



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on December 16, 2016

Title

Judicial Council–Sponsored Legislation:
Electronic Filing and Service in Juvenile
Proceedings

Rules, Forms, Standards, or Statutes Affected

Add Welf. & Inst. Code, § 212.5; amend
§§ 248, 248.5, 290.1, 290.2, 291, 292, 293,
294, 295, 297, 302, 316.1, 342, 362.4, 364.05,
366.05, 366.21, 366.26, 387, 607.2, 630, 658,
660, 661, 727.4, 777, 778, 779, 785, and
903.45

Recommended by

Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair
Information Technology Advisory Committee
Hon. Sheila F. Hanson, Chair
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair

Agenda Item Type

Action Required

Effective Date

December 16, 2016

Date of Report

October 28, 2016

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Executive Summary

The Policy Coordination and Liaison Committee, the Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee, and the Judicial Council Technology Committee recommend adding section 212.5 and amending various sections of

Welfare and Institutions Code to authorize electronic filing and electronic service in juvenile law proceedings and establish parameters for e-business in the juvenile court.

Recommendation

The Policy Coordination and Liaison Committee, the Family and Juvenile Law Advisory Committee, the Information Technology Advisory Committee, and the Judicial Council Technology Committee recommend that the Judicial Council sponsor legislation to enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code.

New section 212.5 of the Welfare and Institutions Code would expressly apply the provisions of section 1010.6 of the Code of Civil Procedure to all juvenile proceedings while setting limitations and conditions on the electronic service of parties and other persons. The limitations on electronic service include the following:

- Electronic service is authorized only if the county and the court choose to permit electronic service.
- Electronic service on a party or other person is permitted only upon consent to receive electronic service by the party or other person.
- A party or other person may withdraw prior consent to electronic service.
- Consent or withdrawal of prior consent to receive electronic service may be filed with the court only by a party or other person, or that person's attorney.
- Electronic service is not permitted on minors who are under the age of 16.
- If the party or other person to be served is a minor who is 16 years old or older, electronic service is permitted only upon consent by both the minor and the minor's attorney.
- Electronic service of medical or psychological documentation relating to a minor is not permitted on a minor who is 16 years old or older.
- The party or other person must be served by both electronic means and by other means specified in the statute if (1) the document to be served is the notice of hearing at which the social worker will recommend the termination of parental rights, or the appellate advisements required pursuant to Welfare and Institutions Code section 366.26(l)(3)(A); or (2) there is a citation issued pursuant to section 661, or a hearing is noticed under section 777(d).
- If the minor is an Indian child, or the court has reason to know that an Indian child is involved, service shall be provided exclusively in accordance with Welfare and Institutions Code section 224.2.

In addition, new section 212.5 codifies paragraph (3) of subdivision (b) of rule 5.522 of the California Rules of Court, which provides that the confidentiality of juvenile records shall be preserved when these records are transmitted electronically through encryption. The requirement to apply encryption to ensure the confidentiality of records would apply to both electronic filing and electronic service.

Previous Council Action

The Judicial Council has authorized electronic filing, but not electronic service, in juvenile proceedings. It has not taken any prior action related to e-mailing notices of hearings in juvenile dependency cases.

Code of Civil Procedure section 1010.6 and rules 2.250 through 2.261 of the California Rules of Court authorize electronic filing and electronic service in civil matters. Effective July 1, 2014, the Judicial Council amended rule 5.522 to enable the electronic filing of juvenile court documents in accordance with the rules of court, specifically rules 2.252 et seq. However, the council expressly excluded the application of rule 2.251 to juvenile proceedings. (See Cal. Rules of Court, rule 5.522(b)(4) [“This rule does not incorporate the electronic service provisions in rule 2.251”].) Rule 2.251 authorizes electronic service and sets forth technical requirements for electronic service.

Effective January 1, 2016, Assembly Bill 879 (Stats. 2015, ch. 219) authorizes e-mailing notices of hearings in juvenile court under Welfare and Institutions Code sections 290.1 through 295. At its February 2016 meeting, the Judicial Council approved a joint proposal by the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee to implement AB 879. The proposal (1) amended rules 5.524, 5.534, and 5.708 of the California Rules of Court; (2) adopted mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and (3) renumbered form EFS-005 to EFS-005-CV.

Rationale for Recommendation

The provisions of AB 879 applied to a defined set of hearings conducted for children in the juvenile dependency system and authorized notice by e-mail for those hearings specified in sections 290.1 through 295. The legislation established important parameters for electronic service in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing.

This proposal seeks to apply the electronic filing and service provisions contained in section 1010.6 of the Code of Civil Procedure to juvenile dependency *and* delinquency proceedings, while preserving—and in some cases expanding on—the conditions and limitations on electronic service set forth in AB 879.

Comments, Alternatives Considered, and Policy Implications

This proposal circulated for comment as part of the spring 2016 invitation-to-comment cycle, from April 15, 2016, to June 14, 2016, 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, court administrators and clerks, attorneys, family law facilitators and self-help center staff, social workers, probation officers, and other juvenile law professionals. A chart with the full text of the comments received and the committees’ responses is attached at pages 27–37.

Comments were received from five distinct entities, including superior courts and bar associations. One commentator rejected the entire proposal as an affront to the changes implemented through AB 879. Another commentator fully supported the proposal. Two commentators supported the proposal if amended and provided valuable feedback. One commentator declined to indicate support or opposition to the proposal.

Substantive comments focused on three main areas: (1) the use of the term “encryption” to ensure confidentiality of documents, (2) the age at which it is appropriate for minors to receive electronic service in juvenile matters, and (3) the importance of prohibiting certain documents from being electronically served on a minor.

Concerns regarding “encryption”

The proposal would add a new section to the Welfare and Institutions Code that authorizes and sets parameters for electronic service and electronic filing in juvenile court. New section 212.5 includes a subdivision regarding confidentiality, which states: “Electronic service and electronic filing must be conducted in a manner that preserves and ensures the confidentiality of records by encryption.”

Three commentators responded to this language. One indicated that the legislation should state that e-mail should be “encrypted or made available to the recipient(s) via access to a secure web site.” Because the Code of Civil Procedure explicitly allows for these two options in its definition of electronic service (Code of Civ. Proc., § 1010.6(a)(1)(A)), staff does not believe there is a need to amend the Welfare and Institutions Code as well, particularly since new section 212.5 expressly applies this section of the Code of Civil Procedure to juvenile matters.

Another commentator recommended that courts implement specific rules on encryption or that the Judicial Council should issue specific guidance on encryption. The committees discussed this and determined that specific standards on encryption may be appropriate for a California rule of court or the *Trial Court Records Manual*.

A third commentator shared the following concern: “[E]very document in a juvenile case is confidential. ... Some in our court believe the language in subdivision (h) may not be strong enough.”

There was significant discussion by all committees regarding the use of the word “encryption” to describe the range of possible security technologies that might be employed to preserve the confidentiality of information in juvenile cases. Ultimately, it was decided that the term is sufficiently broad to cover the full range of technologies but precise enough to signal the level of security required. It is envisioned that standards will be developed and included in future rule proposals or potentially in the *Trial Court Records Manual*.

Electronic transmission of medical and psychological records

In drafting new section 212.5, the Family and Juvenile Law Advisory Committee (FJLAC) added subdivision (e), which expressly prohibits the electronic transmission “of a psychological or medical report of a minor.” One commentator expressed concern that “medical report” may not be sufficient to cover other medical documentation such as test results.

The committees agreed that “psychological or medical documentation” better encompasses the types of medical reports and test results that are meant to be included in the prohibition on electronic service.

The committees also agreed to rephrase the subdivision to prohibit electronic service on a minor “of psychological or medical documentation related to a minor.”

Appropriate age for receiving electronic service

Assembly Bill 879 established a two-tiered system in which minors ages 14 and 15 are able to consent to e-mail notice of hearings; however, the consent of their attorneys is required and e-mail notice is supplemented with paper notice. Minors ages 16 and 17 may also consent to e-mail notice of hearings; the consent of their attorneys is also required, but e-mail notice is the only notice and there is no follow-up paper notice.

In drafting the proposed legislation, FJLAC proposed to limit electronic service to minors age 16 and above with their consent and with the consent of their attorneys. A single commentator suggested that minors as young as 12 are capable of using e-mail. The committees considered this feedback but ultimately decided to propose a minimum age for electronic service of 16 years.

There were also a number of comments from the Superior Court of San Diego highlighting drafting errors or suggesting ways to improve the language of the proposal that were gratefully accepted by the committees.

Implementation Requirements, Costs, and Operational Impacts

Implementation may require changes in court procedures and training in those courts that choose to allow for notice of hearings by e-mail. One commentator noted that “[s]avings would be realized in postage, paper, copying, and the labor involved with non-electronic forms of service.” This commentator also indicated that it is unclear “whether courts have the capacity to safeguard against hacking into their systems for the purpose of obtaining protected information.”

Relevant Strategic Plan Goals and Operational Plan Objectives

The proposed legislative amendments support the policies underlying Goal VI, Branchwide Infrastructure for Service Excellence. Specifically, authorizing electronic business in the codes and setting appropriate parameters based on the particular area of law contributes to the goal of enhancing technological access and integration.

Attachments and Links

1. Welfare and Institutions Code, new section 212.5 and proposed amendments to sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45, at pages 7–26
2. Chart of comments, at pages 27–37

Section 212.5 of the Welfare and Institutions Code would be enacted and sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 would be amended, effective January 1, 2018, to read:

1 **§ 212.5.**

2 Unless otherwise provided by law, Section 1010.6 of the Code of Civil Procedure shall apply to
3 juvenile matters, with the following exceptions and conditions:

4 (a) Electronic service is authorized only if the county and the court choose to permit electronic
5 service.

6 (b) Electronic service on a party or other person shall be permitted only upon consent to receive
7 electronic service by the party or other person. A party or other person may withdraw prior
8 consent to electronic service. The Judicial Council shall create a form designed to implement this
9 section.

10 (c) Consent or withdrawal of prior consent to receive electronic service may be filed with the
11 court only by a party or other person entitled to service, or that person's attorney.

12 (d) Electronic service is not permitted on any party or person who is under the age of 16 years
13 old.

14 (e) If the party or other person to be served is a minor, age 16 or above:

15 (1) Electronic service shall be permitted only upon consent by the minor and by the minor's
16 attorney.

17 (2) Electronic service is not permitted of psychological or medical documentation related to a
18 minor.

19 (f) The party or other person shall be served both by electronic means and by other means
20 specified in the relevant statute if:

21 (1) The document to be served is the notice of hearing, or the appellate advisements required
22 pursuant to subparagraph (A) of paragraph (3) of subdivision (l) of Section 366.26, for a hearing
23 at which the social worker will recommend the termination of parental rights; or

24 (2) The document to be served is a citation pursuant to Section 661, or a notice of hearing
25 pursuant to subdivision (d) of Section 777.

26 (g) If the minor is an Indian child, or the court has reason to know that an Indian child is
27 involved, service shall be provided exclusively in accordance with Section 224.2.

28 (h) Electronic service and electronic filing must be conducted in a manner that preserves and
29 ensures the confidentiality of records by encryption.

30
31 **§ 248.**

32 (a) * * *

33 (b) Service, as provided in this section, shall be made as follows:

34 (1) * * *

35 (2) If paragraph (1) is not applicable, service shall be made by mail or by electronic service
36 pursuant to Section 212.5, within the time period specified in Section 248.5, to the last known
37 address of those persons or to the address designated by those persons appearing at the hearing
38 before the referee and the ~~mailing~~ documents served shall include, if applicable, the written
39 explanation of the right to seek review of the order. If the parent or guardian does not have a last
40 known address or electronic service address designated, then service ~~by mail~~ shall be to that
41 party in care of his or her counsel.

1
2 **§ 248.5.**

3 All written findings and orders of the court shall be served by the clerk of the court personally, or
4 by first-class mail, or by electronic service pursuant to Section 212.5, within three judicial days
5 of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's
6 counsel, and the guardian or the guardian's counsel.

7
8 **§ 290.1.**

9 If the probation officer or social worker determines that the child shall be retained in custody, he
10 or she shall immediately file a petition pursuant to Section 332 with the clerk of the juvenile
11 court, who shall set the matter for hearing on the detention hearing calendar. The probation
12 officer or social worker shall serve notice as prescribed in this section.

13 (a)-(d) * * *

14 (e) Service of the notice shall be written or oral. If the person being served cannot read, notice
15 shall be given orally. ~~Except as provided in subdivisions (f), (g), and (h), written notice may be~~
16 ~~served by electronic mail if the county, or city and county, and the court choose to permit service~~
17 ~~by electronic mail and the person to be served has consented to service by electronic mail by~~
18 ~~signing Judicial Council Form EFS-005. Notice shall not be served electronically under this~~
19 ~~section.~~

20 (f) * * *

21 (g) ~~Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~
22 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
23 ~~mail only if all of the following requirements are satisfied:~~

24 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

25 ~~(2) The child is 16 years of age or older.~~

26 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
27 ~~005.~~

28 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
29 ~~Judicial Council Form EFS-005.~~

30 (h) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
31 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
32 ~~of the following requirements are satisfied:~~

33 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

34 ~~(2) The child is 14 or 15 years of age.~~

35 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
36 ~~005.~~

37 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
38 ~~Judicial Council Form EFS-005.~~

39 (i) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
40 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

1 **§ 290.2.**

2 Upon the filing of a petition by a probation officer or social worker, the clerk of the juvenile
3 court shall issue notice, to which shall be attached a copy of the petition, and he or she shall
4 cause the same to be served as prescribed in this section.

5 (a)–(b) * * *

6 (c) Notice shall be served as follows:

7 (1)–(2) * * *

8 ~~(3) Except as provided in subdivision (e), (f), or (g), notice may be served by electronic mail in~~
9 ~~lieu of notice by first class mail if the county, or city and county, and the court choose to permit~~
10 ~~service by electronic mail and the person to be served has consented to service by electronic mail~~
11 ~~by signing Judicial Council Form EFS-005. Notice shall not be served electronically under this~~
12 ~~section.~~

13 (d)–(e) * * *

14 ~~(f) Except as provided in subdivision (g), if notice is required to be provided to a child pursuant~~
15 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
16 ~~mail only if all of the following requirements are satisfied:~~

17 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

18 ~~(2) The child is 16 years of age or older.~~

19 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
20 ~~005.~~

21 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
22 ~~Judicial Council Form EFS-005.~~

23 ~~(g) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
24 ~~(a), written notice may be served on the child by electronic mail, as well as by regular mail, if all~~
25 ~~of the following requirements are satisfied:~~

26 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

27 ~~(2) The child is 14 or 15 years of age.~~

28 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
29 ~~005.~~

30 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
31 ~~Judicial Council Form EFS-005.~~

32 ~~(h) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
33 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

34
35 **§ 291.**

36 After the initial petition hearing, the clerk of the court shall cause the notice to be served in the
37 following manner:

38 (a)–(d) * * *

39 (e) Service of the notice of the hearing shall be given in the following manner:

40 (1) If the child is detained and the persons required to be noticed are not present at the initial
41 petition hearing, they shall be noticed by personal service or by certified mail, return receipt
42 requested.

1 (2) If the child is detained and the persons required to be noticed are present at the initial petition
2 hearing, they shall be noticed by personal service, ~~or by first-class mail,~~ or by electronic service
3 pursuant to Section 212.5.

4 (3) If the child is not detained, the persons required to be noticed shall be noticed by personal
5 service, ~~or by first-class mail,~~ or by electronic service pursuant to Section 212.5, unless the
6 person to be served is known to reside outside the county, in which case service shall be by first-
7 class mail or by electronic service pursuant to Section 212.5.

8 ~~Except as provided in subdivisions (g), (h), and (i), notice may be served by electronic mail in~~
9 ~~lieu of notice by first class mail if the county, or city and county, and the court choose to permit~~
10 ~~service by electronic mail and the person to be served has consented to service by electronic mail~~
11 ~~by signing Judicial Council Form EFS-005.~~

12 (f)-(g) * * *

13 (h) ~~Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~
14 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
15 ~~mail only if all of the following requirements are satisfied:~~

16 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

17 (2) ~~The child is 16 years of age or older.~~

18 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
19 ~~005.~~

20 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
21 ~~Judicial Council Form EFS-005.~~

22 (i) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
23 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
24 ~~of the following requirements are satisfied:~~

25 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

26 (2) ~~The child is 14 or 15 years of age.~~

27 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
28 ~~005.~~

29 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
30 ~~Judicial Council Form EFS-005.~~

31 (j) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
32 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

33
34 **§ 292.**

35 The social worker or probation officer shall give notice of the review hearing held pursuant to
36 Section 364 in the following manner:

37 (a)-(d) * * *

38 (e) Service of the notice shall be by personal service, by first-class mail (first-class mail or
39 certified mail with return receipt requested), ~~or by certified mail, return receipt requested,~~
40 addressed to the last known address of the person to be noticed, or by electronic service pursuant
41 to Section 212.5. ~~Except as provided in subdivisions (f), (g), and (h), notice may be served by~~
42 ~~electronic mail if the county, or city and county, and the court choose to permit service by~~

1 electronic mail and the person to be served has consented to service by electronic mail by signing
2 Judicial Council Form EFS-005.

3 (f) * * *

4 (g) Except as provided in subdivision (h), if notice is required to be provided to a child pursuant
5 to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic
6 mail only if all of the following requirements are satisfied:

7 (1) The county, or city and county, and the court choose to permit service by electronic mail.

8 (2) The child is 16 years of age or older.

9 (3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-
10 005.

11 (4) The attorney for the child has consented to service of the minor by electronic mail by signing
12 Judicial Council Form EFS-005.

13 (h) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision
14 (a), written notice may be served on the child by electronic mail as well as by regular mail if all
15 of the following requirements are satisfied:

16 (1) The county, or city and county, and the court choose to permit service by electronic mail.

17 (2) The child is 14 or 15 years of age.

18 (3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-
19 005.

20 (4) The attorney for the child has consented to service of the minor by electronic mail by signing
21 Judicial Council Form EFS-005.

22 (i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,
23 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

24
25 **§ 293.**

26 The social worker or probation officer shall give notice of the review hearings held pursuant to
27 Section 366.21, 366.22, or 366.25 in the following manner:

28 (a)-(d) * * *

29 (e) Service of the notice shall be by first-class mail addressed to the last known address of the
30 person to be noticed, ~~or by personal service on the person, or by electronic service pursuant to~~
31 Section 212.5. ~~Service of a copy of the notice shall be by personal service, or by certified mail,~~
32 ~~return receipt requested, by electronic service under Section 212.5, or any other form of notice~~
33 ~~that is equivalent to service by first class mail. Except as provided in subdivisions (g), (h), and~~
34 ~~(i), notice may be served by electronic mail in lieu of notice by first class mail if the county, or~~
35 ~~city and county, and the court choose to permit service by electronic mail and the person to be~~
36 ~~served has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

37 (f) * * *

38 (g) * * *

39 (h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant
40 to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic
41 mail only if all of the following requirements are satisfied:

42 (1) The county, or city and county, and the court choose to permit service by electronic mail.

43 (2) The child is 16 years of age or older.

1 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
2 ~~005.~~

3 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
4 ~~Judicial Council Form EFS-005.~~

5 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
6 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
7 ~~of the following requirements are satisfied:~~

8 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

9 ~~(2) The child is 14 or 15 years of age.~~

10 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
11 ~~005.~~

12 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
13 ~~Judicial Council Form EFS-005.~~

14 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
15 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

16
17 **§ 294.**

18 The social worker or probation officer shall give notice of a selection and implementation
19 hearing held pursuant to Section 366.26 in the following manner:

20 (a)-(d) * * *

21 (d) Regardless of the type of notice required, or the manner in which it is served, once the court
22 has made the initial finding that notice has properly been given to the parent, or to any person
23 entitled to receive notice pursuant to this section, subsequent notice for any continuation of a
24 Section 366.26 hearing may be by first-class mail to any last known address, by an order made
25 pursuant to Section 296, by electronic service pursuant to Section 212.5, except as provided in
26 paragraphs (2) and (3) of subdivision (h) and subdivision (i), by electronic mail if the county, or
27 city and county, and the court choose to permit service by electronic mail and the person to be
28 served has consented to service by electronic mail by signing Judicial Council Form EFS-005, or
29 by any other means that the court determines is reasonably calculated, under any circumstance,
30 to provide notice of the continued hearing. However, if the recommendation changes from the
31 recommendation contained in the notice previously found to be proper, notice shall be provided
32 to the parent, and to any person entitled to receive notice pursuant to this section, regarding that
33 subsequent hearing.

34 (e) * * *

35 (f) Notice to the parents may be given in any one of the following manners:

36 (1) If the parent is present at the hearing at which the court schedules a hearing pursuant to
37 Section 366.26, the court shall advise the parent of the date, time, and place of the proceedings,
38 their right to counsel, the nature of the proceedings, and the requirement that at the proceedings
39 the court shall select and implement a plan of adoption, legal guardianship, placement with a fit
40 and willing relative, or another planned permanent living arrangement, as appropriate, for the
41 child. The court shall direct the parent to appear for the proceedings and then direct that the
42 parent be notified thereafter only by first-class mail to the parent's usual place of residence or
43 business only or by electronic service pursuant to Section 212.5. In lieu of notice by first class

1 ~~mail, notice may be served by electronic mail if the county, or city and county, and the court~~
2 ~~choose to permit service by electronic mail and the person to be served has consented to service~~
3 ~~by electronic mail by signing Judicial Council Form EFS 005.~~

4 (2)-(3) * * *

5 (4) Delivery to a competent person who is at least 18 years of age at the parent's usual place of
6 residence or business, and thereafter ~~mailed to~~ served on the parent named in the notice by first-
7 class mail at the place where the notice was delivered or by electronic service pursuant to Section
8 212.5.

9 (5) If the residence of the parent is outside the state, service may be made as described in
10 paragraph (1), (3), or (4) or by certified mail, return receipt requested.

11 (6) If the recommendation of the probation officer or social worker is legal guardianship,
12 placement with a fit and willing relative, or another planned permanent living arrangement, as
13 appropriate, service may be made by first-class mail to the parent's usual place of residence or
14 business or by electronic service pursuant to Section 212.5. ~~or, i~~ In the case of an Indian child, if
15 the recommendation of the probation officer or social worker is tribal customary adoption,
16 service may be made by first-class mail to the parent's usual place of residence or business. ~~In~~
17 ~~lieu of notice by first class mail, notice may be serviced by electronic mail if the county, or city~~
18 ~~and county, and the court choose to permit service by electronic mail and the person to be served~~
19 ~~has consented to service by electronic mail by signing Judicial Council Form EFS 005.~~

20 (7) If a parent's identity is known but his or her whereabouts are unknown and the parent cannot,
21 with reasonable diligence, be served in any manner specified in paragraphs (1) to (6), inclusive,
22 the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating
23 the name of the parent and describing the efforts made to locate and serve the parent.

24 (A) If the court determines that there has been due diligence in attempting to locate and serve the
25 parent and the probation officer or social worker recommends adoption, service shall be to that
26 parent's attorney of record, if any, by certified mail, return receipt requested. If the parent does
27 not have an attorney of record, the court shall order that service be made by publication of
28 citation requiring the parent to appear at the date, time, and place stated in the citation, and that
29 the citation be published in a newspaper designated as most likely to give notice to the parent.
30 Publication shall be made once a week for four consecutive weeks. Whether notice is to the
31 attorney of record or by publication, the court shall also order that notice be given to the
32 grandparents of the child, if their identities and addresses are known, by first-class mail or by
33 electronic service pursuant to Section 212.5.

34 (B) If the court determines that there has been due diligence in attempting to locate and serve the
35 parent and the probation officer or social worker recommends legal guardianship, placement
36 with a fit and willing relative, or another planned permanent living arrangement, as appropriate,
37 no further notice is required to the parent, but the court shall order that notice be given to the
38 grandparents of the child, if their identities and addresses are known, by first-class mail or by
39 electronic service pursuant to Section 212.5.

40 (C) * * *

41 (g) * * *

42 (h) Notice to all counsel of record shall be by first-class mail; or by electronic service pursuant to
43 Section 212.5. ~~by electronic mail if the county, or city and county, and the court choose to permit~~

1 service by electronic mail and the person to be served has consented to service by electronic mail
2 by signing Judicial Council Form EFS-005.

3 (2) Except as provided in paragraph (3), if notice is required to be provided to a child, written
4 notice may be served on the child by electronic mail only if all of the following requirements are
5 satisfied:

6 (A) The county, or city and county, and the court choose to permit service by electronic mail.

7 (B) The child is 16 years of age or older.

8 (C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-
9 005.

10 (D) The attorney for the child has consented to service of the minor by electronic mail by signing
11 Judicial Council Form EFS-005.

12 (3) If notice is required to be provided to a child, written notice may be served on the child by
13 electronic mail as well as by regular mail if all of the following requirements are satisfied:

14 (A) The county, or city and county, and the court choose to permit service by electronic mail.

15 (B) The child is 14 or 15 years of age.

16 (C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-
17 005.

18 (D) The attorney for the child has consented to service of the minor by electronic mail by signing
19 Judicial Council Form EFS-005.

20 (i)-(l) * * *

21 (m) Notwithstanding any choice by a county, or city and county, and the court to permit service
22 of written notice of court proceedings by electronic mail, or consent by any person to service of
23 written notice by electronic mail by signing Judicial Council Form EFS-005, nNotice of any
24 hearing at which the county welfare department is recommending the termination of parental
25 rights may only be served electronically by electronic mail only if notice is also given by another
26 means of service provided for in this section.

27 (n) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,
28 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

29
30 **§ 295.**

31 The social worker or probation officer shall give notice of review hearings held pursuant to
32 Sections 366.3 and 366.31 and for termination of jurisdiction hearings held pursuant to Section
33 391 in the following manner:

34 (a)-(d) * * *

35 (e) Service of notice shall be by first-class mail addressed to the last known address of the person
36 to be provided notice or by electronic service pursuant to Section 212.5. Except as provided in
37 subdivisions (g), (h), and (i), notice may be served by electronic mail in lieu of notice by first-
38 class mail if the county, or city and county, and the court choose to permit service by electronic
39 mail and the person to be served has consented to service by electronic mail by signing Judicial
40 Council Form EFS-005. In the case of an Indian child, notice shall be by registered mail, return
41 receipt requested.

42 (f)-(g) * * *

1 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~
2 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
3 ~~mail only if all of the following requirements are satisfied:~~

4 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

5 ~~(2) The child is 16 years of age or older.~~

6 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
7 ~~005.~~

8 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
9 ~~Judicial Council Form EFS-005.~~

10 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
11 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
12 ~~of the following requirements are satisfied:~~

13 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

14 ~~(2) The child is 14 or 15 years of age.~~

15 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
16 ~~005.~~

17 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
18 ~~Judicial Council Form EFS-005.~~

19 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
20 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

21
22 **§ 297.**

23 (a) ~~Notice required for an initial petition filed pursuant to Section 300 is applicable to a~~
24 ~~subsequent petition filed pursuant to Section 342. A subsequent petition filed pursuant to Section~~
25 ~~342 shall be noticed pursuant to Sections 290.1 and 290.2, except that service may be electronic~~
26 ~~service pursuant to Section 212.5.~~

27 (b) Upon the filing of a supplemental petition pursuant to Section 387, the clerk of the juvenile
28 court shall immediately set the matter for hearing within 30 days of the date of the filing, and the
29 social worker or probation officer shall cause notice thereof to be served upon the persons
30 required by, and in the manner prescribed by, Sections 290.1, 290.2, and 291, except that service
31 may be electronic service pursuant to Section 212.5.

32 (c)-(e) * * *

33
34 **§ 302.**

35 (a) * * *

36 (b) Unless their parental rights have been terminated, both parents shall be notified of all
37 proceedings involving the child. In any case where the social worker is required to provide a
38 parent or guardian with notice of a proceeding at which the social worker intends to present a
39 report, the social worker shall also provide both parents, whether custodial or noncustodial, or
40 any guardian, or the counsel for the parent or guardian, a copy of the report prior to the hearing,
41 either personally by personal service, or by first-class mail, or by electronic service pursuant to
42 Section 212.5. The social worker shall not charge any fee for providing a copy of a report

1 required by this subdivision. The social worker shall keep confidential the address of any parent
2 who is known to be the victim of domestic violence.

3 (c)-(d) * * *

4
5 **§ 316.1.**

6 (a)(1) * * *

7 (2) ~~Except as provided in subdivisions (b) and (c), in addition to providing his or her permanent~~
8 ~~mailing address, the court may, if the county, or city and county, and the court choose to permit~~
9 ~~service by electronic mail, permit any party who is entitled to notice of court proceedings, upon~~
10 ~~his or her consent to service by electronic mail by signing Judicial Council Form EFS-005, to~~
11 ~~voluntarily provide the court with a designated electronic mail address for the purpose of~~
12 ~~receiving notice by electronic mail. Upon his or her appearance before the court, each party who~~
13 ~~consents to electronic service pursuant to Section 212.5 by electronic mail shall designate for the~~
14 ~~court his or her electronic mail service address. The court shall advise each party that the~~
15 ~~electronic mail service address will be used by the court and the social services agency for~~
16 ~~purposes of providing notice pursuant to Sections 290.1, 290.2, 291, 292, 293, 294, 295, 297,~~
17 ~~and 342, unless and until the party notifies the court or the social services agency of a new~~
18 ~~electronic mail service address in writing or unless the party withdraws consent to electronic~~
19 ~~service.~~

20 (b) ~~Except as provided in subdivision (c), the court may permit a child who appears before the~~
21 ~~court and who is entitled to notice of court proceedings to voluntarily provide the court with a~~
22 ~~designated electronic mail address for the purpose of receiving notice by electronic mail only~~
23 ~~under the following circumstances:~~

24 (1) ~~If the child is 16 years of age or older, notice shall be served by first class mail, or if all of the~~
25 ~~following requirements are satisfied, by electronic mail:~~

26 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

27 (B) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
28 ~~005.~~

29 (C) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
30 ~~Judicial Council Form EFS-005.~~

31 (2) ~~If the child is 14 or 15 years of age, written notice may be served on the child by electronic~~
32 ~~mail as well as by regular mail if all of the following requirements are satisfied:~~

33 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

34 (B) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
35 ~~005.~~

36 (C) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
37 ~~Judicial Council Form EFS-005.~~

38 (c) ~~Notice of court proceedings by electronic mail is not permitted in any of the following~~
39 ~~circumstances:~~

40 (1) ~~For notice of any hearing at which the county welfare department is recommending~~
41 ~~termination of parental rights, in which case notice may only be served by electronic mail if~~
42 ~~supplemental and in addition to first class mail.~~

1 ~~(2) If the social worker or probation officer knows or has reason to know that an Indian child is~~
2 ~~involved, in which case notice shall be given in accordance with Section 224.2.~~
3 ~~(3) If the person entitled to notice is a child under 14 years of age.~~
4 ~~(d) The Judicial Council may develop a form for the designation of a permanent mailing address~~
5 ~~by parents and guardians for use by the courts and social services agencies.~~
6 ~~(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
7 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

8
9 **§ 342.**

10 In any case in which a minor has been found to be a person described by Section 300 and the
11 petitioner alleges new facts or circumstances, other than those under which the original petition
12 was sustained, sufficient to state that the minor is a person described in Section 300, the
13 petitioner shall file a subsequent petition. This section does not apply if the jurisdiction of the
14 juvenile court has been terminated prior to the new allegations.

15
16 Unless otherwise provided by law, aAll procedures and hearings required for an original petition
17 are applicable to a subsequent petition filed under this section.

18
19 **§ 362.4.**

20 When the juvenile court terminates its jurisdiction over a minor who has been adjudged a
21 dependent child of the juvenile court prior to the minor's attainment of the age of 18 years, and
22 proceedings for dissolution of marriage, for nullity of marriage, or for legal separation, of the
23 minor's parents, or proceedings to establish the paternity of the minor child brought under the
24 Uniform Parentage Act, Part 3 (commencing with Section 7600) of Division 12 of the Family
25 Code, are pending in the superior court of any county, or an order has been entered with regard
26 to the custody of that minor, the juvenile court on its own motion, may issue a protective order as
27 provided for in Section 213.5 or as defined in Section 6218 of the Family Code, and an order
28 determining the custody of, or visitation with, the child.

29
30 Any order issued pursuant to this section shall continue until modified or terminated by a
31 subsequent order of the superior court. The order of the juvenile court shall be filed in the
32 proceeding for nullity, dissolution, or legal separation, or in the proceeding to establish paternity,
33 at the time the juvenile court terminates its jurisdiction over the minor, and shall become a part
34 thereof.

35
36 If no action is filed or pending relating to the custody of the minor in the superior court of any
37 county, the juvenile court order may be used as the sole basis for opening a file in the superior
38 court of the county in which the parent, who has been given custody, resides. The court may
39 direct the parent or the clerk of the juvenile court to transmit the order to the clerk of the superior
40 court of the county in which the order is to be filed. The clerk of the superior court shall,
41 immediately upon receipt, open a file, without a filing fee, and assign a case number.
42

1 The clerk of the superior court shall, upon the filing of any juvenile court custody order, send a
2 copy of the order with the case number by first-class mail or by electronic means pursuant to
3 Section 212.5 ~~a copy of the order with the case number~~ to the juvenile court and to the parents at
4 the address listed on the order.

5
6 The Judicial Council shall adopt forms for any custody or restraining order issued under this
7 section. These form orders shall not be confidential.

8
9 **§ 364.05.**

10 Notwithstanding Section 364, in a county of the first class, a copy of the report required pursuant
11 to subdivision (b) of Section 364 shall be provided to all parties at least 10 calendar days prior to
12 the hearing. This may be accomplished by mailing or electronically serving pursuant to Section
13 212.5 the report at least 15 calendar days prior to the hearing to a party whose address is within
14 the State of California, or at least 20 calendar days prior to the hearing to a party whose address
15 is outside the State of California. The court shall grant a reasonable continuance, not to exceed
16 10 calendar days, upon request by any party or his or her counsel on the ground that the report
17 was not provided at least 10 calendar days prior to the hearing as required by this section, unless
18 the party or his or her counsel has expressly waived the requirement that the report be provided
19 within the 10-day period or the court finds that the party's ability to proceed at the hearing is not
20 prejudiced by the lack of timely service of the report. In making this determination, the court
21 shall presume that a party is prejudiced by the lack of timely service of the report, and may find
22 that the party is not prejudiced only by clear and convincing evidence to the contrary.

23
24 **§ 366.05.**

25 Notwithstanding subdivision (c) of Section 366.21, in a county of the first class, any
26 supplemental report filed in connection with a status review hearing held pursuant to
27 subdivision (a) of Section 366 shall be provided to the parent or legal guardian and to counsel
28 for the child at least 10 calendar days prior to the hearing. This may be accomplished by mailing
29 or electronically serving pursuant to Section 212.5 the report at least 15 calendar days prior to
30 the hearing to a party whose address is within the State of California, or at least 20 calendar days
31 prior to the hearing to a party whose address is outside the State of California. The court shall
32 grant a reasonable continuance, not to exceed 10 calendar days, upon request by any party or his
33 or her counsel on the ground that the report was not provided at least 10 calendar days prior to
34 the hearing as required by this section, unless the party or his or her counsel has expressly
35 waived the requirement that the report be provided within the 10-day period or the court finds
36 that the party's ability to proceed at the hearing is not prejudiced by the lack of timely service of
37 the report. In making this determination, the court shall presume that a party is prejudiced by the
38 lack of timely service of the report, and may find that the party is not prejudiced only by clear
39 and convincing evidence to the contrary.

40
41 **§ 366.21.**

42 (a)–(b) * * *

1 (c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental
2 report with the court regarding the services provided or offered to the parent or legal guardian to
3 enable him or her to assume custody and the efforts made to achieve legal permanence for the
4 child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships
5 between a child who is 10 years of age or older and has been in out-of-home placement for six
6 months or longer and individuals who are important to the child, consistent with the child's best
7 interests; the progress made; and, where relevant, the prognosis for return of the child to the
8 physical custody of his or her parent or legal guardian; and shall make his or her
9 recommendation for disposition. If the child is a member of a sibling group described in
10 subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, the report and
11 recommendation may also take into account those factors described in subdivision (e) relating to
12 the child's sibling group. If the recommendation is not to return the child to a parent or legal
13 guardian, the report shall specify why the return of the child would be detrimental to the child.
14 The social worker shall provide the parent or legal guardian, counsel for the child, and any court-
15 appointed child advocate with a copy of the report, including his or her recommendation for
16 disposition, at least 10 calendar days prior to the hearing. The report may be served
17 electronically pursuant to Section 212.5. In the case of a child removed from the physical
18 custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days
19 prior to the hearing, provide a summary of his or her recommendation for disposition to any
20 foster parents, relative caregivers, and certified foster parents who have been approved for
21 adoption by the State Department of Social Services when it is acting as an adoption agency or
22 by a county adoption agency, community care facility, or foster family agency having the
23 physical custody of the child. The social worker shall include a copy of the Judicial Council
24 Caregiver Information Form (JV-290) with the summary of recommendations to the child's
25 foster parents, relative caregivers, or foster parents approved for adoption, in the caregiver's
26 primary language when available, along with information on how to file the form with the court.
27 The summary of the recommendation may be served electronically pursuant to Section 212.5.

28 (d)-(l) * * *

29

30

31 **§ 366.26.**

32 (a)-(k) * * *

33 (l)(1)-(2) * * *

34 (3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the
35 following:

36 (A) A trial court, after issuance of an order directing a hearing pursuant to this section be held,
37 shall advise all parties of the requirement of filing a petition for extraordinary writ review as set
38 forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall
39 be made orally to a party if the party is present at the time of the making of the order. ~~or~~ If the
40 party is not present at the time of making the order, this notice shall be made by the clerk of the
41 court by first-class mail by the clerk of the court to the last known address of a party not present
42 at the time of making the order or by electronic service pursuant to Section 212.5. If the notice is

1 for a hearing at which the social worker will recommend the termination of parental rights,
2 service may be electronic service only in addition to service by first-class mail.

3 (B)–(D) * * *

4 (4) * * *

5 (5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this
6 section is issued on or after January 1, 1995.

7 (m)–(n) * * *

8
9 **§ 387.**

10 (a)–(c) * * *

11 (d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately
12 set the same for hearing within 30 days, and the social worker shall cause notice thereof to be
13 served upon the persons and in the manner prescribed by Sections 290.1 and 291, except that
14 service under this subdivision may be electronic service pursuant to Section 212.5.

15 (e) * * *

16
17 **§ 607.2.**

18 (a) On and after January 1, 2012, the court shall hold a hearing prior to terminating jurisdiction
19 over a ward who satisfies any of the following criteria:

20 (1)–(3) * * *

21 (4) Service of the notice of hearing may be electronic service pursuant to Section 212.5.

22 (b) At a hearing during which termination of jurisdiction over a ward described in subdivision (a)
23 is being considered, the court shall take one of the following actions:

24 (1) * * *

25 (2)(A) * * *

26 (B) The court shall set a hearing within 20 judicial days of the date of the order described in
27 subparagraph (A) to review the child welfare services department’s decision and may either
28 affirm its decision not to file a petition pursuant to Section 300 or order the child welfare
29 services department to file a petition pursuant to Section 300. Service of the notice of hearing
30 may be electronic service pursuant to Section 212.5.

31 (3)–(6) * * *

32 (c)–(d) * * *

33
34 **§ 630.**

35 (a) If the probation officer determines that the minor shall be retained in custody, he shall
36 immediately proceed in accordance with Article 16 (commencing with Section 650) to cause the
37 filing of a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the
38 matter for hearing on the detention calendar. Immediately upon filing the petition with the clerk
39 of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the
40 probation officer or the prosecuting attorney, as the case may be, shall serve such minor with a
41 copy of the petition and notify him of the time and place of the detention hearing. The probation
42 officer, or the prosecuting attorney, as the case may be, shall thereupon notify each parent or

1 each guardian of the minor of the time and place of such hearing if the whereabouts of each
2 parent or guardian can be ascertained by due diligence. Such notice may be given orally. Service
3 under this subdivision shall not be made electronically.

4 (b) * * *

5
6 **§ 658.**

7 (a) Except as provided in subdivision (b), upon the filing of the petition, the clerk of the juvenile
8 court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall
9 cause the same to be served upon the minor, if the minor is eight or more years of age, and upon
10 each of the persons described in subdivision (e) of Section 656 whose residence addresses are set
11 forth in the petition and thereafter before the hearing upon all persons whose residence addresses
12 become known to the clerk. If the court has ordered the care, custody, and control of the minor to
13 be under the supervision of the probation officer for foster care placement pursuant to
14 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster
15 parents, preadoptive parents, legal guardians or relatives providing care to the minor. The clerk
16 shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district
17 attorney has notified the clerk of the court that he or she wishes to receive the petition,
18 containing the time, date, and place of the hearing. Service under this subdivision may be
19 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the
20 minor is detained and those persons entitled to notice are not present at the initial detention
21 hearing.

22 (b) Upon the filing of a supplemental petition where the minor has been declared a ward of the
23 court or a probationer under Section 602 in the original matter, the clerk of the juvenile court
24 shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause
25 the notice to be served upon the minor, if the minor is eight or more years of age, and upon each
26 of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth
27 in the supplemental petition and thereafter known to the clerk. The clerk shall issue a copy of the
28 supplemental petition to the minor's attorney, and to the district attorney if the probation officer
29 is the petitioner, or, to the probation officer if the district attorney is the petitioner, containing the
30 time, date, and place of the hearing. If the court has ordered the care, custody, and control of the
31 minor to be under the supervision of the probation officer for foster care placement pursuant to
32 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster
33 parents, preadoptive parents, legal guardians, or relatives providing care to the minor. Service
34 under this subdivision may be electronic service pursuant to Section 212.5.

35
36 **§ 660.**

37 (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court
38 shall cause the notice and copy of the petition to be served on all persons required to receive that
39 notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either
40 personally or by certified mail with request for return receipt, as soon as possible after filing of
41 the petition and at least five days prior to the time set for hearing, unless the hearing is set less
42 than five days from the filing of the petition, in which case, the notice and copy of the petition

1 shall be served at least 24 hours prior to the time set for hearing. Service under this subdivision
2 shall not be made electronically.

3 (b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of
4 Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court
5 shall cause the notice and copy of the petition to be served on all persons required to receive the
6 notice and copy of the petition, ~~either personally by personal service, or~~ by first-class mail, or by
7 electronic service pursuant to Section 212.5, as soon as possible after the filing of the petition
8 and at least five days prior to the time set for hearing, unless the hearing is set less than five days
9 from the filing of the petition, in which case the notice and copy of the petition shall be served at
10 least 24 hours prior to the time set for the hearing. Service under this subdivision may be
11 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the
12 minor is detained and those persons entitled to notice are not present at the detention hearing.

13 (c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of
14 the petition to be served on all persons required to receive the notice and copy of the petition,
15 ~~either personally by personal service, or~~ by first-class mail, or by electronic service pursuant to
16 Section 212.5, at least 10 days prior to the time set for hearing. If that person is known to reside
17 outside of the county, the clerk of the juvenile court shall ~~mail-serve~~ the notice and copy of the
18 petition, by first-class mail or by electronic service pursuant to Section 212.5, to that person, as
19 soon as possible after the filing of the petition and at least 10 days before the time set for hearing.
20 Failure to respond to the notice shall in no way result in arrest or detention. In the instance of
21 failure to appear after notice by first-class mail or electronic service pursuant to Section 212.5,
22 the court shall direct that the notice and copy of the petition is to be personally served on all
23 persons required to receive the notice and a copy of the petition. However, if the whereabouts of
24 the minor are unknown, personal service of the notice and a copy of the petition is not required
25 and a warrant for the arrest of the minor may be issued pursuant to Section 663. Personal service
26 of the notice and copy of the petition outside of the county at least 10 days before the time set for
27 hearing is equivalent to service by first-class mail or electronic service. Service may be waived
28 by any person by a voluntary appearance entered in the minutes of the court or by a written
29 waiver of service filed with the clerk of the court at or prior to the hearing.

30 (d) * * *

31
32 **§ 661.**

33 In addition to the notice provided in Sections 658 and 659, the juvenile court may issue its
34 citation directing any parent, guardian, or foster parent of the person concerning whom a petition
35 has been filed to appear at the time and place set for any hearing or financial evaluation under the
36 provisions of this chapter, including a hearing under the provisions of Section 257, and directing
37 any person having custody or control of the minor concerning whom the petition has been filed
38 to bring the minor with him or her. The notice shall in addition state that a parent, guardian, or
39 foster parent may be required to participate in a counseling or education program with the minor
40 concerning whom the petition has been filed. If the proceeding is one alleging that the minor
41 comes within the provisions of Section 601, the notice shall in addition contain notice to the
42 parent, guardian, or other person having control or charge of the minor that failure to comply
43 with the compulsory school attendance laws is an infraction, which may be charged and

1 prosecuted before the juvenile court judge sitting as a superior court judge. In those cases, the
2 notice shall also include notice that the parent, guardian, or other person having control or charge
3 of the minor has the right to a hearing on the infraction before a judge different than the judge
4 who has heard or is to hear the proceeding pursuant to Section 601. The notice shall explain the
5 provisions of Section 170.6 of the Code of Civil Procedure. Personal service of the citation shall
6 be made at least 24 hours before the time stated therein for the appearance. Service under this
7 section may be electronic service pursuant to Section 212.5 only in addition to other forms of
8 service required by law.

9
10 **§ 727.4.**

11 (a)(1) Notice of any hearing pursuant to Section 727, 727.2, or 727.3 shall be ~~mailed~~ served by
12 the probation officer to the minor, the minor's parent or guardian, any adult provider of care to
13 the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents,
14 community care facility, or foster family agency, and to the counsel of record if the counsel of
15 record was not present at the time that the hearing was set by the court, by first-class
16 mail addressed to the last known address of the person to be notified, ~~or shall be personally~~
17 ~~served~~ by personal service on those persons, or by electronic service pursuant to Section 212.5,
18 not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall
19 contain a statement regarding the nature of the status review or permanency planning hearing and
20 any change in the custody or status of the minor being recommended by the probation
21 department. The notice shall also include a statement informing the foster parents, relative
22 caregivers, or preadoptive parents that he or she may attend all hearings or may submit any
23 information he or she deems relevant to the court in writing. The foster parents, relative
24 caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not
25 be made parties to the proceedings. Proof of notice shall be filed with the court.

26 (2) * * *

27 (b)-(d) * * *

28
29 **§ 777.**

30 An order changing or modifying a previous order by removing a minor from the physical
31 custody of a parent, guardian, relative, or friend and directing placement in a foster home, or
32 commitment to a private institution or commitment to a county institution, or an order changing
33 or modifying a previous order by directing commitment to the Youth Authority shall be made
34 only after a noticed hearing.

35 (a) * * *

36 (b) Upon the filing of such notice, the clerk of the juvenile court shall immediately set the same
37 for hearing within 30 days, and the probation officer shall cause notice of it to be served upon the
38 persons and in the manner prescribed by Sections 658 and 660. Service under this subdivision
39 may be electronic service pursuant to Section 212.5.

40 (c) * * *

41 (d) An order for the detention of the minor pending adjudication of the alleged violation may be
42 made only after a hearing is conducted pursuant to Article 15 (commencing with Section 625) of

1 this chapter. Service under this subdivision may be electronic service pursuant to Section 212.5
2 only in addition to other forms of service required by law.

3
4 **§ 778.**

5 (a)(1) * * *

6 (2) If it appears that the best interests of the child may be promoted by the proposed change of
7 order or termination of jurisdiction, the court shall order that a hearing be held and shall give
8 prior notice, or cause prior notice to be given, to such persons and by such means as prescribed
9 by Sections 776 and 779, by electronic service pursuant to Section 212.5, and, in such instances
10 as the means of giving notice is not prescribed by such sections, then by such means as the court
11 prescribes.

12 (b)(1)–(4) * * *

13
14 **§ 779.**

15 The court committing a ward to the Youth Authority may thereafter change, modify, or set aside
16 the order of commitment. Ten days' notice of the hearing of the application therefor shall be
17 served ~~by United States mail~~ upon the Director of the Youth Authority. In changing, modifying,
18 or setting aside the order of commitment, the court shall give due consideration to the effect
19 thereof upon the discipline and parole system of the Youth Authority or of the correctional
20 school in which the ward may have been placed by the Youth Authority. Except as provided in
21 this section, nothing in this chapter shall be deemed to interfere with the system of parole and
22 discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole
23 and discharge of wards of the juvenile court committed to the Youth Authority, or with the
24 management of any school, institution, or facility under the jurisdiction of the Youth Authority.
25 Except as provided in this section, this chapter does not interfere with the system of transfer
26 between institutions and facilities under the jurisdiction of the Youth Authority. This section
27 does not limit the authority of the court to change, modify, or set aside an order of commitment
28 after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to,
29 or failing to, provide treatment consistent with Section 734.

30
31 However, before any inmate of a correctional school may be transferred to a state hospital, he or
32 she shall first be returned to a court of competent jurisdiction and, after hearing, may be
33 committed to a state hospital for the insane in accordance with law.

34
35 **§ 785.**

36 (a) Where a minor is a ward of the juvenile court, the wardship did not result in the minor's
37 commitment to the Youth Authority, and the minor is found not to be a fit and proper subject to
38 be dealt with under the juvenile court law with respect to a subsequent allegation of criminal
39 conduct, any parent or other person having an interest in the minor, or the minor, through a
40 properly appointed guardian, the prosecuting attorney, or probation officer, may petition the
41 court in the same action in which the minor was found to be a ward of the juvenile court for a
42 hearing for an order to terminate or modify the jurisdiction of the juvenile court. The court shall
43 order that a hearing be held and shall give prior notice, or cause prior notice to be given, to those

1 persons and by the means prescribed by Sections 776 and 779, by electronic service pursuant to
2 Section 212.5, or where the means of giving notice is not prescribed by those sections, then by
3 such means as the court prescribes.

4 (b)–(d) * * *

5
6 **§ 903.45.**

7 (a) * * *

8 (b) In a county where a board of supervisors has designated a county financial evaluation officer,
9 the juvenile court shall, at the close of the disposition hearing, order any person liable for the
10 cost of support, pursuant to Section 903, the cost of legal services as provided for in Section
11 903.1, probation costs as provided for in Section 903.2, or any other reimbursable costs allowed
12 under this code, to appear before the county financial evaluation officer for a financial evaluation
13 of his or her ability to pay those costs. If the responsible person is not present at the disposition
14 hearing, the court shall cite him or her to appear for a financial evaluation. In the case of a
15 parent, guardian, or other person assessed for the costs of transport, food, shelter, or care of a
16 minor under Section 207.2 or 903.25, the juvenile court shall, upon request of the county
17 probation department, order the appearance of the parent, guardian, or other person before the
18 county financial evaluation officer for a financial evaluation of his or her ability to pay the costs
19 assessed.

20
21 If the county financial evaluation officer determines that a person so responsible has the ability
22 to pay all or part of the costs, the county financial evaluation officer shall petition the court for
23 an order requiring the person to pay that sum to the county or court, depending on which entity
24 incurred the expense. If the parent or guardian is liable for costs for legal services pursuant to
25 Section 903.1, the parent or guardian has been reunified with the child pursuant to a court order,
26 and the county financial evaluation officer determines that repayment of the costs would harm
27 the ability of the parent or guardian to support the child, then the county financial evaluation
28 officer shall not petition the court for an order of repayment, and the court shall not make that
29 order. In addition, if the parent or guardian is currently receiving reunification services, and the
30 court finds, or the county financial officer determines, that repayment by the parent or guardian
31 will pose a barrier to reunification with the child because it will limit the ability of the parent or
32 guardian to comply with the requirements of the reunification plan or compromise the parent's or
33 guardian's current or future ability to meet the financial needs of the child, or in any case in
34 which the court finds that the repayment would be unjust under the circumstances of the case,
35 then the county financial evaluation officer shall not petition the court for an order of repayment,
36 and the court shall not order repayment by the parent or guardian. In evaluating a person's ability
37 to pay under this section, the county financial evaluation officer and the court shall take into
38 consideration the family's income, the necessary obligations of the family, and the number of
39 persons dependent upon this income. A person appearing for a financial evaluation has the right
40 to dispute the county financial evaluation officer's determination, in which case he or she is
41 entitled to a hearing before the juvenile court. The county financial evaluation officer, at the time
42 of the financial evaluation, shall advise the person of his or her right to a hearing and of his or
43 her rights pursuant to subdivision (c).

1
2 At the hearing, a person responsible for costs is entitled to have, but shall not be limited to, the
3 opportunity to be heard in person, to present witnesses and other documentary evidence, to
4 confront and cross-examine adverse witnesses, to disclosure of the evidence against him or her,
5 and to receive a written statement of the findings of the court. The person has the right to be
6 represented by counsel, and, if the person is unable to afford counsel, the right to appointed
7 counsel. If the court determines that the person has the ability to pay all or part of the costs,
8 including the costs of any counsel appointed to represent the person at the hearing, the court shall
9 set the amount to be reimbursed and order him or her to pay that sum to the county or court,
10 depending on which entity incurred the expense, in a manner in which the court believes
11 reasonable and compatible with the person's financial ability.

12
13 If the person, after having been ordered to appear before the county financial evaluation officer,
14 has been given proper notice and fails to appear as ordered, the county financial evaluation
15 officer shall recommend to the court that the person be ordered to pay the full amount of the
16 costs. Proper notice to the person shall contain all of the following:

17 (1)–(3) * * *

18 (4) A warning that if the person fails to appear before the county financial evaluation officer, the
19 officer will recommend that the court order the person to pay the costs in full.

20
21 If the county financial evaluation officer determines that the person has the ability to pay all or a
22 portion of these costs, with or without terms, and the person concurs in this determination and
23 agrees to the terms of payment, the county financial evaluation officer, upon his or her written
24 evaluation and the person's written agreement, shall petition the court for an order requiring the
25 person to pay that sum to the county or the court in a manner that is reasonable and compatible
26 with the person's financial ability. This order may be granted without further notice to the
27 person, provided a copy of the order is served on the person by mail or by electronic means
28 pursuant to section 212.5.

29
30 However, if the county financial evaluation officer cannot reach an agreement with the person
31 with respect to either the liability for the costs, the amount of the costs, the person's ability to
32 pay the costs, or the terms of payment, the matter shall be deemed in dispute and referred by the
33 county financial evaluation officer back to the court for a hearing.

34 (c)–(d) * * *

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Juvenile Law: Electronic Filing and Service in Juvenile Proceedings (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code)

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| | Commentator | Position | Comment | Committee Response |
|----|--|-----------------|---|---|
| 1. | Office of County Counsel, County of Los Angeles By Alyssa Skolnick, Principal Deputy County Counsel | AM | <i>Instead of limiting the security to encryption, we think the proposed legislation should state that the email shall be encrypted or made available to the recipient(s) via access to a secure web site maintained by each county.</i> | The Committees appreciate this comment and note that the proposed legislation seeks to preserve the confidentiality of documents regardless of the medium in which they are communicated. The legislation is not intended to be prescriptive with regard to the type of communication technology employed by courts. The proposal authorizes the use of electronic service in the juvenile context and ensures that to the extent electronic service is used, it must use encryption to ensure the security of communications. By definition, electronic service already contemplates the possibility of either an email or electronic posting of documents. California Code of Civil Procedure currently defines electronic service as “service of a document ... by either electronic transmission or electronic notification.” (§ 1010.6(a)(1)(A).) Regardless of the method selected, encryption must be used to protect the information. |
| 2. | Orange County Bar Association By Todd G. Friedland, President | N | <i>In 2015 our Legislature passed AB 879 and thereby empowered parties to juvenile court proceedings with the option of accepting electronic service. AB 879 was authored by Assemblywoman Autumn Burke (D/62nd) and coauthored by Senators Joel Anderson (R/38th) and Robert Hertzberg (D/18th). The Senate approved AB 879 on a 40-to-0 vote. The Assembly did likewise with a 79-to-0 vote. The Governor signed AB 879 on 8/17/15 and it went into effect on 1/1/2016. Now barely four</i> | The Committees appreciate these comments and agree that the approach set forth in AB 879 (authorizing optional e-mail notice of specified juvenile dependency hearings) is appropriate to authorize the use of electronic communications in juvenile court. Far from revisiting the underlying proposition of AB 879, this legislative proposal seeks to expand the approach of that bill into juvenile delinquency matters and to other notice and service provisions contained in Welfare & Institutions Code. This proposal is part of a larger |

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| | | | <i>months later the suggestion is to revisit AB 879. Give AB 879 a chance to succeed. The Judicial Counsel’s proposal should be opposed.</i> | group of legislative proposals that would authorize electronic service in juvenile, criminal and probate law. In addition, this proposal seeks to explicitly authorize the use of electronic filing in juvenile matters. |
| 3. | Superior Court of California, County of Los Angeles | A | <p><i>If the court chooses to permit electronic service, our case management system (CMS) would need the ability to perform the following functions:</i></p> <ol style="list-style-type: none"> <i>1. Send encrypted notices to parties and other persons who may consent to e-mail notice of specified dependency hearings via e-mail;</i> <i>2. Provide electronic service of court’s order if there is a juvenile court custody order filed upon the juvenile court’s termination of jurisdiction over said minor;</i> <i>3. Provide electronic service of notice of appellate advisements; and</i> <i>4. Provide electronic service of the written findings and court orders when a referee hears a juvenile case.</i> | No response required. The Committees appreciate the planning work involved in incorporating additional e-business options into juvenile court processes. |
| 4. | Superior Court of California, County of Orange By Michelle Wang Program Coordinator Specialist Lamoreaux Justice Center—Family & | NI | <p><i>Question: Is the consent form utilized once and applies indefinitely until the withdrawal of consent is filed? Or is it per case?</i></p> <p><i>We recommend proposing an optional Judicial</i></p> | In accordance with the recently enacted AB 879 (Chapter 219, Statutes of 2015), on July 1, 2016, a new form, titled <i>E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)</i> (EFS-005-JV) was |

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|--|-------------------|----------|--|---|
| | Juvenile Division | | <p><i>Council form that parties may use as a consent form.</i></p> <p><i>This proposal should limit consent forms to electronic service to parties and attorneys to ensure nobody that is not a party to the case receives information on the minor's hearing(s). This legislation should also provide guidelines and specificity on encryption so all the courts can be uniformed on encryption.</i></p> <p>Is the provision requiring the use of encryption to preserve the confidentiality of electronic documents sufficient to ensure that juvenile records will be protected?</p> <p><i>Yes, however, either the courts need to implement specific rules on how the process of encryption will be handled or we recommend JCC supply us with a uniformed</i></p> | <p>adopted as a mandatory form for courts. When courts and county agencies agree to allow e-mail notice of specified juvenile dependency hearings, parties and other persons entitled to notice may use this form to notify the court of their consent to receive e-mail notifications. They may also use the form to change their e-mail address with the court and to withdraw consent for e-mail notices at any time.</p> <p>The Committees appreciate the concern for possible disclosure of confidential information regarding juveniles. However, Welfare & Institutions Code notice provisions (§§ 290.1-295) provide that various persons who are not parties to a dependency hearing are nevertheless entitled to notice of these hearings. These include non-custodial adult relatives and siblings, among others. The EFS-005-JV does require those consenting to e-mail notice of hearing to indicate the basis for their right to notice.</p> <p>The Committees considered whether statute was the proper venue for setting forth encryption standards and specifications. After much deliberation, it was decided that the term "encryption" was sufficiently broad to cover the wide range of technologies available for information security and would be the most appropriate term to include in the Welfare & Institutions Code. Specific standards for</p> |

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| | Commentator | Position | Comment | Committee Response |
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| | | | <i>guideline/process on how to encrypt documents.</i> | encryption technology are more appropriate for a Rule of Court, and possibly for inclusion in the Judicial Council’s Trial Court Records Manual. |
| 5. | Superior Court of California, County of San Diego By Mike Roddy, Executive Officer | AM | <p>Does the proposal appropriately address the stated purpose? <i>Yes.</i></p> <p>Are there other sections in the Welfare and Institutions Code that will require amendment in order to facilitate electronic filing or service in juvenile proceedings? <i>-- § 388 (Amendment considered? See WIC § 778).</i> <i>-- § 391(e) hearing to terminate jurisdiction over nonminor? CRC 5.555(c)(4) (service of PO’s or SW’s report).</i></p> | <p>No response required.</p> <p>The Committees appreciate the suggestion to include these hearings and have addressed notice in these contexts as follows:</p> <p>Section 388: Section 297(c) states: “If a petition for modification has been filed pursuant to Section 388, and it appears that the best interest of the child may be promoted by the proposed change of the order, the recognition of a sibling relationship, or the termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the social worker or probation officer and to the child's attorney of record, or if there is no attorney of record for the child, to the child, and his or her parent or parents or legal guardian or guardians in the manner prescribed by Section 291 unless a different manner is prescribed by the court.” (Subd. (c), Welf. & Inst. Code § 297.)</p> |

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| | | | <p>Is the prohibition on electronic service of psychological and medical evaluations sufficient to protect these documents from unwarranted disclosure? Are there other documents that should be included? <i>Yes, drug test results and HIV test results.</i></p> | <p>The current legislative proposal would amend Section 291 to include electronic notice and would therefore apply to hearings convened pursuant to section 388.</p> <p>Section 391(e): Section 295 states that it applies to notice of “termination of jurisdiction hearings held pursuant to Section 391.” (Welf. & Inst. Code § 295.) The current legislative proposal would amend section 295 to include electronic notice and would therefore apply to hearings convened pursuant to section 388.</p> <p>The Committees appreciate this feedback and have discussed this issue at length. The principal concern of the Family and Juvenile Law Committee is that psychological and medical documentation transmitted electronically will be more easily retransmitted or possibly posted on the Internet in violation of confidentiality rules. Therefore, the Committees propose to amend the language of new Section 212.5 to include all medical and psychological <i>documentation</i> (including test results) and would limit electronic transmission as follows: <u>(d) Electronic service is not permitted on any party or person who is under the age of 16</u></p> |

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|--|-------------|----------|--|--|
| | | | <p>Is it appropriate to limit electronic service to adults and minors who are at least 16 years old?</p> <p><i>Not certain if 16 is an appropriate cut-off age. Many middle school-age children use e-mail. Would 12 years of age be acceptable? (See, e.g., WIC § 366.26(c)(1)(B)(ii) [court shall not terminate parental rights if child 12 or older objects].)</i></p> <p>Would the proposal provide cost savings? If so please quantify.</p> | <p><u>years old.</u></p> <p><u>(e) If the party or other person to be served is a minor, age 16 or above:</u></p> <p><u>(1) Electronic service shall be permitted only upon consent by the minor and by the minor’s attorney.</u></p> <p><u>(2) Electronic service is not permitted of psychological or medical documentation related to a minor.</u></p> <p>The Committees appreciate this feedback but believe that 16 is an appropriate minimum age for the receipt of electronic service.</p> <p>No response required.</p> |

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| | | | <p><i>Savings would be realized in postage, paper, copying, and the labor involved with non-electronic forms of service.</i></p> <p>What would the implementation requirements be for courts—for example, training staff, revising processes and procedures, changing docket codes in case management systems, or modifying case management systems?</p> <p><i>All of the above examples would be required. Not certain whether courts have the capacity to safeguard against hacking into their systems for the purpose of obtaining protected information.</i></p> <p>How well would this proposal work in courts of different sizes?</p> <p><i>Probably easier and less expensive to implement in smaller courts.</i></p> <p>Suggested Drafting Changes:</p> <p>1. WIC § 290.2 Par. (2) of subd. (c) inadvertently omitted?</p> | <p>No response required.</p> <p>No response required.</p> <p>The Committees appreciate this detailed feedback and respond as follows:</p> <p>1. WIC § 290.2 This was a drafting error that has been corrected.</p> |

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Juvenile Law: Electronic Filing and Service in Juvenile Proceedings (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code)

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| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|---|
| | | | <p>2. WIC § 292(e) Suggest changing line 2 as follows so that “addressed to the last known address ...” applies to both types of mail service (first-class and certified):</p> <p>(e) Service of the notice shall be by personal service, by first-class mail, or <u>or by</u> certified mail, return receipt requested, addressed to the last known address of the person to be noticed, or by...</p> <p>3. WIC § 293(e) Suggest changing line 36 to delete “on the person” (redundant):</p> <p>... by personal service on the person, or by electronic service pursuant to ...”</p> <p>4. WIC § 293(e) Why is the second sentence necessary? The first sentence already provides for service of the notice. Isn’t service “of a copy of the</p> | <p>2. WIC § 292(e) The Committees agree that the commas and modifying clauses in this sentence could introduce confusion. However, eliminating the comma between “first class mail” and “certified mail” might lead readers to attach the modifier “return receipt requested” to both mail options instead of only certified mail. The Committees propose an alternative solution:</p> <p>“Service of the notice shall be by personal service, by mail (first class mail or certified mail with return receipt requested) addressed to the last known address of the person to be noticed, or by ...”</p> <p>3. WIC § 293(e) The Committees agree that this language appears redundant and propose to delete the words “on the person.”</p> <p>4. WIC § 293(e) The Committees agree that these two sentences are duplicative and propose to delete the second sentence of the subdivision</p> |

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|--|-------------|----------|---|--|
| | | | <p>notice” duplicative? Throughout the statute, references are made to “the notice”; except for subdivision (e), there are no references to “a copy of the notice.”</p> <p>5. WIC § 294(f)(6) If amended as proposed, suggest changing the second sentence to:</p> <p><u>If, in the case of an Indian child, the recommendation of the probation officer or social worker is tribal customary adoption,</u> service may be made by first-class mail to the parent’s usual place of residence or business.</p> <p>6. WIC § 294(h)(1) Delete space between (h) and (1).</p> <p>7. WIC § 607.2(a)(4) Insert period at end of sentence.</p> <p>8. WIC § 607.2(b)(2)(B) Insert period at end of second sentence.</p> | <p>related to service of a copy of the notice.</p> <p>5. WIC § 294(f)(6) The Committees appreciate the need to improve this wording and propose the following: “In the case of an Indian child, if the recommendation of the probation officer or social worker is tribal customary adoption, service may be made ...”</p> <p>6. WIC § 294(h)(1) This was a drafting error that has been corrected.</p> <p>7. WIC § 607.2(a)(4) This was a drafting error that has been corrected.</p> <p>8. WIC § 607.2(b)(2)(B) This was a drafting error that has been corrected.</p> |

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| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|--|---|
| | | | <p>9. WIC § 660(c) P. 24, line 3 – Insert “pursuant to Section 212.5” after “or electronic service”</p> <p>10. WIC § 661 P. 24, line 27 – Insert “pursuant to Section 212.5” after “electronic service”</p> <p>11. WIC § 777(d) P. 25, line 22 – Insert “pursuant to Section 212.5” after “electronic service”</p> <p>Our juvenile court has in the past stated unequivocally that we do not have the technical capability to serve or be served electronically in any context other than appeals. The provision in the proposed new WIC 212.5 that the court must consent to electronic service is crucial. Failure to have this language included could be an issue for our court. Also, every document in a juvenile case is confidential. We have always been instructed not to send anything that contains information about a juvenile case to anyone who is not on the Outlook system because electronic transmission is not secure. The provision that all documents transmitted electronically must be encrypted is also crucial. Some in our</p> | <p>9. WIC § 660(c) The Committees agree that this change will serve to clarify the provision.</p> <p>10. WIC § 661 The Committees agree that this change will serve to clarify the provision.</p> <p>11. WIC § 777(d) The Committees agree that this change will serve to clarify the provision.</p> <p>The Committees appreciate these comments and agree that the following are critical underpinnings of the statutory amendments: – Electronic service for juvenile matters is authorized only upon consent by the court and the county – Documents in juvenile matters are confidential and it is the responsibility of each entity that handles juvenile court records to ensure that confidentiality is preserved, regardless of the medium of communication. – “Encryption” describes a wide range of technologies and is sufficiently broad a term to account for the variety and rapid evolution of internet security technology. The use of the term “encryption” is appropriate for statutory language; California Rules of Court and other</p> |

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Juvenile Law: Electronic Filing and Service in Juvenile Proceedings (Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code)

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

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| | | | court believe the language in subdivision (h) may not be strong enough. | regulatory documents, such as the Trial Court Records Manual will set forth standards for encryption technology used by the courts. |