



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-056

For business meeting on: January 20, 2023

Title

Juvenile Law: Technical Changes to Juvenile Rules and Forms

Agenda Item Type

Action Item

Effective Date

February 1, 2023

Rules, Forms, Standards, or Statutes Affected

Amend forms JV-100, JV-101(A), and JV-110; revise forms JV-121 and JV-642

Date of Report

November 21, 2022

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Stephanie E. Hulse, Cochair

Hon. Amy M. Pellman, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee propose making technical changes and correcting a technical error to four forms to conform to recent statutory changes to section 300 of the Welfare and Institutions Code enacted by Senate Bill 1085 (Kamlager; Stats. 2022, ch. 832). The committee also has identified an error that is technical in nature in a form recently updated in a proposal implementing the federal Families First Prevention and Services Act.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective February 1, 2023:

1. Renumber the (b)(2) check box for Welfare and Institutions Code section 300(b)(2) to (b)(4) to correct the statutory reference to Welfare and Institutions Code section 300(b)(4) in section 1a. of *Juvenile Dependency Petition (Version One)* (form JV-100);

2. Renumber the (b)(2) check boxes for Welfare and Institutions Code section 300(b)(2) to (b)(4) to correct the statutory reference to Welfare and Institutions Code section 300(b)(4) in sections 4a. and 5a. of *Additional Children Attachment* (form JV-101(A));
3. Renumber the (b)(2) check boxes for Welfare and Institutions Code section 300(b)(2) to (b)(4) to correct the statutory reference to Welfare and Institutions Code section 300(b)(4) in sections 1b(1) through 1(b)(5) of *Juvenile Dependency Petition (Version Two)* (form JV-110);
4. Revise the spacing by deleting the extra space between “legal” and “services in the last text box on page two of *Juvenile Dependency Petition (Version Two)* (form JV-110);
5. Renumber the heading “§ 300(b)(2)” to “§ 300(b)(4)” to correct the statutory reference to Welfare and Institutions Code section 300(b)(4) on *Failure to Protect* (form JV-121);and
6. Revise *Initial Appearance Hearing–Juvenile Delinquency* (JV-642) to insert a finding that was inadvertently removed.

The revised forms are attached at pages 5–15.

Relevant Previous Council Action

The Judicial Council has acted on forms JV-100, JV-101(A), JV-110 and JV-121 previously, but this proposal only involves minor corrections that are unrelated to prior council action.

Initial Appearance Hearing–Juvenile Delinquency (JV-642) was revised by the council at its meeting on October 1, 2021, with an effective date of the same day. The form was again revised by council in September 2022 with an effective date of January 1, 2023. Both revisions were made as part of a proposal impacting numerous forms implementing the federal Families First Prevention and Services Act (FFPSA).¹ Assembly Bill 153 (Stats. 2021, ch. 86) implemented FFPSA in California and required that the juvenile court review each placement of a foster youth in a short-term residential therapeutic program (STRTP) placement. Because this review is required for an initial placement in an STRTP, forms related to detention (including JV-642) and disposition hearings were amended to indicate when the hearing on the STRTP placement was held or will be held under Welfare and Institutions Code sections 361.22 or 727.12.

Analysis/Rationale

Jurisdictional forms–Senate Bill 1085 (Kamlager; Stats. 2022, ch. 832) reorganized Welfare and Institutions Code section 300(b)(1) into sections 300(b)(1)(A)-(C) without making substantive changes. This bill substantively amended Welfare and Institutions Code section 300 by prohibiting courts from finding a child to be described by Welfare and Institutions Code section

¹ Pub. L. No. 115-123 (Feb. 9, 2018) 132 Stat. 254. The FFPSA was included as a provision in the Bipartisan Budget Act of 2018, www.congress.gov/115/plaws/publ123/PLAW-115publ123.pdf.

300(b) solely due to homelessness or indigence or other conditions of financial difficulty, including, but not limited to, poverty, the inability to provide or obtain clothing, home or property repair, or childcare. These amendments are codified in Welfare and Institutions Code section 300(b)(2)(A)-(C)). What was previously codified in section 300(b)(2) pertained to sexually trafficked children. This is now codified in section 300(b)(4). The renumbering of the section on sexually trafficked children requires the renumbering of check boxes and a heading on forms JV-100, JV-101(A), JV-110 and JV-121.²

Initial Appearance Hearing—Juvenile Delinquency form (JV-642)—As noted above, JV-642 was revised by the council at its meeting on October 1, 2021, with an effective date of the same day. In that proposal, line 32 was changed to “The child is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 will be set or is set for (date).” Rather than renumbering the remaining items on the form, this new addition inadvertently replaced the existing item 32, which is the finding that “Reasonable efforts to prevent or eliminate the need for detention of the child ☐ have ☐ have not been made.”³ The removal of this finding was an oversight and was not addressed in the report to the Judicial Council. The finding is required to be considered at an initial appearance hearing under Welfare and Institutions Code section 636 (see subdivision (d)(2)(B)). It is proposed that the finding be inserted in the form as item 33, the same equivalent previous item number after other updates were made to the form resulting in renumbering in the 2022 proposal. This number will also keep the finding in sequential order with other required title IV-E findings.

Policy implications

The renumbering of check boxes and a heading on forms reflects the reorganization of Welfare and Institutions Code section 300(b), not substantive changes, and will have no effect on policy. As to form JV-642, the reasonable efforts finding will ensure that court’s who use the form will make this critical finding to ensure that the child’s foster care placement will be eligible for title IV-E federal funding.

Comments

The recommended revisions contained in this proposal have not circulated for public comment because the proposal satisfies the requirement of rule 10.22(d)(2) (nonsubstantive technical change or correction). The committee recommends that the council adopt the recommended

² Senate Bill 1085 also amended Welfare and Institutions Code section 300.2 by labeling the existing language as section (a) and adding section (b), which codifies the legislature’s intent that families should not be subject to the jurisdiction of the juvenile court nor children be separated from their parents based on conditions of financial difficulty. This amendment to Welfare and Institutions Code section 300.2 has no bearing on forms JV-100, JV-101(A), JV-110, and JV-121.

³ The reasonable efforts to prevent removal finding is a critical finding for federal foster care funding eligibility. If the finding is not made within sixty days of the child’s removal from the home of the parent or guardian, the case will not be eligible for federal funding. 45 C.F.R. § 1356.21(b)(1)(ii).

revisions without circulation for comment because the proposal presents technical changes that are unlikely to create controversy.

Alternatives considered

The committee did not consider any alternatives to the recommended actions because the renumbering of the statutory reference makes the forms consistent with the statute and the change to form JV-642 is a necessary correction of an inadvertent error.

Fiscal and Operational Impacts

Implementation of SB 1085 necessitates training and reprogramming of case management systems for child welfare agencies and the courts. This proposal should not have any fiscal or operational impact on courts or litigants other than the costs of replacing outdated forms. In implementing the revised forms, courts will incur standard reproduction costs. The proposal does not have any fiscal or operational impacts unrelated to the underlying legislation. The correction to JV-642 will likewise have no fiscal or operational impact on courts or litigants.

Attachments and Links

1. Forms JV-100, JV-101(A), JV-110, JV-121, JV-642, at pages 5–15
2. Link A: Sen. Bill 1085,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB1085

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-100.v1.102822.cz
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
JUVENILE DEPENDENCY PETITION (VERSION ONE) (Welf. & Inst. Code, § 300 et seq.) ☐ § 300—Original ☐ § 342—Subsequent ☐ § 387—Supplemental	CASE NUMBER: RELATED CASE (if any):

1. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable boxes; see attachment 1a for concise statements of facts</i>): ☐ (a) ☐ (b)(1) ☐ (b)(4) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j)				
b. Child's name:		c. Age:	d. Date of birth:	e. Gender:
f. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	g. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged			
h. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	i. Other (<i>state name, address, and relationship to child</i>): ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.			
j. Prior to intervention, child resided with ☐ parent (name): ☐ parent (name): ☐ guardian (name): ☐ Indian custodian (name): ☐ other (<i>state name, address, and relationship to child</i>):	k. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention (<i>address</i>): ☐ Relative ☐ Shelter/foster care ☐ Other			

2. Indian Child Welfare Act Inquiry (*check one*):

- a. ☐ I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
- b. ☐ On information and belief, I am aware that inquiry has been completed by (*insert name*) and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.

(See important notice on page 2.)

Page 1 of 2

CHILD'S NAME:	CASE NUMBER:
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2. c. ☐ Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)) and submit it to the court as soon as possible.

3. Petitioner requests that the court find these allegations to be true.

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

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)

Address and telephone number (*if different person signing than listed in caption above*):

☐ Number of pages attached: _____ ☐ Other children are listed on *Additional Children Attachment* (form JV-101(A))

— NOTICE —

TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

CHILD'S NAME:	CASE NUMBER:
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4. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code <i>(check applicable boxes; see attachment 3a for concise statements of facts)</i> : ☐ (a) ☐ (b)(1) ☐ (b)(4) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j)				
b. Child's name:		c. Age:	d. Date of birth:	e. Gender:
☐ Information is the same as that given for the child in item 1. <i>(If not the same, provide different information below.)</i>				
f. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		g. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		
h. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		i. Other <i>(state name, address, and relationship to child)</i> : ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
j. Prior to intervention, child resided with ☐ parent <i>(name)</i> : ☐ parent <i>(name)</i> : ☐ guardian <i>(name)</i> : ☐ Indian custodian <i>(name)</i> : ☐ other <i>(state name, address, and relationship to child)</i> :		k. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention <i>(address)</i> : ☐ Relative ☐ Shelter/foster care ☐ Other		

5. a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code <i>(check applicable boxes; see attachment 3a for concise statements of facts)</i> : ☐ (a) ☐ (b)(1) ☐ (b)(4) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j)				
b. Child's name:		c. Age:	d. Date of birth:	e. Gender:
☐ Information is the same as that given for the child in item 1. <i>(If not the same, provide different information below.)</i>				
f. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		g. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		
h. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father <i>(check all that apply)</i> : ☐ legal ☐ biological ☐ presumed ☐ alleged		i. Other <i>(state name, address, and relationship to child)</i> : ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
j. Prior to intervention, child resided with ☐ parent <i>(name)</i> : ☐ parent <i>(name)</i> : ☐ guardian <i>(name)</i> : ☐ Indian custodian <i>(name)</i> : ☐ other <i>(state name, address, and relationship to child)</i> :		k. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention <i>(address)</i> : ☐ Relative ☐ Shelter/foster care ☐ Other		

CHILD'S NAME:	CASE NUMBER:
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6. Indian Child Welfare Act Inquiry (*check one*):

- a. ☐ I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
- b. ☐ On information and belief, I am aware that inquiry has been completed by (*insert name*) and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
- c. ☐ Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)), and submit it to the court as soon as possible.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council JV-110.v2.110722.cz
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
JUVENILE DEPENDENCY PETITION (VERSION TWO) (Welf. & Inst. Code, § 300 et seq.) ☐ § 300—Original ☐ § 342—Subsequent ☐ § 387—Supplemental		CASE NUMBER: RELATED CASE (if any):

1. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable subdivisions for each child; see attachment 1a for concise statements of facts</i>):			
b. Child's name	Age	Date of birth	Gender Section 300 subdivisions (<i>check all that apply</i>):
1.			☐ a ☐ b(1) ☒ b(4) ☐ c ☐ d ☐ e ☐ f ☐ g ☐ h ☐ i ☐ j
2.			☐ a ☐ b(1) ☒ b(4) ☐ c ☐ d ☐ e ☐ f ☐ g ☐ h ☐ i ☐ j
3.			☐ a ☐ b(1) ☒ b(4) ☐ c ☐ d ☐ e ☐ f ☐ g ☐ h ☐ i ☐ j
4.			☐ a ☐ b(1) ☒ b(4) ☐ c ☐ d ☐ e ☐ f ☐ g ☐ h ☐ i ☐ j
5.			☐ a ☐ b(1) ☒ b(4) ☐ c ☐ d ☐ e ☐ f ☐ g ☐ h ☐ i ☐ j
c. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged		d. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	
e. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged		f. Other (<i>state name, address, and relationship to child</i>): ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.	
g. Prior to intervention, child resided with ☐ parent (<i>name</i>): ☐ parent (<i>name</i>): ☐ guardian (<i>name</i>): ☐ Indian custodian (<i>name</i>): ☐ other (<i>state name, address, and relationship to child</i>):		h. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention (<i>address</i>): ☐ Relative ☐ Shelter/foster care ☐ Other	

(See important notice on page 2.)

CHILD'S NAME:	CASE NUMBER:
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Indian Child Welfare Act Inquiry (*check one*):

- ☐ I have asked whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
- ☐ On information and belief, I am aware that inquiry has been completed by (*insert name*):
and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.
- ☐ Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership, and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing obligation to complete this inquiry and will complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)), and submit it to the court as soon as possible.

3. Petitioner requests that the court find these allegations to be true.

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

Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Address and telephone number (*if different person signing than listed in caption above*):

☐ Number of pages attached: _____

— NOTICE —

TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

**TO PARENTS OR OTHERS LEGALLY RESPONSIBLE
FOR THE SUPPORT OF THE CHILD**

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

CHILD'S NAME:

CASE NUMBER:

FAILURE TO PROTECT**§ 300(b)****§ 300(b)(1)**

The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness

- ☐ as a result of the failure or inability of his or her parent or legal guardian to supervise or protect the child adequately.
- ☐ as a result of the willful or negligent failure of the child's parent or legal guardian to supervise or protect the child adequately from the conduct of the custodian with whom the child has been left.
- ☐ by the willful or negligent failure of the parent or legal guardian to provide the child with adequate food, clothing, shelter, or medical treatment.
- ☐ by the inability of the parent or legal guardian to provide regular care for the child due to the parent's or legal guardian's mental illness, developmental disability, or substance abuse.

§ 300(b)(4)

The child's parent or guardian has failed to, or was unable to, protect the child, and the child

- ☐ has been or is being sexually trafficked, as described in section 236.1 of the Penal Code.
- ☐ has been or is receiving food or shelter in exchange for, or who is paid to perform sexual acts described in section 236.1 or 11165.1 of the Penal Code.

(State supporting facts concisely and number them 1, 2, 3, etc.):

CHILD'S NAME:

CASE NUMBER:

INITIAL APPEARANCE HEARING—JUVENILE DELINQUENCY
☐ Out-of-Custody Appearance ☐ In-Custody Appearance and Detention
THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1. ☐ Notice has been given as required by law.
2. ☐ The child's date of birth is (*specify*):
3. ☐ The child is to remain out of custody pending the next hearing.
4. ☐ The child was taken into custody at: ☐ a.m. ☐ p.m. on (*date*):
5. ☐ The petition or notice of probation violation was filed at: ☐ a.m. ☐ p.m. on (*date*):
6. ☐ Counsel is appointed for the child as follows:
Counsel is to represent the child until relieved by the court in accordance with California Rules of Court, rule 5.663.
7. ☐ The information on the face of the petition was ☐ confirmed ☐ corrected as follows:

8. a. ☐ The court inquired of ☐ the mother ☐ others (*names and relationships*):

as to the identities and addresses of all presumed or alleged fathers.
- b. ☐ The court finds (*name*): to be the ☐ legal ☐ biological
☐ presumed ☐ alleged father.
9. **Indian Child Welfare Act (ICWA) Inquiry**
On the record, the court has
 - a. ☐ asked each participant present at the hearing
 - whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or the Indian custodian is on a reservation or in an Alaska Native village and, if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court and, if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village and, if so, the name of the tribe or village.
 - b. ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village.
10. **ICWA Status**
 - a. ☐ The court finds there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
 - b. ☐ The court finds there is reason to believe the child is an Indian child; and
 - (1) ☐ the probation department has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e) and there is no reason to know that the child is an Indian child; or
 - (2) ☐ the probation department is ordered to complete further inquiry as required by Welf & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
 - c. ☐ The court finds that there is reason to know that the child is an Indian child; and
 - (1) ☐ the probation department has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status; or
 - (2) ☐ the probation department must exercise due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.2 and file proof of due diligence and notice with the court; and

CHILD'S NAME:	CASE NUMBER:
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10. c. (3) ☐ the probation department must provide, as required by law, notice of the proceeding if the child is in foster care or at risk of entering foster care and the petition alleges only status offenses, or if a hearing is set to terminate parental rights, or if the child is in a foster care or preadoptive or adoptive placement because of abuse or neglect in the child's home. Proof of such notice must be filed with the court.
- (4) ☐ The court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The court finds that the child is an Indian child and a member or a citizen of, or eligible for membership in the (specify tribe): _____ tribe.
11. The ☐ mother ☐ father ☐ legal guardian ☐ Indian custodian
☐ Other (specify): _____
- were provided with *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete the form and submit it to the court before leaving the courthouse today.
12. ☐ The court advised the child and parent or guardian of (check all that apply)
- ☐ the contents of the petition.
 - ☐ the nature and possible consequences of juvenile court proceedings.
 - ☐ the purpose and scope of the initial hearing.
 - ☐ the hearing rights described in rule:
 - ☐ the reason the child was taken into custody.
 - ☐ the parent or legal guardian's financial obligation and right to be represented by counsel.
 - ☐ Other:
13. ☐ Reading of the petition and advice of rights were waived by ☐ the child ☐ the child's counsel.
14. ☐ The prosecutor has requested that a hearing be set to determine whether the child should be transferred to the jurisdiction of the criminal court under Welf. & Inst. Code, § 707.
15. ☐ The child ☐ through counsel
- ☐ denied the allegations of the petition dated:
 - ☐ asked the court to take no action on the petition at this time.
16. ☐ For the reasons stated on the record, the petition is dismissed ☐ in the interests of justice ☐ because the child does not need treatment or rehabilitation.
17. ☐ After inquiry, the court finds that the child understands the nature of the allegations and the direct consequences of admitting or pleading no contest to the allegations of the petition, and understands and waives the following hearing rights, which were explained (check all that apply):
- ☐ The right to have a hearing.
 - ☐ The right to cross-examine and confront witnesses.
 - ☐ The right to subpoena witnesses and present a defense.
 - ☐ The right to remain silent.
18. a. ☐ The child through counsel
- (1) ☐ admitted the petition ☐ as filed ☐ as amended on (date): _____
 - (2) ☐ pleaded no contest to the petition ☐ as filed ☐ as amended on (date): _____
- ☐ The child's counsel consents to the admission or plea of no contest.
 - ☐ The admission or plea of no contest is freely and voluntarily made.
 - ☐ There is a factual basis for the admission or plea of no contest.
 - ☐ The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of their conduct at the time the offense was committed.

CHILD'S NAME:	CASE NUMBER:
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19. a. ☐ The following allegations are admitted and found to be true:

Count number	Statutory violation	Misdemeanor	Felony	To be specified at disposition	Enhancement (if applicable)
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	
		☐	☐	☐	

b. ☐ As to any offense that could be considered a misdemeanor or felony, the court is aware of and exercises its discretion to determine the offense, as stated in 19a.

c. ☐ The following allegations are dismissed:

<u>Count number</u>	<u>Statutory violation</u>
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20. ☐ The child is described by section ☐ 601 ☐ 602 of the Welf. & Inst. Code.

21. ☐ The maximum confinement time is:

22. ☐ The child's residence is in: _____ County.

23. ☐ The matter is transferred to: _____ County for disposition and further proceedings.
Juvenile Court Transfer-Out Orders (form JV-550) will be completed and transmitted immediately.

24. ☐ The child waives their right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

CHILD IN CUSTODY

25. ☐ The court has considered the detention report prepared by the probation department

☐ and the following documents (*specify*):

☐ and the testimony of (*name*):

☐ and the examination by the court of (*name*):

☐ and takes judicial notice of the entire court file.

26. ☐ The child is released from custody ☐ to the home of (*name, address, and relationship to child*):

☐ on home supervision ☐ on electronic monitoring

☐ the terms of which are stated in the attached *Terms and Conditions* (form JV-624).

27. ☐ The child is a dependent of the court under Welf. & Inst. Code, § 300 and is ordered released from custody. The child welfare services department must either ensure that the child's current caregiver take physical custody of the child or take physical custody of the child and place the child in a licensed or approved placement.

28. ☐ A prima facie showing has been made that the child's disposition is by Welf. & Inst. Code, § 601 or § 602.

29. ☐ Based on the facts stated on the record, the child is detained in secure custody on the following grounds (*check all that apply*):

a. ☐ The child has violated an order of the court.

b. ☐ The child has escaped from a court commitment.

c. ☐ The child is likely to flee the jurisdiction of the court.

d. ☐ It is a matter of immediate and urgent necessity for the protection of the child.

e. ☐ It is reasonably necessary for the protection of the person or property of another.

CHILD'S NAME:	CASE NUMBER:
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30. ☐ Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
31. ☐ Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
32. ☐ Temporary placement and care is the responsibility of the probation department.
33. ☐ Reasonable efforts to prevent or eliminate the need for detention of the child ☐ have ☐ have not been made.
34. ☐ The child is placed in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 727.12 will be set or is set for (*specify date*): _____, which is a date within 45 days of the start of the placement.
35. ☐ The probation department is granted the authority to authorize medical, surgical, or dental care under Welf. & Inst. Code, § 739.
36. ☐ The probation department is ordered to provide services that will assist with reunification of the child and the family.
37. ☐ The child and the parent or guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
38. ☐ The ☐ mother ☐ father ☐ legal guardian ☐ Indian Custodian is/are ordered to supply the names and contact information of adult relatives to the probation department so they can be notified of the child's removal and of their options to be included in the child's life.
39. ☐ The probation officer must file a case plan within 60 days.
40. ☐ The probation department is authorized to release the child ☐ at its discretion ☐ under the following circumstances:
41. ☐ The court accepts transfer from the County of:
42. ☐ Other orders:
43. ☐ Child ☐ Counsel waives time for (*check all that apply*)
☐ jurisdiction hearing ☐ disposition hearing ☐ Other:
44. ☐ **The next hearings will be**
- | | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |
45. ☐ The child
- a. ☐ is ordered to return to court on the above date(s) and time(s).
- b. ☐ remains detained.
46. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
47. ☐ All appointed counsel are relieved.

Date:

Judicial OfficerCountersignature for detention orders (*if necessary*):

Date:

Judge