



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 25-145*

For business meeting on October 24, 2025

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**Title**

Juvenile Law: Date a Child Entered Foster Care

**Report Type**

Action Required

**Effective Date**

January 1, 2026

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

Amend Cal. Rules of Court, rule 5.502

**Date of Report**

October 10, 2025

**Recommended by**

Family and Juvenile Law Advisory Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulse, Cochair

**Contact**

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### Executive Summary

Assembly Bill 2664 (Bryan; Stats. 2024, ch. 412) amended Welfare and Institutions Code section 361.49 to clarify the date a child is deemed to have entered foster care to establish timelines for the provision of reunification services. The Family and Juvenile Law Advisory Committee recommends amending two definitions in rule 5.502 of the California Rules of Court to conform to the law and to correct a statutory reference.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend California Rules of Court, rule 5.502 to address the situation of a child who is not removed or is returned at disposition on a Welfare and Institutions Code section 300 petition but is later removed under a section 342 or 387 petition.

The proposed amended rule is attached at pages 5–6.

### Relevant Previous Council Action

Rule 5.502, adopted effective January 1, 1990, as rule 1401, was amended and renumbered effective January 1, 2007. Effective January 1, 2008, rule 5.502 was amended to include

reference to section 600 of the Welfare and Institutions Code.<sup>1</sup> The rule has not previously addressed the situation of a child who is not removed or is returned at disposition on a section 300 petition but is later removed under a section 342 or 387 petition.

### **Analysis/Rationale**

AB 2664 amended section 361.49 to clarify the date a child is deemed to have entered foster care when a child is not removed or is returned, after being initially detained, at disposition on a section 300 petition. In such a case, the family may receive family *maintenance* services. If the child is later removed under a section 342 or 387 petition, the timeline for family *reunification* services is based on the initial removal under the section 342 or 387 petition.

AB 2664 was a legislative response to *In re Damian L.* (2023) 90 Cal.App.5th 357. In this case, the children were initially taken from their mother's custody by law enforcement and then detained by the court on a section 300 petition in September 2019. The children remained out of the mother's care until the disposition hearing on the section 300 petition in June 2020, when the juvenile court ordered custody of the children to be retained by the mother and family maintenance services provided. When the children were subsequently removed at disposition on a section 387 petition in May 2021, the child welfare agency argued that the mother was out of time to reunify because the 18- and 24-month limits for reunification services ran from the date the children were initially taken from parental custody in September 2019. The juvenile court disagreed and ordered reunification services for the mother. The Court of Appeal reversed the juvenile court's order, holding that the time limits on reunification services began when the children were taken from parental custody on the original section 300 petition.<sup>2</sup>

Amendments to rule 5.502 are necessary to conform to the amendments made to section 361.49 by AB 2664. Determining the date of entry into foster care according to the initial removal of a child under a section 342 or 387 petition ensures that families will receive family reunification services for the time permitted by statute even if they have already received family maintenance services.

The committee also recommends amending subdivision (21) of rule 5.502 to correct the reference to a petition under section 600. There is no section 600 petition; rather, wardship petitions are filed under section 601 or 602. The rule history does not indicate why the rule refers to section 600, but it is an error that the committee believes should be corrected.

### **Policy implications**

The recommended amendments will implement legislative intent expressed through statutory changes. These amendments are consistent with the judicial branch's strategic plan goal of Quality of Justice and Service to the Public (Goal IV).

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise noted.

<sup>2</sup> *In re Damian L.* (2023) 90 Cal.App.5th 357, 383.

## **Comments**

The proposal was circulated for public comment from April 16 through May 23, 2025. A total of seven comments were received. Four commenters agreed with the proposal, two agreed if modified, and one commenter did not indicate a position.

Three commenters, including the internal Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, provided feedback intended to clarify the recommended definition of “initial removal” in subdivision (21)(B) of rule 5.502. Because a petition filed under section 342 is referred to as a subsequent petition, commenters suggested avoiding potential confusion by deleting the word “subsequent” from the description of a section 342 or 387 petition. The committee agreed that the word “later” to describe a child becoming the subject of a section 342 or 387 petition sufficiently conveyed that the section 342 or 387 petition followed the section 300 petition.

Another commenter also suggested conforming the new definition of “initial removal” in subdivision (21)(B) more closely to the language proposed as the new definition of “date a child entered foster care” in subdivision (9)(A)(ii). For improved clarity, this suggestion was incorporated into the language recommended for adoption as subdivision (21)(B). To avoid the potential confusion discussed in the preceding paragraph, the committee recommends deleting the word “subsequent” from subdivision (9)(A)(ii) for the same reasons.

One commenter suggested correcting the inaccurate reference to section 600 in subdivision (21)(A). The committee agreed with making this correction, and the reference to section 600 has been replaced with sections “601, or 602,” the two sections under which wardship petitions are filed.

The chart of comments and committee responses is attached at pages 7–13.

## **Alternatives considered**

The committee did not consider taking no action because amending the rule is necessary under AB 2664 to clarify a family’s entitlement to reunification services.

## **Fiscal and Operational Impacts**

Most of the impacts arising from this new law are a result of the statute. The committee anticipates that this proposal will result in some operational impacts based on several comments, including those from superior courts, stating that case management systems may require updating and communication and training would have to be provided for court staff and judicial officers.

## **Attachments and Links**

1. Cal. Rules of Court, rule 5.502, at pages 5–6
2. Chart of comments, at pages 7–13

3. Link A: Welf. & Inst. Code, § 361.49,  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=361.49.&lawCode=WIC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=361.49.&lawCode=WIC)
4. Link B: Assem. Bill 2664 (Bryan; Stats. 2024, ch. 412),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2664](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2664)

Rule 5.502 of the California Rules of Court is amended, effective January 1, 2026, to read:

1 **Rule 5.502. Definitions and use of terms**

2  
3 Definitions \* \* \*

4  
5 As used in these rules, unless the context or subject matter otherwise requires:

6  
7 (1)–(8) \* \* \*

8  
9 (9) “Date the child entered foster care” means:

10  
11 (A) In dependency;

12  
13 (i) Except as provided in (ii), the earlier of the date on which the  
14 court sustained the petition filed under section 300 or 60 days  
15 after the “initial removal” of the child as defined below,  
16 whichever is earlier in (21)(A); or

17  
18 (ii) If the court ordered custody retained by the parent or guardian at  
19 disposition on a petition filed under section 300, even if the child  
20 was initially detained, and later removed the child at disposition  
21 on a petition filed under section 342 or 387, the earlier of the date  
22 on which the court sustained the petition filed under section 342  
23 or 387 or 60 days after the “initial removal” of the child, as  
24 defined in (21)(B).

25  
26 (B) \* \* \*

27  
28 (10)–(20) \* \* \*

29  
30 (21) “Initial removal” means:

31  
32 (A) Except as provided in (B), the date on which the child, who is the  
33 subject of a petition filed under section 300 or 600, 601, or 602, was  
34 taken into custody by the social worker or a peace officer, or was  
35 deemed to have been taken into custody under section 309(b) or 628(c),  
36 if removal results in the filing of the petition before the court; or

37  
38 (B) If the court ordered custody retained by the parent or guardian at  
39 disposition on a petition filed under section 300, even if the child was  
40 initially detained, the date on which the child, who later becomes the  
41 subject of a petition filed under section 342 or 387, was taken into  
42 custody by the social worker or a peace officer, or was deemed to have

1                                    been taken into custody under section 309(b) on the petition filed under  
2                                    section 342 or 387.

3

4    (22)–(46) \* \* \*

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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

	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Lawyers Association, Family Law Executive Committee (FLEXCOM)	A	FLEXCOM agrees with this proposal.  FLEXCOM suggests a clarifying revision to new subdivision (21)(B) as follows:  If the child was not removed from the physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, <del>who is the subject of a subsequent petition filed under section 342 or 387,</del> was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition <u>filed under section 342 or 387.</u>	The committee thanks the commenter for this suggestion and has implemented it in part. The committee received several alternative wording suggestions and considered them all in revising the recommended rule language. See the committee’s response to the comments of the San Diego Superior Court and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, below, on subdivision (21)’s phrasing.
2.	Hon. Steven Ipson Superior Court of California County of Los Angeles	A	The proposed wording is concise.	The committee appreciates the comment.
3.	Orange County Bar Association by Mei Tsang, President	A	Agree.	The committee acknowledges the Orange County Bar Association’s agreement.
4.	Superior Court of California, County of Los Angeles	A	[T]he Court agrees with the proposal and its ability to appropriately address its stated purpose.	The committee appreciates this feedback.
			...[T]he Court does not see any cost savings from the proposal,...	The committee appreciates the comment.
			...[The Court] anticipates minimal implementation requirements, which include but are not limited to:	The committee appreciates the comment and has noted these implementation requirements in the Judicial Council report.

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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	Commenter	Position	Comment	Committee Response
			<p>Training for staff                      Updating policies and procedures                      Updating macros, event codes, and forms in the case management system.</p>	
			<p>Lastly, the Court agrees that three to six months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that this proposal would work well in courts of different sizes.</p>	<p>The committee notes that, under this year’s calendar, there will be two months between Judicial Council approval and the effective date of the amendments to the rule of court. Other courts have indicated that this lead time is sufficient; the committee hopes it will also work well for the Los Angeles superior court.</p>
5.	Superior Court of California, County of Orange, Family Law and Juvenile Divisions	NI	<p>Yes, the proposal appropriately addresses the stated purpose.</p>	<p>The committee appreciates this feedback.</p>
			<p>No, the proposal does not appear to provide cost savings.</p>	<p>The committee appreciates the comment.</p>
			<p>Implementation will require providing communication to judicial officers and court staff.</p>	<p>The committee appreciates the comment and has noted the implementation requirements in the Judicial Council report.</p>
			<p>Yes, two months would provide sufficient time for implementation in Orange County.</p>	<p>The committee appreciates the comment.</p>
			<p>Our court is a large court, and this [proposal] could work for Orange County.</p>	<p>The committee appreciates the comment.</p>
6.	Superior Court of California, County of San Diego by Mike Roddy, Executive Officer	AM	<p>Q: Does the proposal appropriately address the stated purpose?                      A: <b>Yes.</b></p>	<p>The committee appreciates this feedback.</p>

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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	Commenter	Position	Comment	Committee Response
			<p>Q: Would the proposal provide cost savings? If so, please quantify.  <b>A: No.</b></p>	<p>The committee appreciates the comment.</p>
			<p>Q: 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?  <b>A: Informing staff and notifying judicial officers.</b></p>	<p>The committee appreciates the comment and has noted the implementation requirements in the Judicial Council report.</p>
			<p>Q: Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?  <b>A: Yes.</b></p>	<p>The committee appreciates the comment.</p>
			<p>Q: How well would this proposal work in courts of different sizes?  <b>A: It appears the proposal would work for courts of all sizes.</b></p>	<p>The committee appreciates the comment.</p>
			<p><b>Rule 5.502(9):</b> Suggest deleting “subsequent” from subd. (9)(A)(ii) to avoid any confusion that might arise from the fact that § 342 petitions are called “subsequent petitions” and § 387 petitions are called “supplemental petitions.” The sentence already uses “later” (“<i>later</i> removed the child . . .”), so calling the § 342 or § 387 petition a</p>	<p>The committee agrees with the suggestion to delete the word “subsequent” from the provision it is recommending for adoption as subdivision (9)(A)(ii) of rule 5.502.</p>

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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			<p>“subsequent petition” is not necessary for clarity. (Note: Section 361.49(b)(1) does not use “subsequent” as an adjective for a petition “brought under Section 342 or 387”; it merely refers to when the court “subsequently removes” the child after sustaining § 342 or § 387 petition.)</p> <p>(ii) If the court ordered custody retained by the parent or guardian at disposition on a petition filed under section 300, even if the child was initially detained, and later removed the child at disposition on a <del>subsequent</del> petition filed under section 342 or 387, the earlier of the date on which the court sustained the <del>subsequent</del> petition filed under section 342 or 387 or 60 days after the “initial removal” of the child, as defined in (21)(B).</p> <p><b>Rule 5.502(21):</b> Likewise, subd. (21)(B) . . .</p> <p>If the child was not removed from the physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, who <u>is later becomes</u> the subject of a <del>subsequent</del> petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into</p>	<p>The committee agrees that the word “later” adequately conveys removal of a child pursuant to a section 342 or 387 petition that follows a section 300 petition. The committee also agrees with the suggestion to delete the word “subsequent.” It has incorporated both suggestions in the amended rule recommended for adoption as subdivision (21)(B) of rule 5.502.</p>

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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			<p>custody under section 309(b) on the <del>subsequent</del> petition <u>filed under section 342 or 387</u>.</p> <p><i>Query:</i> Should “juvenile justice” replace “delinquency” in (9)(B)?</p> <p>(B) In <del>delinquency</del> <u>juvenile justice</u>, the date 60 days after the date on which . . .</p> <p><i>Query:</i> Should (21)(A) be changed as follows (as there is no WIC § 600)?</p> <p>. . . who is the subject of a petition filed under section 300 or <del>600</del> <u>602</u>, was taken . . .</p>	<p>The committee acknowledges that “juvenile justice” has replaced the term “delinquency” in many contexts. For consistency with statutes, the committee will continue to use “delinquency” rather than “juvenile justice” until the Legislature makes this change.</p> <p>The committee agrees in part and recommends changing the reference to section “600” to “...601, or 602,” in the recommended amendment.</p>
7.	<p>Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee (“JRS”) by Hon. Mark Magit Superior Court of California, County of Mono</p>	AM	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Impact on existing automated systems. <ul style="list-style-type: none"> <li>○ May require updating case management system and tracking of new timeframes.</li> </ul> </li> </ul>	<p>The committee appreciates this feedback and has noted the implementation requirements in the Judicial Council report.</p>

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>• Results in additional training, which requires the commitment of staff time and court resources.                             <ul style="list-style-type: none"> <li>○ Will require training for juvenile judges and clerks.</li> </ul> </li> </ul> <p><b>Suggested modification(s):</b> Review proposed language for Rule 5.502(21)(B) as it may be awkward, ambiguous or confusing.</p> <p>Proposed language: “If the child was not removed from physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, who is the subject of a subsequent petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition.”</p> <ol style="list-style-type: none"> <li>1. The child may have been removed prior to the disposition hearing.</li> <li>2. The work “prior petition” may be confusing because there may have been a prior petition in another case.</li> </ol>	<p>The committee appreciates this feedback and agrees that rule 5.502(21)(B) would be improved by clarifying that the child may have been detained prior to the disposition hearing on the section 300 petition. The committee has modified its recommended language for subdivision (21)(B) to implement this suggestion.</p>

**Juvenile Law: Date a Child Entered Foster Care** (Amend Cal. Rules of Court, rule 5.502)

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	Commenter	Position	Comment	Committee Response
			<p>The new law, and purpose of the rule, is to start a new timeframe for reunification services when a child was returned, or retained, by the parent at the disposition hearing, but later detained pursuant to facts necessitating the filing of a subsequent petition. Consider using language in proposed 5.502(9)(A)(ii).</p> <p>Possible revised language:</p> <p>“If the child was returned or ordered retained by the parent or guardian at disposition on a petition filed under section 300, but is thereafter the subject of a subsequent petition filed under section 342 or 387, the date on which the child was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition.”</p>	