



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-164

For business meeting on September 20, 2022

Title

Juvenile Law: Short-Term Residential
Therapeutic Program Placement

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 5.618,
5.697, and 5.903; adopt form JV-240;
approve form JV-459(A); revise forms
JV-235, JV-236, JV-237, JV-238, JV-239,
JV-320, JV-410, JV-421, JV-430, JV-432,
JV-433, JV-435, JV-437, JV-438, JV-440,
JV-442, JV-443, JV-445, JV-446, JV-455,
JV-457, JV-461(A), JV-462, JV-642,
JV-667, JV-672, JV-674, and JV-678

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulsey, Cochair

Hon. Amy M. Pellman, Cochair

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Date of Report

September 3, 2022

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Executive Summary

The Family and Juvenile Law Advisory Committee proposes amending three rules and adopting, approving, and revising 30 Judicial Council forms, effective January 1, 2023, to finalize the implementation of Assembly Bill 153. AB 153 implements part IV of the federal Family First Prevention Services Act of 2018, which requires participating states to create a process of judicial review for each placement of a foster youth in a congregate care placement. This is the second time the proposal circulated for public comment. The proposal initially circulated in spring 2021, before AB 153 was signed into law. Additional requirements created by AB 153 for

status review hearings and not addressed in the previous proposal are incorporated into this proposal.

Recommendation

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

1. Amend rule 5.618 of the California Rules of Court to improve the efficiency and fairness of the procedure for juvenile courts to approve or disapprove a placement in a short-term residential therapeutic program or community treatment facility;
2. Amend rule 5.697 of the California Rules of Court regarding the disposition hearing for a nonminor to conform the rule to requirements related to Assembly Bill 153;
3. Amend rule 5.903 of the California Rules of Court regarding the nonminor dependent status review hearing to conform the rule to requirements related to AB 153 and eliminate statutory redundancy;
4. Adopt a new Judicial Council form, *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240), to provide notice to parties of a request to review a short-term residential therapeutic program placement or community treatment facility without a hearing;
5. Approve a new Judicial Council form, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) to address new required findings created by AB 153; and
6. Revise 28 Judicial Council forms to conform them to requirements related to AB 153 and the court's review of a placement in a short-term residential therapeutic program or community treatment facility and to make other revisions to improve consistency and accuracy:
 - *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-235)
 - *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236)
 - *Proof of Service—Short-Term Residential Therapeutic Program or Community Treatment Facility Placement* (form JV-237)
 - *Notice of Hearing on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-238)
 - *Order on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-239)
 - *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320)
 - *Findings and Orders After Detention Hearing* (form JV-410)

- *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421)
- *Findings and Orders After Six-Month Status Review Hearing* (form JV-430)
- *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432)
- *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433)
- *Findings and Orders After 12-Month Permanency Hearing* (form JV-435)
- *Twelve-Month Permanency Attachment: Reunification Services Continued* (form JV-437)
- *Twelve-Month Permanency Attachment: Reunification Services Terminated* (form JV-438)
- *Findings and Orders After 18-Month Permanency Hearing* (form JV-440)
- *Eighteen-Month Permanency Attachment: Reunification Services Terminated* (form JV-442)
- *Eighteen-Month Permanency Attachment: Reunification Services Continued* (form JV-443)
- *Findings and Orders After Postpermanency Hearing—Parental Rights Terminated; Permanent Plan of Adoption* (form JV-445)
- *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (form JV-446)
- *Findings and Orders After 24-Month Permanency Hearing* (form JV-455)
- *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated* (form JV-457)
- *Dispositional Attachment: Nonminor Dependent* (form JV-461(A))
- *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462)
- *Initial Appearance Hearing—Juvenile Delinquency* (form JV-642)
- *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667)
- *Findings and Orders After Six-Month Prepermanency Hearing—Delinquency* (form JV-672)
- *Findings and Orders After Permanency Hearing—Delinquency* (form JV-674)
- *Findings and Orders After Postpermanency Hearing—Delinquency* (form JV-678)

The proposed new and amended rules and new and revised forms are attached at pages 20–149.

Relevant Previous Council Action

At its meeting on October 1, 2021, the Judicial Council approved a proposal implementing Assembly Bill 153 (Committee on Budget; Stats. 2021, ch. 86), with the understanding that the Family and Juvenile Law Advisory Committee would circulate the proposal in 2022. The 2021 proposal circulated for comment based on trailer bill language that had not been finalized, to ensure that rules and forms related to Assembly Bill 153 would be in place on the effective date of October 1, 2021.

Analysis/Rationale

In 2018, the federal Family First Prevention Services Act (FFPSA) was signed into law.¹ Part IV of the legislation addresses steps that participating states must take to safely reduce the inappropriate use of congregate care for children. The federal legislation requires that, for congregate care placements to be eligible for federal title IV-E funding, each placement of a foster youth in a congregate care setting must be reviewed and approved by a “family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently.”² The act requires that participating states must implement its provisions no later than October 1, 2021.

California, which relies on federal funding to fund its short-term residential therapeutic program (STRTP) placements, elected to implement the requirements of part IV of the FFPSA to ensure that these placements remain eligible for federal funding. To meet the deadline of October 1, 2021, the California Department of Finance, in early 2021, introduced budget trailer bill language that would implement part IV of the FFPSA and thus bring California into compliance with the federal requirements. The trailer bill language was amended into Assembly Bill 153,³ which was signed into law on July 16, 2021. The requirements created by AB 153 are the subject of this proposal.

In the 2021 spring rules cycle, the Family and Juvenile Law Advisory Committee took the unusual step of circulating for comment the initial version of this proposal, which was based on the trailer bill language. This action was taken to ensure that juvenile courts would not be forced to implement impactful legislation effective October 1, 2021, without rules and forms in place. The committee was aware that the trailer bill language required the Judicial Council to adopt rules of court and develop or revise forms for the implementation of several of its provisions, and that courts would be faced with a brand-new process for STRTP placements starting on October 1, 2021. AB 153 was signed into law in July of 2021, after the 2021 spring rules cycle comment period and with significant changes that had not been circulated for comment.

This proposal would conform the rules and forms to additional new requirements that were created by AB 153 and not addressed when the proposal was circulated in the 2021 rules cycle. In addition, proposed changes to the process for reviewing STRTP placements would improve efficiency and promote compliance with the requirements of AB 153 and federal legislation. As noted above, the final version of the proposal was not circulated for public comment and is therefore being circulated in this cycle to meet the requirement that each proposal circulate for public comment.

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

² *Id.* at p. 259.

³ The bill is accessible at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB153.

Rules of court

The committee recommends that the Judicial Council revise rule 5.618 to improve efficiency, accuracy, and fairness of the judicial review of STRTP placements, and to ensure compliance with the requirements of AB 153 and federal legislation.

In addition, small revisions are recommended to rules 5.697 and 5.903, also related to the implementation of AB 153.

Rule 5.618

Rule 5.618 sets a procedural framework for the court's review of a STRTP placement. The committee proposes the following revisions to the rule.

Notice to parties. The list of individuals required to receive notice of the request for a hearing and for the hearing has been updated to include a nonminor dependent's guardian ad litem, the county counsel, the district attorney, the social worker or probation officer, and a nonminor dependent's legal guardian if they are receiving reunification services. In addition, a child's Child Abuse Prevention and Treatment Act (CAPTA) guardian ad litem has been added to the list for those situations described in rule 5.662 in which an attorney is not appointed for a child. A technical change was made to subdivision (b)(3) to clarify that notice be given to a child 10 years of and older consistent with noticing statutes in the Welfare and Institutions Code. And finally, a nonminor dependent's guardian ad litem, if one has been appointed consistent with Code of Civil Procedure section 372 and Probate Code sections 810–813, has also been added to the list of individuals required to receive notice (rule 5.618(b)(7)).

Submission of the report. Subdivision (d)(1) was updated to require the social worker or probation officer to “submit” the report to the court, as opposed to “file” the report with the court. This change was made to reflect the language in Welfare and Institutions Code sections 361.22(c)(1) and 727.12(c)(1).⁴

Parties who can object. The list of parties who can object to the placement has been updated to include the district attorney on the case, and the CAPTA guardian ad litem and a nonminor dependent's guardian ad litem as discussed above (rule 5.618(e)(1)). These additions are all considered parties to the case. The committee elected to give only parties the ability to object and therefore prevent the court from approving the placement without a hearing because parties are the ones who could be aggrieved by the court's decision.

Code of Civil Procedure section 1013(a). A comment was received in the spring 2021 rules cycle questioning whether the rule's timeline for an objection from a party would be subject to Code of Civil Procedure section 1013(a).⁵ The committee had to create a timeline on a very abbreviated

⁴ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

⁵ “[A]ny right or duty to do any act or make any response within any period or on a date certain after service of the document, which time period or date is prescribed by statute or rule of court, shall be extended five calendar days, upon service by mail, if the place of address and the place of mailing is within the State of California, 10 calendar

time frame to meet the requirement that the hearing be held within 45 days of the start of the placement. The committee modeled the rule after other juvenile rules that likewise deal with abbreviated timelines due to the need to quickly respond to the needs of a child. And like many other juvenile rules, an abbreviated timeline required that responses from parties be received without the benefit of the extensions of Code of Civil Procedure section 1013(a).⁶ The committee deferred how to best address Code of Civil Procedure section 1013(a) to the next rules cycle.

The last sentence of Code of Civil Procedure section 1013(a) states, “This extension applies in the absence of a specific exception provided for by this section or other statute or rule of court.” Because the statute allows for exceptions in a rule of court, the committee proposes that rule 5.618(f)(1)(C) be updated to clarify that “Code of Civil Procedure section 1013(a) does not apply to this deadline.” An advisory committee comment was also added to the rule, indicating that the reason for the exception to Code of Civil Procedure section 1013(a) is based on the exigency required by the timelines of sections 361.22 and 727.12 and the need for a prompt resolution of the youth’s placement status in an STRTP or community treatment facility.

Community Treatment Facility. Further legislation addressing the STRTP review process was signed into law on June 26, 2022, with an effective date of June 30, 2022.⁷ Assembly Bill 187 (Committee on Budget; Stats. 2022, ch. 50) added Community Treatment Facilities (CTFs)⁸ as placements that require review by the juvenile court consistent with FFPSA and sections 361.22 and 727.12. Rule 5.618 and forms related to the STRTP review process have been updated to reference CTFs as placements that require review just as do STRTP placements. The bill makes no other substantive changes to the court review process except for some minor adjustments to

days if either the place of mailing or the place of address is outside the State of California but within the United States, and 20 calendar days if either the place of mailing or the place of address is outside the United States.” (Code Civ. Proc., § 1013(a)).

⁶ For example, for a hearing to review a child’s removal from their school of origin, rule 5.651(e)(2)(A)(i) requires that the request for a hearing by the child’s attorney be filed within two court days of receiving notice of the placement change. For a hearing to review an out-of-county placement, a parent has seven calendar days to object and request a hearing after receiving notice of the placement change. The court must hold a hearing not later than five calendar days after the objection is received and before the placement. (Welf. & Inst. Code, § 361.2(h).) A request for review of a presumptive transfer waiver determination must be made within seven court days of the petitioner’s being noticed of the placing agency’s determination on the request for waiver of presumptive transfer. A hearing can be set no later than five court days after the request for a hearing was filed. (Cal. Rules of Court, rule 5.647(b)(3) & (c)(1).)

⁷ The bill is accessible at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB187.

⁸ A community treatment facility is “any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment.” (Health & Saf. Code, § 1502(a)(8)). CTFs are licensed by the California Department of Social Services and have a mental health program certified by the Department of Health Care Services. CTFs often serve as an alternative to state hospital stays or out-of-state placement and enable children with mental health needs to receive treatment in a less restrictive setting. Approximately 60 foster youth are in CTF placements in California.

section 727.12, which have been updated in rule 5.618.⁹ The committee considered whether form names should be updated to reference a shorthand for STRTP and CTF, such as “congregate care facility.” But the committee voted to reference the full name of STRTP and CTF in the form titles because doing so was the most accurate, even though the form names would be longer.

Rules 5.903 and 5.697

These rules are proposed to be amended because the requirements for hearings that these rules address have been changed by AB 153. The committee recommends that each rule be revised to refer to the statutory requirements for these items, as opposed to creating a duplicate list of the statutes’ requirements. Doing so will ensure that the rule will not have to be updated each time the legislation changes. Those portions of the rule that are contained in the statute were removed and replaced with a reference to the applicable Welfare and Institutions Code section; however, the requirements of rule 5.903 first recommended by the Family and Juvenile Law Advisory Committee and adopted by the Judicial Council in 2011 that are not in statute will remain in the rule. A similar update was not required for rule 5.708 (General review hearing requirements) because the rule already cross-references the applicable statutes.¹⁰

Forms related to the STRTP review and status review hearings

The committee proposes that a new form be adopted and five Judicial Council forms related to the review of STRTP placements be revised. These forms address (1) the placing agency’s request for a hearing; (2) an objection from a party to the STRTP placement, or input from parties and nonparties on the STRTP placement; (3) the proof of service; (4) the order scheduling the hearing; and (5) the court’s findings and orders after the hearing. The committee recommends the forms be mandatory (with the exception of the form addressing the court’s order for hearing) to promote consistency and accuracy of the process around the state.

In addition, the committee recommends that 22 status review forms be updated to implement new requirements created under AB 153, to make other updates to ensure forms are consistent with the Welfare and Institutions Code and to ensure there is consistency between forms. One new form is also proposed to implement new requirements at status review hearings created under AB 153.

New form JV-240

One of the most important features of rule 5.618 is its fulfillment of the statutory mandate that the rule includes a process to approve a STRTP or CTF placement without a hearing.¹¹ In last

⁹ Assembly Bill 187 updated section 727.12(b)(2) to require that the probation officer serve the request for a hearing on the Court Appointed Special Advocate. And 727.12(e)(3) was updated to require the court to determine if a STRTP or CTF *level of care* is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent. Rule 5.618 and the forms have been updated with these changes, where necessary.

¹⁰ Rule 5.708 requires that reports include “[a] factual discussion of each item listed in sections 366.1 and 366.21(c),” so the updates by AB 153 are reflected by the reference to the statute.

¹¹ See §§ 361.22(h), 727.12(h).

year's rules cycle, the committee paid careful attention to creating this process. A process was created that requires the report to be served 10 court days before the hearing, and if no party objects within 5 court days of receiving the report, the court may approve the placement and vacate the hearing date.

The rule, however, did not require that any notice be provided that a request for approval without a hearing is being made. Forms that are distributed to parties provide information that the placement could be approved if no party objects.¹² But for parties and for the court, determining when approval without a hearing is being requested may be difficult.

To make sure parties are clearly aware that a request is being made to approve the placement without a hearing, the committee is recommending the adoption of new mandatory form, *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240), attached on page 39, and recommending that rule 5.618(f)(1)(B) be amended to require that the form be served on parties along with the report.

Modifications to STRTP review forms

In addition to several technical edits, the following modifications are proposed for the forms addressing the court's review of a STRTP or CFT placement.¹³ All changes are highlighted on the attached forms found on pages 31–39.

Placement address. The request for review (form JV-235) may not provide enough specificity as to which placement is being reviewed because it requires the name of the placement only. This could cause an issue when a STRTP is part of an agency that has multiple homes. Including the address of the STRTP in the identifying information in the form would therefore provide the level of specificity needed. If the placement is confidential under section 308, the form indicates that the information can be provided by using *Confidential Information* (form JV-287).

List of reasons for court's determination. Sections 361.22(e)(6) and 727.12(e)(6) require the court to "[m]ake a finding, either in writing or on the record, of the basis for its determinations pursuant to this subdivision." The committee elected to include on form JV-239 a list of typical reasons for the court's determination that the court can check to meet this requirement. Item 10 on form JV-239 has been updated with a list of typical reasons for the court's determination to approve or disapprove the placement, along with the option for the court to write out the reasons for the court's determination not included on the list.

Introductory paragraph of form JV-236. The introductory paragraph was updated to provide additional clarification on the review of the placement without a hearing. A reference to

¹² The request for review (form JV-235) does provide parties notice that the placing agency will be requesting approval of the placement without a hearing in item 4. Forms JV-235 and JV-236 also provide advisements to parties that the placement could be approved without a hearing if certain conditions are met.

¹³ Forms JV-235, JV-236, JV-237, JV-238, and JV-239.

proposed new form JV-240 was added, alerting parties that they will receive this notice if a request is made to approve the placement without a hearing. A similar reference was added to the concluding paragraph of form JV-235.

Forms related to status review hearings

The following discussion addresses updates to 23 status review forms¹⁴ to implement new requirements under AB 153 and other changes to improve consistency with the Welfare and Institutions Code and among forms. Many of the forms circulated for comment a second time because they were part of the initial proposal and were updated after the initial proposal's comment period.¹⁵ Other forms were added to the proposal for the first time, and one new form was created to implement the requirements of AB 153.

AB 153 created two new sets of findings that the court will need to consider at status review hearings.¹⁶ These new subdivisions both require that “[o]n or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.”

Sexual and reproductive health services. AB 153 created a requirement at status review hearings that the court review the placing agency's responsibility to provide sexual and reproductive health information.¹⁷ The finding is not required for every foster youth but is required “[f]or a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent.”

Because these findings are not required for every foster youth, and because the required findings are lengthy, the committee recommends that a new form be created for use as an attachment, to be used for those hearings at which the findings are required.¹⁸ The proposed *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) is attached on page 118.

¹⁴ Forms JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678.

¹⁵ One form from the spring cycle (form JV-410) did not circulate for comment because no further updates were made to the form after the comment period, and it does not require additional AB 153 updates. This form has been updated with technical amendments consistent with issues discussed below and included in the final report to the Judicial Council, but the committee determined it does not require recirculation under rule 10.22(d)(2) because the changes are minor substantive change that are unlikely to create controversy.

¹⁶ See section 366(a)(1)(F) and (G).

¹⁷ Section 366(a)(1)(F).

¹⁸ Ten forms in this proposal will include the reference to the new form JV-459(A). Not all status review forms in this proposal require the finding because many of the forms are attachments to a form where the reference to JV-459(A) is included. And because the finding will always be required for a nonminor dependent, the full list of findings is being included on forms related to nonminor dependent status review without a reference to JV-459(A) (forms JV-461(A) and JV-462).

To indicate to the court when the attachment is required, the status review forms have the following new item added:

- For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

Education findings. AB 153 amended section 366 to require the court to consider new information and make findings related to the provisions of support for foster youth as they pursue secondary education. The following findings from section 366(a)(1)(G)(i) must be addressed by the court:

For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

Because this finding is required at a status review hearing, it will need to be included in many of the forms in this proposal. The finding was added to status review forms where the finding is required. The finding as displayed on the forms requires the court to identify the name of the support person or persons who have been identified to assist the youth in pursuing postsecondary education.

Additional forms added to proposal. Incorporated in this proposal are four additional forms¹⁹ that were not part of the proposal in the 2021 spring rules cycle. These additions were required because the findings of AB 153 would be required for status review hearings for cases in reunification regardless of whether the youth was returned home or remained in foster care.²⁰ Status review forms for cases in reunification are divided into multiple attachments to address the different possible outcomes during reunification, with a parent form that includes the findings

¹⁹ The additional forms include:

- *Findings and Orders After Six-Month Status Review Hearing* (form JV-430);
- *Findings and Orders After 12-Month Permanency Hearing* (form JV-435);
- *Findings and Orders After 18-Month Permanency Hearing* (form JV-440); and
- *Findings and Orders After 24-Month Permanency Hearing* (form JV-455).

²⁰ The STRTP status review hearing requirements (see Welf. & Inst. Code, §§ 366.1(l)(1)-(3), 706.5(c)(1)(B)(i)-(iii)) that led to the initial expansion of forms in the proposal are only required to be made when the youth *remains* placed in the STRTP, implicating only those forms in which the youth remains in foster care; however, the reproductive health rights findings and education findings would be required whether the minor remains in foster care or not.

that would be required regardless of whether the youth returns home. These parent forms are included in this proposal so that the AB 153 findings can be added to them.

Other form revisions

In addition to the AB 153 findings mentioned above, the forms are being updated to promote consistency in several respects and with other substantive updates.

Statutory citations. All forms have been updated to make the format of statutory citations consistent. A full citation is provided in the statutory reference at the bottom of the form, for example, “Welfare and Institutions Code, §.” The rest of the form uses the abbreviated citation “Welf. & Inst. Code, §.” If a code section cited in the form is not spelled out with a full citation at the bottom of the form, then that code section is spelled out in full, for example, “Family Code section.”²¹ Juvenile forms tend to be legally complex as they are primarily used by courts to document findings and orders of court proceedings. The committee determined that abbreviated citations were appropriate because juvenile forms are already very long with frequent references to the Welfare and Institutions Code. A full citation for every statutory reference would increase the length of the forms and make forms more cumbersome for courts and parties who are represented by attorneys able to help explain the courts’ orders.

Court’s signature. The court’s signature line was updated to be consistent across the forms. The forms have all been updated to use only the “Judicial Officer” title underneath the signature line, keeping the countersignature line on the forms where that is needed (the detention forms, where a removal order by a referee requires approval by a judge of the juvenile court).²²

Gender references. Gender references have been removed consistent with the Judicial Council’s commitment to use nonbinary language in its forms. The committee determined, however, that references to “mother” and “father” are still necessary because the Welfare and Institutions Code uses these designations, which often have legal implications, and, therefore, the Legislature should address this issue first. But forms are being updated with an additional “Other” option where a list of parents is provided, to allow for the inclusion of nonbinary parents and same-sex parents.

Appearance by child. The section on the forms addressing the appearance of a child who is 10 years old or older at the hearing is being updated to reflect the requirements of section 349(d), ensuring proper notice and giving the court the option to continue the hearing to ensure the child can be present or make a finding that it is not in the best interests of the child to continue the hearing.

In addition, several substantive legal issues have been addressed in the form revisions.

²¹ These changes are also being made to the forms related to the STRTP review process discussed in this proposal.

²² See Welf. & Inst. Code, § 249.

Return home at postpermanency hearing. A juvenile law practitioner in 2020 noted that form JV-446 does not include an option to return the child home at a postpermanency hearing. Section 366.3 includes several provisions that indicate that return to a parent is a germane issue at a postpermanency hearing.²³ Section 366.3(f) also indicates there is a presumption that continued care is in the best interests of the child and goes on to state that this presumption can be overcome if the parents prove by a preponderance of the evidence that further efforts at reunification are in the child's best interests.

The committee considered this issue and recommended that the form be updated to provide for these possible outcomes. Check boxes have been added for an order returning the child to the home of the parent or guardian, an order for family maintenance services if necessary, and custody orders if necessary. A check box has also been added for an order for family reunification services under section 366.3(f).

Sibling under three and termination of services at six months. Forms related to the disposition hearing and six-month reunification hearing are updated to comply with the requirements of section 361.5(a)(1)(C) when reunification services are terminated at the six-month review hearing for a sibling group that includes a child who was under the age of three at removal. According to the recent case *W.P. v. Superior Court*, section 361.5(a)(1)(C) requires that to terminate services at the six-month review, the siblings must have been removed at the same time and remain placed together.²⁴ Forms related to the disposition hearing and the six-month status review (forms JV-421 JV-432, and JV-433) were updated with this information. The changes include adding language that the sibling group was removed "at the same time" and "are placed together."

In addition, *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432), addressing the continuation of services for this classification of youth at the six-month review, has been updated. The current version of the form requires a finding of a substantial probability of return to continue services to the 12-month review for a child under three years of

²³ Section 366.3 requires the court to consider several findings that contemplate the minor could be a candidate to return to their home, including the following required findings:

- Whether continued placement remains necessary;
- The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care; and
- The likely date by which the child may be returned to, and safely maintained in, the home (§ 366.3(e)(1), (7) & (8).)

A court must also consider all permanency planning options for the child, "including whether the child should be returned to the home of the parent" (§ 366.3(h), italics added).

²⁴ "*For the purpose of placing and maintaining a sibling group together in a permanent home should reunification efforts fail, for a child in a sibling group whose members were removed from parental custody at the same time, and in which one member of the sibling group was under three years of age on the date of initial removal from the physical custody of his or her parent or guardian, court-ordered services for some or all of the sibling group may be limited as set forth in subparagraph (B). ... (§ 361.5, subd. (a)(1)(C).)*" (*W.P. v. Superior Court* (2018) 20 Cal.App.5th 1196, 1202, italics added.)

age or member of a sibling group at removal. However, section 366.21(e)(3) requires that to terminate services in this situation, the court must first find by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan.²⁵ If the parent then proves a substantial probability of return, the court must continue services. The form has been updated to reflect these requirements.

Important individuals. The findings in form JV-446, item 24, related to the identification of important individuals to the child, have been updated to reflect the requirement for this finding that a child be 10 years of age *and* in out-of-home placement for six months or longer, reflecting the statutory language of section 366.3(e)(2). The current version of the form indicates the findings are required if the child is age 10 or older. In other forms, the language that the child has been in out-of-home placement for six months was removed, because the language is not in section 366.21, 366.22, or 366.25 and would be superfluous when holding a 12-month, 18-month, or 24-month reunification review hearing.

In addition, the code requires different findings depending on the hearing and the case status. For instance, sections 366.21(g)(5)(B), 366.22(a)(3), and 366.25(a)(3) require “reasonable efforts” to maintain relationships to individuals important to the child when the court is terminating reunification services, while section 366.3(e)(2) does not require a reasonable efforts finding.²⁶ And section 366(a)(1)(B) requires the finding related to important individuals to be made in the context of the court’s reasonable efforts finding.²⁷ The important individual finding is addressed in 10 status review forms.

Division of Juvenile Justice commitment. The committee recommends that item 9 on *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667), addressing the court’s order placing the minor in the Division of Juvenile Justice (DJJ), be removed. Under Senate Bill 823

²⁵ § 366.21(e)(3): “If the child was under three years of age on the date of the initial removal, or is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, and the court finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan, the court may schedule a hearing pursuant to Section 366.26 within 120 days. If, however, the court finds there is a substantial probability that the child, who was under three years of age on the date of initial removal or is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, may be returned to his or her parent or legal guardian within six months or that reasonable services have not been provided, the court shall continue the case to the 12-month permanency hearing.”

²⁶ The current version of form JV-446 already includes the requirements of section 366.3(e)(2) and does not need to be updated (see item 24). But language has been added to clarify that the findings are required if the child is 10 years of age or older.

²⁷ The court must determine “[t]he extent of the agency’s compliance with the case plan in making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts, to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, *including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child’s siblings who are important to the child, consistent with the child’s best interests*” (italics added).

(Stats. 2020, ch. 337, §§ 23, 24),²⁸ section 607 was repealed and replaced with a new section 607, prohibiting the intake of wards into DJJ starting July 1, 2021.

Indian Child Welfare Act inquiry in wardship proceeding. The committee proposes that *Initial Appearance Hearing—Juvenile Delinquency* (form JV-642) be updated to address inquiry requirements under Indian Child Welfare Act (ICWA). The Supreme Court, in *In re W.B.*, clarified that ICWA notice is required only in circumscribed situations in a delinquency proceeding involving a youth in foster care or at risk of entering foster care, but “California law requires the court to *inquire* about a child’s Indian status at the outset of all juvenile proceedings.”²⁹ The committee therefore recommended that a similar format for ICWA inquiry contained in form JV-410 (items 9 and 10),³⁰ the detention form for dependency cases, be included on form JV-642.

Reasonable efforts to locate a missing child. The committee elected to include additional short, modified findings in status review forms for when a child is missing from placement and has not been located. Although not explicitly required in statute, the committee recommends including these modified findings to ensure that when courts make reasonable efforts findings, or determine that placement is necessary and appropriate, they take into account the child’s status as missing when doing so. Delinquency status review forms in this proposal³¹ already include this modified language, which has been on those forms since their inception in 2012. In addition, the committee also recommends similar modified findings on status review forms addressing those situations in which the youth is in custody at time of the hearing. As mentioned, these modified findings will help ensure that courts take into account the child’s status when making these important findings.

Advisement of appellate rights. The committee recommends removing an information box on appellate rights contained at the end of several forms in this proposal. The information box relates to a former subdivision (a) of rule 5.590, which did not require that parents be mailed an advisement of appellate rights if they were not present at the hearing. The boxes were added to the forms to make parents aware that they would not be advised of appellate rights if they did not appear at the hearing. Rule 5.590 was revised effective January 1, 2020, to require the mailing of

²⁸ The bill is accessible at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB823.

²⁹ *In re W.B.* (2012) 55 Cal.4th 30, 40. As to notice, the court held, “[a] delinquency court must ensure that notice is given and other ICWA procedures are complied with *only* when (1) exercising “dual status” jurisdiction over an Indian child (see *post*, at pp. 46–47); (2) placing an Indian child outside the family home for committing a “status offense” (§§ 601–602; see *post*, at p. 42); or (3) placing an Indian child initially detained for “criminal conduct” (§ 602; see *post*, at pp. 42–43) outside the family home for reasons based entirely on harmful conditions in the home.” *Ibid*.

³⁰ *Findings and Orders After Detention Hearing* (form JV-410), www.courts.ca.gov/documents/jv410.pdf.

³¹ Forms JV-672, JV-674, and JV-678.

the appellate advisement if the parent was not present; therefore, the information box on the forms is no longer necessary.³²

Ongoing and intensive efforts. Forms related to the termination of reunification services include a finding that ongoing and intensive efforts (O&I) were provided if the child is placed in another planned permanent living arrangement (APPLA).³³ The committee recommends that this finding be removed.

The O&I finding is required for a youth over the age of 16 and placed in an APPLA. An APPLA can be ordered at a hearing where reunification services are terminated if there is a compelling reason for not setting a section 366.26 hearing, but in these situations, those code sections addressing reunification review hearings do not require the court to make the O&I finding the same day the APPLA is ordered.³⁴ The reasonable efforts and O&I findings are backward-looking findings, meaning that the court is considering the efforts of the agency for the prior six months. A court would not be able to review O&I efforts when the permanent plan of APPLA is being ordered the same day.

Out-of-state residential facilities. One of AB 153's principal objectives was to curtail and eventually eliminate the placement of foster youth in out-of-state residential facilities (OSRFs).³⁵ Starting January 1, 2023 (the same date this proposal would become effective), AB 153 requires that all OSRFs be decertified and all foster youth be returned to California.³⁶

Family Code section 7911(d) precludes the possibility of a placement in an OSRF starting on the effective date of this proposal. The committee, therefore, recommends that forms be updated to eliminate the option of placement in an OSRF. The four delinquency forms in this proposal include findings related to OSRFs, and the committee recommends these be removed.³⁷ Keeping the findings on the forms might signal to courts that these placements would still be permissible.

Policy implications

As described above, the committee had to circulate the proposal for a second time because the final proposal in last year's rules cycle had not yet circulated for comment. Revisiting the proposal provided another opportunity to make updates to improve the process to review STRTP

³² Forms JV-430, JV-435, and JV-440.

³³ Forms JV-440, JV-455, and JV-674.

³⁴ Sections 366.21, 366.22, and 366.25 do not address O&I efforts, but do require the court to list barriers to achieving the permanent plan as of the hearing date. Section 366(a) requires a finding of O&I efforts if the permanent plan is APPLA, but as discussed above, when APPLA is ordered the same day, there cannot be a review of that finding for the preceding six months the case was in reunification.

³⁵ See Assem. Bill 153, § 2.

³⁶ Fam. Code, § 7911(d).

³⁷ Forms JV-667, JV-672, JV-674, and JV-678.

placements and to incorporate legal updates made by AB 153 in the numerous status review forms.

One of the issues the committee revisited was the procedure in the rule permitting a court to approve an STRTP placement without a hearing. AB 153 required the Judicial Council to create a process for approval of a placement without hearing. In creating this process, the committee was concerned with ensuring the parties have the chance for meaningful input and due process before the court vacates the hearing. To accomplish these ends, the committee created a separate timeline that would give parties sufficient time to review the report and prepare a response. The committee did not believe that seven calendar days was a sufficient amount of time for party responses, so a separate timeline was created. This approach ensures that due process for parties is provided, because they will get a day in court if there is an objection from a party. Given the challenges presented by the timelines in this process, the committee also kept in the rule the option to allow courts to create their own process in lieu of the process in the rule of court, through local rules that can reflect their own unique circumstances.

Comments

The proposal circulated for public comment from April 1 to May 13, 2022, as part of the regular spring comment cycle. Eleven organizations submitted comments. Five agreed with the proposal if modified, three agreed with the proposal as is, and three did not indicate a position. A chart with the full text of all comments received and the committee's responses is attached at pages 150.

Approval without a hearing when objections are received. A presiding juvenile judge commented that courts should be able to approve a placement without a hearing even if objections are received. The commenter noted that this type of approval would be in line with other decisions that judges make ex parte after receiving objections, including the approval or disapproval of psychotropic medications and section 827 petitions. The committee determined that the requirement that a hearing should be required when an objection is received to ensure that parties have the opportunity to be heard in court when there is a disagreement with the STRTP placement, given that STRTPs are the most restrictive level of placement and it is important to a foster youth, parent or legal guardian to be heard in court.

Mandatory v. Optional forms. Before the comment cycle, the committee revisited the issue of whether the forms related to the STRTP review should be mandatory or optional. A request for specific comment was made on whether these forms should be mandatory or optional. Responses were mixed, with five commenters saying the forms should be mandatory, one commenter saying the forms should be optional, and two agreeing with the recommendation of the committee of making *Order on Placement in Short-Term Residential Therapeutic Program* (form JV-239) mandatory and the rest of the forms optional. The committee elected to keep the forms mandatory to promote uniformity in STRTP review hearings and consistency in

pleadings.³⁸ In addition, as a commenter noted, important information for parties is contained on some of the forms. If the forms were optional, parties would not always get the benefit of receiving this information.

Timelines. The Superior Court of San Diego County noted that having two timelines in rule 5.618 is confusing and that having one timeline would limit confusion. The comment was referring to the timeline for the serving and filing of the report when approval is requested without a hearing, which requires that the report be served and filed 10 court days before the hearing, as opposed to 7 calendar days before the hearing required by sections 361.22 and 727.12.

In the last rules cycle, the committee paid close attention to creating this process. One of the important considerations of the committee was to ensure that parties have a chance to be heard, which required that parties be given sufficient time to review the report and prepare a response. After consideration of the comment, the committee elected to keep the 10-court-day timeline currently contained in the rule, requiring the report to be served 10 court days before the hearing, giving parties 5 court days to respond with an objection.

Voluntary STRTP placements. County Counsel of Sacramento County raised the issue of whether a voluntary placement of a youth in a STRTP, before the filing of a petition,³⁹ requires review under FFPSA and should therefore be addressed in the rule. The commenter noted that there is confusion in these situations, leading some social workers to file petitions to ensure that the STRTP placement is reviewed by the juvenile court. The commenter suggested that “Rule 5.618 or Rule 5.514 should require the establishment of a process, similar to Rule 5.514(b)(3) for the voluntary placement of Indian children, to assist counties in understanding how to work with courts to secure funding for voluntary placements.” The commenter suggested that the Interagency Placement Committee in each county could be responsible for the review of these placements.

FFPSA requires that “a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court” review each congregate care placement. (42 U.S.C. § 675a(c)(2).) Assembly Bill 153 did not specify a process to review STRTP placements when the court did not have jurisdiction; neither did it address the court’s appointing an administrative body for these situations.

The committee believes that an administrative body could review these placements and be compliant with the FFPSA but that this is a matter for the Legislature to address as opposed to a rule of court. The Welfare and Institutions Code has specific provisions for when administrative

³⁸ With the exception of *Notice of Hearing on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-238), which is proposed remain optional. The JV-238 is a form the court may use to notice parties of the hearing but courts may have a local process or procedure already in place and the committee elected to give court’s greater flexibility in this regard.

³⁹ See sections 301 and 16507.4(b).

panels can be used,⁴⁰ but administrative review of voluntary STRTP placements is not contemplated by the code. The committee does not believe that a rule of court could create a process where a juvenile court, without jurisdiction, reviews placements without the Welfare and Institutions Code addressing the process.

Timeline for the filing of an objection. Rule 5.618 does not include a timeline for when an objection must be filed, but instead “Local county practice and local rules of court determine the procedures for completing, filing, and serving form JV-236, except as otherwise provided in this rule.” (Cal. Rules of Court, rule 5.618(e)(4).) A request for specific comment was made on this issue asking whether a timeline should be added to the rule. Four commenters said the rule should include a timeline, and three said that it should not. The committee elected to maintain the rule with no specified timeline for the filing of the objection because no issues had been noted with the lack of the timeline and it gave courts some flexibility in receiving objections.

Alternatives considered

The committee never considered not proceeding with the proposal because the final version of the proposal did not circulate in the initial proposal and because not all updates required by AB 153 were completed in the initial proposal. The committee considered various issues related to the proposal described above, including whether forms should be mandatory or optional and the process to approve the placement without a hearing. The committee elected to make these forms mandatory when adopted following the Spring 2021 cycle so there would be a consistent and more predictable process for courts addressing a new type of hearing. When it circulated this proposal for comment the committee elected to circulate the forms as optional, because committee members noted that mandatory forms worked initially but some committee members believed that courts would benefit from more flexibility after more experience in holding these hearings was gained. Other committee members however preferred that the forms remain mandatory because the forms made the process more predictable for courts and practitioners. After having considered the comments received, the committee elected to maintain the forms related to the STRTP review process as mandatory (with the exception of the court’s order for a hearing, form JV-238), because many courts indicated that the process benefits from mandatory forms.

Fiscal and Operational Impacts

New hearings reviewing STRTP and CTF placements will create new costs for the courts. However, this impact has more to do with the implementation part IV of the Family First Prevention Services Act and AB 153 than it does the rules and forms proposal. The proposed new and revised rules and forms will provide greater clarity and uniformity for the proceedings that courts have been holding since October 1, 2021, and it is anticipated that this clarity and

⁴⁰ Section 16503 permits the juvenile court to appoint a panel to review a child’s status in foster care after the completion of a section 366.26 hearing. The term “administrative review” is defined as “a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.” (Welf. & Inst. Code, § 16503(b)).

uniformity will ease the fiscal and operational impacts that the courts would have faced had this proposal not been offered.

Attachments and Links

1. Cal. Rules of Court, rules 5.618, 5.697, and 5.903, at pages 20–30;
2. Forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-240, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-459(A), JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678, at pages 31–149;
3. Chart of comments, at pages 150–219.

Rules 5.618, 5.697, and 5.903 of the California Rules of Court are amended, effective January 1, 2023, to read:

Rule 5.618. Placement in short-term residential therapeutic program or community treatment facility (§§ 361.22, 727.12)

(a) Applicability

This rule applies to the court’s review under section 361.22 or 727.12 following the placement of a child or nonminor dependent in a short-term residential therapeutic program or community treatment facility.

(b) Service of request for hearing

The social worker or probation officer must use *Placing Agency’s Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-235) to request a hearing and notify the following parties that a hearing is requested under section 361.22(b)(1) or 727.12(b)(1), and serve a copy of the form and a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236) within five calendar days of each placement of a child or nonminor dependent in a short-term residential therapeutic program or community treatment facility on:

- (1) The child’s parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent’s parents and their attorneys of record, if the parent is receiving family reunification services;
- (2) The child’s legal guardians, if applicable, and their attorneys of record or the nonminor dependent’s legal guardians and their attorneys of record, if the legal guardian is receiving family reunification services;
- (3) The attorney of record for the child or nonminor dependent, or their CAPTA guardian ad litem as defined by rule 5.662, and the child, if ~~older than 10~~ years of age or older, or the nonminor dependent;
- (4) The child’s or nonminor dependent’s Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record; ~~and~~
- (5) The district attorney, if the youth is a ward of the juvenile court;
- ~~(5)(6) For a child or nonminor dependent under section 300 or 450 jurisdiction, The~~ child’s or nonminor dependent’s Court Appointed Special Advocate volunteer, if applicable; and

1 (7) A nonminor dependent's guardian ad litem, if one has been appointed under
2 Code of Civil Procedure section 372 and Probate Code sections 810–813.

3
4 **(c) Setting the hearing**

5
6 ~~After receiving a request for a hearing, T~~the court must set a hearing under section
7 361.22(d) or 727.12(d) ~~after receiving a request for a hearing to be held within 45~~
8 days of the start of the short-term residential therapeutic program or community
9 treatment facility placement. The court must provide notice of the hearing to the
10 following:

- 11
12 (1) The child's parents and their attorneys of record, if parental rights have not
13 been terminated, or a nonminor dependent's parents and their attorneys of
14 record, if the parent is receiving family reunification services;
15
16 (2) The child's legal guardians, if applicable, and their attorneys of record or a
17 nonminor dependent's legal guardians and their attorneys of record, if the
18 legal guardian is receiving family reunification services;
19
20 (3) The attorney of record for the child or nonminor dependent, or their CAPTA
21 guardian ad litem as defined by rule 5.662, and the child if ~~older than 10~~
22 years of age or older, or the nonminor dependent;
23
24 (4) A nonminor dependent's guardian ad litem if one has been appointed under
25 Code of Civil Procedure section 372 and Probate Code sections 810–813;
26
27 ~~(4)(5)~~The child's or nonminor dependent's Indian tribe and any Indian custodian,
28 in the case of an Indian child, and their attorneys of record; ~~and~~
29
30 (6) The social worker or probation officer;
31
32 (7) The district attorney, if the youth is a ward of the juvenile court;
33
34 (8) The county counsel, if the youth is a dependent of the juvenile court; and
35
36 ~~(5)(9)~~The child's or nonminor dependent's Court Appointed Special Advocate
37 volunteer, if applicable.

38
39 **(d) Report for the hearing**

- 40
41 (1) ~~The report described in~~ social worker or probation officer must submit a
42 report to the court that includes the information required by section 361.22(c)

1 or 727.12(c) ~~must be filed with the court~~ no later than seven calendar days
2 before the hearing.

3
4 (2) The report must be served on the individuals listed in (c) of this rule no later
5 than seven calendar days before the hearing.

6
7 (3) The documentation required by section 361.22(c)(1)(A) or 727(c)(1)(A) must
8 not contain information that is privileged or confidential under existing state
9 law or federal law or regulation without the appropriate waiver or consent.

10
11 **(e) Input on placement**

12
13 (1) The following parties who object to the placement may inform the court of
14 the objection by filing *Input on Placement in Short-Term Residential*
15 *Therapeutic Program* or Community Treatment Facility (form JV-236):

16
17 (A) The child's parents and their attorneys of record, if parental rights have
18 not been terminated, or a nonminor dependent's parents and their
19 attorneys of record, if the parent is receiving family reunification
20 services;

21
22 (B) The child's legal guardians, if applicable, and their attorneys of record
23 or the nonminor dependent's legal guardians and their attorneys of
24 record, if the legal guardian is receiving family reunification services;

25
26 (C) The attorney of record for the child or nonminor dependent, or their
27 CAPTA guardian ad litem as defined by rule 5.662, and the child, if
28 older than 10 years of age or older, or the nonminor dependent; ~~and~~

29
30 (D) A nonminor dependent's guardian ad litem, if one has been appointed
31 under Code of Civil Procedure section 372 and Probate Code sections
32 810–813;

33
34 ~~(D)~~(E) The child's or nonminor dependent's Indian tribe and any Indian
35 custodian, in the case of an Indian child, and their attorneys of record;
36 and

37
38 (F) The district attorney, if the youth is a ward of the juvenile court.

39
40 (2) ~~Form JV-236 may be used to~~ The individuals listed in (1) and other
41 individuals with an interest in the child or nonminor dependent may use form
42 JV-236 to provide input to the court on the child's or nonminor's dependent's
43 placement in the short-term residential therapeutic program or community

1 ~~treatment facility by the individuals listed in (1) and other individuals with an~~
2 ~~interest in the child or nonminor.~~

3
4 (3) Input from a Court Appointed Special Advocate volunteer can also be by a
5 court report under local rule.

6
7 (4) Local county practice and local rules of court determine the procedures for
8 completing, filing, and ~~noticing~~ serving form JV-236, except as otherwise
9 provided in this rule.

10
11 **(f) Approval without a hearing**

12
13 (1) After the court receives a request for a hearing, the court may approve the
14 placement without a hearing if the following conditions are met:

15
16 (A) The service requirements of (b) were met;

17
18 (B) No later than 5 court days before the hearing date, the placing agency
19 has filed *Proof of Service—Short-Term Residential Therapeutic*
20 *Program Placement or Community Treatment Facility* (JV-237)
21 verifying that the parties listed in (e)(1) were served, no later than 10
22 court days before the hearing date, a copy of the report described in
23 section 361.22(c) or 727.12(c) and a completed *Notice of Request for*
24 *Approval of Short-Term Residential Therapeutic Program or*
25 *Community Treatment Facility Without a Hearing* (form JV-240) ~~no~~
26 later than 10 court days before the hearing date;

27
28 (C) No party listed in (e)(1) has notified the court of their objection to the
29 placement within 5 court days of receiving the report described in
30 section 361.22(c) or 727.12(c), Code of Civil Procedure section
31 1013(a) does not apply to this deadline; and

32
33 (D) Based on the information before the court, the court intends to approve
34 the placement consistent with section 361.22(e) or 727.12(e) and (g) of
35 this rule.

36
37 (2) If the court approves the placement without a hearing, it must notify the
38 individuals in (c) of the court's decision to approve the placement and vacate
39 the hearing set under section 361.22(d)(1) or 727.12(d)(1).

40
41 (3) Nothing in this subdivision precludes the court from holding a hearing when
42 no objection to the placement is received.
43

(4) Notwithstanding (1)–(3), the court may approve the placement without a hearing under a local rule of court if the local rule is adopted under the procedures in rule 10.613 and meets the following requirements:

(A) The rule ensures that, before the hearing date, the placing agency has filed form JV-237 verifying that the parties listed in (e)(1) were served, no later than 10 court days before the hearing date, a copy of the report described in section 361.22(c) or 727.12(c) and form JV-240 no later than 10 court days before the hearing date;

(B) The rule ensures the court does not approve the placement until all the parties listed in (e)(1), after receiving the report, have been given an opportunity to indicate to the court their position on the placement through form JV-236; and

~~(C) The rule ensures the court's approval is consistent with section 361.22(e) or 727.12(e) and (g) of this rule; and~~

~~(D)~~(C) The rule ensures that the approval occurs no later than 60 days from the start of the placement.

(g) Conduct of the hearing

(1) In addition to the report described in section 361.22(c) or 727.12(c), the court ~~may~~ must consider all evidence relevant to the court's determinations ~~of~~ required under section 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether the placement in the short-term residential therapeutic program or community treatment facility is consistent with the child's or nonminor dependent's best interest.

(2) The court must make the ~~findings-determinations~~ in section 361.22(e)(2) and (3) or 727.12(e)(2) and (3) by a preponderance of the evidence.

(3) The court must approve or disapprove the placement based on the determinations required by section ~~366.22~~ 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether it appears that the child's or nonminor dependent's best interest will be promoted by the placement.

(4) If the court continues the hearing for good cause, including for an evidentiary hearing, in no event may the hearing be continued beyond 60 days after the start of the placement.

Advisory Committee Comment

1
2 The exception to Code of Civil Procedure section 1013(a) in subdivision (f)(1)(C) was created
3 because of the exigency required by the timelines of sections 361.22 and 727.12 and the need for
4 a prompt resolution of the youth's placement status in a short-term residential therapeutic
5 program or community treatment facility.
6
7

8 **Rule 5.697. Disposition hearing for a nonminor (Welf. & Inst. Code, §§ 224.1, 295,**
9 **303, 358, 358.1, 361, 361.6, 366.31, 390, 391)**

10
11 **(a)–(d) * * ***
12

13 **(e) Social study (§§ 358, 358.1, 361.6, 366.31)**
14

15 (1) The petitioner must prepare a social study of the nonminor if the court
16 proceeds to a disposition hearing. The social study must include a discussion
17 of all matters relevant to disposition and a recommendation for disposition.
18 The petitioner's social study must include the following information:
19

20 ~~(1) The petitioner's social study must include the following information:~~
21

22 ~~(A)–(G) * * *~~
23

24 ~~(H) The nonminor's plans to remain under juvenile court jurisdiction,~~
25 ~~including the criteria in section 11403(b) that the nonminor meets or~~
26 ~~plans to meet. All other relevant information as required in sections 358~~
27 ~~and 358.1.~~
28

29 ~~(I) The efforts made by the social worker to help the nonminor meet the~~
30 ~~criteria in section 11403(b). The requirements of section 366.31(b).~~
31

32 ~~(J) The efforts made by the social worker to comply with the nonminor's~~
33 ~~Transitional Independent Living Case Plan, including efforts to finalize~~
34 ~~the permanent plan and prepare the nonminor for successful adulthood.~~
35 ~~If the recommendation is to consider the findings in (h)(3)(C) at the~~
36 ~~disposition hearing:~~
37

38 ~~(i) the requirements of section 366.31(d), if reunification services~~
39 ~~under section 361.6 are recommended, or~~
40

41 ~~(ii) information addressing the required judicial determinations of~~
42 ~~section 366.31(e).~~
43

- 1 ~~(K) The continuing necessity for the nonminor's placement and the facts~~
2 ~~supporting the conclusion reached.~~
3
4 ~~(L) The appropriateness of the nonminor's current foster care placement.~~
5
6 ~~(M) Progress made by the nonminor toward meeting the Transitional~~
7 ~~Independent Living Case Plan goals and the need for any modifications~~
8 ~~to assist the nonminor in attaining the goals.~~
9
10 ~~(N) Verification that the nonminor was provided with the information,~~
11 ~~documents, and services required under section 391.~~
12
13 ~~(O) For a placement made on or after October 1, 2021, the information~~
14 ~~specified in section 361.22(c), if the nonminor has been placed in a~~
15 ~~short term residential therapeutic program.~~
16

17 (2) * * *

18
19 (f)-(g) * * *

20
21 (h) Findings and orders (§§ 358, 358.1, 361, 361.6, 390)

22 * * *

23
24
25 (1)-(2) * * *

26
27 (3) * * *

28
29 (A)-(B) * * *

30
31 (C) The following findings and orders must be ~~considered~~made either at
32 the nonminor disposition hearing held under this rule and section
33 358(d), or at a nonminor dependent status review hearing under rule
34 5.903 and section 366.31 held within 60 days of the nonminor
35 disposition hearing:
36

37 (i) The findings and orders ~~contained in~~ required by rule
38 5.903(e)(1)(A)-(P);

39
40 ~~(ii) The orders contained in rule 5.903(e)(2)(A)(i) and (ii); and~~

41
42 ~~(iii)~~(ii) For a nonminor dependent whose case plan is court-ordered
43 family reunification services, a determination of the following:

a.-b. * * *

Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1, 366.3, 366.31, 391, 11403)

(a)–(c) * * *

(d) Reports

(1) The social worker or probation officer must submit a report to the court that includes ~~information regarding the information required by section 366.31(b), (d), (f), or (h), as applicable, and section 391(e). The following additional information must also be included:~~

~~(A) The continuing necessity for the nonminor dependent's placement and the facts supporting the conclusion reached;~~

~~(B) The appropriateness of the nonminor dependent's current foster care placement;~~

~~(C) The nonminor dependent's plans to remain under juvenile court jurisdiction including the criteria in section 11403(b) that he or she meets;~~

~~(D) The efforts made by the social worker or probation officer to help the nonminor dependent meet the criteria in section 11403(b);~~

~~(E) Verification that the nonminor dependent was provided with the information, documents, and services as required under section 391(e);~~

~~(F)~~(A) How and when the Transitional Independent Living Case Plan was developed, including the nature and the extent of the nonminor dependent's participation in its development, and for the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the extent of consultation with the tribal representative;

~~(G) The efforts made by the social worker or probation officer to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the permanent plan and prepare him or her for independence;~~

(H)(B) Progress made toward meeting the Transitional Independent Living Case Plan goals and the need for any modifications to assist the nonminor dependent in attaining the goals;

(I) ~~The efforts made by the social worker or probation officer to maintain relationships between the nonminor dependent and individuals who are important to him or her, including the efforts made to establish and maintain relationships with caring and committed adults who can serve as a lifelong connection;~~

(J) ~~The efforts made by the social worker or probation officer to establish or maintain the nonminor dependent's relationship with his or her siblings who are under the juvenile court's jurisdiction as required in section 366(a)(1)(D);~~

(K) ~~For a nonminor dependent whose case plan is continued court-ordered family reunification services, the information required in section 366.31(d); and~~

(L) ~~For a nonminor who has returned to the home of the parent or former legal guardian, whether continued juvenile court jurisdiction is necessary and the facts in support of that conclusion.~~

(2)–(3) ***

(e) Findings and orders

The court must consider the safety of the nonminor dependent, ~~and the following judicial findings and orders must be made and included~~ make the judicial findings and issue the orders required by section 366.31(d), (e), or (f), and include them in the written court documentation of the hearing, along with the following:

(1) Findings

(A) Whether notice was given as required by law;

(B) ~~Whether the nonminor dependent's continuing placement is necessary;~~

(C) ~~Whether the nonminor dependent's current placement is appropriate;~~

1 ~~(D)~~(B) Whether the Transitional Independent Living Case Plan includes
2 a plan for the nonminor dependent to satisfy one or more of the criteria
3 in section 11403(b);

4
5 ~~(E)~~(C) The specific criteria in section 11403(b) the nonminor dependent
6 satisfied since the last hearing held under this rule;

7
8 ~~(F)~~(D) The specific criteria in section 11403(b) it is anticipated the
9 nonminor dependent will satisfy during the next six months;

10
11 ~~(G)~~(E) Whether reasonable efforts were made and assistance provided
12 by the social worker or probation officer to help the nonminor
13 dependent establish and maintain compliance with section 11403(b);

14
15 ~~(H)~~ ~~Whether the nonminor dependent was provided with the information,~~
16 ~~documents, and services as required under section 391(e);~~

17
18 ~~(I)~~(F) Whether the Transitional Independent Living Case Plan was developed
19 jointly by the nonminor dependent and the social worker or probation
20 officer, reflects the living situation and services that are consistent in
21 the nonminor dependent's opinion with what he or she needs to gain
22 independence, and sets out the benchmarks that indicate how both will
23 know when independence can be achieved;

24
25 ~~(J)~~(G) For the nonminor dependent who has elected to have the Indian
26 Child Welfare Act continue to apply, whether the representative from
27 his or her tribe was consulted during the development of the
28 Transitional Independent Living Case Plan;

29
30 ~~(K)~~ ~~Whether reasonable efforts were made by the social worker or~~
31 ~~probation officer to comply with the Transitional Independent Living~~
32 ~~Case Plan, including efforts to finalize the nonminor dependent's~~
33 ~~permanent plan and prepare him or her for independence;~~

34
35 ~~(L)~~(H) Whether the Transitional Independent Living Case Plan includes
36 appropriate and meaningful independent living skill services that will
37 assist him or her with the transition from foster care to ~~independent~~
38 living successful adulthood;

39
40 ~~(M)~~(I) Whether the nonminor dependent signed and received a copy of
41 his or her Transitional Independent Living Case Plan;

1 ~~(N)~~(J) The extent of progress made by the nonminor dependent toward
2 meeting the Transitional Independent Living Case Plan goals and any
3 modifications needed to assist in attaining the goals; and

4
5 ~~(O)~~ ~~Whether reasonable efforts were made by the social worker or~~
6 ~~probation officer to maintain relationships between the nonminor~~
7 ~~dependent and individuals who are important to him or her, including~~
8 ~~the efforts made to establish and maintain relationships with caring and~~
9 ~~committed adults who can serve as lifelong connections;~~

10
11 ~~(P)~~ ~~Whether reasonable efforts were made by the social worker or~~
12 ~~probation officer to establish or maintain the nonminor dependent's~~
13 ~~relationship with his or her siblings who are under the juvenile court's~~
14 ~~jurisdiction as required in section 366(a)(1)(D);~~

15
16 ~~(Q)~~ ~~For a nonminor dependent whose case plan is continued court-ordered~~
17 ~~family reunification services, the findings required in section~~
18 ~~366.31(d); and~~

19
20 ~~(R)~~(K) For a nonminor who has returned to the home of the parent or
21 former legal guardian, whether continued juvenile court jurisdiction is
22 necessary.

23
24 (2) ***
25

Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

- ① Agency requesting review: _____
Name and title of person filing the form: _____
Address: _____
Phone: _____

- ② The child or nonminor dependent was placed at the following short-term residential therapeutic program or community treatment facility:

- ☐ The placement is confidential; the name and address of the placement are submitted separately on form JV-287.

Name: _____
Address: _____
on (date): _____

- ③ ☐ The agency listed in ① requests that the court set a hearing under Welf. & Inst. Code, § 361.22 or § 727.12 to review the placement of the child or nonminor dependent in the short-term residential therapeutic program or community treatment facility.

Fill in court name and street address:

Superior Court of California, County of _____

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

Child's/Nonminor's name: _____

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

Court fills in case number when form is filed.

Case Number: _____

- ④ **To:**
- Parent or guardian;
 - Child or nonminor dependent; and
 - Child's Indian tribe or Indian custodian, in the case of an Indian child

There will be a court hearing scheduled within 45 days of the date listed in item 2 to review the placement of the child in the facility mentioned above. The court will let you know when the hearing will be. You will have the option to attend the hearing if you choose. Before the hearing, you will receive a report from the social worker or probation officer that will explain why the placement was made and how it serves the needs of the child or nonminor dependent.

If you do not agree with the placement and want to let the judge know you don't agree, work with your lawyer if you have one, about how to let the judge know that you do not agree. To inform the judge of your disagreement with the placement before the hearing, you must use form JV-236, *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility*. You must do so quickly because you only have five court days after you receive the report to file the form. The court might cancel the hearing and approve the placement if no one objects to the placement. The social worker or probation officer will inform you that the court may consider canceling the hearing by sending you form JV-240, *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing*.

Date: _____

Type or print your name

Sign your name

Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

Instructions:

Use this form if you do not agree with the placement of a child or nonminor dependent in a short-term residential therapeutic program or a community treatment facility. If the agency is asking for the court to approve the placement without a hearing, you must file this form within five court days of receiving the report for the hearing. The social worker or probation officer will inform you that they are requesting that the court approve the placement without a hearing by sending you form JV-240, *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing*. **The court may approve the placement and cancel the hearing if you do not file this form with your objection to the placement within five court days of receiving the report.** If you have a lawyer, talk to your lawyer right away. You can also use this form, if you want to give any input about the placement.

Fill in court name and street address:

Superior Court of California, County of

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

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court fills in case number when form is filed.

Case Number:

1 My contact information (if confidential, use form JV-287):

- Name: _____
- Address: _____
- City/State/Zip: _____
- Phone: _____
- Email: _____

2 Your relationship to the child or nonminor dependent:

- ☐ I am the child or nonminor dependent in this case
- ☐ Parent or legal guardian
- ☐ Indian custodian
- ☐ Lawyer for parent, legal guardian, or Indian custodian
- ☐ Lawyer for child or nonminor dependent
- ☐ Representative of Indian tribe
- ☐ The district attorney, if the youth is a ward of the juvenile court
- ☐ Other (give relationship): _____

3 If you know when the child or nonminor dependent was placed in the program or facility give the (date): _____

4 Did you receive a copy of a report from the social worker or probation officer explaining the reasons for placement?

- ☐ Yes (date you received report): _____
- ☐ No

5 Why are you completing this form? (check one):

- ☐ I do not agree to the placement
- ☐ I want to provide my input on the placement



☐ *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV- 235) AND a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236), AND/OR

☐ the report as described in Welf. & Inst. Code, § 361.22(c) or § 727.12(c) for a hearing on (date): _____, AND/OR

☐ *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240), if requesting approval of the placement without a hearing

- personally delivering a copy to the person served, OR
- by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR
- by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid, or at my place of business for same-day collection or mailing with the U.S. mail following our ordinary business practices with which I am readily familiar, OR
- by delivering a copy by electronic means at the electronic service address indicated below (*electronic service must comply with Welf. & Inst. Code, § 212.5*):

- Page 1 of 2

CHILD'S/NONMINOR'S NAME:

CASE NUMBER:

4. a. ☐ The child's or nonminor dependent's Indian tribe

(1) Name:

(2) Mailing, in-person, or electronic service address:

(3) Date of service:

(4) Method of service:

4. b. ☐ Attorney

(1) Name:

(2) Mailing, in-person, or electronic service address:

(3) Date of service:

(4) Method of service:

5. a. ☐ Indian custodian

(1) Name:

(2) Mailing, in-person, or electronic service address:

(3) Date of service:

(4) Method of service:

5. b. ☐ Attorney

(1) Name:

(2) Mailing, in-person, or electronic service address:

(3) Date of service:

(4) Method of service:

6. ☐ CASA volunteer

a. Name:

b. Mailing, in-person, or electronic service address:

c. Date of service:

d. Method of service:

7. ☐ Other (*specify*):

a. Name:

b. Mailing, in-person, or electronic service address:

c. Date of service:

d. Method of service:

8. ☐ Other (*specify*):

a. Name:

b. Mailing, in-person, or electronic service address:

c. Date of service:

d. Method of service:

9. ☐ Other (*specify*):

a. Name:

b. Mailing, in-person, or electronic service address:

c. Date of service:

d. Method of service:

10. At the time of service I was at least 18 years of age. If service was made in person, by mail, or electronic service, I am not a party to this matter. I am a resident of or employed in the county where the service occurred. My residence or business mailing address, or my electronic service address, is (*specify address*):

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

Date: _____

Type or print your name_____
Sign your name

Notice of Hearing on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility

Clerk stamps date here when form is filed.

DRAFT
**Not approved by
the Judicial Council**

- 1 The court received the request for review as defined in Welf. & Inst. Code, § 361.22(b) or § 727.12(b), filed on (date): _____
- 2 ☐ Notice requirements were met. The request for hearing and *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236) have been served, consistent with Welf. & Inst. Code, § 361.22(b)(2) or § 727.12(b)(2) and rule 5.618(b) of the California Rules of Court.
- ☐ Notice requirements were not met. The social worker or probation officer is ordered to serve the request for hearing and *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236) as required in Welf. & Inst. Code, § 361.22(b)(2) or § 727.12(b)(2) and rule 5.618(b) of the California Rules of Court.

Fill in court name and street address:

Superior Court of California, County of

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

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court fills in case number when form is filed.

Case Number:

3 Notice of Hearing

The court will hold a hearing on the request for review of the child or nonminor's placement in the short-term residential therapeutic program or community treatment facility. (The hearing must be set or be held at a regularly scheduled hearing within 45 days of the start of the placement.)

**Hearing
Date**

→Date: _____

Dept.: _____

Time: _____

Room: _____

Name and address of court:

Date: _____

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S/NONMINOR'S NAME: CHILD'S/NONMINOR'S DATE OF BIRTH:	
Order on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility	CASE NUMBER:

1. a. ☐ (1) Hearing date: Time: Dept.: Room:
 ☐ (2) Judicial officer:
 ☐ (3) Parties and attorneys present:
- b. ☐ The court reviews the placement without a hearing. The requirements in rule 5.618(f)(1) of the California Rules of Court have been met.
- c. ☐ The court reviews the placement without a hearing after the conditions required by local rule (specify local rule number): created under rule 5.618(f)(4) of the California Rules of Court have been met.
2. The court has read and considered the following:
- a. ☐ The report described in Welf. & Inst. Code, § 361.22(c) or § 727.12(c) filed on (date):
- b. ☐ Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility (form JV-236) filed by: on (date):
- c. ☐ Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility (form JV-236) filed by: on (date):
- d. ☐ CASA report dated:
- e. ☐ Other:
- f. ☐ Other:

THE COURT FINDS AND ORDERS

3. a. ☐ Notice requirements were met. The following items were served within the time prescribed by law:
- (1) ☐ Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility (form JV-235);
- (2) ☐ Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility (form JV-236);
- (3) ☐ the report as described in Welf. & Inst. Code, § 361.22(c) or § 727.12(c); and
- (4) ☐ Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing (form JV-240), if approval of the placement without a hearing is being requested.
- b. ☐ Notice requirements were not met. The following items were not served within the time prescribed by law:

CHILD'S/NONMINOR'S NAME:

CASE NUMBER:

4. ☐ The court on its own motion finds that a continuance is not contrary to the interest of the child or nonminor, and good cause exists for the continuance as stated below (hearing must be concluded no later than 60 days after the start of the placement):
5. The needs of the child or nonminor dependent
- a. ☐ can be met through placement in a family-based setting.
- b. ☐ cannot be met through placement in a family-based setting. The placement in a short-term residential therapeutic program or community treatment facility, as applicable, ☐ does ☐ does not provide the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment.
6. A short-term residential therapeutic program or community treatment facility level of care, as applicable, ☐ is ☐ is not consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.
7. In the case of an Indian child, there ☐ is ☐ is not clear and convincing evidence of good cause to depart from the placement preferences stated in Welf. & Inst. Code, § 361.31.
8. The short-term residential therapeutic program or community treatment facility identified in the *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-235) filed on (date): _____, is
- ☐ approved.
- ☐ disapproved. The social worker or probation officer is ordered to transition the child or nonminor dependent to a placement setting that is consistent with the determinations in items 5, 6, and 7 within 30 days.
9. The basis for the court's determination in item 8 has been stated on the record or is stated in writing here:
- a. ☐ The court's determination in item 8 is based on the findings in items 5, 6, and 7.
- b. ☐ The placement ☐ does ☐ does not promote the child's or nonminor dependent's best interests.
- c. ☐ The child or nonminor dependent's needs can be met in a placement in a lower level of care.
- d. ☐ Another placement in a lower level of care is available and willing to accept the child or nonminor dependent.
- e. ☐ Other: _____

10. ☐ Other orders:

12. ☐ Next hearing date:

Time:

Dept.:

Room:

Date: _____

Judicial Officer

**Notice of Request for Approval of
Short-Term Residential Therapeutic
Program or Community Treatment
Facility Without a Hearing**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Important: The agency listed in ① has asked the judge to approve a placement for a child or nonminor dependent. If you do not agree to the placement listed in ②, you must file form JV-236, *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility*. If you have a lawyer, talk to your lawyer right away if you do not agree with the placement.

Fill in court name and street address:

Superior Court of California, County of

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

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

Court fills in case number when form is filed.

Case Number:**①** Agency requesting review: _____

Name of person filing the form: _____

Title of person filing the form: _____

Address: _____

Phone: _____

② Placement of child or nonminor dependent

a. Name of placement: _____

b. This is a (*check one*):☐ short-term residential therapeutic program.☐ community treatment facility.

c. Date of placement: _____

③ This notice is for (*check all that apply*):☐ short-term residential therapeutic program.☐ community treatment facility.

The agency listed in ① has asked the judge to approve the placement without a court hearing. If you do not agree to the placement listed in ②, you must file form JV-236. If you do not file form JV-236, the court hearing currently scheduled for (*date of court hearing*): _____ may be canceled.

④ Signature of agency representative

Date: _____

*Name of agency representative*_____
Signature of agency representative

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

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

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

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

THE COURT FINDS AND ORDERS

4. a. ☐ Notice has been given as required by law.
- b. ☐ This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welf. & Inst. Code, § 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. ☐ For a child 10 years of age or older who is not present,
- a. ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- b. ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (1) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (2) ☐ it is in the best interest of the child not to continue the hearing.
6. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.

CHILD'S NAME:

CASE NUMBER:

7. ☐ The court previously made a finding denying or terminating reunification services, under Welf. & Inst. Code, §§ 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for

☐ parent (name):

☐ parent (name):

☐ parent (name):

8. a. ☐ The court finds, by clear and convincing evidence, that it is likely the child will be adopted.

- b. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and

- (1) ☐ the court has heard and considered all relevant, admissible evidence, including

(A) ☐ qualified expert witness testimony provided by (name of witnesses)

and

(B) ☐ evidence regarding the prevailing social and cultural practices of the child's tribe; and

- (2) ☐ the court finds beyond a reasonable doubt that continued physical custody by the ☐ mother ☐ father

☐ Indian custodian ☐ Other (name and relationship to child):

☐ Other (name and relationship to child):

is likely to result in serious emotional or physical damage to the child.

9. The parental rights of

a. ☐ parent (name):

b. ☐ parent (name):

c. ☐ parent (name):

d. ☐ alleged fathers (names):

e. ☐ unknown mother ☐ all unknown fathers

are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.

- f. **The adoption is likely to be finalized by (date):**

(If item 9 is completed, skip items 10–18 and go directly to item 19.)

10. This case involves an Indian child. The parental rights of

a. ☐ parent (name):

b. ☐ parent (name):

c. ☐ parent (name):

d. ☐ Indian custodians (names):

e. ☐ alleged fathers (names):

f. ☐ unknown mother ☐ all unknown fathers

are modified in accordance with the tribal customary adoption order of the (specify):

dated and comprising pages, which is accorded full faith and credit and fully incorporated herein.

The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.

(If item 10 is completed, skip items 11–18 and go directly to item 19.)

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

12. ☐ Termination of parental rights would be detrimental to the child for the following reasons: (If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship), 16 (permanent placement with a relative) or 17 (continued foster care).)

a. ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.

b. ☐ The child is 12 years of age or older and objects to termination of parental rights.

CHILD'S NAME:	CASE NUMBER:
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12. c. ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. ☐ The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.
- NOTE: Do not check item 12d if the child is either:
- (1) under the age of 6; or
 - (2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.

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

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

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

(Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15–18, and go directly to item 19.)

- b. ☐ Visitation between the child and
- (1) ☐ parent (*name*):
 - (2) ☐ parent (*name*):
 - (3) ☐ legal guardian (*name*):
 - (4) ☐ Other (*name*):
- is scheduled as follows (*specify*):

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

15. ☐ The child's permanent plan is legal guardianship.

☐ (*Name*):

is appointed guardian of the child's person ☐ and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until the *Letters* have issued.

(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16–18 and go directly to item 19.)

- a. ☐ Visitation between the child and
- (1) ☐ parent (*name*):
 - (2) ☐ parent (*name*):
 - (3) ☐ legal guardian (*name*):
 - (4) ☐ Other (*name*):
- is scheduled as follows (*specify*):

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

- c. ☐ Dependency ☐ Wardship jurisdiction is terminated.

(If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.)

The juvenile court retains jurisdiction over the guardianship under Welf. & Inst. Code, § 366.4 or § 728(e).

- d. ☐ Dependency ☐ Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by (date): _____.

16. ☐ The child's permanent plan is permanent placement with (name): _____, a fit and willing relative, subject to the periodic review of the juvenile court under Welf. & Inst. Code, § 366.3 or § 727.2. The likely date by which the child's permanent plan will be achieved is (specify date): _____.

(if item 16 is checked, skip item 17, provide for visitation in item 18, as appropriate, and go to item 19.)

17. ☐ The child remains placed in foster care with (name of placement): _____.

- a. ☐ With a permanent plan of

- (1) ☐ returning home;
(2) ☐ adoption;
(3) ☐ tribal customary adoption;
(4) ☐ legal guardianship; or
(5) ☐ placement with a fit and willing relative.

- b. ☐ The child is 16 years of age or older and no other permanent plan is appropriate at this time. The child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
☐ return home. ☐ establish a legal guardianship.
☐ place for adoption. ☐ place with a fit and willing relative.
☐ Other (specify): _____.

- c. The barriers to achieving the permanent plan in items 17a and 17b are:

- d. The child, if 10 years of age or older, has identified the following individuals, other than the child's siblings, who are important to the child (specify): _____.

- e. The child's permanent plan is likely to be achieved by (date): _____.

(if item 17 is checked, provide for visitation in item 18, as appropriate, and go to item 19.)

18. The child is permanently placed with a relative or remains placed in foster care (if item 16 or 17 is checked):

- a. ☐ Visitation between the child and

- (1) ☐ parent (name): _____
(2) ☐ parent (name): _____
(3) ☐ legal guardian (name): _____
(4) ☐ Other (name): _____

is scheduled as follows (specify): _____.

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18. b. ☐ Visitation between the child and (names):
is detrimental to the child's physical or emotional well-being and is terminated.
19. ☐ The child is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because
- a. ☐ the permanent plan is not adoption, and (choose one)
- (1) ☐ the child is placed with a member of the child's extended family, as defined by Welf. & Inst. Code, § 224.1(c); or
 - (2) ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - (3) ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - (4) ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - (5) ☐ the child is placed in accordance with the preferences established by the tribe; or
 - (6) ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
- b. ☐ the permanent plan is adoption, and (choose one)
- (1) ☐ the child is placed with a member of the child's extended family; or
 - (2) ☐ a diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or
 - (3) ☐ an diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or
 - (4) ☐ the child is placed in accordance with the preferences established by the tribe; or
 - (5) ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
20. ☐ The child's placement is necessary.
21. ☐ The child's placement is appropriate.
22. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
23. ☐ The child is missing or has run away from placement. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
24. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
25. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
26. ☐ The child is an Indian child, and active efforts, as detailed in the record, ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. If active efforts were made, those efforts have proved ☐ successful ☐ unsuccessful.

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27. The child is 14 years of age or older and

- a. ☐ the services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ the services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ to assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

28. ☐ The child remains a ☐ dependent ☐ ward of the court. (Do NOT check **this item** if item 15c is checked.)

29. ☐ All prior orders not in conflict with this order remain in full force and effect.

30. ☐ Other (specify):

31. ☐ Next hearing date: _____ Time: _____ Dept.: _____ Room: _____
- a. ☐ Continued hearing under Welf. & Inst. Code, § 366.26 for receipt of report on attempts to locate an appropriate adoptive family
- b. ☐ Continued hearing under Welf. & Inst. Code, § 366.24(c)(6) for receipt of the tribal customary adoption order
- c. ☐ Six-month postpermanency review
- d. ☐ Other (specify):

32. The

- a. ☐ Parent (name):
- b. ☐ Parent (name):
- c. ☐ Parent (name):
- d. ☐ Indian custodian (name):
- e. ☐ Child
- f. ☐ Other (name):
- g. ☐ Other (name):

have been advised of their appeal rights under California Rules of Court, rule 5.590.

Date: _____

Judicial Officer

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (*specify*):
 filed on (*date*):

a. Date: _____

b. Department: _____

c. Judicial officer (*name*): _____

d. Court clerk (*name*): _____

e. Court reporter (*name*): _____

f. Bailiff (*name*): _____

g. Interpreter (*name and language*): _____

h. <u>Party (name):</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (<i>specify</i>):	☐		☐	☐
i. Others present in courtroom:				
(1) Court Appointed Special Advocate (CASA) volunteer (<i>name</i>):				
(2) Other (<i>name</i>):				
(3) Other (<i>name</i>):				

a. Report of social worker dated:

b. Report of CASA volunteer dated:

c. Other (*specify*):

d. Other (*specify*):

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.

b. ☐ **For a child 10 years of age or older who is not present**

(1) ☐ The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

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4. b. (2) ☐ The child was not properly notified under **Welf. & Inst. Code, § 349(d)** of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
5. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a. ☐ The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. ☐ A Court Appointed Special Advocate is appointed for the child.
8. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by **Welf. & Inst. Code, § 316.2** to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):
9. **ICWA Inquiry**
- On the record, the court has
- a. ☐ asked each participant present at the hearing
- whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
- b. ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.
10. **ICWA Status**
- a. ☐ The court finds there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
- b. ☐ The court finds there is reason to believe the child is an Indian child; and
- (1) ☐ the agency has completed further inquiry as required by **Welf. & Inst. Code, § 224.2(e)**, and there is no reason to know that the child is an Indian child. ICWA does not apply; or
- (2) ☐ the agency is ordered to complete further inquiry as required by **Welf. & Inst. Code, § 224.2(e)** and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. ☐ The court finds that there is reason to know that the child is an Indian child, and
- (1) ☐ the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or

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10. c. (2) ☐ the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
- (3) ☐ notice has been provided as required by law; and
- (4) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The court finds that the child is an Indian child and a member of the _____ tribe.

11. ICWA Jurisdiction

- a. It is known or there is reason to know that the child is an Indian child. The court finds (*select one*)
- (1) ☐ that it has jurisdiction over the proceeding because
- (a) the court finds that the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and
- (b) the court finds that the child is not already under the jurisdiction of a tribal court; or
- (2) ☐ the court finds that it does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or
- (3) ☐ the court finds that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with section 1922 of title 25 of the United States Code.

Advisements and waivers

12. The court has informed and advised the

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (*specify*): _____
- ☐ Other (*specify*): _____

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
- The contents of the petition;
 - The nature of and possible consequences of juvenile court proceedings;
 - The reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - The right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - That if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - That the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - That the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on their own behalf.

13. ☐ The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (*specify*): _____
- ☐ Other (*specify*): _____

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

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14. ☐ **CHILD NOT DETAINED**

- a. ☐ Services that would prevent the need for further detention, including those set forth in item 17, are available.
- b. ☐ The child is returned to the custody of
- | | | | |
|--|--|---|---|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ Other (specify): |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | ☐ Other (specify): |

15. ☐ **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (select at least one)
- (1) ☐ there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) ☐ there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
 - (3) ☐ the child has left a placement in which they were placed by the juvenile court.
 - (4) ☐ the child has been physically abused by a person residing in the home and is unwilling to return home.
 - (5) ☐ the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated on the record.
- f. The facts on which the court bases its decision to order the child detained are stated on the record.
- g. The child is placed in
- (1) ☐ the approved home of a relative.
 - (2) ☐ an emergency shelter.
 - (3) ☐ other suitable licensed place.
 - (4) ☐ a place exempt from licensure designated by the juvenile court.
 - (5) ☐ the approved home of a nonrelative extended family member as defined in Welf. & Inst. Code, § 362.7.
 - (6) ☐ a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for (date):
- h. Services, including those set forth in item 17, are to be provided to the family as soon as possible to reunify the child with their family.
- i. ☐ Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. ☐ Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. ☐ There is a relative who is able, approved, and willing to care for the child.
- l. ☐ A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.

16. ☐ **CHILD DETAINED AND THERE IS REASON TO KNOW CHILD IS AN INDIAN CHILD**

- a. ☐ The evidence includes all of the requirements of Welf. & Inst. Code, § 319(b).

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16. b. ☐ As detailed in the record, the agency has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proved ☐ successful or ☐ unsuccessful;
- ☐ the agency has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c. ☐ For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d. ☐ The child's placement complies with the placement preferences set forth in **Welf. & Inst. Code, § 361.31**. The child is placed
- ☐ with a member of the child's extended family;
- ☐ in a foster home licensed, approved, or specified by the child's tribe;
- ☐ in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- ☐ in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
- OR
- ☐ for the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

17. ☐ The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. ☐ Alcohol and drug testing	☐	☐	☐	☐	☐	☐
b. ☐ Substance abuse treatment	☐	☐	☐	☐	☐	☐
c. ☐ Parenting education	☐	☐	☐	☐	☐	☐
d. ☐ (Specify):	☐	☐	☐	☐	☐	☐
e. ☐ (Specify):	☐	☐	☐	☐	☐	☐
f. ☐ (Specify):	☐	☐	☐	☐	☐	☐

18. ☐ **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms)
- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

19. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

20. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

21. ☐ There is reason to know the child is an Indian child, and the county agency must provide notice under **Welf. & Inst. Code, § 224.3** for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

22. ☐ **Other findings and orders**
- a. ☐ See attached.
- b. ☐ (Specify):

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23. ☐ The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

24. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ Jurisdictional hearing
- b. ☐ Dispositional hearing
- c. ☐ Settlement conference
- d. ☐ Mediation
- e. ☐ Other (*specify*):

25. **All prior orders not in conflict with this order remain in full force and effect.**

26. Number of pages attached: _____

Date: _____

Judicial Officer

Countersignature for detention orders (*if necessary*):

Date: _____

Judge

CHILD'S NAME:

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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. ☐ The child is a person described by Welf. & Inst. Code, § 300 (check all that apply)
- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| ☐ 300(a) | ☐ 300(c) | ☐ 300(e) | ☐ 300(g) | ☐ 300(i) |
| ☐ 300(b) | ☐ 300(d) | ☐ 300(f) | ☐ 300(h) | ☐ 300(j) |
- and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. ☐ There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. ☐ Mother | ☐ | ☐ | ☐ | ☐ | ☐ |
| b. ☐ Presumed father | ☐ | ☐ | ☐ | ☐ | ☐ |
| c. ☐ Biological father | ☐ | ☐ | ☐ | ☐ | ☐ |
| d. ☐ Legal guardian | ☐ | ☐ | ☐ | ☐ | ☐ |
| e. ☐ Indian custodian | ☐ | ☐ | ☐ | ☐ | ☐ |
| f. ☐ Other (specify): | ☐ | ☐ | ☐ | ☐ | ☐ |
| g. ☐ Other (specify): | ☐ | ☐ | ☐ | ☐ | ☐ |
3. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
- a. ☐ qualified expert witness testimony was provided by _____; and
- b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
- c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
- | | | |
|---|--|---|
| ☐ Mother | ☐ Biological father | ☐ Legal guardian |
| ☐ Presumed father | ☐ Indian custodian | |
| ☐ Other (specify): | | |
| ☐ Other (specify): | | |
4. Reasonable efforts ☐ were ☐ were not made to prevent or eliminate the need for removal from the home.
5. ☐ The child is an Indian child or ☐ where there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
- b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
- e. the active efforts have proved ☐ successful ☐ unsuccessful.
6. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from (check all that apply)**
- | | | |
|---|--|---|
| ☐ mother | ☐ biological father | ☐ legal guardian |
| ☐ presumed father | ☐ Indian custodian | |
| ☐ Other (specify): | | |
| ☐ Other (specify): | | |

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Family finding and engagement

7. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's relatives.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's relatives.
- (1) ☐ The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) ☐ The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Case plan development

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

Custody and placement

9. ☐ The ☐ mother ☐ presumed father ☐ biological father did not reside with the child at the time the petition was filed and ☐ does ☐ does not desire custody of the child.
- a. ☐ By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
☐ Mother ☐ Presumed father ☐ Biological father
- b. ☐ The factual basis for the findings in this item is stated on the record.
10. ☐ **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. ☐ in the approved home of a relative.
- b. ☐ in the approved home of a nonrelative extended family member.
- c. ☐ the approved home of a resource family, as defined in Welf. & Inst. Code, § 16519.5 or a home that is pending approval under Welf. & Inst. Code, § 16519.5(e)(1).
- d. ☐ with a foster family agency for placement in a foster family home.
- e. ☐ in a suitable licensed community care facility.
- f. ☐ in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 was held on or is set for (date):
11. ☐ **Placement with the child's relative, (name):**
has been independently considered by the court and is denied for the reasons stated on the record.
12. ☐ The child is an Indian child or there is reason to know the child is an Indian child. Currently (choose one)
- a. ☐ the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

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12. e. ☐ the child is placed in accordance with the preferences established by the tribe; or
 f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
13. **The child's out-of-home placement is necessary.**
14. ☐ **The child's current placement is appropriate.**
15. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
16. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
17. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-415, item 18 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
18. ☐ For a child placed in short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
19. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is not the most appropriate placement for the child and is not in the best interest of the child.
 The matter is continued to the date and time indicated in form JV-415, item 18 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

Reunification services

20. ☐ **Provision of reunification services to the biological father** ☐ will ☐ will not benefit the child.
21. ☐ **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
- a. ☐ Participation in the program ☐ is ☐ is not in the child's best interest.
- b. ☐ The program ☐ is ☐ is not suitable to meet the needs of the mother and child.
22. ☐ The
- ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is incarcerated and reasonable reunification services are
- a. ☐ granted.
- b. ☐ denied because, by clear and convincing evidence, providing reunification services would be detrimental to the child.
23. ☐ **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence,**
- a. the ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is a person described in Welf. & Inst. Code, § (choose all that apply)
- ☐ 361.5(b)(3) ☐ 361.5(b)(7) ☐ 361.5(b)(9) ☐ 361.5(b)(11) ☐ 361.5(b)(13) ☐ 361.5(b)(16)
- ☐ 361.5(b)(4) ☐ 361.5(b)(8) ☐ 361.5(b)(10) ☐ 361.5(b)(12) ☐ 361.5(b)(15) ☐ 361.5(b)(17)

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23. a. and reunification services are

- (1) ☐ granted because, by clear and convincing evidence reunification is in the best interest of the child.
 (2) ☐ denied.

b. The ☐ mother ☐ legal guardian ☐ Other (specify):
☐ presumed father ☐ Indian custodian ☐ Other (specify):
 is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person.
 Reunification services are denied.

c. The ☐ mother ☐ legal guardian ☐ Other (specify):
☐ presumed father ☐ Indian custodian ☐ Other (specify):
 is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are

- (1) ☐ granted.
 (2) ☐ denied because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.

d. The ☐ mother ☐ legal guardian ☐ Other (specify):
☐ presumed father ☐ Indian custodian ☐ Other (specify):
 is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are

- (1) ☐ granted because
 (a) ☐ reunification services are likely to prevent reabuse or neglect.
 (b) ☐ the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
 (2) ☐ denied.

e. The ☐ mother ☐ legal guardian
☐ presumed father ☐ Indian custodian
☐ other person who is a legal parent of the child (name):
☐ Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are

- (1) ☐ granted because by clear and convincing evidence reunification is in the best interest of the child.
 (2) ☐ denied because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
 (3) ☐ The factual basis for the findings in this item is stated on the record.

f. The ☐ mother ☐ legal guardian ☐ Other (specify):
☐ presumed father ☐ Indian custodian ☐ Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed *Waiver of Reunification Services* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.

g. **The county agency must provide reunification services**, and the following must participate in the reunification services stated in the case plan:

☐ Mother ☐ Biological father ☐ Presumed father ☐ Other (specify):
☐ Indian custodian ☐ Legal guardian ☐ Other (specify):

24. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (specify):

Efforts

25. The county agency ☐ has ☐ has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete any steps necessary to finalize the permanent placement of the child.

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26. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

27. ☐ The child does not have siblings under the court's jurisdiction.

28. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.

Health and education

29. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

30. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:

31. ☐ **The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.**

32. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

33. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
 b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

34. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:

- a. ☐ Social worker
 b. ☐ Parent (name):
 c. ☐ Surrogate parent (name):
 d. ☐ Educational representative (name):
 e. ☐ Other (name):

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35. ☐ The child's education placement has changed since the date the child was physically removed from the home.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
- b. ☐ The child is enrolled in school.
- c. ☐ The child is attending school.
36. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the child is:
the support person's relationship(s) to the child is:
- (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
- (a) ☐ stated on the record.
- (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
37. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
38. ☐ **Child 14 years of age or older**
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

Advisements

39. ☐ Child under three years of age on the date of initial removal from the physical custody of the child's parent or guardian, or for a child in a sibling group whose members were removed from parental custody at the same time, and in which one member of the sibling group was under three years of age on the date of initial removal from the physical custody of the child's parent or guardian.
- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).
- Six-month hearing date:**
- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:

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39. b. • whether the sibling group was removed from parental care as a group;
 • the closeness and strength of the sibling bond;
 • the ages of the siblings;
 • the appropriateness of maintaining the sibling group;
 • the detriment to the child if sibling ties are not maintained;
 • the likelihood of finding a permanent home for the sibling group;
 • whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 • the wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 • the best interest of each child in the sibling group.
- c. **At the six-month hearing under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**
40. ☐ **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:

41. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(g)(10) of the California Rules of Court to any party not present.
- e. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER SIX-MONTH STATUS REVIEW HEARING (Welf. & Inst. Code, § 366.21(e))	CASE NUMBER:

1. Six-month status review hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial Officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

	Present	Attorney (name):	Present	Appointed today
h. <u>Party (name):</u>				
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐
(12) Other (specify):	☐		☐	☐
i. Others present in courtroom:				
(1) Court Appointed Special Advocate (CASA) volunteer (name):				
(2) Other (name):				
(3) Other (name):				

2. The court has read and considered and admits into evidence

- a. ☐ report of social worker dated:
- b. ☐ report of CASA volunteer dated:
- c. ☐ case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For a child 10 years of age or older who is not present,**
- (1) ☐ the child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

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3. b. (2) ☐ the child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing, or the child wished to be present and was not given an opportunity to be present, and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be ☐ an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on **their** own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

CHILD'S NAME:	CASE NUMBER:
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9. c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): _____ ☐ Other (specify): _____

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts

10. The county agency

- a. ☐ has
b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
- b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

CHILD'S NAME:	CASE NUMBER:
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15. b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
16. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(specify date)*:
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
 a. ☐ Social worker
 b. ☐ Parent *(name)*:
 c. ☐ Surrogate parent *(name)*:
 d. ☐ Educational representative *(name)*:
 e. ☐ Other *(name)*:
20. ☐ The child's education placement has changed since the last review hearing.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
 (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (2) ☐ the name of the support person(s) to assist the child is: . The support person's relationship(s) to the child is: .
 (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 (a) ☐ stated on the record.
 (b) ☐ as follows:
 b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

CHILD'S NAME:	CASE NUMBER:
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23. ☐ **Child 14 years of age or older:**

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - (1) ☐ stated on the record.
 - (2) ☐ as follows:

24. **Placement and services are ordered as stated in** *(check appropriate boxes and attach indicated forms)*

- a. ☐ *Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e)) (form JV-431), which is attached and incorporated by reference.*
- b. ☐ *Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e)) (form JV-432), which is attached and incorporated by reference.*
- c. ☐ *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e)) (form JV-433), which is attached and incorporated by reference.*

25. ☐ **Contact with the child is ordered as stated in** *(check appropriate box and attach indicated form)*

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400)*
- b. ☐ *Visitation Attachment: Sibling (form JV-401)*
- c. ☐ *Visitation Attachment: Grandparent (form JV-402)*

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ *(Specify):*

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Twelve-Month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ **Nonminor dependent status review (Welf. & Inst. Code, § 366.31)**
- e. ☐ Other *(specify):*

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

Judicial Officer

CHILD'S NAME:

CASE NUMBER:

SIX-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(e))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

CHILD'S NAME:

CASE NUMBER:

Reunification services

10. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- ☐ affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - ☐ these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - ☐ to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - ☐ these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - ☐ the active efforts have proved ☐ successful ☐ unsuccessful.

11. ☐ **Reunification services continued: Child under age of three at time of removal or member of sibling group**

- ☐ The child was under the age of three years on the date of the initial removal from the home.
- ☐ The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
 - (5) (name):
 - (6) (name):
- ☐ Services are continued as described in item 12; or
- ☐ The court finds by clear and convincing evidence that the parent or legal guardian failed to participate regularly and make substantive progress in a court-ordered treatment plan, but reunification services are continued because
 - (1) ☐ having considered the relevant evidence, including
 - (a) ☐ whether there has been significant progress in resolving the problems that led to the removal;
 - (b) ☐ whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; and
 - (c) ☐ whether there has been consistent and regular contact and visitation with the child;

the court finds there is a substantial probability that the child may be returned to the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (specify):
☐ Other (specify):		

within six months of the date of this hearing or within 12 months of the date the child entered foster care, whichever is sooner.
 - (2) Reasonable services have not been provided to the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (specify):
☐ Other (specify):		

CHILD'S NAME:

CASE NUMBER:

12. Reunification services are continued for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

- a. ☐ as previously ordered.
 b. ☐ as modified
 (1) ☐ on the record.
 (2) ☐ in the case plan.

13. ☐ **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative or in another planned permanent living arrangement is (date):

Important individuals

14. ☐ **The child is 10 years of age or older and has been in out-of-home placement for six months or longer.**

- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
 b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
 c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
 (1) ☐ as stated on the record.
 (2) ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
 ☐ presumed father ☐ legal guardian ☐ Other (specify):
 ☐ Other (specify):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan, modification of parental rights and the adoption of the child and other members of the sibling group.

Twelve-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

**SIX-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

CHILD'S NAME:

CASE NUMBER:

Reunification services

10. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- ☐ affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - ☐ these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - ☐ to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - ☐ these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - ☐ the active efforts have proved ☐ successful ☐ unsuccessful.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
- ☐ qualified expert witness testimony was provided by _____; and
 - ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother	☐ Biological father	☐ Legal guardian
☐ Presumed father	☐ Indian custodian	
☐ Other (specify):		
☐ Other (specify):		

12. ☐ **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**

- ☐ The child was under the age of three years on the date of the initial removal from the home.
- ☐ The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
 - (5) (name):
 - (6) (name):
- By clear and convincing evidence the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (specify):
☐ Other (specify):		

failed to participate regularly and make substantive progress in a court-ordered treatment plan and there is not a substantial probability of return within six months. Reunification services are terminated.
- Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

CHILD'S NAME:

CASE NUMBER:

13. ☐ **Reunification services terminated: Child of any age**a. ☐ Reunification services are terminated for the

☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and, by clear and convincing evidence,

- (1) ☐ the person's whereabouts remain unknown.
 (2) ☐ the person has not had contact or visited with the child for six months.

b. ☐ Reunification services are terminated for the

☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because, by clear and convincing evidence, that person has been convicted of a felony indicating parental unfitness.

c. ☐ Reunification services are terminated for the

☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because it is determined that the person is deceased.

14. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Important individuals15. ☐ **Child in out-of-home placement for six months or longer**

a. ☐ The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

b. ☐ The county agency has **not** made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services

- (1) ☐ as stated on the record.
 (2) ☐ as follows:

Health

16. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

CHILD'S NAME:

CASE NUMBER:

Setting for selection of permanent plan

17. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):
18. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): , a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):
- b. ☐ The child is ordered to remain in foster care with a permanent plan of (specify)
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.

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18. c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to

☐ return home.

☐ establish legal guardianship.

☐ place for adoption.

☐ place with a relative.

☐ Other (specify):

The likely date by which the child's permanent plan will be achieved is (date):

d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe):

19. ☐ For children 16 years of age or older placed in another planned permanent living arrangement,

a. the court asked the child where the child wants to live, and the child provided the following information (describe):

b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):

c. the compelling reasons why the other permanent plan options are not in the child's best interests are (describe):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 12-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.21(f))	CASE NUMBER:

1. Twelve-month permanency hearing

- | | |
|---|--|
| a. Date:
b. Department:
c. Judicial officer (name):
d. Court clerk (name): | e. Court reporter (name):
f. Bailiff (name):
g. Interpreter (name and language): |
|---|--|

	Present	Attorney (name):	Present	Appointed today
h. <u>Party (name):</u>				
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐
(12) Other (specify):	☐		☐	☐
i. Others present in courtroom:				
(1) Court Appointed Special Advocate (CASA) volunteer (name):				
(2) Other (name):				
(3) Other (name):				

2. The court has read and considered and admits into evidence the

- a. ☐ report of social worker dated:
- b. ☐ report of CASA volunteer dated:
- c. ☐ case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ For a child 10 years of age or older who is not present,
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

CHILD'S NAME:

CASE NUMBER:

3. b. (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. ☐ The child is an Indian child or ☐ there is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers**7. The court has informed and advised the**

☐ mother ☐ biological father ☐ legal guardian ☐ child

☐ presumed father ☐ alleged father ☐ Indian custodian

☐ Other (specify): ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

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9. c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts

10. The county agency

- a. ☐ has
b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - these efforts and the case plan ☐ have ☐ have not been **conducted and developed** to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ **A limitation on the right of the parents to make educational decisions for the child is not necessary.** The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

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16. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): .
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
 a. ☐ Social worker
 b. ☐ Parent (name):
 c. ☐ Surrogate parent (name):
 d. ☐ Educational representative (name):
 e. ☐ Other (name):
20. ☐ The child's education placement has changed since the last review hearing.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
 (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (2) ☐ the name of the support person(s) to assist the child is: , and the relationship(s) to the child is: .
 (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 (a) ☐ stated on the record.
 (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. ☐ **Child 14 years of age or older:**
 a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.

CHILD'S NAME:	CASE NUMBER:
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23. c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services

(1) ☐ stated on the record.

(2) ☐ as follows:

24. **Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. ☐ *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f))* (form JV-436), which is attached and incorporated by reference.
- b. ☐ *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437), which is attached and incorporated by reference.
- c. ☐ *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ **Eighteen-month permanency hearing** (Welf. & Inst. Code, § 366.22)
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ **Nonminor dependent status review** (Welf. & Inst. Code, § 366.31)
- f. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

Judicial Officer

CHILD'S NAME:

CASE NUMBER:

TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

CHILD'S NAME:

CASE NUMBER:

9. ☐ **The child is placed outside the state of California, and that out-of-state placement**

- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ **is no longer** the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
 - (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) ☐ Other (specify):

Reunification services10. a. ☐ **There is substantial probability that the child may be returned** to the

- | | | |
|---|--|---|
| ☐ mother | ☐ biological father | ☐ Indian custodian |
| ☐ presumed father | ☐ legal guardian | ☐ Other (specify): |
| ☐ Other (specify): | | |

by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

- (1) made significant progress in resolving the problems that led to the removal;
- (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
- (3) consistently and regularly contacted and visited the child.

b. ☐ Reasonable services have not been provided to the

- | | | |
|---|--|---|
| ☐ mother | ☐ biological father | ☐ Indian custodian |
| ☐ presumed father | ☐ legal guardian | ☐ Other (specify): |
| ☐ Other (specify): | | |

11. Reunification services are continued for the

- | | | |
|---|--|---|
| ☐ mother | ☐ biological father | ☐ Indian custodian |
| ☐ presumed father | ☐ legal guardian | ☐ Other (specify): |
| ☐ Other (specify): | | |

a. ☐ as previously ordered.b. ☐ as modified

- (1) ☐ on the record.
- (2) ☐ in the case plan.

12. ☐ **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (date):**Important individuals**13. ☐ **Child 10 years of age or older**

- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
 - (2) ☐ as follows:

CHILD'S NAME:

CASE NUMBER:

Health

14. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

15. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 18-month permanency hearing set on a date within 18 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Eighteen-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

**TWELVE-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(f))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved ☐ successful ☐ unsuccessful.
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. ☐ qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother

☐ Biological father

☐ Legal guardian

☐ Presumed father

☐ Indian custodian

☐ Other (specify): _____

☐ Other (specify): _____

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
9. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
10. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. ☐ The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 - b. ☐ Other (specify): _____

CHILD'S NAME:	CASE NUMBER:
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11. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - ☐ the child is placed in accordance with the preferences established by the tribe; or
 - ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
 - ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
 - ☐ returning the child to California and locating an appropriate placement within California.
 - ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - ☐ Other (*specify*):
13. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Important individuals

14. ☐ **For a child who is 10 years of age or older,**
- ☐ the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - ☐ the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - ☐ to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
 - ☐ as stated on the record.
 - ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Other (*specify*):
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

CHILD'S NAME:

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Selection of permanent plan

16. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.

a. ☐ The child's permanent plan is permanent placement with (name): , a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):

b. ☐ The child is ordered to remain in foster care with a permanent plan of

- (1) ☐ return home.
 (2) ☐ adoption.
 (3) ☐ tribal customary adoption.
 (4) ☐ legal guardianship.
 (5) ☐ placement with a fit and willing relative.

c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to

- ☐ return home. ☐ establish legal guardianship.
☐ place for adoption. ☐ place with a relative.
☐ Other (specify):

The likely date by which the child's permanent plan will be achieved is (date):

d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe):

17. ☐ **For children 16 years of age or older placed in another planned permanent living arrangement,**

a. the court asked the child where the child wants to live, and the child provided the following information (describe):

b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):

c. the compelling reasons why the other permanent plan options are not in the child's best interest are (describe):

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18. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to **their** usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under **Family Code section 8700**, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*specify date*):

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3. b. (2) ☐ The child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify): ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

CHILD'S NAME:	CASE NUMBER:
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9. c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): _____ ☐ Other (specify): _____

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts

10. The county agency

- a. ☐ has
b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify): _____	☐	☐	☐	☐	☐
g. ☐ Other (specify): _____	☐	☐	☐	☐	☐

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

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15. b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
16. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): .
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
 a. ☐ Social worker
 b. ☐ Parent (name):
 c. ☐ Surrogate parent (name):
 d. ☐ Educational representative (name):
 e. ☐ Other (name):
20. ☐ The child's education placement has changed since the last review hearing.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
 (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (2) ☐ the name of the support person(s) to assist the child is: , and the support person's relationship(s) to the child is: .
 (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 (a) ☐ stated on the record.
 (b) ☐ as follows:
 b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

CHILD'S NAME:	CASE NUMBER:
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23. ☐ **Child 14 years of age or older**

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

24. **Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. ☐ *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22)* (form JV-441), which is attached and incorporated by reference.
- b. ☐ *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (form JV-442), which is attached and incorporated by reference.
- c. ☐ *Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22)* (form JV-443), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Twenty-four-month permanency hearing (Welf. & Inst. Code, § 366.25)
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ **Nonminor dependent status review (Welf. & Inst. Code, § 366.31)**
- f. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

Judicial Officer

CHILD'S NAME:

CASE NUMBER:

**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.22)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record
 - a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved ☐ successful ☐ unsuccessful.
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. ☐ qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother	☐ Biological father	☐ Legal guardian
☐ Presumed father	☐ Indian custodian	☐ Other (specify):
☐ Other (specify):		

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
9. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
10. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. ☐ The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 - b. ☐ Other (specify):

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11. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - ☐ the child is placed in accordance with the preferences established by the tribe; or
 - ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
 - ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
 - ☐ returning the child to California and locating an appropriate placement within California.
 - ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - ☐ Other (*specify*):

13. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Important individuals

14. ☐ **For a child who is 10 years of age or older,**
- ☐ the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - ☐ the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - ☐ to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
 - ☐ as stated on the record.
 - ☐ as follows:

CHILD'S NAME:

CASE NUMBER:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Selection of permanent plan

16. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): , a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):
- b. ☐ The child is ordered to remain in foster care with a permanent plan of
- (1) ☐ return home.
 - (2) ☐ adoption.
 - (3) ☐ tribal customary adoption.
 - (4) ☐ legal guardianship.
 - (5) ☐ placement with a fit and willing relative.
- c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
☐ place for adoption. ☐ place with a relative.
☐ Other (specify):
- The likely date** by which the child's permanent plan will be achieved is (date):
- d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe):

17. ☐ **For children 16 years of age or older placed in another planned permanent living arrangement.**

a. The court asked the child where the child wants to live, and the child provided the following information (describe):

b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):

CHILD'S NAME:	CASE NUMBER:
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17. c. The compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

18. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to **their** usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under **Family** Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (*name*):
- (2) (*name*):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*date*):

CHILD'S NAME:

CASE NUMBER:

EIGHTEEN-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.22)

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
6. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
7. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
8. ☐ There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

CHILD'S NAME:

CASE NUMBER:

Reunification services**10. By clear and convincing evidence, it is in the best interest of the child to provide additional reunification services to the**

- a. ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other(specify):

- (1) ☐ who is making significant and consistent progress in a substance abuse treatment program.
(2) ☐ who is recently discharged from incarceration, institutionalization, or the custody of the Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return.
(3) ☐ who was a minor parent or a nonminor dependent parent at the time of the initial hearing and is making significant and consistent progress in establishing a safe home for the child's return.

and

b. There is a substantial probability that the child may be returned to the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.25 because the person has

- (1) consistently and regularly contacted and visited the child;
(2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
(3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
(a) ☐ to complete the objectives of their substance abuse treatment plan as evidenced by reports from a substance abuse provider.
(b) ☐ to complete a treatment plan postdischarge from incarceration or institutionalization.

- c. ☐ The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause under Welf. and Inst. Code, § 352 to continue the 18-month status review to (date):

11. Reunification services are continued for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

- a. ☐ as previously ordered.
b. ☐ as modified
(1) ☐ on the record.
(2) ☐ in the case plan.

12. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (date):

Important individuals**13. ☐ For a child who is 10 years of age or older**

- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.

CHILD'S NAME:

CASE NUMBER:

13. c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services

(1) ☐ as stated on the record.

(2) ☐ as follows:

Health

14. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

15. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 24-month permanency hearing set on a date within 24 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. **That hearing may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Twenty-four-month permanency hearing date:

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PARENTAL RIGHTS TERMINATED; PERMANENT PLAN OF ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

1. Postpermanency hearing

- a. Date: e. Court reporter (name):
 b. Department: f. Bailiff (name):
 c. Judicial officer (name): g. Interpreter (name and language):
 d. Court clerk (name):

h. <u>Party (name):</u>	Present	<u>Attorney (name):</u>	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Legal guardian:	☐		☐	☐
(3) Indian custodian:	☐		☐	☐
(4) De facto parent:	☐		☐	☐
(5) County agency social worker:	☐		☐	☐
(6) Tribal representative:	☐		☐	☐
(7) Other (specify):	☐		☐	☐
(8) Other (specify):	☐		☐	☐
i. Others present in courtroom:				
(1) Court Appointed Special Advocate (CASA) volunteer (name):				
(2) Other (name):				
(3) Other (name):				

2. The court has read and considered and admits into evidence

- a. ☐ report of social worker (dated):
 b. ☐ report of CASA volunteer (dated):
 c. ☐ case plan (dated):
 d. ☐ Other (specify):

 e. ☐ Other (specify):

CHILD'S NAME:

CASE NUMBER:

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ For a child 10 years of age or older who is not present,
- (1) ☐ The child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

Placement

6. **The child's out-of-home placement is necessary.**
7. ☐ **The child's current placement is appropriate.**
8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in item 35 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ **is no longer** the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 35 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

Case plan development

13. a. ☐ The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b. ☐ The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1) ☐ the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
- (2) ☐ the county agency is not required to actively involve the child because the child is unable, unavailable, or unwilling to participate.

CHILD'S NAME:	CASE NUMBER:
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14. ☐ **Child 12 years of age or older:**

- a. ☐ The child was given the opportunity to review the case plan, sign it, and receive a copy.
- b. ☐ The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
- (1) ☐ the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The county agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
- (2) ☐ the county agency is not required to actively involve the child in the case plan development because the child was unable, unavailable, or unwilling to participate.

Efforts15. **The county agency**

- a. ☐ has
- b. ☐ has not

complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

16. ☐ **Child not yet placed with prospective adoptive parent or a guardian**

- a. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.
- b. The child has identified the following as an individual important to them:
- (1) (name):
- (2) (name):
- c. The county agency ☐ has ☐ has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
- d. The county agency ☐ has ☐ has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
- e. The county agency ☐ has ☐ has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
- f. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:
- g. ☐ To identify a prospective adoptive parent or a legal guardian for the child, the county agency must provide the service
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

17. The services provided to the child have been

- a. ☐ adequate.
- b. ☐ not adequate.

Health and education

18. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.

19. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): .

CHILD'S NAME:	CASE NUMBER:
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20. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 18 or other concerns are
- ☐ stated in the social worker's report.
 - ☐ specified here:
21. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 20:
- ☐ Social worker
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
22. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
23. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ the name of the support person(s) to assist the child is: . The support person's relationship(s) to the child is: .
 - ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
24. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
25. ☐ **Child 14 years of age or older**
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:

CHILD'S NAME:	CASE NUMBER:
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Siblings

26. ☐ **The child does not have siblings under the court's jurisdiction.**
27. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
28. ☐ The child has siblings. A postadoption sibling contact agreement ☐ has ☐ has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.

Permanent plan

29. ☐ a. The permanent plan of adoption is appropriate and is ordered to continue as the permanent plan.
b. **The likely date** by which the child's adoption will be finalized is *(date)*:
30. ☐ a. The permanent plan of tribal customary adoption is appropriate and is ordered to continue as the permanent plan.
b. **The likely date** by which the child's tribal customary adoption will be finalized is *(date)*:
31. ☐ a. The child's permanent plan of adoption may or may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).
b. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative **is** *(date)*:
32. ☐ **Contact with the child is ordered as follows** *(check appropriate box and attach indicated form)*:
- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
b. ☐ *Visitation Attachment: Sibling* (form JV-401).
c. ☐ *Visitation Attachment: Grandparent* (form JV-402).
33. **All prior orders not in conflict with this order remain in full force and effect.**
34. ☐ **Other findings and orders**
- a. ☐ See attached.
b. ☐ *(Specify)*:

35. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
c. ☐ **Nonminor dependent status review** (Welf. & Inst. Code, § 366.31)
d. ☐ Other *(specify)*:

36. Number of pages attached: _____

Date: _____

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

1. Postpermanency hearing

- | | |
|---|--|
| a. Date:
b. Department:
c. Judicial officer (name):
d. Court clerk (name): | e. Court reporter (name):
f. Bailiff (name):
g. Interpreter (name and language): |
|---|--|

h. Party name

	Present	Attorney name	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐
(12) Other (specify):	☐		☐	☐

i. Others present in courtroom

- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 (2) Other (name):
 (3) Other (name):

2. The court has read and considered and admits into evidence

- a. ☐ report of social worker (dated):
 b. ☐ report of CASA volunteer (dated):
 c. ☐ case plan (dated):
 d. ☐ Other (specify):

 e. ☐ Other (specify):

CHILD'S NAME:

CASE NUMBER:

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For a child 10 years of age or older who is not present,**
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers**7. The court has informed and advised the**

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify):
- ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify):
- ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

CHILD'S NAME:	CASE NUMBER:
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Placement

9. ☐ Continued out-of-home placement is in the best interest of the child.
10. ☐ The child's out-of-home placement is necessary.
11. ☐ Continued out-of-home placement is no longer necessary. The child is ordered immediately returned to the home of the ☐ mother. ☐ father. ☐ legal guardian. ☐ Other (specify):
- a. ☐ Family maintenance services are ordered for six months.
- b. ☐ The family does not need further services, and the person(s) specified in item 11 is or are granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).
12. ☐ The child's current placement is appropriate.
13. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(i) when determining the continuing necessity for and appropriateness of the placement.
14. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
15. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
16. ☐ The child's current placement is not appropriate. The county agency must locate an appropriate place for the child.
- a. ☐ The matter is continued to the date and time indicated in item 45 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
17. ☐ The child is placed outside the state of California, and that out-of-state placement
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 45 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):
18. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Case plan development

19. a. ☐ The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b. ☐ The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1) ☐ the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
- (2) ☐ the county agency is not required to actively involve the child in the case plan development because the child was unable, unavailable, or unwilling to participate.

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20. ☐ **Child 14 years of age or older**

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.**Efforts**22. **The county agency**

- a. ☐ has
- b. ☐ has not
- complied** with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

23. The services provided to the child have been

- a. ☐ adequate.
- b. ☐ not adequate.

24. ☐ **Child is 10 years of age or older and has been in an out-of-home placement for six months or longer.**

- a. The child has identified the following as an individual important to **the child**:
- (1) (name):
- (2) (name):
- b. The county agency ☐ has ☐ has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
- c. The county agency ☐ has ☐ has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
- d. The county agency ☐ has ☐ has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
- e. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:
- f. ☐ To identify a prospective adoptive parent or a legal guardian for the child, the county agency must provide the service
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

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Siblings

25. ☐ The child does not have siblings under the court's jurisdiction.
26. ☐ The child has siblings under the court's jurisdiction. *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
27. ☐ The child has siblings. A postadoption sibling contact agreement ☐ has ☐ has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.

Education

28. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
29. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are
- a. ☐ stated in the social worker's report.
 b. ☐ specified here:
30. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:
- a. ☐ Social worker
 b. ☐ Parent (name):
 c. ☐ Surrogate parent (name):
 d. ☐ Educational representative (name):
 e. ☐ Other (name):
31. ☐ The child's education placement has changed since the last review hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
- b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
32. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the child is: . The support person's relationship(s) to the child is: .
- (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
- (a) ☐ stated on the record.
 (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

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33. ☐ Child 12 years of age or older

- a. ☐ The child was given the opportunity to review the case plan, sign it, and receive a copy.
- b. ☐ The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
- (1) ☐ the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
- (2) ☐ the county agency is not required to give the child this opportunity because the child was unable, unavailable, or unwilling to participate.

Health

34. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

35. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Permanent plan

36. It is ordered that

- a. ☐ the child's permanent plan is legal guardianship.
The likely date by which the child's permanent plan will be achieved is (date):
- b. ☐ the child's permanent plan is permanent placement with a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):
- c. ☐ It is ordered that the child remain in foster care with a permanent plan of
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.
- d. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
- ☐ place for adoption. ☐ place with a relative.
- ☐ Other (specify):

The likely date by which the child's permanent plan will be achieved is (date):

- e. ☐ The court finds that the barriers to achieving the child's permanent plan are (describe):

a. the placing agency has made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

c. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

38. ☐ The ☐ mother ☐ father ☐ Other (specify): _____ has proved by a preponderance of the evidence that further efforts at reunification are the best alternative for the child under Welf. & Inst. Code, § 366.3(f). Further reunification services to return the child to a safe home environment are ordered for the parent for a period of six months. The case plan dated _____ is appropriate, and the ☐ mother ☐ father ☐ Other (specify): _____ is ordered to participate in the case plan.

41. ☐ a. The child's permanent plan identified in item 36 may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.

b. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).

c. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.

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41. d. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.

e. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).

(1) (name):

(2) (name):

(3) (name):

(4) (name):

42. ☐ **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).

b. ☐ *Visitation Attachment: Sibling* (form JV-401).

c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

43. **All prior orders not in conflict with this order remain in full force and effect.**

44. ☐ **Other findings and orders**

a. ☐ See attached.

b. ☐ (Specify):

45. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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a. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

b. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)

c. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)

d. ☐ Other (specify):

46. Number of pages attached: _____

Date: _____

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3. b. (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

- | | | | |
|---|--|---|--------------------------------|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ child |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | |
| ☐ Other (specify): | | ☐ Other (specify): | |

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
- ☐ Other (specify): ☐ Other (specify):
- The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

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9. c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe

☐ Other (specify): _____ ☐ Other (specify): _____

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts

10. The county agency

- a. ☐ has
b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
 - these efforts and the case plan ☐ have ☐ have not been **conducted** and **developed** to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify): _____	☐	☐	☐	☐	☐
g. ☐ Other (specify): _____	☐	☐	☐	☐	☐

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in **Order Designating Educational Rights Holder** (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

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16. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*: .
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
 a. ☐ Social worker
 b. ☐ Parent *(name)*:
 c. ☐ Surrogate parent *(name)*:
 d. ☐ Educational representative *(name)*:
 e. ☐ Other *(name)*:
20. ☐ The child's education placement has changed since the last review hearing.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
21. ☐ **Child 14 years of age or older**
 a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 (1) ☐ stated on the record.
 (2) ☐ as follows:
22. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
23. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22).
 (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (2) ☐ the name of the support person(s) to assist the child is: . The support person's relationship(s) to the child is:
 (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.

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23. a. (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services

(a) ☐ stated on the record.

(b) ☐ as follows:

b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

24. **Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. ☐ *Twenty-Four-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.25)* (form JV-456), which is attached and incorporated by reference.
- b. ☐ *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (form JV-457), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- c. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- d. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

Judicial Officer

CHILD'S NAME:

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**TWENTY-FOUR-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.25)**

1. By a preponderance of the evidence, the return of the child to **their** parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. **affirmative, active, thorough, and timely efforts** ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. **these efforts** ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. **to the maximum extent possible, the efforts** ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe
 - d. **these efforts and the case plan** ☐ have ☐ have not been **conducted and developed** to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; **and**
 - e. **the active efforts have proved** ☐ **successful.** ☐ **unsuccessful.**
5. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
 - a. ☐ **qualified expert witness testimony was provided by (name):** _____ ; and
 - b. ☐ **evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and**
 - c. ☐ **there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:**

☐ **Mother**

☐ **Biological father**

☐ **Legal guardian**

☐ **Presumed father**

☐ **Indian custodian**

☐ **Other (specify):** _____

☐ **Other (specify):** _____
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (**choose one**),
 - a. ☐ **the child is placed with a member of the child's extended family as defined by section 1903 of the title 25 of the United States Code; or**
 - b. ☐ **a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or**
 - c. ☐ **a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or**
 - d. ☐ **a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or**
 - e. ☐ **the child is placed in accordance with the preferences established by the tribe; or**
 - f. ☐ **the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.**
7. ☐ **The child's current placement is appropriate.**

CHILD'S NAME:	CASE NUMBER:
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8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-455, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ **is no longer** the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 28 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

Selection of permanent plan

13. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.
14. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):
- b. ☐ The child is ordered to remain in foster care with a permanent plan of
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.
- c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- ☐ return home. ☐ establish legal guardianship.
- ☐ place for adoption. ☐ place with a relative.
- ☐ Other (specify):
- The likely date by which the child's permanent plan will be achieved is (date):
- d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe):

CHILD'S NAME:	CASE NUMBER:
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15. ☐ **For a child 16 years of age or older placed in another planned permanent living arrangement:**

- a. The court asked the child where the child wants to live, and the child provided the following information (*describe*):

- b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):

- c. The compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

16. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b).
 - d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
 - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
 - f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
 - (1) (*name*):
 - (2) (*name*):
 - (3) (*name*):
 - (4) (*name*):
 - g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*date*):

CHILD'S NAME:

CASE NUMBER:

Important individuals17. ☐ **Child is 10 years of age or older**

- a. ☐ The county agency has made **reasonable** efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made **reasonable** efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

18. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

CHILD'S NAME:

CASE NUMBER:

STATUS REVIEW ATTACHMENT: SEXUAL AND REPRODUCTIVE HEALTH SERVICES**(Welf. & Inst. Code, §§ 366(a)(1)(F), 727.2(e)(7))**

1. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, the social worker or probation officer has done all of the following:
 - a. ☐ Verified that the child has received comprehensive sexual health education that meets the requirements of Education Code section 51930 et seq. through the school system or has ensured that the child will receive the instruction.
 - b. ☐ Informed the child that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including but not limited to unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.
 - c. ☐ Informed the child, in an age- and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.
 - d. ☐ Informed the child how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.
2. ☐ The social worker or probation officer is ordered to complete any of the above requirements that have not been completed.
3. ☐ Other orders:

NONMINOR'S NAME:

CASE NUMBER:

DISPOSITIONAL ATTACHMENT: NONMINOR DEPENDENT

1. Reasonable efforts ☐ were ☐ were not made to prevent or eliminate the need for the nonminor's removal from the home.
2. Placement and care are vested with the county agency.
3. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.
4. ☐ The nonminor dependent who is an Indian child ☐ has ☐ has not chosen to have the Indian Child Welfare Act apply to them as a nonminor dependent.
5. ☐ There was no inquiry or determination of whether the nonminor dependent was an Indian child before the nonminor dependent's 18th birthday.
 - a. ☐ The nonminor dependent requests an Indian Child Welfare Act determination. The county agency is ordered to comply with rule 5.481 of the California Rules of Court.
 - b. ☐ The nonminor dependent does not request an Indian Child Welfare Act determination.
6. ☐ Family reunification services are ordered under Welf. & Inst. Code, § 361.6.
 - a. ☐ The nonminor dependent and parents or guardians are in agreement with court-ordered family reunification services.
 - b. ☐ The provision of family reunification services is in the best interests of the nonminor dependent.
 - c. ☐ There is a substantial probability that the nonminor dependent will be able to safely reside in the home of the parent or guardian by the next review hearing.
7. ☐ The nonminor dependent is placed in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 was held on or is set for (date):

THE COURT MUST CONSIDER THE FOLLOWING FINDINGS AND ORDERS AFTER THE NONMINOR DISPOSITION HEARING OR AFTER A NONMINOR DEPENDENT STATUS REVIEW HEARING WITHIN 60 DAYS

8. a. ☐ The nonminor dependent's continued placement is necessary.
b. ☐ The nonminor dependent's continued placement is no longer necessary.
9. a. ☐ The nonminor dependent's current placement is appropriate.
b. ☐ The nonminor dependent's current placement is not appropriate. The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
10. ☐ For a nonminor dependent placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.31(b)(4) when determining the continuing necessity for and appropriateness of the placement.
11. ☐ The nonminor dependent's Transitional Independent Living Case Plan includes a plan to satisfy at least one of the criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care under juvenile court jurisdiction as indicated below:
 - a. ☐ Attending high school or a high school equivalency certificate (GED) program.
 - b. ☐ Attending a college, community college, or vocational education program.
 - c. ☐ Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - d. ☐ Employed at least 80 hours per month.
 - e. ☐ The nonminor is incapable of attending a high school, high school equivalency certificate (GED) program, college, community college, vocational education program, or an employment program or activity, or working 80 hours per month because of a medical condition.
12. The county agency ☐ has ☐ has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with one of the conditions in Welf. & Inst. Code, § 11403(b).
13. The nonminor dependent ☐ was ☐ was not provided with the information, documents, and services required under Welf. & Inst. Code, § 391.

NONMINOR'S NAME:	CASE NUMBER:
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14. The Transitional Independent Living Case Plan ☐ was ☐ was not developed jointly by the nonminor dependent and the county agency.
15. ☐ The nonminor dependent has elected to have the Indian Child Welfare Act apply; the representative from their tribe ☐ was ☐ was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
16. The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what they need to achieve successful adulthood and sets out benchmarks that indicate how both the county agency and the nonminor dependent will know when independence can be achieved.
17. The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not include appropriate and meaningful independent living skill services that will help the nonminor transition from foster care to successful adulthood.
18. The county agency ☐ has ☐ has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the nonminor's permanent plan and prepare them for independence.
19. For a permanent plan of another planned permanent living arrangement, the county agency ☐ has ☐ has not made ongoing and intensive efforts to finalize the permanent plan.
20. The nonminor dependent ☐ did ☐ did not sign and receive a copy of the Transitional Independent Living Case Plan.
21. The county agency ☐ has ☐ has not made reasonable efforts to maintain relationships between the nonminor dependent and individuals who are important to the nonminor, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.
22. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been ☐ excellent ☐ satisfactory ☐ minimal.
- b. ☐ The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in their efforts to attain those goals were stated on the record.
23. The county agency ☐ has ☐ has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with siblings who are under juvenile court jurisdiction.
24. The likely date by which the nonminor dependent is anticipated to achieve successful adulthood is:
25. The nonminor dependent's permanent plan is
- ☐ to return home.
 - ☐ adoption.
 - ☐ tribal customary adoption.
 - ☐ placement with a fit and willing relative.
 - ☐ another planned permanent living arrangement.
 - ☐ Other (specify):
26. For a permanent plan of another planned permanent living arrangement,
- ☐ the court has asked the nonminor dependent about their desired permanency outcome.
 - the court has considered the evidence before it and finds another planned permanent living arrangement is the best permanent plan because
 - ☐ the nonminor is 18 or older.
 - ☐ Other (specify):

NONMINOR'S NAME:	CASE NUMBER:
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26. c. The compelling reason(s) why other permanent plan options are not in the nonminor's best interest are that

- (1) ☐ the nonminor wants to live independently.
 (2) ☐ Other (specify):

27. ☐ Family reunification services are ordered under Welf. & Inst. Code, § 361.6.

- a. The county agency ☐ has ☐ has not complied with the case plan by making reasonable efforts—or in the case of an Indian child, active efforts, as described in Welf. & Inst. Code, § 361.7—to create a safe home for the nonminor dependent to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor.
- b. The extent of progress that the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care has been ☐ excellent ☐ satisfactory ☐ minimal ☐ none.
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve independence or, for a youth who has chosen to have the Indian Child Welfare Act apply, in consultation with the child's tribe, be placed for tribal customary adoption is (date):

28. a. ☐ The social worker has done all of the following:

- (1) ☐ Verified that the nonminor dependent has received comprehensive sexual health education that meets the requirements of Education Code section 51930 et seq. through the school system or has ensured that the nonminor will receive the instruction.
- (2) ☐ Informed the nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including but not limited to unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.
- (3) ☐ Informed the nonminor dependent, in an age-and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights regarding those services.
- (4) ☐ Informed the nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

b. ☐ The social worker is ordered to complete any of the above requirements that have not been completed.

29. a. ☐ Under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),

- (1) ☐ an individual or individuals have been identified to assist the nonminor dependent with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the nonminor dependent is:
 The support person's relationship(s) to the nonminor dependent is:
- (3) ☐ an individual or individuals have not been identified to assist the nonminor dependent with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the nonminor dependent in preparing for postsecondary education, the county agency must add to the case plan and provide the services
- (a) ☐ stated on the record.
- (b) ☐ as follows:

b. ☐ The nonminor dependent has stated that they do not want to pursue postsecondary education, including career or technical education.

30. ☐ It appears that juvenile court jurisdiction over the nonminor dependent may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court is ordered.

31. ☐ The nonminor dependent has elected not to remain in foster care. A hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court within 30 days is ordered.

NONMINOR'S NAME:	CASE NUMBER:
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32. ☐ **Other findings and orders**

a. ☐ See [attachment 32a](#).

b. ☐ (*Specify*):

33. The next hearings are scheduled as follows:

a. Nonminor dependent status review hearing (Welf. & Inst. Code, § 366.31; Cal. Rules of Court, rule 5.903)

Hearing date:	Time:	Dept:	Room:
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b. Hearing to consider termination of jurisdiction (Welf. & Inst. Code, § 391; Cal. Rules of Court, rule 5.555)

Hearing date:	Time:	Dept:	Room:
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c. Other (*specify*):

Hearing date:	Time:	Dept:	Room:
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34. Number of pages attached: _____

- BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

- Form Approved for Optional Use
Judicial Council of California
JV-462 [Rev. January 1, 2023]

Welfare & Institutions Code, §§ 224.1(b), 245,
366.1, 366.3, 366.31;
Cal. Rules of Court, rule 5.903
www.courts.ca.gov

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11. ☐ The nonminor dependent's Transitional Independent Living Case Plan includes a plan for them to satisfy at least one of the criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care under juvenile court jurisdiction as indicated below:
- ☐ Attending high school or a high school equivalency certificate (GED) program.
 - ☐ Attending a college, a community college, or a vocational education program.
 - ☐ Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - ☐ Employed at least 80 hours per month.
 - ☐ The nonminor dependent is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, or an employment program or activity or to work 80 hours per month due to a medical condition.
12. ☐ The county agency ☐ has ☐ has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with one of the conditions in Welf. & Inst. Code, § 11403(b).
13. ☐ The nonminor dependent ☐ was ☐ was not provided with the information, documents, and services as required under Welf. & Inst. Code, § 391.
14. ☐ The Transitional Independent Living Case Plan ☐ was ☐ was not developed jointly by the nonminor dependent and the county agency.
15. ☐ For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the representative from their tribe ☐ was ☐ was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
16. ☐ The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what they need to achieve successful adulthood and set out benchmarks that indicate how both the county agency and nonminor dependent will know when successful adulthood can be achieved.
17. ☐ The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not include appropriate and meaningful independent living skill services that will help the youth transition from foster care to successful adulthood.
18. ☐ The county agency ☐ has ☐ has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare them for independence.
19. ☐ The county agency ☐ has ☐ has not made ongoing and intensive efforts to finalize the permanent plan.
20. ☐ The nonminor dependent ☐ did ☐ did not sign and receive a copy of their Transitional Independent Living Case Plan.
21. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been ☐ excellent ☐ satisfactory ☐ minimal.
- b. ☐ The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in their efforts to attain those goals were stated on the record.
22. ☐ The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.
23. ☐ The county agency ☐ has ☐ has not made reasonable efforts to maintain relationships between the nonminor dependent and individuals who are important to them, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.
24. ☐ The county agency ☐ has ☐ has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with their siblings who are under juvenile court jurisdiction.

NONMINOR'S NAME:

CASE NUMBER:

25. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:
26. ☐ It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court is ordered.
27. ☐ At a hearing under rule 5.555 of the California Rules of Court held on the date below, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367), and juvenile court jurisdiction is terminated under those findings and orders.
28. ☐ Juvenile court jurisdiction over the youth as a nonminor dependent is continued and
- a. ☐ the youth's permanent plan is
- (1) ☐ return home.
 - (2) ☐ adoption.
 - (3) ☐ tribal customary adoption.
 - (4) ☐ placement with a fit and willing relative.
 - (5) ☐ another planned permanent living arrangement.
 - (6) ☐ Other (*specify*):
- b. ☐ For nonminors placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because
- (1) ☐ the nonminor is 18 or older.
 - (2) ☐ Other (*specify*):
- The compelling reasons why other permanent plan options are not in the nonminor's best interest are
- (1) ☐ the nonminor wants to live independently.
 - (2) ☐ Other (*specify*):
- c. ☐ Family reunification services are continued.
- d. The matter is continued for a hearing set under Welf. & Inst. Code, § 366.31, and rule 5.903 of the California Rules of Court within the next six months.

29. a. ☐ The social worker or probation officer has done all of the following:
- (1) ☐ Verified that the nonminor dependent has received comprehensive sexual health education that meets the requirements of Education Code section 51930 et seq. through the school system or has ensured that the nonminor will receive the instruction.
 - (2) ☐ Informed the nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care including but not limited to unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.
 - (3) ☐ Informed the nonminor dependent, in an age and developmentally appropriate manner, of the nonminor's right to consent to sexual and reproductive health services and the nonminor's confidentiality rights regarding those services.
 - (4) ☐ Informed the nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.
- b. ☐ The social worker or probation officer is ordered to complete any of the above requirements that have not been completed and to submit to the court an updated case plan within 30 days of the date of this hearing.

NONMINOR'S NAME:

CASE NUMBER:

30. a. ☐ Under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) ☐ an individual or individuals have been identified to assist the nonminor dependent with applications for postsecondary education, including career and technical education, and related financial aid.
 - (2) ☐ the name of the support person(s) to assist the nonminor dependent is:
The support person's relationship(s) to the nonminor dependent is:
 - (3) ☐ an individual or individuals have not been identified to assist the nonminor dependent with applications for postsecondary education, including career and technical education, and related financial aid.
 - (4) ☐ to assist the nonminor dependent in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - (a) ☐ stated on the record.
 - (b) ☐ as follows:
- b. ☐ The nonminor dependent has stated that they do not want to pursue postsecondary education, including career or technical education.
31. All prior orders not in conflict with this order remain in full force and effect.
32. ☐ Other findings and orders
- a. ☐ See attachment 32a.
 - b. ☐ (Specify):
33. ☐ Additional findings and orders for nonminor dependent with case plan of continued family reunification services
- a. The agency ☐ has ☐ has not complied with the case plan by making reasonable efforts to create a safe home for the nonminor dependent to reside in and to complete whatever steps are necessary to finalize the permanent plan.
 - b. The extent of progress made toward alleviating or mitigating the causes necessitating the current out-of-home placement has been
 - (1) ☐ by the father:
 - (2) ☐ by the mother:
 - (3) ☐ by the nonminor:
 - (4) ☐ Other (specify):
 - (5) ☐ Other (specify):
 - c. The likely date by which the nonminor dependent may safely reside in the family home or achieve independence or, for a youth who has chosen to have the Indian Child Welfare Act apply, in consultation with the child's tribe, be placed for tribal customary adoption is (date):
 - d. (1) ☐ The nonminor can safely reside in the family home and may return to the family home.
 - (a) ☐ The court maintains jurisdiction under Welf. & Inst. Code, § 303(a), and a review hearing under Welf. & Inst. Code, § 366.31 is ordered.
 - (b) ☐ It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under Welf. & Inst. Code, § 391 and rule 5.555 of the California Rules of Court is ordered.
 - (2) ☐ The nonminor cannot safely reside in the family home, and reunification services are continued.
 - (a) The nonminor dependent and parent(s) or guardian(s) are in agreement with the continuation of reunification services.
 - (b) Continued reunification services are in the best interest of the nonminor dependent.
 - (c) There is a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.
 - (d) The matter is continued for a review hearing under Welf. & Inst. Code, § 366.31 and rule 5.903 of the California Rules of Court within the next six months.

NONMINOR'S NAME:

CASE NUMBER:

33.d. (3) ☐ Reunification services are terminated (*check all that apply*).(a) ☐ The nonminor cannot safely reside in the family home.(b) ☐ The nonminor dependent and parent(s) or guardian(s) are not in agreement with the continuation of reunification services.(c) ☐ Continued reunification services are not in the best interest of the nonminor dependent.(d) ☐ There is not a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.(e) ☐ The time frame for court-ordered reunification services exceeds the time frames as stated in Welf. & Inst. Code, § 361.5.34. ☐ Additional findings and orders for nonminor residing in the home of a parent or former legal guardiana. (1) ☐ It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under Welf. & Inst. Code, § 391 and rule 5.555 of the California Rules of Court is ordered.(2) ☐ Court supervision and juvenile court jurisdiction continues to be necessary. The court maintains jurisdiction under Welf. & Inst. Code, § 303(a). The matter is continued for a review hearing under Welf. & Inst. Code, § 366.31 and rule 5.903 of the California Rules of Court within the next six months.b. ☐ The county agency ☐ has ☐ has not complied with the case plan by making reasonable efforts to maintain a safe family home for the nonminor.c. ☐ The county agency ☐ has ☐ has not complied with the nonminor's Transitional Independent Living Case Plan, including efforts to prepare the nonminor for successful adulthood.

35. The next hearings are scheduled as follows:

a. ☐ Nonminor dependent status review hearing (Welf. & Inst. Code, § 366.31; Cal. Rules of Court, rule 5.903)

Hearing date: Time: Dept: Room:

b. ☐ Hearing to consider termination of jurisdiction (Welf. & Inst. Code, § 391; Cal. Rules of Court, rule 5.555).

Hearing date: Time: Dept: Room:

c. ☐ Other (*specify*):

Hearing date: Time: Dept: Room:

36. Number of pages attached: _____

Date: _____

Judicial Officer

CHILD'S NAME:	CASE NUMBER:
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INITIAL APPEARANCE HEARING—JUVENILE DELINQUENCY

☐ Out-of-Custody Appearance ☐ In-Custody Appearance and Detention

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

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

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

as to the identities and addresses of all presumed or alleged fathers.
- b. ☐ The court finds (*name*): to be the ☐ legal ☐ biological
☐ presumed ☐ alleged father.

9. Indian Child Welfare Act (ICWA) Inquiry

On the record, the court has

- a. ☐ asked each participant present at the hearing
 - whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or the Indian custodian is on a reservation or in an Alaska Native village and, if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court and, if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village and, if so, the name of the tribe or village.
- b. ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village.

10. ICWA Status

- a. ☐ The court finds there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
- b. ☐ The court finds there is reason to believe the child is an Indian child; and
 - (1) ☐ the probation department has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e) and there is no reason to know that the child is an Indian child; or
 - (2) ☐ the probation department is ordered to complete further inquiry as required by Welf & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. ☐ The court finds that there is reason to know that the child is an Indian child; and
 - (1) ☐ the probation department has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status; or
 - (2) ☐ the probation department must exercise due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.2 and file proof of due diligence and notice with the court; and

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

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

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

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

c. ☐ The following allegations are dismissed:

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

21. ☐ The maximum confinement time is:

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

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

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

CHILD IN CUSTODY

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

☐ and the following documents (*specify*):

☐ and the testimony of (*name*):

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

☐ and takes judicial notice of the entire court file.

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

☐ on home supervision ☐ on electronic monitoring

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

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

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

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

- a. ☐ The child has violated an order of the court.
- b. ☐ The child has escaped from a court commitment.
- c. ☐ The child is likely to flee the jurisdiction of the court.
- d. ☐ It is a matter of immediate and urgent necessity for the protection of the child.
- e. ☐ It is reasonably necessary for the protection of the person or property of another.

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

Date:

Judicial Officer

Countersignature for detention orders (if necessary):

Date:

Judge

CHILD'S NAME:

CASE NUMBER:

CUSTODIAL AND OUT-OF-HOME PLACEMENT DISPOSITION ATTACHMENT**THE COURT FINDS AND ORDERS**

1. ☐ The maximum time the child may be confined
 - a. ☐ in secure custody for the offenses sustained in the petition before the court is (*specify time*):
 - b. ☐ in the petition before the court, with the terms of all previously sustained petitions known to the court aggregated, is (*specify time*):
2. ☐ The child is committed to: days months in juvenile hall
 - a. ☐ and is remanded forthwith. Continuance in the home is contrary to the child's welfare.
 - b. ☐ and is to report to (*name*): by ☐ a.m. ☐ p.m. on (*date*):
 - c. ☐ with credit for: days served.
3. ☐ The welfare of the child requires that physical custody be removed from the parent or guardian. (*Check only if applicable.*)
 - a. ☐ The child's parent or guardian has failed or neglected to provide, or is incapable of providing, proper maintenance, training, and education for the child.
 - b. ☐ The child has been on probation in the custody of the parent or guardian and has failed to reform.
 - c. Continuance in the home is contrary to the child's welfare.
4. ☐ The probation department is granted the authority to authorize medical, surgical, dental, or other remedial care under Welf. & Inst. Code, § 739.
5. ☐ Reasonable efforts to prevent or eliminate the need for removal
 - a. ☐ have been made.
 - b. ☐ have not been made.
6. ☐ The case plan as described in Welf. & Inst. Code, § 706.6 ☐ has been filed with the court ☐ will be filed with the court within 60 days of the child's initial removal.
7. a. ☐ The probation officer will ensure provision of reunification services, and the following are ordered to participate in the reunification services specified in the case plan:

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other (*specify*):
☐ Other (*specify*):
- b. ☐ Reunification services do not need to be provided to (*name*):
because the court finds by clear and convincing evidence that (*check one*)
 - (1) ☐ reunification services were previously terminated for that parent under Welf. & Inst. Code, §§ 366.21, 366.22, or 366.25, or not offered under § 361.5(b) in reference to the same child.
 - (2) ☐ that parent has been convicted of ☐ murder of another child of the parent ☐ voluntary manslaughter of another child of the parent ☐ aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of another child of the parent ☐ felony assault resulting in serious bodily injury to the child or another child of the parent.
 - (3) ☐ the parental rights of that parent to a sibling of the child have been terminated involuntarily, and it is not in the best interest of the child to reunify with their parent or legal guardian.
- c. ☐ The child is ☐ ordered to ☐ continued in the care, custody, and control of the probation officer for placement in a suitable relative's home or in a foster or group home.
- d. ☐ The following are ordered to meet with the probation officer on a monthly basis:

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other (*specify*):
☐ Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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7. e. ☐ The child is ordered to obey all reasonable directives of placement staff and probation officer. The child is not to leave placement without the permission of probation officer or placement staff.
- f. ☐ Pending placement, the child is detained in juvenile hall. If being housed in another county, please specify county:
- g. ☐ The child is placed on home supervision in the home of
- (1) ☐ parent (name): ☐ mother ☐ father
- (2) ☐ parent (name): ☐ mother ☐ father
- (3) ☐ legal guardian (name):
- (4) ☐ Other (name and address):
- (5) ☐ Other (name and address):
- ☐ and is subject to electronic monitoring.
- h. ☐ The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- i. ☐ The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- j. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (date):
- k. ☐ The right of the parent or guardian to make educational decisions for the child is specifically limited. *Order Designating Educational Rights Holder* (form JV-535) will be completed and transmitted.
8. ☐ The care, custody, and control of the child has been ordered to be under the supervision of the probation officer for foster care placement under Welf. & Inst. Code, § 727(a). Consistent with Welf. & Inst. Code, § 726.4, the court has inquired of the mother and any other appropriate person as to the identity and address of all presumed or alleged fathers.
9. ☐ The child has been ordered into a placement described by title IV-E of the Social Security Act.
- a. ☐ The date the child entered foster care is: , which is 60 days after the day the child was removed from their home.
- b. ☐ An exception applies to the standard calculation of the date the child entered foster care because
- (1) ☐ the child has been detained for more than 60 days. Therefore, the date the child entered foster care is today's date of:
- (2) ☐ the child has been in a ranch, camp, or other institution for more than 60 days and is now being ordered into an eligible placement. The date the child enters foster care will be the date the child is moved into the eligible placement facility, which is anticipated to be:
- (3) ☐ at the time the wardship petition was filed, the child was a dependent of the juvenile court and in an out-of-home placement. Thus, the date entered foster care is unchanged from the date the child entered foster care in dependency court. That date is:
10. ☐ The child is committed to the care, custody, and control of the probation department for placement in the county juvenile ranch camp or forestry camp:
- a. ☐ for: months days.
- b. ☐ until the requirements of the program have been satisfactorily completed.
11. ☐ If being housed in another county, please specify:

CHILD'S NAME:	CASE NUMBER:
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12. ☐ The child is placed in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 727.12 was held on or is set for (date):

Date:


Judicial Officer

CHILD'S NAME:

CASE NUMBER:

FINDINGS AND ORDERS AFTER SIX-MONTH PREPERMANENCY HEARING—DELINQUENCY**1. The court has read and considered and admits into evidence**

- a. ☐ report of probation department dated:
- b. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

2. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child who is not present,** ☐ the child received proper notice of their right to attend the hearing and voluntarily gave up that right to attend this hearing.
3. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

Child returned home

4. ☐ The return of the child to their parent or legal guardian would not create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Out-of-home placement is no longer necessary or appropriate. The probation department has complied with the case plan by making reasonable efforts to return the child safely home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Child remaining in out-of-home placement

5. ☐ By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
6. ☐ The child's out-of home placement is necessary.
7. a. ☐ The child's out-of-home placement is appropriate.
- b. ☐ The child's current placement is not appropriate. This hearing is continued for a report by the probation officer on the progress made to locate an appropriate placement.
8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The probation officer ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ The child is placed outside the state of California, and that out-of-state placement
- a. ☐ continues to be the most appropriate placement and is in the child's best interest.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued for a report by the probation officer on the progress made toward finding an appropriate placement for the child.
12. ☐ The probation officer ☐ has ☐ has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child, and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent plan.
13. ☐ The child is an Indian child, and by clear and convincing evidence active efforts ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.
14. ☐ The child has no known Indian heritage.

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15. ☐ The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. ☐ Child	☐	☐	☐	☐	☐
b. ☐ Mother	☐	☐	☐	☐	☐
c. ☐ Father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Other (specify):	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐

16. ☐ The likely date by which the child may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, or placed permanently with a fit and willing relative is (date):

Case planning and visitation

17. ☐ Child 14 years of age or older:

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the probation department must add to the case plan and provide the services
 - (1) ☐ stated on the record.
 - (2) ☐ as follows:

18. a. ☐ The following were actively involved in the case plan development, including the plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:

b. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:

The probation officer is ordered to actively involve them and submit an updated case plan within 30 days from today.

c. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:

The probation officer is not required to involve them because they are unable, unavailable, or unwilling to participate.

19. ☐ The court finds that the child's

- a. developmental needs ☐ are ☐ are not being met.
- b. mental health needs ☐ are ☐ are not being met.
- c. physical needs ☐ are ☐ are not being met.
- d. education needs ☐ are ☐ are not being met.

20. ☐ The additional services, assessments, and/or evaluations the child requires and the persons or agency ordered to take the steps necessary for the child to receive these services, assessments, and/or evaluations are

- a. ☐ stated on the record.
- b. ☐ as follows:

21. a. ☐ The following are ordered by the court to participate with the child in a counseling or education program as directed by the probation officer: ☐ Mother ☐ Father ☐ Legal guardian
☐ Other (specify): ☐ Other (specify):

CHILD'S NAME:	CASE NUMBER:
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21. b. ☐ The participation by the following is deemed by the court to be inappropriate or potentially detrimental to the child and their participation with the child in a counseling or education program is NOT ordered:
- ☐ Mother ☐ Father ☐ Legal guardian ☐ Other (specify):
- ☐ Other (specify):
22. ☐ The child has siblings under the court's jurisdiction and all of the siblings are **not** placed together in the same home.
- a. ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
- b. ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children. No visitation is ordered.
23. ☐ Visitation with the child is ordered:
- a. ☐ As **stated** in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ As follows (specify):

Health and education

24. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):
25. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
26. The ☐ parents ☐ legal guardians ☐ Indian custodian ☐ Other (specify): are ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under **Welf. & Inst. Code, § 739** and vested with the probation department.
27. ☐ A limitation on the ☐ parents ☐ legal guardians ☐ Other (specify): to make educational decisions for the child
- a. ☐ is **not** necessary. The parents or legal guardians hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
- b. ☐ is necessary. Those rights are limited as ordered and as **stated** in *Order Designating Educational Rights Holder* (form JV-535).
28. ☐ The child's school placement has changed since the dispositional hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days.
- b. ☐ The child is ☐ enrolled in ☐ attending school.
29. a. ☐ The child is 16 years of age or older, and under the requirements of **Welf. & Inst. Code, § 16501.1(g)(22)**,
- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the child is:
The support person's relationship(s) to the child is:
- (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the probation department must add to the case plan and provide the services
- (a) ☐ stated on the record.
- (b) ☐ as follows:

CHILD'S NAME:	CASE NUMBER:
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29. b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

Parentage

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

as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete the form and submit it to the court.

- b. ☐ The ☐ court clerk ☐ probation department shall provide the notice required by Welf. & Inst. Code, § 726.4 to

(1) alleged father (*name*):

(2) alleged father (*name*):

Advisement

31. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred under Welf. & Inst. Code, § 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

32. **All prior orders not in conflict with this order remain in full force and effect.**

33. ☐ Other findings and orders:

a. ☐ See attached.

b. ☐ (*Specify*):

34. ☐ The date the child entered foster care is (*specify*):

35. ☐ **The next hearing will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:

36. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.

37. ☐ The sealing process has been explained to the child, and the child has received any materials relevant to the sealing process and the name of **their** attorney who can assist with sealing records.

38. Number of pages attached:

Date:

Judicial Officer

CHILD'S NAME:

CASE NUMBER:

FINDINGS AND ORDERS AFTER PERMANENCY HEARING—DELINQUENCY☐ 12-MONTH☐ 18-MONTH (only if reunification services extended at 12 months)**1. The court has read and considered and admits into evidence**

- a. ☐ report of probation officer dated:
- b. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

2. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child who is not present,** ☐ the child received proper notice of their right to attend the hearing and voluntarily gave up that right to attend this hearing.
3. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

Child returned home

4. ☐ The return of the child to their parent or legal guardian would not create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Out-of-home placement is no longer necessary or appropriate. The probation department has complied with the case plan by making reasonable efforts to return the child safely home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Child remaining in out-of-home placement

5. ☐ By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
6. ☐ The child's out-of home placement is necessary.
7. a. ☐ The child's out-of-home placement is appropriate.
- b. ☐ The child's current placement is not appropriate. This hearing is continued for a report by the probation officer on the progress made to locate an appropriate placement.
8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The probation officer ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ The child is placed outside the state of California, and that out-of-state placement
- a. ☐ continues to be the most appropriate placement and is in the child's best interest.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued for a report by the probation officer on the progress made toward finding an appropriate placement for the child.
12. ☐ The probation officer ☐ has ☐ has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child, and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent plan.
- ☐ For a child 16 years of age or older in another planned permanent living arrangement, the court finds that the probation department ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

CHILD'S NAME:	CASE NUMBER:
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13. ☐ **The child is an Indian child**, and by clear and convincing evidence active efforts ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

14. ☐ **The child has no known Indian heritage.**

15. ☐ The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. ☐ Child	☐	☐	☐	☐	☐
b. ☐ Mother	☐	☐	☐	☐	☐
c. ☐ Father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Other (specify):	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐

16. a. ☐ Reunification services are continued (Welf. & Inst. Code, § 727.3(b)(2)).

- (1) ☐ There is a substantial probability that the child may be returned to the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____ by the date set for the 18-month permanency hearing because the ☐ mother. ☐ father. ☐ legal guardian. ☐ Other (specify): _____ and the child have demonstrated the capacity and ability to complete the objectives of the case plan. Reunification services are continued to the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____
- (2) ☐ The probation department has not provided reasonable services to the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____
The services provided have been inadequate in that (explain): _____

- (3) The probation department is ordered to provide reasonable reunification services to the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____

b. ☐ Reunification services are terminated.

- (1) ☐ The probation department has provided or offered reasonable services, but the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____ has not participated regularly and has not demonstrated the capacity and ability to complete the objectives of the case plan. Reunification services are terminated.
- (2) ☐ The probation department has provided or offered reasonable services but there is not a substantial probability that the child may be returned to the ☐ mother ☐ father ☐ legal guardian ☐ Other (specify): _____ by the date set for the 18-month review. Reunification services are terminated.
- (3) ☐ **At 18-month review:** Reunification services are terminated because it has been 18 months since the date the child was originally removed from the physical custody of their parent or legal guardian.
- (4) ☐ The probation department ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated.

17. a. ☐ **The following is appropriate and ordered as the permanent plan:**

- (1) ☐ The child is returned home immediately.
- (2) ☐ Continuation of reunification services and setting of a further permanency hearing. If the child is not returned home at the next permanency hearing, the court will set a hearing that could result in the termination of parental rights and the adoption of the child.

CHILD'S NAME:	CASE NUMBER:
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17. a. (3) ☐ Adoption. A hearing under Welf. & Inst. Code, § 727.31 is scheduled for (date):
and an adoption assessment report is ordered.
- (4) ☐ Legal guardianship.
- b. ☐ The court finds by clear and convincing evidence that (name of child): is not a proper
subject for adoption and there is no one willing to accept legal guardianship. The permanent plan is
- (1) ☐ permanent placement with (name), a fit and willing relative.
- (2) ☐ placement in foster care with a permanent plan of ☐ return home, ☐ adoption, ☐ legal guardianship,
or ☐ placement with a fit and willing relative.
- c. ☐ Another planned permanent living arrangement. The child is 16 years of age or older, there is a compelling reason
that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another
planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship. ☐ place for adoption.
☐ place with a relative. ☐ emancipation.
☐ Other (specify):
18. a. ☐ The likely date by which the permanent plan will be achieved is:
- b. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan
selected is: . (Use this finding only when the court continues reunification services
under item 16a.)
- c. ☐ The court finds that the barriers to achieving the child's permanent plan are (describe):

For child 16 years of age or older placed in another planned permanent living arrangement,

19. a. ☐ the court asked the child where they want to live, and the child provided the following information (describe):
- b. ☐ the court has considered the evidence before it and finds that another planned permanent living arrangement is the best
permanent plan because (describe):
- c. ☐ the compelling reasons why the other permanent plan options are not in the child's best interest are (describe):

CHILD'S NAME:	CASE NUMBER:
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Case planning and visitation

20. ☐ The child is 14 years of age or older.
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the probation department must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
21. a. ☐ The following were actively involved in the case plan development, including the plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:
- b. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:
 The probation officer is ordered to actively involve them and submit an updated case plan within 30 days from today.
- c. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Legal guardian ☐ Tribal representative
☐ Other: ☐ Other:
 The probation officer is not required to involve them because they are unable, unavailable, or unwilling to participate.
22. ☐ The court finds that the child's
- developmental needs ☐ are ☐ are not being met.
 - mental health needs ☐ are ☐ are not being met.
 - physical needs ☐ are ☐ are not being met.
 - education needs ☐ are ☐ are not being met.
23. ☐ The additional services, assessments, and/or evaluations the child requires, and the person or agency ordered to take the steps necessary for the child to receive these services, assessments, and/or evaluations, are
- ☐ stated on the record.
 - ☐ as follows:
24. a. ☐ The following are ordered by the court to participate with the child in a counselling or education program as directed by the probation officer: ☐ Mother ☐ Father ☐ Legal guardian
☐ Other (specify):
- b. ☐ The participation by the following is deemed by the court to be inappropriate or potentially detrimental to the child, and their participation with the child in a counseling or education program is **not** ordered:
☐ Mother ☐ Father ☐ Legal guardian ☐ Other (specify):
25. ☐ The child has siblings under the court's jurisdiction, and all of the siblings are **not** placed together in the same home.
- ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
 - ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children for the following reasons (state reasons):

No visitation is ordered.

CHILD'S NAME:	CASE NUMBER:
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26. ☐ Visitation with the child is ordered:

- a. ☐ As stated in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ As follows (*specify*):

Health and education

27. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

28. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

29. ☐ The ☐ parents ☐ legal guardians ☐ Other (*specify*): are ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 739 and vested with the probation department.

30. ☐ A limitation on the ☐ parents ☐ legal guardians ☐ Other (*specify*): to make educational decisions for the child

- a. ☐ is not necessary. The parents or legal guardian hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
- b. ☐ is necessary. Those rights are limited as ordered and as stated in *Order Designating Educational Rights Holder* (form JV-535).

31. ☐ The child's school placement has changed since the last hearing.

- a. ☐ The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days since the placement change.
- b. ☐ The child is ☐ enrolled in ☐ attending (*specify school*):

32. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),

- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the child is: .
The support person's relationship(s) to the child is: .
- (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the probation department must add to the case plan and provide the services
 - (a) ☐ stated on the record.
 - (b) ☐ as follows:

- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

CHILD'S NAME:	CASE NUMBER:
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Parentage

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

as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete and submit the form to the court.

b. ☐ The ☐ court clerk ☐ probation department shall provide the notice required by Welf. & Inst. Code, § 726.4 to

(1) alleged father (*name*):

(2) alleged father (*name*):

Advisement

34. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred under Welf. & Inst. Code, § 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

35. **All prior orders not in conflict with this order remain in full force and effect.**

36. ☐ Other findings and orders:

a. ☐ See attached.

b. ☐ (*Specify*):

37. ☐ The date the child entered foster care is (*specify*):

38. ☐ **The next hearing will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:

39. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.

40. ☐ The sealing process has been explained to the child, and the child has received any materials relevant to the sealing process and the name of **their** attorney who can assist with sealing records.

41. Number of pages attached:

Date:

Judicial Officer

CHILD'S NAME:

CASE NUMBER:

FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING—DELINQUENCY**1. The court has read and considered and admits into evidence**

- a. ☐ The probation officer's report dated:
- b. ☐ Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

2. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child who is not present:** ☐ The child received proper notice of their right to attend the hearing and voluntarily gave up that right to attend this hearing.
3. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

Child returned home

4. ☐ The return of the child to their parent or legal guardian would not create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Out-of-home placement is no longer necessary or appropriate. The probation department has complied with the case plan by making reasonable efforts to return the child safely home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Child remaining in out-of-home placement

5. ☐ Continued out-of-home care is in the best interest of the child. Reunification services are terminated.
6. ☐ The child's out-of-home placement is necessary.
7. a. ☐ The child's out-of-home placement is appropriate.
- b. ☐ The child's current placement is not appropriate. This hearing is continued for a report by the probation officer on the progress made to locate an appropriate placement.
8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child is missing or has run away from placement. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The probation department ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ The child is placed outside the state of California, and that out-of-state placement
- a. ☐ continues to be the most appropriate placement and is in the child's best interest.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued for a report by the county agency on the progress made toward finding an appropriate placement for the child.
12. ☐ The probation department ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom (name of child) could be placed. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated. (Family Code section 7950.)
13. ☐ The probation department ☐ has ☐ has not complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child.
- ☐ For a child 16 years of age or older in another planned permanent living arrangement, the court finds that the probation department ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan (specify):

CHILD'S NAME:	CASE NUMBER:
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14. ☐ **The child is an Indian child**, and by clear and convincing evidence active efforts ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

15. ☐ **The child has no known Indian heritage.**

16. a. ☐ **The following is appropriate and ordered as the permanent plan:**

(1) ☐ The child is returned home immediately.

(2) ☐ Adoption. A hearing under Welf. & Inst. Code, § 727.31 is scheduled for (date): and an adoption assessment report is ordered.

(3) ☐ Legal guardianship.

b. ☐ The court finds by clear and convincing evidence that (name of child): is not a proper subject for adoption and there is no one willing to accept legal guardianship.

(1) ☐ The permanent plan is placement in foster care with a permanent plan of ☐ return home, ☐ adoption, ☐ legal guardianship, or ☐ placement with a fit and willing relative.

(2) ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to

☐ return home. ☐ establish legal guardianship. ☐ place for adoption.

☐ place with a relative. ☐ emancipation.

☐ Other (specify):

17. ☐ **The likely date** by which the permanent plan will be achieved is:

18. ☐ The court finds that the barriers to achieving the child's permanent plan are (describe):

19. ☐ **For a child 16 years of age or older placed in another planned permanent living arrangement,**

a. ☐ the court asked the child where the child wants to live, and the child provided the following information (describe):

b. ☐ the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):

c. ☐ the compelling reasons why the other permanent plan options are not in the child's best interest are (describe):

CHILD'S NAME:

CASE NUMBER:

Case planning and visitation20. ☐ **Child 14 years of age or older**

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the probation department must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

21. a. ☐ The child was actively involved in the development of their case plan, including the plan for permanent placement.
- b. ☐ The child was **not** actively involved in the development of their case plan, including the plan for permanent placement.
- (1) ☐ The probation department is ordered to involve the child and submit an updated case plan within 30 days.
- (2) ☐ The probation department is **not** required to involve the child because the child is unable, unavailable, or unwilling to participate.

22. ☐ The court finds that the child's

- a. developmental needs ☐ are ☐ are not being met. c. physical needs ☐ are ☐ are not being met.
- b. mental health needs ☐ are ☐ are not being met. d. education needs ☐ are ☐ are not being met.

23. ☐ The additional services, assessments, and/or evaluations the child requires and the persons or agency ordered to take the steps necessary for the child to receive these services, assessments, and/or evaluations are

- a. ☐ stated on the record.
- b. ☐ as follows:

24. ☐ The child has siblings under the court's jurisdiction, and all of the siblings are **not** placed together in the same home.

- a. ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
- b. ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children. No visitation is ordered.

25. ☐ Visitation with the child is ordered

- a. ☐ as stated in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ as stated in *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ as follows (*specify*):

Health and education

26. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

27. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

28. ☐ The ☐ parents ☐ legal guardians ☐ Other (*specify*): are ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 739 and vested with the probation department.

CHILD'S NAME:	CASE NUMBER:
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29. ☐ A limitation on the ☐ parents ☐ legal guardians ☐ Other (specify):
to make educational decisions for the child
- a. ☐ is **not** necessary. The parents or legal guardian hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
- b. ☐ is necessary. Those rights are limited as ordered and as **stated** in *Order Designating Educational Rights Holder* (form JV-535).
30. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (2) ☐ the name of the support person(s) to assist the child is:
The support person's relationship(s) to the child is:
- (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the probation department must add to the case plan and provide the services
- (a) ☐ stated on the record.
- (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
31. ☐ The child's school placement has changed since the last review hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days since the placement change.
- b. ☐ The child is ☐ enrolled in ☐ attending ☐ school.

Parentage

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

as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete and submit the form to the court.

- b. ☐ The ☐ court clerk ☐ probation department shall provide the notice required by Welf. & Inst. Code, § 726.4 to
- (1) alleged father (name):
- (2) alleged father (name):

Advisement

33. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred under Welf. & Inst. Code, § 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

34. **All prior orders not in conflict with this order remain in full force and effect.**

CHILD'S NAME:	CASE NUMBER:
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35. ☐ Other findings and orders:
- a. ☐ See attached.
- b. ☐ (Specify):

36. ☐ The date the child entered foster care is (specify):

37. ☐ The next hearing will be:

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:

38. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.
39. ☐ The sealing process has been explained to the child, and the child has received any materials relevant to the sealing process and the name of their attorney who can assist with sealing records.
40. Number of pages attached:

Date:

Judicial Officer

SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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	Commenter	Position	Comment	Committee Response
1.	Children’s Law Center of CA By Luciana Svidler Senior Policy Attorney	AM	JV-459(A) - pg. 110 Missing “or a nonminor dependent” The code reads: For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent. court rule should reflect WIC language.	The omission of nonminor dependent was intentional on the JV-459(A) form. The JV-459(A) was created as an attachment for status review hearings for foster youth under the age of eighteen, because the findings will only be required for a subset of foster youth under the age of eighteen as described in Welfare and Institutions Code section 366(a)(1)(F). However, as Welfare and Institutions Code section 366(a)(1)(F) indicates, the findings are always required for a nonminor dependents, and the findings therefore need to be considered at every status review for a nonminor dependent. The findings are therefore contained as a required finding in forms related to nonminor dependent status review hearings (JV-461(A) and JV-462) as opposed to including them on the JV-459(A) attachment form.
2.	John Burton Advocates for Youth by Amy Lemley Executive Director	A	On behalf of John Burton Advocates for Youth, I am writing to express strong support for the proposed revisions to Judicial Council forms designed to implement the changes to WIC §16501.1(g)(22) and relevant changes pertaining to foster youths’ sexual and reproductive health services as defined in Assembly Bill 153. The proposed changes to existing status review forms and the creation of Status Review Attachment: Sexual and Reproductive Health Services (form JV-459(A)) not only accurately capture changes to these sections of the Welfare and Institutions Code	The committee appreciates this comment and agrees that the findings will help ensure that foster youth receive critical support with postsecondary educational planning and access to age-appropriate sexual and reproductive education and health services.

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SPR22-164

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	Commenter	Position	Comment	Committee Response
			and Education Code but will also ensure that foster youth receive critical support with postsecondary educational planning and access to age-appropriate sexual and reproductive education and health services.	
3.	Department of Family and Children's Services by Rebecca Siporen Los Angeles County Counsel Deputy County Counsel	AM	Should the JV forms be mandatory or optional? The forms should be mandatory as the identified vehicle in requesting the court set an STRTP hearing. The forms are simple for the primary children's social worker to complete therefore reducing the delays in initiating this process. The court clerk's office is currently utilizing the JV 237 list of addresses to notice all parties for the STRTP hearing.	The committee agrees the forms should remain mandatory to ensure that statutory requirements related to the hearing are uniformly applied, and to ensure that parties benefit from the information contained in JV-235, JV-236 and JV-240.
			Should the JV 235 include the placement address? Yes as indicated in the Invitation to Comment, there are several STRTP's which have different locations therefore if a youth is placed from one residence to another, within the same agency, this will allow the court to differentiate between the two different STRTP placements. The court has, on multiple occasion, taken a hearing off calendar as they are under the impression it is the same STRTP the youth was placed in when in fact it was not and requires the courts approval. This has led to delays in court proceedings/approvals and has been a work load impact when these time of incidents have occurred to get the matter back on	The committee agrees and has elected to include the placement address on the form to identify the specific Short-Term Residential Therapeutic Program (STRTP) placement being reviewed by the juvenile court. A STRTP is a congregate care setting where a child lives for a short period of time to address acute behavioral health needs before moving back to a family-based setting (Welfare and Institutions Code section 11400(ad) defines a short-term residential therapeutic program as "a nondetention, licensed community care facility, as defined in paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code, that provides an integrated program of specialized and intensive

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	Commenter	Position	Comment	Committee Response
			calendar.	care and supervision, services and supports, and treatment for the child or youth, when the child's or youth's case plan specifies the need for, nature of, and anticipated duration of this specialized treatment). The committee notes that some STRTP's are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is confidential, the placement address can be submitted separately on JV-287.
			Specific on pg. 36, on the actual JV 239 form, there is a proposed reason for denial; 10e "the child or nonminor dependent has left the placement and has yet to be located." Youth frequently leave STRTP's for a multitude of reasons nonrelated to the STRTP placement & services. The request for the court's approval of this placement should reflect the need of the youth at the time of placement and for the length of time the youth remained in placement. The youth's current location status at the time of the STRTP hearing, usually scheduled 45 days after date of placement, should not be a reason for a denial. The State has clarified, if a STRTP is denied, the placement is only eligible for federal funding for 14 days from date of placement. The county would risk losing up to 30 days of federal funding at a minimum.	The committee agrees with the commenter and item 10e has been removed.

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	Commenter	Position	Comment	Committee Response
4.	Orange County Bar Association by Daniel S. Robinson President	A	Does the proposal appropriately address the stated purpose? It does but the process required is still burdensome requiring five forms and noticing parties three times.	The committee appreciates that the process can be burdensome with the multiple forms and notice requirements. This however has a lot to do with the noticing requirements of Welfare and Institutions Code sections 361.22 and 727.12. Subdivision (b)(1) requires the placing agency to request a hearing within five calendar days of a placement in a STRTP. Form JV-235 was created to meet this requirement, not to add a new requirement not in statute. Subdivision (d) further requires the court to set a hearing within 45 days of the request for a hearing and to notice the parties of the hearing date. Subdivision (c) requires the placing agency to prepare a report and serve on the parties no later than seven calendar days prior to the hearing. The forms were created to meet these requirements and did not add new notice requirements not in statute. The only new process created in the rule is what the Legislature directed the Judicial Council to do in subdivision (h), which was to create a process to review STRTP placements without a hearing. These requirements are contained in subdivision (f) of California Rules of Court, rule 5.618.

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	Commenter	Position	Comment	Committee Response
			Should form JV-235 include the placement address? No. It can be provided upon request.	The committee has elected to include the placement address on form JV-235 to ensure that the court is approving or disapproving the appropriate STRTP placement as foster youth often change STRTP placements and the court is required to review each placement. The committee notes that some STRTP's are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is confidential, the placement address can be submitted separately on JV-287.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian? Return to a parent is an option under W.I.C. section 366.3, subdivision (h)(1).	The committee agrees that return home is an option at a Welfare and Institutions Code section 366.3 hearing and this option will be reflected in form JV-446.
			Should the forms related to the juvenile court's review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? Optional. If counties can streamline the process they should be allowed to do so.	The committee has elected to maintain the forms as mandatory to ensure that statutory requirements related to the hearing are uniformly applied, and to ensure that parties benefit from the information contained in JV-235, JV-236 and JV-240.

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	Commenter	Position	Comment	Committee Response
			Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? The original intent of being able to streamline the process by approval of placements without a hearing is undercut by the additional steps required. The report must be served earlier (10 not 7 days), a new form must be added (JV-240), and the court must be notified no objection has been filed, and the parties have to be notified of the decision to vacate the hearing. Not requiring an additional form and having the same timeline would simplify the process. However, this second process may not be needed if it does not in fact streamline it.	The committee appreciates that the process to approve the placement without a hearing can be burdensome. In creating this process, the committee was concerned with ensuring the parties have the chance for meaningful input and due process before the court vacates the hearing. To accomplish these ends, the committee created a separate timeline that would give parties sufficient time to review the report and prepare a response. The committee did not believe that seven calendar days was a sufficient amount of time for party responses, so a separate timeline was created. The committee also included new form JV-240 in this proposal to ensure that parties would be noticed that a request for review without a hearing was being made, which the current process does not include. This form is served at the same time as the report.
			Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires? Let local courts determine what works best in their jurisdiction.	The committee agrees and has elected to not include a timeline for the filing of an objection. Courts have managed this process without a specific timeline in the rule since the rule's effective date of October 1, 2021. The committee believes that giving courts some discretion on this aspect of the process benefits courts and parties.
5.	Sacramento County Counsel By Christopher S. Costa Supervising Deputy County Counsel		Does the proposal appropriately address the stated purpose? Yes. Overall the recommended changes are beneficial and welcome. The clarification that	The committee appreciates this input.

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	Commenter	Position	Comment	Committee Response
			CCP section 1013(a) does not apply is extremely helpful and will prevent delay in these time-sensitive proceedings. However, there are three practice areas that are not addressed in this proposal that need clarification.	
			Voluntary Placements: Rule 5.618 or Rule 5.514 (Intake; guidelines) should address voluntary placement procedures. 42 U.S.C. section 675a(c)(2) indicates that within 60 days of a QRTP/STRTP placement there must be a review and approval by a juvenile court or an “administrative body appointed or approved by the court”. Some counties are unclear whether this requirement for administrative/court review applies to voluntary placements prior to juvenile dependency petitions being filed, resulting in counties filing more petitions in juvenile court to secure funding for STRTP placements. WIC section 16507.3(b) (citing a provision of WIC section 16507.6(a)(4), which no longer exists) indicates that the initial placement of an emotionally disturbed child into a residential treatment facility must be approved by an “interagency administrative review board”. Rule 5.618 or Rule 5.514 should require the establishment of a process, similar to Rule 5.514(b)(3) for the voluntary placement of Indian children, to assist counties in understanding how to work with courts to secure funding for voluntary placements. For example, the Rule	The Family First Prevention Services Act (FFPSA) requires that “a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court...” review each congregate care placement. (42 USC 675a(c)(2)). Assembly Bill 153 did not specify a process to review STRTP placements when the court did not have jurisdiction, nor did the bill address the court appointing an administrative body for these reviews. The committee believes that an administrative body could review these placements under the FFPSA but that this is a matter for the Legislature to address as opposed to a rule of court. The Welfare and Institutions Code has specific provisions for when administrative panels can be used, but administrative review of voluntary STRTP placements is not contemplated by the code. The committee does not believe that a rule of court could create a process where a juvenile court, without jurisdiction, reviews placements without the Welfare and Institutions Code addressing the process.

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			could clarify that courts may choose to approve/appoint the Interagency Placement Committee in each county as such an administrative/multidisciplinary body for voluntary placements..	
			Electronic Service: Rule of Court 5.618 should clarify that electronic service of the report described in section 361.22(c) may be served electronically, so long as the requirements of WIC section 212.5 are followed. Some counties are unclear whether, given the substance of the QI report, the agency report (which includes the QI report) constitutes medical or psychological documentation related to the child. If the QI report or agency report does not attach medical or psychological records, then it seems that WIC section 212.5(a)(4)(D)'s prohibition on electronic service of psychological or medical documentation would not be violated, if a county served the aforementioned reports electronically. However, given that some counties are unclear, Rule 5.618 should clarify that such electronic service of the report is permitted as described to ensure timely service of documents. Electronic service of documents is often critical to ensure the time periods set forth in WIC section 361.22 and Rule 5.618 are followed to allow for timely hearings and funding.	The committee concluded it would be redundant to repeat the applicability of Welfare and Institutions Code section 212.5(a)(4)(D) in the rule, and therefore unnecessary while also raising the risk of creating a possible discrepancy between the rule and the statute. In addition, mandatory form JV-237, the notice form, indicates that electronic service is a permissible mode of service and that electronic service must comply with section 212.5.
			Clarification on the Court's Approval/Disapproval: The JV-239 or Rule 5.618	The committee appreciates this suggestion. However, the language in item 9 of JV-239 tracks

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			should be modified in a way that clearly indicates to the court that it can determine that a child needs an STRTP level of care, but still disapprove of the particular STRTP in which the child is placed. Some counties have struggled to place children in home-based settings, following such disapprovals, and having a clearer understanding of the court's transition order would benefit participants. To that end, the JV-239's language that the child be transitioned to a "placement setting that is consistent with the determinations in items 6, 7 and 8 within 30 days" can be confusing (particularly in light of paragraph 8 regarding ICWA). For example, paragraph 9 ("disapproved") may be clearer (and better cover the possibilities arising out of a WIC section 361.31 placement preferences determination) if it indicates "The social worker or probation officer is ordered to transition the child or nonminor dependent to a placement setting with a level of care that is consistent with paragraph 6 or as otherwise specified in paragraph 11."	the language of Welfare and Institutions Code sections 361.22 and 727.12, and the committee believes that this is sufficient.
			Should the JV-235 include the placement address? Yes, the provision of the address assists the court and parties in quickly understanding what county the child is placed in, and exactly what placement the county is requesting STRTP placement.	The committee agrees with the commenter and the placement address is included as required information on the JV-235.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian?	The committee agrees that in most cases, return home is typically not a germane issue at a

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			No. Typically, return of a child to a parent at a WIC section 366.3 hearing should not be expected and, procedurally, would typically require the application of WIC section 366.3(f). Making this a standard/recommended order seems to suggest that it is somehow consistent/expected, when it typically is not. Therefore, paragraph 38 of the JV-446 is appropriate, at is restates WIC section 366.3(f); however, paragraph 11 does not discuss a legal standard for the participants (e.g., it should procedurally occur through a WIC section 388 motion) and would likely cause confusion in court and on appeal.	postpermanency hearing. However, the committee considered several provisions of Welfare and Institutions Code section 366.3 that suggest return home is an option at a postpermanency hearing, including that the court must consider all permanency planning options for the child, “including whether the child should be <i>returned to the home of the parent</i> ” (§ 366.3(h), italics added). In addition, section 366.3 requires the court to determine whether the out-of-home placement remains necessary, the extent of the progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care, and the likely date by which the child may be returned to, and safely maintained in the home (§ 366.3(e)(1), (7) & (8)).
			Should the forms related to the juvenile court’s review of STRTP placements (forms JV-235, 236, 237, and 239) be mandatory or optional? The JV-239 should definitely be mandatory to ensure uniformity for counties working to secure funding. The JV-235, 236, and 237 being optional will be helpful for counties with robust proofs of service practice and will alleviate unnecessary/perfunctory work in some cases (particularly with the JV-235 and 236 receipt). For example, if the agency has placed a child in an STRTP near the time of a scheduled hearing, and if all parties are present, parties can agree that they	The committee has elected to maintain the forms as mandatory to ensure that statutory requirements related to the hearing are uniformly applied, and to ensure that parties benefit from the information contained in JV-235, JV-236 and JV-240. In the example provided, the committee understands that mandatory forms might be burdensome, but the committee believes that the reasons for keeping the forms mandatory as stated outweigh the concerns raised.

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			have received adequate notice in court, vs. counties using time and resources to file forms and prove service. Also, making the forms optional (vs. mandatory) will hopefully encourage courts to be even more flexible in working with counties to get information before the court in the narrow timeframes allotted by WIC section 361.22 and WIC section 4096.	
			Does the process to approve the placement without a hearing in Rule 5.618(f) appropriately address its stated purpose. Would any modifications to the process improve the process?	The committee appreciates the concern raised regarding having two different timelines for serving the reports. In implementing the statutory directive that the Judicial Council create a process to review the placement without a hearing under Welfare and Institutions Code sections 361.22(h) and 727.12(h), the committee sought to ensure that parties would have a sufficient chance to review the report and make an objection, and this required the committee to create a different timeline than the seven calendar days required for the filing of the report in section 361.22 and 727.12. The committee did not believe that the seven-calendar day timeframe was enough time for parties to receive the report and prepare a response. This timeline took into consideration the timeline for the Qualified Individual (QI) report, which is required no later than 30 calendar days after the start of the placement. Ten court days before the hearing will in many cases be very close to the 30-day timeline for the report. If the report is prepared earlier than the federal timeline requires, the
			Given that QI reports can take up to 30 days to receive (following emergency placement), the 10 court days advance notice seems very challenging in most cases. So challenging, in fact, that in many cases, if the QI report is not received until calendar 30 after placement, it may be impossible to create an agency report and serve the parties approximately 14-16 calendar days prior to the hearing. That said, having a uniform 7 calendar days service requirement prior to hearing approach and then having the agency represent that it has confirmed that the parties agree 2 court days prior (or requiring objections to be filed 2 court days prior) to the hearing would be more realistic for counties to utilize the approval without a hearing process.	

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				timeline in the rule will be easier to meet. Welfare and Institutions Code section 4096(g)(2) requires the QI report to be completed prior to the start of the placement unless it is an emergency placement.
			Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires? Local courts should be given the flexibility allowed under Rule 5.814(f)(4) to create local rules that are best suited for their particular county. However, Rule 5.814(f)(4)(A)-(D) should be amended if the JV 235-237 become optional forms; therefore, the local rules would not be subject to those potentially optional forms. Again, as indicated above, the 10 court days advance service timeline should be reconsidered (as 7 calendar days is more realistic, given the narrow timelines, following receipt of the QI report).	The committee agrees that giving courts flexibility in the filing of the objection form can be beneficial for courts. The committee has elected to keep the forms mandatory. See the comment directly above regarding the timelines for approval without a hearing.
6.	Superior Court of Los Angeles County by Bryan Borys	A	Should form JV-235 include the placement address? Yes, it is beneficial because it offers a quick reference point for Judicial Officers on any future requests. We also agree with the committee that the STRTP may have multiple homes; therefore, providing the address will assist the judicial officers with identifying the exact facility.	The committee agrees. The committee determined the placement address was necessary to ensure that the court is approving or disapproving the appropriate STRTP placement as foster youth often change STRTP placements and the court is required to review each placement. In addition, some STRTP's are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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	Commenter	Position	Comment	Committee Response
				confidential, the placement address can be submitted separately on JV-287.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian? Yes, as this is an option for the court and a possible order.	The committee agrees and the form will include the option for return home orders.
			Should the forms related to the juvenile court's review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? Forms JV-235, JV-236, and JV-237 can be optional. The JV-239 should remain mandatory.	The committee has elected to keep JV-235, JV-236, JV-237 and JV-239 as mandatory to promote consistency in the process of court review of STRTP and CTF placements.
			Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? Yes, the process addresses its stated purpose. No modifications recommended at this time.	No response required.
			Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires? Yes, a timeline should be included to be clear and consistent with the other STRTP timelines provided by the JCC.	The committee has elected to not include a timeline for the filing of an objection. Courts have managed this process without a specific timeline in the rule since the rules effective date of October 1, 2021. The committee believes that giving courts some discretion on this aspect of the process benefits courts and parties.

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Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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	Commenter	Position	Comment	Committee Response
7.	Superior Court of Orange County by Vivian Tran, Operations Analyst	NA	Comments No comments. Request for Specific Comments In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: ▪ <i>Does the proposal appropriately address the stated purpose?</i> ○ Yes, but consider making forms mandatory rather than optional as the forms currently meet all needs. Parties will be able to utilize the mandatory forms and it may make it easier for staff to receive the forms instead of pleading paper.	The committee agrees that the forms should remain mandatory except for JV-238. The JV-238 will remain an optional form as it is a form the court may use to notice parties of the hearing; and courts may have a local process or procedure already in place and the committee elected to give court's greater flexibility in this regard.
			▪ <i>Should form JV-235 include the placement address?</i> ○ No, this does not appear to be needed as the placement report has this information.	The committee has elected to include the placement address to identify the specific STRTP placement being reviewed by the juvenile court. The committee notes that some STRTP's are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is confidential, the placement address can be submitted separately on JV-287.
			▪ <i>Should form JV-446 address the return of the minor to the home of the parent or legal guardian?</i>	The committee agrees that return home is an option at a section 366.3 postpermanency hearing and this option will be reflected in form JV-446.

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SPR22-164

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Commenter	Position	Comment	Committee Response
		Yes, form JV-446 should address the return of the minor to the home of the parent or legal guardian.	
		<i>Should the forms related to the juvenile court's review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional?</i> - The forms should be mandatory as they currently meet all needs, except for the JV-235.	The committee has elected to maintain the forms as mandatory to ensure that statutory requirements related to the hearing are uniformly applied, and to ensure that parties benefit from the information contained in JV-235, JV-236 and JV-240. Specifically, the committee elects to keep the JV-235 mandatory as it contains the address and the date of placement which is critical in meeting state and federal timelines to ensure the receipt of federal funding. In addition, JV-235 includes important clarifying information for parties that they might not receive if the forms were optional.
		<i>Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process?</i> - Yes, the process appropriately addresses its stated purpose.	No response required.
		<i>Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires?</i> - Yes, the rule should include a timeline.	The committee has elected to not include a timeline for the filing of an objection. Courts have managed this process without a specific timeline in the rule since the rules effective date of October 1, 2021. The committee believes that giving courts some discretion on this aspect of the process benefits courts and parties.

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	Commenter	Position	Comment	Committee Response
			The advisory committee also seeks comments from courts on the following cost and implementation matters: ▪ <i>Would the proposal provide cost savings? If so, please quantify.</i> ○ No, the proposal does not appear to provide cost savings.	The committee notes this response.
			▪ <i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> ○ If the forms are made optional, this would require staff to be trained to review pleading documents and to determine required language for certain documents. ○ Procedures would need to be revised. ○ Training for case processing clerks and courtroom clerks (approximately 2 hours). ○ Need additional time to create training items and classes. ○ Case management systems would be modified to make sure documents are not filed as something different and e-filing would need extra training as well.	The committee has elected to keep the forms mandatory, so the concerns raised in this comment should be alleviated.

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	Commenter	Position	Comment	Committee Response
			▪ <i>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> ○ No, six months would be more sufficient as courts would need time to modify systems, create training items, schedule training for staff and for creating new process.	The committee appreciates that courts would benefit from more time to implement the changes made in this proposal. However, since the STRTP review process is not being significantly overhauled, but instead some small changes to the existing process are being made, the committee hopes that courts will be able to implement the changes by the effective date of the proposal.
			▪ <i>How well would this proposal work in courts of different sizes?</i> ○ This proposal would work for Orange County.	No response required.
8.	Superior Court of Riverside County by Susan Ryan Chief Deputy of Legal Services		Does the proposal appropriately address the stated purpose? Yes, the proposal does seem to address additional aspects of AB 153 that were not addressed by last year's proposal.	No response required.
			Should form JV-235 include the placement address? While the court understands the need to have the placement address on the JV-235, often times in dependency court the placement address should remain confidential for the safety of the children. Using the JV-287 could work as a solution for confidential addresses, however it also opens up possibility of clerical error by the filers of the	The committee appreciates the concern raised but believes that including the specific placement address is necessary to ensure that the correct placement is being reviewed. The committee notes that some STRTP's are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is confidential, the placement address can be submitted separately on JV-287.

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Commenter	Position	Comment	Committee Response
		documents or the courts.	
		Should form JV-446 address the return of the minor to the home of the parent or legal guardian? Yes, returning a child home is an option is postpermanency, therefore it would make sense that it should be addressed on this form.	The committee agrees with the commenter and return home is being added as a finding on the JV-446.
		Should the forms related to the juvenile court's review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? It is always easier and more efficient for courts when forms are mandatory in processes that require multiple steps and timelines. Consistency in the forms makes it easier for court staff to recognize what needs to be done and what stage of the process the request is at. Plus, the existing processes that have been created rely on the forms that have already been designated mandatory.	The committee agrees the forms should remain mandatory for the reasons stated by the commentator and for consistency in the process around the state and to ensure that parties benefit from the information contained in the mandatory forms that are served on them.
		Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? Yes	No response required.
		Should the rule include a timeline for the filing and serving of the objection to the STRTP, or	The committee has elected to not include a timeline for the filing of an objection. Courts have managed this process without a specific timeline

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	Commenter	Position	Comment	Committee Response
			should this be left to local courts to determine, as the current rule requires? Yes, a timeline for the filing and serving of the objection should be provided.	in the rule since the rules effective date of October 1, 2021. The committee believes that giving courts some discretion on this aspect of the process benefits courts and parties.
			Would the proposal provide cost savings? If so, please quantify. No cost savings.	No response required.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Procedures that were created last year will need to be revised. New codes in the case management system would need to be created. The changes would need to be shared with court staff, agencies and judges.	Because the Legislature required the Judicial Council to implement rules and forms on the FFPSA process by October 1, 2021, the committee was required to circulate the proposal based on the trailer bill language prior to the legislation being finalized. Since the final version of the proposal could not circulate for comment in the previous cycle for this reason, the proposal has circulated a second time. The committee appreciates that the changes made to the STRTP court review process will need to be revisited by courts as this is the second time the FFPSA proposal is circulating for comment.
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes	No response required.

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	Commenter	Position	Comment	Committee Response
			How will would this proposal work in courts of different sizes? This should work the same for courts of any size.	The committee appreciates this response.
9.	Superior Court of San Bernardino County by Honorable Annemarie Pace Presiding Juvenile Judge	AM	The judge should be able to approve the placement without a hearing even if there is an objection filed. This is in line with other types of decisions juvenile judges make such as psychotropic medications and 827 requests. These can be done without a hearing even if there is an objection. Some objections are invalid at best and frivolous at worst.	The committee elected to maintain the current requirements in the rule that the hearing be held if a party objects to the placement. The committee felt that given that STRTP's are the most restrictive type of placement for a foster youth, a youth's day in court and opportunity to be heard is important enough to warrant the hearing always being held if there is an objection.
10.	Superior Court of San Diego County by Mike Ruddy Executive Officer	AM	Does the proposal adequately address the stated purpose? Yes.	No response required.
			Should form JV-235 include the placement address? The street address is probably not necessary, but it would be helpful to know if the placement is in the county/state or not.	The committee elected to include the placement address to identify the specific STRTP placement being reviewed by the juvenile court. The committee notes that some STRTPs are agencies with multiple homes, so naming the STRTP agency may not provide enough information. If the placement is confidential, the placement address can be submitted separately on JV-287.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian? Yes.	The committee agrees and the return home has been added to JV-446 as a potential finding.

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	Commenter	Position	Comment	Committee Response
			Should the forms related to the court’s review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? Now that these forms have already been developed, they should remain mandatory because (1) they elicit all the information necessary to both accomplish their purposes and satisfy statutory requirements for their respective functions (e.g., JV-237, indicating parties who must be served) and (2) they will help ensure that procedures are executed uniformly across the state. An example of the unintended consequence of making the forms optional: The deletion of the references to the JV-235 and JV-236 in CRC 5.618(b) has left the rule stripped of the requirement that a copy of the JV-235 (or its equivalent) be served on the parties. The rule now merely requires that the SW or PO “notify” the parties. Also, the JV-235 already contains the important information about the parties’ right to provide input to the court and the possibility that the court may approve the placement without a hearing (item 4). If courts are going to use their own forms or paperwork to make the request, it is vital that this information be provided to the parties.	After careful consideration, the committee agrees that forms should be kept as mandatory. This promotes uniformity throughout the state and helps ensure procedural compliance with the applicable statutes and rules for a relatively new process. In addition, parties’ benefit from the information in the mandatory forms that are served on them. The committee agrees with the concern raised and forms will remain mandatory, so references to the forms in California Rules of Court, rule 5.618 will remain.

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Commenter	Position	Comment	Committee Response
		Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? It seems confusing that 5.618(d)(2) requires service of the report “no later than seven calendar days before the hearing,” but 5.618(f) requires a proof of service verifying that the parties were served with the report “no later than 10 court days before the hearing date.” It would be helpful to have a consistent deadline. Also, rule 5.618(f)(1)(A) requires that the service requirements of 5.618(b) were met, but as revised by the proposal, 5.618(b) no longer requires service of the JV-235 on the parties (see my comment to the previous question). Also, if a party wishes to provide input or object using a method other than form JV-236, that party may not provide the court with all of the information needed by the court. The statutory timelines make it difficult to gather all the required information and still have enough time to take the hearing off calendar.	The committee appreciates the concern raised regarding having two different timelines for serving the reports. However, Welfare and Institutions Code sections 361.22(h) and 727.12(h) require the Judicial Council to create a process to review the placement without a hearing, and the committee sought to ensure that parties would have a sufficient chance to review the report and make an objection, and this required the committee to create a different timeline than the seven calendar days required for the filing of the report in section 361.22 and 727.12. In light of the committee’s decision to keep the forms mandatory, the remaining issues raised in the comment regarding the service of the JV-235 form and providing input using a different method other than the JV-236 form are now moot.
		Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires?	The committee agrees that giving courts some flexibility in this process would benefit courts.

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		Leaving it to local practice and rules provides the most flexibility and is preferable. Would the proposal provide cost savings? If so, please quantify. To the extent the forms save time and workload explaining procedures to unrepresented parties and/or correcting procedural errors made by unrepresented parties, yes.	No response required.
		What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Training judicial officers and court clerks, supervisors, and managers, revising any written processes and procedures currently in use (including those posted on court websites or intranet sites), and modifying case management systems to accommodate an increasingly complicated field of options, criteria, and requirements. Train judicial officers and court staff on any changes to the procedure and forms. Add or amend minute	The committee understands that courts may have additional implementation requirements due to this proposal and hopes that these additional implementation requirements are not too burdensome. The proposal had to circulate a second time to provide an opportunity for courts and justice partners to provide input on procedures developed based on the enacted legislation and meet the requirement that all rules and forms changes circulate for public comment.

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		order codes to comply with changes.	
		Would 3 months from approval of this proposal until its effective date provide sufficient time for implementation?	No response required.
		Yes, if the forms are made available by that time.	
		How well would this proposal work in courts of different sizes?	No response required.
		It depends on each court’s capacity for implementing new forms. It should work in San Diego County.	
		Other comments: Change delinquency to juvenile justice throughout.	The committee considered making this change prior to circulating the proposal for comment. But because the Welfare and Institutions Code still uses “delinquency” the committee elected to wait for the legislature to address this change first.
		Rule 5.618(b): The rule now only requires notice that a hearing has been requested and does not expressly require service of the paperwork.	Since the committee elected to keep the forms mandatory, the rule now includes a requirement that the various forms be served on the parties.
		Rule 5.618(b): As changed by the proposal (deleting “use ... JV-235 to request a hearing”), subd. (b) no longer specifies how the agency is to make the request of the court – i.e., by filing a JV-235 or alternative paperwork. (See comment above suggesting that four forms remain mandatory.) If the JV-235 becomes an optional	Since the committee elected to keep the forms mandatory, the rule now includes a requirement that the various forms be served on the parties. As to whether the rule should specify the type of notice, the committee does not believe it is necessary to specify the type of notice. The mandatory notice form, <i>Proof of Service—Short-</i>

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Commenter	Position	Comment	Committee Response
		form, there should be text in the rule stating that the SW or PO may request the review or hearing from the court by filing a JV-235 or other paperwork. Per the title of subd. (b), the text also should specifically require <i>service</i> of the JV-235 or other paperwork on the parties. As revised, it merely requires that the parties be <i>notified</i> . (Question: Should the rule also specify the manner of service, e.g., mail or email?)	<i>Term Residential Therapeutic Program Placement or Community Treatment Facility</i> (JV-237) provides this clarification, as it includes a list of four specific types of notice on the first page.
		Rule 5.618(b): Suggested changes (to distinguish from a request for hearing; see also title of form JV-235 [“Request for Review”] and CRC 5.618(f)(1)); but see WIC § 361.22(b)(1) [SW “shall request the court to schedule a <i>hearing</i> ”]) – Service of request for hearing review The social worker or probation officer must notify the following parties that a hearing review is requested under section 361.22(b)(1) or 727.12(b)(1) within five calendar days of each placement of a child or nonminor dependent in a short-term residential therapeutic program:	The suggested change was not made because Welfare and Institutions Code sections 361.22(b) and 727.12(b) reference a request for hearing.
		Rule 5.618(c): Suggested edit – The court must set a hearing under section 361.22(d) or 727.12(d) after receiving a the request for a hearing review to. The hearing must be held within 45 days of the start of the short-term residential therapeutic program placement. ...	See comment above.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		Rule 5.618(e)(4): Suggested edit because JV-236 will no longer be a mandatory form – Local county practice and local rules of court determine the procedures for completing, filing, and serving form JV-236 or another method of providing input, except as otherwise provided in this rule.	Because the forms will remain mandatory, this change was not made.
		Rules 5.697 and 5.903: Cross-references to statutes are less helpful than a list of specific items.	The committee and the Judicial Council seek to limit unnecessary redundancy in rules of what is listed in statute to avoid creating any possible discrepancy between the rule and the statute. For this reason, the committee elected to reference the statute instead of listing the requirements a second time in the rule.
		Rule 5.903 title: Add citations to §§ 391, 11403.	The committee agrees that both the code sections cited have a bearing on the nonminor dependent status review hearing and the citations have been added to the title of the rule.
		Rule 5.903(d)(1): Suggested edits – The social worker or probation officer must submit a report to the court that includes information regarding the required information in required by section 366.31(b), (d), (f), or (h), as applicable, and section 391(c). For a nonminor dependent with a permanent plan of another planned permanent living arrangement, the report must include a factual discussion of each item	The change has been made, although after further amendments, the sentence is not in the same format as when it circulated for comment.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		listed in section 366.31(e). The following additional information must also be included:	
		Rule 5.903(e): Delete “and” – “The court must consider the safety of the nonminor dependent, and make the judicial findings”	The change has been made.
		JV-235: The placing agency might not actually be requesting a hearing.	Welfare and Institutions Code sections 361.22 and 727.12 (b) and (d) require that a hearing be requested and that the court set the hearing. The hearing must be set and then vacated if the court approves the placement without a hearing pursuant to subdivision (f) of California Rules of Court, rule 5.618.
		JV-235, item 2: Suggested edit – The placement is confidential; the following information is name and address of the placement are submitted through on form JV-287.	The change has been made.
		JV-235, item 3: Suggested edit – ... to review the placement of the child or nonminor dependent in the short term residential therapeutic program listed in 2.	The committee does not believe that this change is necessary. The form is intended for use by parties and the committee believes more specificity in referencing the short-term residential therapeutic program will benefit parties.
		JV-235, item 4: It is recommended that you consult with your attorney if , you have one, on the best way to make your objection known to the court. (The comma is in the wrong place.)	The comma after “if” has been removed.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		Question: Should item 4 also inform the parties that they also may provide input (not necessarily an objection) to the court regarding the STRTP placement? (See instructions at top of JV-236.)	The committee believes that explaining the use of the JV-236 regarding input is better left to the JV-236 form. The committee seeks to emphasis the objection process in this advisement in item 4 of the JV-235.
		JV-236 instructions: Suggested edits – When you receive the report, the agency may also send you form JV-240, ..., which will indicate that to inform you the agency is requesting that the court approve the placement without a hearing. ... If the hearing is kept on calendar, you should work with your attorney to determine when the form is required to must be filed.	The reference to JV-240 has been removed in an effort to make the form easier to read and concise.
		JV-236, item 4a: Suggested edits (to avoid having the blank for <i>date</i> incorrectly used for the date of the STRTP placement) – On (date): _____, I received the report from the social worker or probation officer addressing the child’s or nonminor dependent's placement in the short-term residential therapeutic program on (date): _____.	The form has been updated and the date is now only required if the user indicates “yes” to whether they have received the report.
		JV-236, item 5: Suggest replacing hyphen with or – “child’s or nonminor dependent’s”	This phrase no longer appears in item 5.
		JV-237, first check box: Question – If the JV-236 becomes an optional form as proposed, doesn’t	The forms will remain mandatory.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		this (“AND a blank copy of ... [JV-236]”) need to be changed?	
		JV-238, item 2, both check boxes: Same Question – If the JV-236 becomes an optional form as proposed, doesn’t this (“AND a blank copy of ... [JV-236]”) need to be changed?	The forms will remain mandatory.
		JV-239, items 3b, 3c, and 4: The input could be provided in another format.	JV-236 will remain mandatory, but input could be provided in another format and this input can be listed in 3e or 3f as “other.”
		JV-239, item 4: Same question – If the JV-236 becomes an optional form as proposed, doesn’t this (“AND a blank copy of ... [JV-236]”) need to be changed?	JV-236 will remain mandatory.
		JV-239, item 9, second check box: Insert comma after “7.”	The suggested change has been made.
		JV-239, item 10c: Change “meet” to “met.”	The suggested change has been made.
		JV-240, instructions: Suggested edit – You are receiving this notice because a request is being made the agency in 1 is asking the court to approve the placement of the child or nonminor dependent in the short-term residential therapeutic program indicated below in 2 without holding a hearing	The introductory paragraph has been amended.
		JV-240, instructions: Question – The second sentence refers to “The hearing date indicated below,” but there is nothing on the form that	A new item has been added to the form to include the date of the hearing.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		provides the hearing date set by the court. The only blanks for dates are the date of placement in item 2 and the date of the signature on the form.	
		JV-240, item 3: rule of court 5.618(f) of the California (or California rule of court)	A reference to rule 5.618 has been removed in an effort to make the form easier to read and concise.
		JV-240, item 3: Suggested edits – After meeting the requirements of California Rules of Court, rule 5.618(f) of the California or local rule _____, the placing agency in item 1 is requesting that the court ...	See comment above.
		JV-240, item 4: Suggested edits – If you do not file an objection to the placement indicated above in item 2 within 5 court days of receiving the report for the hearing, the court may approve the placement without a hearing. To do so make an objection, you may make your objection using use Input on Placement in Short-Term Residential Therapeutic Program (form JV-236) and filinge it with the court or by filinge an objection without using form JV-236. It is recommended that you consult with your attorney, if you have one, on the best way to make your objection known to the court. The report for the hearing is described in Welf. & Inst. Code § 361.22(c) or 727.12(c).	Since the forms will remain mandatory, the language will reflect that an objection must be made using the JV-236 form.
		JV-240, left footer: Delete “Rev.”	The suggested change has been made.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		JV-240, center footer: To match title of form at the top of the page, 7 - replace “Review” with “Approval” - delete “Placement in” - add “Without a Hearing” at end of title.	The title of the footer has been matched to the correct form name.
		JV-320, item 5b: Insert comma between “§ 349(a)” and “or.”	The suggested change has been made.
		JV-320, item 8b(2): Suggest moving “is likely to result in” to the next line so that it and “serious emotional or physical damage to the child” are on the same line.	The suggested change has been made.
		JV-320, items 14c, 15b, 16e: Suggested edits – ... is would be detrimental to the child's physical or emotional well-being and is terminated prohibited.	Since a detriment finding can apply to both current and future visits between a child and parent, the committee has elected to keep the present tense. The committee also notes that the finding should be made based on whether there is detriment at the time of the hearing.
		JV-320, item 15: The appointment is not effective until letters the Letters have issued.* *This suggestion was included with the comment below, but we separated it since it refers to a different item number.	The suggested change has been made.
		JV-320, line above item 16d: Change “<i>items 16b and 16c</i>” to “<i>items 16d and 16e</i>.”	Revisions have been made to item 16 and 17 that make this suggestion no longer applicable.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		JV-320, item 17a(3): Suggested edit – A diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-320, item 17a(4): Suggested edit – A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, ...	The suggested change has been made (now item 19).
		JV-320, item 17a(6) and 17b(5): Question – Should these two items be identical? Item 7b(5) adds “in detail” before “in the record.”	The committee agree that the language in these two items should mirror each other; “in detail” has been removed from former item 17 (current item 19).
		JV-421, item 3c: Change “was” to “is” (“There was-is clear and convincing evidence ...”).	The suggested change has been made.
		JV-421, item 5d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	The suggested change has been made.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		JV-421, item 12c: Suggested edit – a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-421, item 22b: Delete comma after “denied.”	The suggested change has been made.
		JV-421, item 23a(1): Delete comma after “granted” and insert comma after “because.”	The suggested change has been made.
		JV-421, item 23c(2): Delete comma after “denied.”	The suggested change has been made.
		JV-421, item 23d(1): Delete comma after “granted.”	The suggested change has been made.
		JV-421, item 23e(1): Delete comma after “granted.”	The suggested change has been made.
		JV-421, item 23e(2): Delete comma after “denied.”	The suggested change has been made.
		JV-421, item 36a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-430, item 3b(1): Suggested edits – The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing under Welf. & Inst. Code, § 349(a) and was given an opportunity to be present, and there	The committee has elected to maintain the reference to Welfare and Institutions Code section 349(d), as subdivision (d) addresses the notice and right to appear that this item is intended to address.

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Commenter	Position	Comment	Committee Response
		is no good cause for a continuance to enable the child to be present.	
		JV-430, item 3b(2): Suggested edits – The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing under Welf. & Inst. Code, § 349(a) or the child wished to be present ...	See comment above.
		JV-430, item 3b(2)(a): Suggest deletion of “to enable the child to be present” (see WIC § 349(d)).	The committee agrees that the language should be deleted because it is unnecessarily redundant of the phrase preceding it: “secure the presence of the child...”
		JV-430, item 11d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan have have not been developed-conducted and conducted developed to the maximum extent ...	The suggested change has been made.
		JV-430, item 15b: Change name of form JV-535 to “Order Designating Educational Rights Holder.”	The suggested change has been made.
		JV-430, item 22a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-430, items 24a & 24c: Change “ <i>Permanency</i> ” to “ <i>Prepermanency</i> .” Note: This change should be made to the titles of JV-432 and JV-433 as well (or conversely, all three forms should use	The committee has elected to maintain the current form names. A hearing where a child’s custody status is resolved through reunification with a parent (form JV-431) or where services are being

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Commenter	Position	Comment	Committee Response
		“Permanency” for consistency). Note: The forms for 12-month reviews use “ <i>Permanency</i> .”	terminated (form JV-433) are framed as permanency hearings, because the court is proceeding from efforts to reunify the child with the parents to efforts to finalize a permanent plan for the child either through reunification or an alternative plan (see 45 C.F.R. §§ 1355.20).
		JV-432, item 4: Insert space between the section symbol (§) and “366.1(l).”	The suggested change has been made.
		JV-432, items 5a & 9b: Change “item 26” to “item 28.”	The suggested change has been made.
		JV-432, item 8c: Suggested edit – A diligent search was made for a placement with a member of the child’s extended family, or in a foster home licensed, approved, or specified by the Indian child’s tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-432, item 9: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-432, item 9b: Suggested edit – does not continue to be is no longer the most appropriate placement for the child ...	The suggested change has been made.
		JV-432, item 10d: Add “s” – extended family members....	The suggested change has been made.
		JV-432, item 10d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) –	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		These efforts and the case plan _____ have _____ have not been developed conducted and conducted developed to the maximum extent ...	
		JV-432, item 11: Delete space between “§ 361.5(a)” and “(1)(C)” and suggested edit – ... if the siblings were removed from the home at the same time as described in Welf. & Inst. Code, § 361.5(a)(1)(C), and who they remain placed together:	The language has been changed from the original language that circulated for comment to mirror the language in Welfare and Institutions Code section 361.5(a)(1)(C).
		JV-432, item 11b(1): Suggested edits – (1) Having considered the relevant evidence, including the following factors: i. W whether there has been significant progress in resolving the problems that led to the removal;; ii. W whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated;; and iii. W whether there has been consistent and regular contact and visitation with the child;; iv. T he court finds there is a substantial probability ...	The suggested change has been made (currently in item 11(d)(1)). -

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		JV-432, item 13: Suggested edits – The likely date by which the child may be returned to and safely maintained in the home, or placed for adoption, tribal customary adoption, or legal guardianship, or placed with a fit and willing relative or in another planned permanent living arrangement is ...	The committee elects to maintain the language on the form because the language aligns with the statutory language of Welfare and Institutions Code section 366(a)(2).
		JV-432, item 14: Suggested edit – Child is 10 years of age or older and has been ...	The suggested change has been made.
		JV-433, item 5a: Change “item 26” to “item 28.”	The suggested change has been made.
		JV-433, item 8c: Suggested edit – A diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-433, item 9: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-433, item 9b: Suggested edit – does not continue to be is no longer the most appropriate placement for the child ...	The suggested change has been made.
		JV-433, item 10d: Suggested edit (so “efforts” were “conducted” and “case plan” was	The suggested change has been made.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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

Commenter	Position	Comment	Committee Response
		“developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	
		JV-433, item 11c: Change “was” to “is” (“There was-is clear and convincing evidence ...”).	The suggested change has been made.
		JV-433, item 14: Change “department” to “agency.”	The suggested change has been made.
		JV-433, item 17b: Insert comma after “evidence.”	The suggested change has been made.
		JV-433, item 18b: Suggested edit (alternatives) - The child shall remains in foster care ... The child is ordered to remains in foster care ...	The second suggested change has been made. Rules of Court do not use “shall” because the term is ambiguous. The term “must” or “will” is used when the sense is “to have a duty to.”
		JV-433, item 18a: Suggested edit – The court asked the child where he or she-the child wants to live, and the child provided the following information ...	The suggested change has been made.
		JV-435, item 3b(2)(a): Delete “to enable the child to be present” (see WIC § 349(d)).	The suggested change has been made.
		JV-435, item 11d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) –	The suggested change has been made.

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SPR22-164

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Commenter	Position	Comment	Committee Response
		These efforts and the case plan _ have _ have not been developed conducted and conducted developed to the maximum extent ...	
		JV-437, item 8c: Suggested edit – A diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-437, item 9: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-437, item 9b: Suggested edit – does not continue to be is no longer the most appropriate placement for the child ...	The suggested change has been made.
		JV-438, item 3d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan _ have _ have not been developed conducted and conducted developed to the maximum extent ...	The suggested change has been made.
		JV-438, item 4c: Change “was” to “is” (“There was is clear and convincing evidence ...”).	The suggested change has been made.

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SPR22-164

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Commenter	Position	Comment	Committee Response
		JV-438, item 11: Insert comma: “There has been a change in the child’s placement, and the child is an Indian child ...”	The suggested change has been made.
		JV-438, item 11c: Suggested edit – A diligent search was made for a placement with a member of the child’s extended family, or in a foster home licensed, approved, or specified by the Indian child’s tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-438, item 12: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-438, item 13: Change “department” to “agency.”	The suggested change has been made.
		JV-438, item 16b: Suggested edit (alternatives) – The child shall remains in foster care ... The child is ordered to remains in foster care ...	The second suggestion has been made. Rules of Court do not use “shall” because the term is ambiguous. The term “must” or “will” is used when the sense is “to have a duty to.”
		JV-438, item 17: Suggest inserting “and” between “older” and “placed.”	The committee has elected not to make the suggested change.
		JV-438, item 17a: Replace “he or she” with “the child”; insert comma after “live.”	The suggested change has been made.
		JV-440, item 3b(2)(a): Suggest deletion of “to enable the child to be present” (see WIC § 349(d)).	The suggested change has been made.
		JV-440, item 11d: Suggested edit (so “efforts” were “conducted” and “case plan” was	The suggested change has been made.

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SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		“developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	
		JV-440, item 18: Change “item 17” to “item 16.”	The suggested change has been made.
		JV-440, item 18: Change “item 19” to “item 18.”	There is no reference to “item 19” in this section; it appears this suggestion applies to item number 19, the suggested change was implemented there. The reference to item 19 in item 19 has been changed to item 18.
		JV-440, item 22a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-442, item 3d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	The suggested change has been made.
		JV-442, item 4c: Change “was” to “is” (“There was is clear and convincing evidence ...”).	The suggested change has been made.
		JV-442, item 10a: Change “item 27” to “item 28.”	The suggested change has been made.
		JV-442, item 11c: Suggested edit –	The committee does believe a comma is needed after “family.” “Or” has been added.

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Commenter	Position	Comment	Committee Response
		A diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, ...	
		JV-442, item 12: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-442, item 13: Change “department” to “agency.”	The suggested change has been made.
		JV-442, item 16b: Suggested edit (alternatives) – The child shall remains in foster care ... The child is ordered to remains in foster care ...	The second suggestion had been implemented. Rules of Court do not use “shall” because the term is ambiguous. The term “must” or “will” is used when the sense is “to have a duty to.”
		JV-442, item 17: Suggested edit (alternatives) – If a another planned permanent living arrangement is ordered for a children 16 years of age or older:	The committee elects to edit the language so that it mirrors the wording for the same finding on the JV-433 and JV-438: “For children 16 years of age or older placed in another planned permanent living arrangement.”
		JV-442, item 17a: Replace “he or she” with “the child”; insert comma after “live.”	The suggested change has been made.
		JV-442, item 18c: Replace “18” with “17” and renumber subsequent items accordingly.	The suggested change has been made.
		JV-443, item 8c: Suggested edit – A diligent search was made for a placement with a member of the child's extended family, or in a	The committee does believe a comma is needed after “family.” “Or” has been added.

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Commenter	Position	Comment	Committee Response
		foster home licensed, approved, or specified by the Indian child's tribe, ...	
		JV-443, item 9: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-443, item 10: Delete period after “the.”	The suggested change has been made.
		JV-445, item 3b(2)(A): Suggest deletion of “to enable the child to be present” (see WIC § 349(d)).	The suggested change has been made for the reasons stated in a previous response.
		JV-445, item 11a: Change “item 32” to “item 35.”	The suggested change has been made.
		JV-445, item 12: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-445, item 12b: Change “item 32” to “item 35.”	The suggested change has been made.
		JV-445, item 14b(2): Suggested edit (see, e.g., JV-446, item 33) – the county agency is not required to actively involve give the child this opportunity because the child is was unable, unavailable, or unwilling to participate.	The committee has elected to keep the language as proposed as it is more aligned with language in California Rules of Court, rule 5.708.
		JV-445, item 16a: Change “department” to “agency.”	The suggested change has been made.
		JV-445, item 22a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made. It is now item 23(a)(2)
		JV-445, item 31b: Insert “is” before “(specify	The suggested change has been made.

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SPR22-164

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Commenter	Position	Comment	Committee Response
		date).”	
		JV-446, item 3b(2)(A): Suggest deletion of “to enable the child to be present” (see WIC § 349(d)).	The suggested change has been made for reasons stated in a previous response.
		JV-446, item 11b: Change “person specified in item 2a” to “person(s) specified in item 11”; item 2a refers to the report filed by the social worker. Suggested edits – The family is does not in need of further services, and the person(s) specified in item 2a 11 is or are granted physical and legal custody of the child ...	The suggested change has been made.
		JV-446, item 17: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-446, item 18: Change “department” to “agency.”	The suggested change has been made.
		JV-446, item 21: Delete space between “JV-459” and “(A).”	The suggested change has been made.
		JV-446, item 22: Typo – change “compiled” to “complied.”	The suggested change has been made.
		JV-446, item 24a: Change “him or her” to “the child.”	The suggested change has been made.
		JV-446, item 32a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-446, item 36c: Suggested edit (alternatives) – The child shall remains in foster care ... The child is ordered to remains in foster care ...	The second suggested change has been made. Rules of Court do not use “shall” because the term is ambiguous. The term “must” or “will” is used when the sense is “to have a duty to.”
		JV-446, item 37: Suggest inserting “and” between “older” and “placed.”	The committee does believe this change is necessary.
		JV-446, item 37b: Change “he or she” to “the child”; insert comma after “live.”	The suggested change has been made.
		JV-446, item 38: Insert “plan” between “case” and “dated” – “the case plan dated:_____ is appropriate ...” – insert comma after “appropriate.”	The suggested change has been made.
		JV-455, item 3b(2)(A): Suggest deletion of “to enable the child to be present” (see WIC § 349(d)).	The suggested change has been made for reasons stated in a previous comment.
		JV-455, item 11d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	The suggested change has been made.
		JV-455, item 15b: Change title of form JV-535 to “ <i>Order Designating Educational Rights Holder.</i> ”	The suggested change has been made.
		JV-455, item 18: Change “item 17” to “item 16.”	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-455, item 19: Change “item 19” to “item 18.”	The suggested change has been made.
		JV-455, item 23a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-457, p. 1, right footer: Change “Page 1 of 3” to “Page 1 of 4.”	The suggested change has been made.
		JV-457, item 4d: Suggested edit (so “efforts” were “conducted” and “case plan” was “developed”) – These efforts and the case plan _ have _ have not been developed-conducted and conducted developed to the maximum extent ...	The suggested change has been made.
		JV-457, item 5c: Change “was” to “is” (“There was-is clear and convincing evidence ...”).	The suggested change has been made.
		JV-457, item 6c: Suggested edit – A diligent search was made for a placement with a member of the child’s extended family, or in a foster home licensed, approved, or specified by the Indian child’s tribe, ...	The committee does believe a comma is needed after “family.” “Or” has been added.
		JV-457, items 11a & 12b: Change “item 27” to “item 28.”	The suggested change has been made.
		JV-457, item 12: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-457, item 13: Change “department” to	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		“agency.”	
		JV-457, item 14b: Suggested edit (alternatives) – The child shall remains in foster care ... The child is ordered to remains in foster care ...	The second suggestion has been implemented. Rules of Court do not use “shall” because the term is ambiguous. The term “must” or “will” is used when the sense is “to have a duty to.”
		JV-457, item 15: Insert “is” before “ordered.”	The suggested change has been made.
		JV-457, item 15a: Change “he or she” to “the child”; insert comma after “live.”	The suggested change has been made.
		JV-457, item 16e: Insert “in consultation with the child’s tribe,” before “tribal customary adoption for the child.” (See, e.g., JV-433, item 17e.)	The suggested change has been made.
		JV-459(A), left footer: Insert “(A)” after “JV-459.”	The suggested change has been made.
		JV-459(A): Question re last check box – Should this item also order the social worker or probation officer to submit to the court an updated form JV-459(A) within 30 days? (See other forms requiring agency to “submit an updated case plan within 30 days of the date of this hearing.”)	The committee has elected to include another check box allowing for “other orders” that the court deems necessary in the context of the findings on JV-459(A).
		JV-461(A), item 3: Change “department” to “agency.”	The suggested change has been made.
		JV-461(A), items 5a & 5b: Suggested edits – The nonminor dependent would like requests an Indian Child Welfare Act determination. ...	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		The nonminor dependent would not like does not request an Indian Child Welfare Act determination.	
		JV-461(A), item 10: Question – Should “or 706.5(c)(1)(B)” be added after “§ 366.31(b)(4)” (See JV-462, item 10.)	JV-461(A), which addresses a disposition hearing for a nonminor dependent, only applies in dependency cases (see Welfare and Institutions Code section 358(d)(1)(A)).
		JV-461(A), item 21: Suggested edits (to match “relationships” later in the sentence) – The county agency ... made reasonable efforts to maintain relations hips between the nonminor dependent and individuals who are important to the nonminor, including efforts to establish and maintain relationships with caring and committed adults	The suggested change has been made.
		JV-461(A), item 26c: Change “reasons” to “reason(s).”	The suggested change has been made.
		JV-461(A), item 27c: Change “successful adulthood” to “independence” per WIC § 366.31(d)(2)(G). ¹ Question – Should this item be revised to track the statutory language more closely? The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood independence or, for a youth who has chosen to have the Indian Child Welfare Act apply, in consultation with	The committee agrees with the suggested language and that the language should be updated to include “or, for an Indian child, in consultation with the child’s tribe, placed for tribal customary adoption.”

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Commenter	Position	Comment	Committee Response
		the child's tribe, placed for tribal customary adoption is on (date): ¹ “The likely date by which the nonminor dependent may safely reside in the home of the parent or guardian or, if the court is terminating reunification services, the likely date by which it is anticipated the nonminor dependent will achieve independence, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.”	
		JV-461(A), item 28a, first check box: Change “child” to “nonminor.”	The suggested change has been made.
		JV-461(A), item 28b: Question– Should this item also order the social worker to submit to the court an updated form JV-461(A) within 30 days? (See other forms requiring agency to “submit an updated case plan within 30 days of the date of this hearing.”)	The committee believes that this order can be addressed in item 32 under “Other findings and orders.”
		JV-461(A), item 29a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-462, item 11: Change “does include” to “includes” (see JV-461(A), item 11.) Question – Should these items provide a check box for the possibility that the TILCP does <i>not</i> include a plan to satisfy a criterion in § 11403(b)? (See items 12-20 [“was/was not”].)	The suggested change has been made. If the court is not able to make the finding, the committee believes that it is sufficient for the court to not make this finding by not checking the check box.
		JV-462, item 16: Change “he or she needs” to “they need.”	The suggested change has been made.
		JV-462, item 22: Change “department” to “agency.”	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-462, item 23: Suggested edits (to match “relationships” later in the sentence) – The county agency ... made reasonable efforts to maintain relationships between the nonminor dependent and individuals who are important to the nonminor, including efforts to establish and maintain relationships with caring and committed adults	The suggested change has been made.
		JV-462, item 29a, first check box: Change “child” to “nonminor.”	The suggested change has been made.
		JV-462, item 29a, third check box: Change “child’s” to “nonminor’s” or “their” (in two places).	The first suggestion to replace “child’s” with “nonminor’s” has been made.
		JV-462, item 29b: Question– Should this item also order the social worker to submit to the court an updated form JV-461(A) within 30 days? (See other forms requiring agency to “submit an updated case plan within 30 days of the date of this hearing.”)	The committee believes that this order can be addressed as an "Other findings or orders" in item 32.
		JV-462, item 30a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-462, item 33c: Change “successful adulthood” to “independence” per WIC § 366.31(d)(2)(G). ² Question – Should this item be revised to track the statutory language more closely?	The committee agrees that the language should reference “independence” and be updated to include “or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.”

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SPR22-164

Juvenile Law: Short-Term Residential Therapeutic Program Placement (amend Cal. Rules of Court, rules 5.618, 5.697, and 5.903; adopt form JV-240; approve form JV-459(A); and revise forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678)

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Commenter	Position	Comment	Committee Response
		The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood independence or, for a youth who has chosen to have the Indian Child Welfare Act apply, in consultation with the child's tribe, placed for tribal customary adoption is: ² “The likely date by which the nonminor dependent may safely reside in the home of the parent or guardian or, if the court is terminating reunification services, the likely date by which it is anticipated the nonminor dependent will achieve independence, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.”	
		JV-462, item 33d(2)(a): Typo – Change “of” to “or” before “guardian(s).”	The suggested change has been made.
		JV-462, item 35a: Typo – Change “Wel.” To “Welf.”	The suggested change has been made.
		JV-462, item 35b: For consistency, change “under rule 5.555 of the California Rules of Court to “(Welf. & Inst. Code, § 391; Cal. Rules of Court, rule 5.555).”	The suggested change has been made.
		JV-642, title & center footers on all 4 pages: Change “DELINQUENCY” to “JUSTICE.”	The committee considered changing all references of delinquency to juvenile justice prior to circulating the proposal for comment. Since the Welfare and Institutions Code still uses “delinquency” the committee elected to wait for the legislature to address this language before making a change to forms and rules.

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SPR22-164

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Commenter	Position	Comment	Committee Response
		JV-642, item 10: Question – Per discussions with Ann Gilmour,³ courts should do further inquiry both when there is reason to know and when there is reason to believe. Should item 10b therefore read, “The court finds there is reason to believe or reason to know the child is an Indian child; ...”? ³ Email from Joan Tillman dated 4-7-22, forwarding Ann Gilmour’s reply: “So even in those cases where you have “reason to know” the child is an Indian child at the outset of the case, there is an obligation to do the further inquiry set out in WIC 224.2 (e) to gather the necessary family background information to determine the child and families relationship to the tribe and provide that information to the tribe so that the tribe can make a determination about whether the child is in fact a member or eligible for membership in the tribe. This is referenced in WIC 224.2(g) which discusses the need to confirm by way of report, etc. that the agency has used due diligence to identify and work with all tribes where there is reason to know the child may be a member. Again this language is taken directly from the federal regulations, and though it does not use the “further inquiry” terminology, in fact “further inquiry” is what is required to fulfill this obligation.” See also CRC 5.481(a)(4) [triggering a duty of further inquiry even when the court or agency knows or has reason to know].)	The committee declines to add language requiring the further inquiry required by Welfare and Institutions Code section 224.2(e) where there is reason to know the child is an Indian child. The requirements in section 224.2(e) apply when there is reason to believe the child may be an Indian child. Section 224.2(g) applies when there is reason to know the child is an Indian child. It requires the agency to exercise due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership consistent with the language contained in item 10(c)(2).”
		JV-642, item 10c(2): Question – Should “is required to” be changed to “is ordered to”? If not, can it be simplified by changing it to “Probation must exercise due diligence ...”?	The committee agrees to simplify the language. The form has been updated to say “the probation department must exercise due diligence...” The latter suggested change has been made.
		JV-642, item 10c(4): Capitalize “the” – The court will treat the child ...	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-642, item 10d: Question – Should “member” be followed by “or a citizen” and/or “or eligible for membership in”?	The committee agrees that suggested language should be added; the change has been made.
		JV-642, items 11 & 37: Question – Should there be a check box for “Indian custodian”	The suggested change has been made.
		JV-642, item 12: Question – Should it read, “The court advised the child and parent, legal guardian, or Indian custodian of ...”?	The language has been changed to “parent or guardian” to reflect the language used in section 633 and 700 and rule 5.754.
		JV-642, item 19b: Change “18a” to “19a.”	The suggested change has been made.
		JV-642, item 23: Change “ <i>Transfer</i> ” to “ <i>Transfer-Out</i> .”	The suggested change has been made.
		JV-642, items 25, 37: Question – Should “probation” be “Probation” or “the probation officer”? Start on p 119, JV-642	The first suggested change has been made.
		JV-642, item 36: Question – Should it read, “The child and the parent, or legal guardian, or Indian custodian have been advised ...”?	The language has been changed to “parent or guardian” to reflect the language used in section 633 and 700 and rule 5.754.
		JV-642, item 39: Question – For consistency with the rest of the form, should “minor” be changed to “child”?	The suggested change has been made.
		JV-667, item 4: Suggested edit – Probation is granted the authority to authorize medical, surgical, or dental, or other remedial care under	Consistent with Welfare and Institutions Code section 739, the suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-667, item 6: Change “describe” to described.”	The suggested change has been made.
		JV-667, item 7b(1): Change “ ... or not offered under section 300 et seq. of the Welf. & Inst. Code, § 300 et seq. 361.5(b), 366.21, 366.22, or 366.25.	The committee agrees that referencing the applicable code sections provides an important clarification when making the finding in item 7(b)(1).
		JV-667, item 7b(3): Suggest changing “regarding” to “to” – “rights of that parent to a sibling.”	The committee believes the language as proposed is sufficient.
		JV-667, item 9b(2): Change “he or she” to “the child.”	The suggested change has been made.
		JV-667, item 11: Change “office” to “officer.”	The language has been changed to reference “probation department.”
		JV-667, item 11b(3): Suggest changing to “until the requirements of the program has have been satisfactorily completed.”	The suggested change has been made.
		JV-672, title: Change “DELINQUENCY” to “JUVENILE JUSTICE.”	The committee considered changing all references of delinquency to juvenile justice prior to circulating the proposal for comment. Since the Welfare and Institutions Code still uses “delinquency” the committee elected to wait for the legislature to address this language before making a change to forms and rules.
		JV-672, item 1a: Suggest adding “officer” or “department” after “probation.”	The latter suggested change has been made.
		JV-672, items 4 & 5: Question – Should “their parent or legal guardian” be changed to “their	Since Welfare and Institutions Code section 727.2(f) does not reference return to an Indian

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Commenter	Position	Comment	Committee Response
		parent, legal guardian, or Indian custodian”?	custodian, the committee did not make this change.
		JV-672, items 7b, 9, 11b, 12, 21a: Suggest changing “probation” to “the probation officer.”	The committee notes that Welfare and Institutions Code section 727.2 refers to “probation officer” and “probation department.” Depending on which term is used for the applicable finding, the committee uses that term on the forms.
		JV-672, item 11: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-672, item 17: Should there be a check box for indicating that the case plan is deficient and needs to be revised, e.g., “The services set forth in the case plan _____include_____do not include those needed ...”? (See, e.g., JV-455, item 21.)	Since Welfare and Institutions Code section 727.2(e)(6)(A) requires that “the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to successful adulthood.” And “(B) The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer’s report and any other evidence relied upon in reaching its decision,” the committee agrees that the additional checkboxes referenced should be included on the form.
		JV-672, item 18a, b, c, and 26: Should there be check boxes for Indian custodian? (Arguably, an Indian custodian can be indicated by “other.”)	Since only a very small number of cases involve an Indian custodian, the “other” box can be used to list such person when it applies in item 18. “Other” has also been added to item 26.
		JV-672, line above item 29: Delete “Parentage” and move it to line above item 30.	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-672, item 29a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
		JV-674, title: Change “DELINQUENCY” to “JUVENILE JUSTICE.”	The committee considered changing all references of delinquency to juvenile justice prior to circulating the proposal for comment. Since the Welfare and Institutions Code still uses “delinquency” the committee elected to wait for the legislature to address this language before making a change to forms and rules.
		JV-674, item 1a: Suggest adding “officer” or “department” after “probation.”	The suggested change has been made and text will read “probation officer”.
		JV-674, items 4 & 5: Question – Should “their parent or legal guardian” be changed to “their parent, legal guardian, or Indian custodian”?	Since Welfare and Institutions Code section 727.3(b) does not reference return to an Indian custodian, the committee declines to make this change.
		JV-674, items 7b, 9, 11b, 12, 24a: Suggest changing “probation” to “the probation officer.”	The suggested change has been made.
		JV-674, item 11: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-674, item 16b(1): Insert comma after “reasonable services.”	The suggested change has been made.
		JV-674, item 16b(2): Change “Other” to “other.”	The suggested change was not made as the committee believes capitalization in this context is correct.

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Commenter	Position	Comment	Committee Response
		JV-674, item 17(b)(3): Should there be a check box for emancipation? (See WIC §727.3(b)(6)(A).)	A check box option for emancipation in item 17(c) was created consistent with Welfare and Institutions Code section 727.3(b)(6)(A).
		JV-674, item 18(b) parenthetical: Change “item 15a” to “item 16a.”	The suggested change has been made.
		JV-674, line above item 19: Suggest adding “and” after “older” – “... 16 years of age or older and placed in another ...”	The committee does not believe this change is necessary.
		JV-674, item 19(a): Insert comma after “live.”	The suggested change has been made.
		JV-674, item 20: Should there be a check box for indicating that the case plan is deficient and needs to be revised, e.g., “The services set forth in the case plan ____include____do not include those needed ...”? (See, e.g., JV-455, item 21.)	The suggested change has been made.
		JV-674, item 24(b): Insert comma between “child” and “and.”	The suggested change has been made.
		JV-674, item 25: Insert comma between “jurisdiction” and “and.”	The suggested change has been made.
		JV-674, items 29 & 30: Should there be check boxes for Indian custodian?	Since neither Welfare and Institutions Code section 739 nor California Rules of Court, rule 5.650 reference an Indian custodian, the committee declines to make this change. But a check box for “other” has been added.
		JV-674, item 32a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.

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Commenter	Position	Comment	Committee Response
		JV-678, title: Change “DELINQUENCY” to “JUVENILE JUSTICE.”	The committee considered changing all references of delinquency to juvenile justice prior to circulating the proposal for comment. Since the Welfare and Institutions Code still uses “delinquency” the committee elected to wait for the legislature to address this language before making a change to forms and rules.
		JV-678, item 1a: Suggest adding “officer” or “department” after “probation.”	The first suggested change has been made.
		JV-678, item 4: Question – Should “their parent or legal guardian” be changed to “their parent, legal guardian, or Indian custodian”?	Since Welfare and Institutions Code section 727.3(b) does not reference return to an Indian custodian, the committee declines to make this change.
		JV-678, items 7b, 9, 13 (in two places), 21b: Suggest changing “probation” to “the probation officer.”	Probation has been changed to “the probation officer” in item 7b, and “the probation department” in items 9, 13, 21(1) and (2).
		JV-678, item 11: Insert comma after “California” (“... state of California, and that out-of-state placement ...”).	The suggested change has been made.
		JV-678, items 13 & 19: Insert “and” between “older” and “placed.”	The committee does not make the change to be consistent with related language on other forms.
		JV-678, item 16b: Delete “The permanent plan is:” because it is superfluous (see pars. (1) and (2)).	The suggested change has been made.
		JV-678, item 16(b)(2): Should there be a check box for emancipation? (See WIC § 727.3(b)(6)(A).)	An option for emancipation was created consistent with Welfare and Institutions Code section 727.3(b)(6)(A).

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	Commenter	Position	Comment	Committee Response
			JV-678, item 19(a): Insert comma after “live.”	The suggested change has been made.
			JV-678, item 20: Should there be a check box for indicating that the case plan is deficient and needs to be revised, e.g., “The services set forth in the case plan _____ include _ _ _ _ do not include those needed ...”? (See, e.g., JV-455, item 21.)	The suggested change has been made.
			JV-678, item 24: Insert comma between “jurisdiction” and “and.”	The suggested change has been made.
			JV-678, items 28 & 29: Should there be check boxes for Indian custodian?	Since neither Welfare and Institutions Code section 739 nor California Rules of Court, rule 5.650 reference an Indian custodian, the committee declines to make this change.
			JV-678, item 30: Change “Child” to “child.”	The suggested change has been made.
			JV-678, item 30a(2): Insert “the support person’s” before “relationship(s).”	The suggested change has been made.
11.	Superior Court of Stanislaus County by Sandy Almansa Court Supervisor	AM	Should Form JV-235 include the placement address? Yes, this would be very helpful to those effecting service.	The committee agrees that including the placement address will ensure that the correct placement is reviewed and will help effectuating service.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian? Yes, if it is an option, it should be included.	The committee believes that it is an option at a postpermanency hearing for the reasons described in the report and the finding has been added to the form.

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Commenter	Position	Comment	Committee Response
		Should forms related to the juvenile court's review of STRTP placement forms (JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? Mandatory forms are preferred, as these forms all contain the required information for the court to process the forms. These forms work well in our court, and the consistency is crucial to timely processing.	After careful consideration, the committee agrees that forms should be kept as mandatory. This promotes uniformity throughout the state and helps ensure procedural compliance with the applicable statutes and rules for a relatively new process. In addition, parties benefit from the information in the mandatory forms that are served on them.
		Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? The only modifications we would suggest would be to require the forms to be mandatory, and not optional.	The committee agrees that the forms should remain mandatory and California Rules of Court, rule 5.618 has been updated to reflect that the forms are mandatory.
		Should the rule include a timeline for the filing and serving of the objection to the STRTP or should this be left to local courts to determine, as the current rule requires? A timeline would be very helpful. The process can be confusing to court users, and a timeline might help clarify questions users may have regarding filing deadlines. This is the area where we receive the majority of questions.	The committee has elected to not include a timeline for the filing of an objection. Local courts have managed this process without a specific timeline in the rule since the rules effective date of October 1, 2021. The committee believes that giving courts some discretion on this aspect of the process benefits courts and parties. The committee however appreciates the concerns raised in this comment and will consider it in future proposals involving California Rules of Court, rule 5.618.
		Would the proposal provide cost savings?	No response required.

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	Commenter	Position	Comment	Committee Response
			No	
			What would the implementation requirements be for courts - for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee understands that courts may have additional implementation requirements due to this proposal and hopes that these additional implementation requirements are not too burdensome. The proposal had to circulate a second time to provide an opportunity for courts and justice partners to provide input on procedures developed based on the enacted legislation and meet the requirement that all rules and forms changes circulate for public comment.
			Changes will be needed to the court's CMS and e-filing systems. Work orders with Tyler will be needed, and may take a few weeks to add.	
			Procedural changes - 1-2 hours by Court Supervisor; training in clerk's office - 1-2 hours (Legal Clerks I, II, III, IV and Courtroom Clerk).	
			Communication of changes with local dependency partners - 1-2 hours - may involve clerks, courtroom staff, and local agency stakeholders.	
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	No response required.
			Yes	
			How well would this proposal work in courts of different sizes?	The committee has elected to keep the forms mandatory.

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SPR22-164

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			As long as forms are mandatory and there is a level of consistency, it should work well in all sizes of courts.	
12.	Youth Law Center by Jenny Pokempner		Does the proposal appropriately address the stated purpose? We suggest the following changes to ensure that the proposed rule achieves the purpose of the law to ensure that children and youth are placed in family settings and further, that if they are placed in the restrictive setting of an STRTP the processes required by state and federal law are followed and the due process rights of children are adequately protected. <u>Rule 5.618 Placement in short-term residential therapeutic program;</u> Section (c) Setting the hearing We recommend that this section be revised to require the court to schedule a hearing in all cases where the placing agency is proposing an STRTP <i>prior</i> to the placement except in the case of an emergency. Proposed language (added language is highlighted in yellow): Setting the hearing. The court must set a	The committee appreciates this suggestion as it ensures that the consideration of the appropriateness of the placement is made as early as possible and prior to the start of the placement. However, creating a more restrictive timeline than what is in statute cannot be done in a rule of court. The Judicial Council cannot create a rule that is inconsistent with statute (Cal. Const., art. VI, § 6, subd. (d); § 265).

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			hearing under section 361.22(d) or 727.12(d) prior to the placement of a child or non-minor dependent in a short-term residential therapeutic program except in the case of an emergency placement. In the case of an emergency, the court shall set a hearing after receiving a request for a hearing to be held within 45 days of the start of the short-term residential therapeutic program placement. The court must provide notice of the 9 hearing to the following: In the alternative, we recommend that a new subsection is added to section (c) that allows a request and scheduling of a hearing prior to placement in an STRTP. The process to determine whether placement in an STRTP is appropriate, including court approval, should occur <i>prior</i> to that placement unless the placement is made under emergency circumstances. Proposed language: (c)(new number) The court must set a hearing under section 361.22(d) or 727.12(d) after receiving a request for a hearing from any party when the agency is proposing an STRTP placement. The hearing must be held within 45 days of the request. Rationale: We recommend these changes because the current rule only allows a hearing to be set once an STRTP placement has been made.	The committee appreciates the recommendation to review these placements as early as possible, but the committee does not believe it is necessary for the rule to clarify that the placement can be reviewed by the court prior to the placement being made and doing so would also be creating a requirement that would be inconsistent with the timelines created by AB 153. The timelines in Welfare and Institutions Code sections 361.22 and 727.12 do not prohibit the review of the placement prior to the placement, they only require that the review occur prior to 45 days of the start of the placement. If this review can occur earlier or even before the placement starts, the committee believes the statutory language leaves the door open for this to occur. In addition, the committee believes that implementing this suggestion would create a process that would be too burdensome to

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			The federal and state law envisioned the planning and court approval process would occur prior to a placement to promote placement stability and to ensure the proper process occurs prior to a placement in one of the most restrictive settings. As written, the current rule promotes seeking approval only after placement, threatening instability and assumes all placement will be made emergently.	implement for courts, and it would not be appropriate for the committee to make this change instead of the legislature. The committee also does not agree that FFPSA and AB 153 envisioned the review occurring prior to the start of the placement. The timelines for the courts review in both the federal and state statutes are based on when the placement begins. If the intent of these statutes were that the placement be reviewed prior to the start of the placement, the legislature would have written this into the statute. Further, the suggested timeline would not be possible if the initial placement at the start of a case was a STRTP.
			Section (f) Approval without a hearing We recommend that this section be deleted. Rationale: Federal law requires that the court approve or disapprove of an STRTP placement. 42 U.S.C.A. 675a(c)(2)(C). We believe this requirement, in addition to the youth's due process rights, include a hearing after which the court makes an independent determination. We believe the requirement for a hearing is also supported by the obligation of the court to consult with the child on the permanency and case plan. 42 U.S.C.A. 675 (5)(C).	The committee appreciates this suggestion to ensure families have their day in court but does not agree with the suggestion of deleting subdivision (f) of the rule, because the legislature required the Judicial Council to create this process (see Welfare and Institutions Code sections 361.22(h) and 727.12(h)). Furthermore, nothing in section 675a subdivision (c) of title 42 of the United States Code specifies <i>how</i> the court must review the placement including without a hearing, the federal law only requires that the placement be reviewed by the court. California through AB 153 has chosen to include the option for this review to occur without a hearing. In response to the legislative directive in sections 361.22(h) and 727.12(h), the committee proposed and the

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				Judicial Council adopted California Rules of Court, rule 5.618 subdivision (f), permitting the court to review the placement without a hearing only if certain conditions are met. The parties must have the report served on them ten court days before the hearing, are given five court days to object, and the placement can be reviewed without a hearing only if no party has objected to the placement. The committee believes that these procedures ensure that a party's due process rights are maintained, because if any party objects, the court must hold the hearing.
			Section (g) Conduct of the hearing We recommend that the following subsection be added to highlight a critical piece of state and federal law, which serves a protection for the child. 42 U.S.C.A. 675a(c)(1)(C). Proposed language: (g)(number) The court cannot approve an STRTP placement based solely on an existing shortage or lack of family homes. STRTP placement must be required to meet the unique and significant needs of the child. Rationale: While the proposed rule cites to rather than repeating the language of WIC 361.22, we believe the language cited above, which prohibits approval of an STRTP placement based on a shortage of family homes, is so critical to the	Since this language is stated in Welfare and Institutions Code sections 361.22(e) and 727.12(e), the committee does not believe that reiterating it in the rule is necessary and that doing so would be an unnecessary redundancy and raises the risk of creating a possible discrepancy between the rule and the statute. The Judicial Council generally seeks to eliminate redundancies of statutory language in its rules of court. The committee however acknowledges the importance this language.

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			implementation of these provisions that it warrants inclusion in the rule. Recommendations for a New Form: As stated above, we recommend that the rule is revised to require a hearing to approve an STRTP placement prior to the placement except in emergencies. In the alternative, we recommended language to allow the filing a request for a hearing prior to placement. If this alternative is accepted, we recommend that a form be developed so that any party can request a hearing related to the proposal for an STRTP placement.	See response above.
			Should form JV-235 include the placement address? Due to the array of placements that could be part of one provider, we agree that providing the specific placement address is critical to proceedings where the appropriate placement is the main issue.	The committee agrees and JV-235 has been updated to require the placement address.
			Should form JV-446 address the return of the minor to the home of the parent or legal guardian? We agree that the form should address this situation.	The committee agrees that return home is an applicable finding at a postpermanency hearing and the form has been updated accordingly.

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			Should the forms related to the juvenile court’s review of STRTP placements (forms JV-235, JV-236, JV-237, and JV-239) be mandatory or optional? We recommend that these forms be mandatory to promote uniformity across the state.	The committee agrees that mandatory forms help promote consistency with statutory and rule requirements and the forms have been maintained as mandatory.
			Does the process to approve the placement without a hearing in rule 5.618(f) appropriately address its stated purpose? Would any modifications to the process improve the process? Section (f) Approval without a hearing As mentioned above, we recommend that this section be deleted. Federal law requires that the court approve or disapprove of an STRTP placement. 42 U.S.C.A. 675a(c)(2)(C). We believe this requirement, in addition to the youth’s due process rights, include a hearing after which the court makes an independent determination. We believe this is also supported by the obligation of the court to consult with the child on the permanency and case plan. 42 U.S.C.A. 675 (5)(C).	See response above.
			Should the rule include a timeline for the filing and serving of the objection to the STRTP, or should this be left to local courts to determine, as the current rule requires?	The committee did not include a timeline in the rule because it believes that giving courts flexibility in the filing of the objection form can be beneficial for courts and parties.

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			We recommend there should be a timeline to promote uniformity across the state.	
			Rules 5.697 and 5.903 While the idea of deleting the language and simply referencing the statute to avoid the need for future revisions makes some sense, the way this is constructed could actually lead to greater confusion and nonetheless require revision. The amendments delete provisions and insert references to the relevant laws. In doing so, they include the subsections and subdivisions to provide specificity. These numbers often change when statutes are amended. This could mean that the rule references the wrong provisions. Even if the substance of the original reference does not change, the rule will need revision as it will reference requirements and provisions not intended. To avoid this, we recommend either 1) only referencing the statute and not the particular subsection or subdivision, or 2) leaving the language of the particular provision in the rule so that there is, at least, clarity as to what the rule initially intended.	The committee appreciates that there may be a need to amend the rule again to reflect changes in the statute and agrees that referencing the statute without subdivisions is appropriate. Rule 5.903 has been updated to reference Welfare and Institutions Code section 366.31 without a reference to subdivisions.
			Reasonable efforts to locate a missing child. We recommend the following changes in wording and that an additional item is added to the inquiries related to youth who are or were missing	

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		from placement. The recommended language is highlighted in yellow. ☐ The child is missing or has left their run away from placement without providing contact information. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. If the youth or non-minor dependent has been located, list the efforts that have been made to re-engage them in services and identify the reasons that the youth or non-minor was missing from placement. The county agency ☐ has ☐ has not made reasonable efforts to locate the child. Rationale: Our first suggested edits reflect the direction the state has moved in to not use the term run away and rather describe the situation as a youth who has left or is missing from placement. In addition to requiring that efforts be made to locate a young person missing from foster care, the Preventing Sex Trafficking and Strengthening Families Act requires that actions are taken to understand why a youth left care to ensure their needs are met and reduce the chance of a youth leaving care again. Our recommendations reflect	The committee agrees with removing the language that the youth has run away from their placement. The language has been updated to “the child has left their placement and their whereabouts are unknown.” The committee appreciates this suggestion, but because it would be a substantive change that would need to be circulated for comment, and because making such a factual finding is not a requirement of statute, the committee is not including it in the form. See response below for more information. The committee will however consider the comment again in a future cycle. The committee notes that the requirements created under the Preventing Sex Trafficking and Strengthening Families Act were incorporated into California law by Senate Bill 794 (Comm. on Hum. Svcs; Stats. 2015, ch. 425), adding Welfare and Institutions Code sections 16501.35 and 16501.45. SB 794 however did not create a requirement that the juvenile court review the responsibilities created for placing agencies in sections 16501.35 and 16501.45. So, while the committee acknowledges the importance of these efforts, it does not agree with creating a new

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			these requirements, which are found at 42 U.S.C.A. 671 (35)(A)(ii) & (iii)(determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim (as defined in section 675(9)(A) of this title).	review requirement for the juvenile court that do not exist in statute.

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