D), 361.23(k), 727.13(e)(1)(D), 727.13(k).</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-172 (11)</b>  The child, <b><u>nonminor, or nonminor dependent</u></b> was given a chance to confer privately with their attorney about the admission (<i>describe how</i>):</p> <p>This requirement also applies to nonminors nonminor dependents. <i>See</i> WIC §§ 361.23(e)(1)(F), 361.23(k), 727.13(e)(1)(F), 727.13(k).</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-172 (12)</b>  a. All members of the child's <b><u>or nonminor dependent's</u></b> Child and Family Team agree to the admission.  b.1. The following members of the child's <b><u>or nonminor dependent's</u></b> Child and Family Team objects to the admission (<i>specify</i>):</p>	The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.

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			Although the statute does not require this information be included in a nonminor dependent’s ex parte application, the court is required to consider evidence at the hearing regarding how the possible voluntary admission was addressed with the child and family team, whether any member of the team objects to voluntary admission, and the reasons for the objection. The evidence can be presented in the form of oral testimony under oath, affidavit, or declaration, or other admissible evidence, so it does not necessarily need to be included in the application, but some context regarding this evidence requirement should be included. <i>See</i> WIC § 361.23(e)(4)(E); § 727.13(e)(4)(E).	
			<p><b>JV-173-New section at top of form</b></p> <p><b><u>The following form may be used for children and nonminor dependents under the jurisdiction of the juvenile court pursuant to Sections 300, 601, or 602, including nonminors who remain under juvenile court jurisdiction pursuant to Section 303(a) even if they do not meet the definition of “nonminor dependent” contained in Section 11400(v).</u></b></p> <p>The forms only refer to “child” and “nonminor dependent,” but Sections 361.23(k) and 727.13(k)</p>	See response above regarding the requirements in section 361.23(k) and 727.13(b).

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			<p>state that these provisions equally apply “to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400.”</p> <p><b>JV-173 (1)</b>  <b>m. <u>De facto parent (name):</u>    <u>Date notified:</u></b>  <b><u>(1) In person</u></b>  <b><u>(2) By phone at (specify):</u></b></p> <p><b>n. <u>Attorney for the de facto parent, if applicable (name):</u>    <u>Date notified:</u></b>  <b><u>(1) In person</u></b>  <b><u>(2) By phone at (specify):</u></b></p> <p><b><u>o.</u> Other (name):</b>    Date notified:  (1) In person  (2) By phone at (specify):  (3) Relationship to child (specify):</p> <p><b><u>p.</u> Other (name):</b>    Date notified:  (1) In person  (2) By phone at (specify):  (3) Relationship to child (specify):</p> <p>Because de facto parents have been found by the court to have assumed the role of a parent and to</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. De facto parents are parties to the proceeding and the statutes require notice to all parties.</p>

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			<p>have provided for the child’s needs for a substantial period of time, they should also receive notice of any hearing regarding admission into a psychiatric residential treatment facility.</p>	
			<p><b>JV-174-New section at top of form</b></p> <p><b><u>The following form may be used for children and nonminor dependents under the jurisdiction of the juvenile court pursuant to Sections 300, 601, or 602, including nonminors who remain under juvenile court jurisdiction pursuant to Section 303(a) even if they do not meet the definition of “nonminor dependent” contained in Section 11400(v).</u></b></p> <p>The forms only refer to “child” and “nonminor dependent,” but Sections 361.23(k) and 727.13(k) state that these provisions equally apply “to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400.”</p>	<p>See response above regarding the requirements in section 361.23(k) and 727.13(b).</p>
			<p><b>JV-174 (3)</b></p> <p>a. Notice requirements were met. The people requiring notice in Welfare and Institutions Code section 361.23(b)(3), <b><u>361.23(e)(3), 727.13(b)(3), or 727.13(e)(3)</u></b> were notified as required by California Rules of Court, rule 5.619</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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	Commenter	Position	Comment	Committee Response
			<p>Since this form applies to children and nonminor dependents subject to petitions under Section 300 and also Sections 601 or 602, the additional citations should be included to reflect each relevant population.</p> <p><b><u>JV-174 (4) new section</u></b>  <b><u>The court <input type="checkbox"/> has <input type="checkbox"/> has not inquired into the child's position on admission. The child's position is (specify):</u></b></p> <p>The court is required to inquire at the hearing about the child's position on the admission, so this should be documented in the order before the court's findings. <i>See</i> WIC § 361.23(c)(2)(A); § 727.13(b)[sic](2)(A).</p> <p><b><u>JV-174 (5) [updated numbering; originally (4)]</u></b></p> <p>The request for voluntary admission of a child to the psychiatric residential treatment facility identified in the placing agency's request is:</p> <p>a. <input type="checkbox"/> granted.</p> <p><b><u>(1)</u></b> The court finds by clear and convincing evidence all of the following:  <input type="checkbox"/> <del>(1)</del> <b><u>(a)</u></b> The child suffers from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the hospital, facility, or program in which the child wishes to be placed.</p>	<p></p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>Checkboxes are only placed before items that are optional. All of these findings are required to grant a request for voluntary admission, so checkboxes should not be added before them.</p>

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	Commenter	Position	Comment	Committee Response
			<p><input type="checkbox"/> <del>(2)</del> <b>(b)</b> The psychiatric residential treatment facility is the least restrictive setting needed to treat the child's mental disorder.</p> <p><input type="checkbox"/> <del>(3)</del> <b>(c)</b> There is no other available hospital, program, or facility that might better serve the child's medical needs and best interests, including community-based mental health services.</p> <p><input type="checkbox"/> <del>(4)</del> <b>(d)</b> The child has given knowing and intelligent consent to admission to the facility, and the consent was not made under fear of detention or initiation of conservatorship proceedings.</p> <p><input type="checkbox"/> <del>(5)</del> <b>(e)</b> The child, and where appropriate, the parent, legal guardian, or Indian custodian have been advised of the nature of inpatient psychiatric services, parent's rights, and their right to contact a patient rights advocate.</p> <p>Adding checkboxes allows for better review and data collection of the court's findings.</p> <p><b>JV-174 (5) [updated numbering; originally (4)]</b></p> <p><b><u>(2) To ensure that the <input type="checkbox"/> child welfare agency <input type="checkbox"/> probation department promptly makes all necessary arrangements to ensure the nonminor dependent is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting, the court orders the following (specify): _____.</u></b></p>	<p></p> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p>

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			<p><b><u>(3) A court order is not needed to discharge a child if the parent, guardian, Indian custodian, or child subsequently withdraws their consent for admission.</u></b></p> <p>b. <input type="checkbox"/> not granted. <b><u>The request is not granted because (specify): _____.</u></b></p> <p>Adding an explanation of why the request was denied also helps document which requirements were not met.</p> <p>WIC Sections 361.23(d)(2)(A) and 727.13(d)(2)(A) allow the court to make any orders necessary to ensure that the child welfare services agency promptly makes all necessary arrangements to ensure that the minor is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting. That provision is already included in the section authorizing admission for a nonminor dependent, so it should also be included in the section authorizing admission of a child. (Note that Section 727.13(d)(2)(A) references child welfare, but that larger section applies to youth subject to 601 or 602 petitions, so it should match the language in Section 727.13(e)(5)(B) for nonminors under 601 or 602 petitions.)</p> <p>Finally, WIC Section 361.23(d)(2)(B) states that a court order is not required to discharge a child</p>	

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			who withdraws consent, or whose parent withdraws consent. That provision is included for nonminor dependents in the form and should also be reflected for children.	
			<p><b>JV-174 (5)</b>  The request for voluntary admission of a <input type="checkbox"/> <b>nonminor</b> <input type="checkbox"/> nonminor dependent to the residential psychiatric treatment facility identified in the placing agency's request is:</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k), and checkboxes should be added here to clarify the young person’s status.</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-174 (5)a</b>  (1) The court finds that the nonminor or nonminor dependent has given knowing and intelligent consent. A court order is not needed to discharge the <b>nonminor or</b> nonminor dependent if the <b>nonminor or</b> nonminor dependent subsequently withdraws their consent.  (2) To ensure that the <input type="checkbox"/> child welfare agency <input type="checkbox"/> probation department promptly makes all necessary arrangements to ensure the <b>nonminor or</b> nonminor dependent is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting, the court orders the following (<i>specify</i>):</p>	The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.

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		<p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p>	
		<p><b>JV-174 (5)b.</b>            (1) The <u>nonminor or</u> nonminor dependent has not given knowing and intelligent consent. The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer is ordered to <u>immediately</u> inform the facility of this finding, direct the facility to discharge the <u>nonminor or</u> nonminor dependent in accordance with the <u>nonminor or</u> nonminor dependent's aftercare plan, and ensure that the aftercare plan is implemented to ensure integration with the <u>nonminor or</u> nonminor dependent's family, school, and community upon discharge.            (a) A hearing to verify that the <u>nonminor or</u> nonminor dependent has been discharged is scheduled on (<i>specify date no later than 30 days from today's hearing date</i>):</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p>	<p>The committee declines to include the word “immediately” because the statutes do not require immediate notification to the facility (see §§ 361.23(e)(5)(a) and 727.13(e)(5)(a) [“... shall direct the social worker to convey its finding to the facility, and direct the facility to discharge the nonminor dependent...”]):</p> <p>The committee agrees with the suggestion to add “nonminor” and has incorporated it into the revisions that it is recommending for adoption.</p>
		<p><b>JV-174 (6)</b>            The <input type="checkbox"/> parent's <input type="checkbox"/> legal guardian's <input type="checkbox"/> Indian custodian's conduct may have contributed to the deterioration of the child's mental disorder. The <input type="checkbox"/> child welfare agency <input type="checkbox"/> <u>probation department</u> must investigate whether the child may be safely returned to that person's custody when discharged from the facility and must take appropriate action including, but not limited to, taking the child into protective custody</p>	<p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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			<p>and filing a petition under Welf. &amp; Inst. Code section 342 or 387, <b><u>or , assessing the minor pursuant to Section 241.1, making a report to the county child welfare services agency’s suspected child abuse and neglect hotline, or proceeding to modify court orders pursuant to Article 20 (commencing with Section 775).</u></b></p> <p>The probation department has a similar role to child welfare when the parent or guardian’s conduct contributed to the child’s mental disorder. <i>See</i> WIC 727.13(d)(3).</p> <p><b>JV-174 (7)</b> A review hearing on the child’s, <b><u>nonminor, or nonminor dependent’s</u></b> placement in the facility based upon the medical necessity of that placement is scheduled on (<i>specify date that is no later than 60 days after the admission of the child, <b><u>nonminor</u></b>, or nonminor dependent to the psychiatric treatment facility</i>):</p> <p>This requirement also applies to nonminors nonminor dependents. <i>See</i> WIC §§ 361.23(f)(2)(A), 361.23(k), 721.23(f)(2)(A), 727.13(k).</p> <p><b>JV-175(3)</b> a. Notice requirements were met. The people requiring notice in Welfare and Institutions</p>	<p></p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p>

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			<p>Code section 361.23(b)(3) or <del>727.13(a)(3)</del>  <b><u>727.13(b)(3)</u></b> were notified as required by law.</p> <p>The citation needs to be corrected.</p> <p><b>JV-175 (9)</b>  The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the child <u>(specify)</u>:-</p> <p>How the psychiatric residential treatment facility failed to meet its legal obligation to provide services should be specified for documentation purposes and to assist the social worker or probation officer in their subsequent engagement with the facility regarding those services.</p> <p><b>JV-176-New section at top of form</b></p> <p><b><u>The following form may be used for children and nonminor dependents under the jurisdiction of the juvenile court pursuant to Sections 300, 601, or 602, including nonminors who remain under juvenile court jurisdiction pursuant to Section 303(a) even if they do not meet the definition of “nonminor dependent” contained in Section 11400(v).</u></b></p> <p>The forms only refer to “child” and “nonminor dependent,” but Sections 361.23(k) and 727.13(k)</p>	<p></p> <p>The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.</p> <p>See response above regarding the requirements in section 361.23(k) and 727.13(b).</p>

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			state that these provisions equally apply “to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400.”	
			<p><b>JV-176 (3)</b>  a. Notice requirements were met. The people requiring notice in Welfare and Institutions Code section <del>361.23 (b)(3)</del> <b>361.23(e)(3) or 727.13(e)(3)</b> were notified as required by California Rules of Court, rule 5.619.</p> <p>The citation needs to be corrected to reflect the provisions related to nonminor dependents.</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-176 (4) [new section]</b>  <b>a. The <input type="checkbox"/> nonminor <input type="checkbox"/> nonminor dependent <input type="checkbox"/> continues <input type="checkbox"/> does not continue to meet medical necessity for care and treatment in the psychiatric residential treatment facility.</b>  <b>b. There <input type="checkbox"/> is <input type="checkbox"/> is not an available less restrictive setting sufficient to meet the nonminor dependent’s needs, including a less restrictive facility or community-based care.</b></p> <p>Information about medical necessity and any available less restrictive settings is critically important to ensuring that young people are not staying in psychiatric residential treatment</p>	The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.

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			facilities any longer than necessary and should be added per WIC Sections 361.23(f)(2)(C) and 727.13(f)(2)(C).	
			<p><b>JV-176 (4)a. [original numbering]</b>  The <input type="checkbox"/> <b>nonminor</b> <input type="checkbox"/> nonminor dependent continues to consent to the voluntary admission to a residential psychiatric treatment facility, and the evidence supports the nonminor dependent's need for care and treatment at the facility.</p> <p>(1) The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer must transmit this form to the <b>nonminor or nonminor dependent's interdisciplinary team</b>.</p> <p>(2) The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer must work with the facility on the <b>nonminor or nonminor dependent's aftercare plan</b> as appropriate based on the <b>nonminor or nonminor dependent's need to achieve independence</b>.</p> <p>(3) A hearing to review the <b>nonminor or nonminor dependent's placement</b> in the facility based upon the medical necessity of that placement is scheduled for (<i>specify date that is no later than 30 days from today</i>):</p> <p>The term "nonminor" should be added to reflect Sections 361.23(k) and 727.13(k).</p>	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			<p><b>JV-176 (4)b. [original numbering]</b>  The <input type="checkbox"/> <b>nonminor</b> <input type="checkbox"/> nonminor dependent does not continue to consent to the voluntary admission to a residential psychiatric treatment facility.</p>	The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.

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			<p>(1) The <input type="checkbox"/> social worker <input type="checkbox"/> probation officer must immediately notify the facility and immediately work with the <b><u>nonminor or</u></b> nonminor dependent and the facility for discharge to a less restrictive setting with the appropriate and necessary services and supports in place.</p> <p>(2) The court makes the following orders to ensure that the <input type="checkbox"/> child welfare agency <input type="checkbox"/> probation department makes all necessary arrangements for the <b><u>nonminor or</u></b> nonminor dependent's discharge promptly and that all services and supports are in place for the <b><u>nonminor or</u></b> nonminor dependent's successful transition to a different setting:</p> <p>(3) The <input type="checkbox"/> child welfare agency <input type="checkbox"/> probation department must file a Welf. &amp; Inst. Code <input type="checkbox"/> section 388 <input type="checkbox"/> section 778 petition within two court days of notice of the revocation of consent, requesting an order vacating the court's authorization of the <b><u>nonminor or</u></b> nonminor dependent's admission to the facility.</p> <p>(4) A hearing to verify that the <b><u>nonminor or</u></b> nonminor dependent has been discharged is scheduled on <i>(specify date that is no later than 30 days from today)</i>:</p> <p>(5) The <b><u>nonminor or</u></b> nonminor dependent should receive treatment through another hospital, program, facility, or community-based mental health service. A hearing to ensure that the other services have been provided is scheduled on <i>(specify date that is no later than 60 days from discharge date)</i>:</p>	

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			<p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p> <hr/> <p><b>JV-176 (5)</b>  The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the <del>child</del> <input type="checkbox"/> <b><u>nonminor</u></b>  <input type="checkbox"/> <b><u>nonminor dependent (specify):-</u></b>  a. The <input type="checkbox"/> social worker <input type="checkbox"/> probation department must engage with the facility to ensure the <del>child</del> <b><u>nonminor or nonminor dependent</u></b> is receiving all necessary services.</p> <p>The term “nonminor” should be added to reflect Sections 361.23(k) and 727.13(k).</p> <p>How the psychiatric residential treatment facility failed to meet its legal obligation to provide services should be specified for documentation purposes and to assist the social worker or probation officer in their subsequent engagement with the facility regarding those services.</p> <hr/> <p><b>JV-177-New section at top of form</b>  <b><u>The following form may be used for children and nonminor dependents under the</u></b></p>	<p></p> <hr/> <p>The committee agrees with these suggestions and has incorporated them into the revisions that it is recommending for adoption.</p> <hr/> <p>See response above regarding the requirements in section 361.23(k) and 727.13(b).</p>

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			<p><b><u>jurisdiction of the juvenile court pursuant to Sections 300, 601, or 602, including nonminors who remain under juvenile court jurisdiction pursuant to Section 303(a) even if they do not meet the definition of “nonminor dependent” contained in Section 11400(v).</u></b></p> <p>The forms only refer to “child” and “nonminor dependent,” but Sections 361.23(k) and 727.13(k) state that these provisions equally apply “to foster children who remain under juvenile court jurisdiction pursuant to subdivision (a) of Section 303 after reaching the age of majority even if they do not meet the definition of ‘nonminor dependent’ contained in subdivision (v) of Section 11400.”</p>	