



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

Title	Agenda Item Type
Family and Juvenile Law: Juvenile Court Final Child Custody Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.475, 5.620, 5.700, and 5.790; revise forms JV-200 and JV-205; approve form JV-206	January 1, 2016
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 18, 2015
Hon. Jerilyn L. Borack, Cochair Hon. Mark A. Juhas, Cochair	Contact
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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending four rules of court to clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents. The committee also recommends revising two mandatory Judicial Council forms and approving one optional form to allow the juvenile court to include sufficient information about the circumstances underlying its custody order for the family court in which a request for the order's modification or termination is made to determine whether a significant change of circumstances has occurred and, if so, whether the requested modification is in the best interest of the child. The amendments and revisions also update references to current statutes and rules, incorporate gender-neutral language consistent with Assembly Bill 1403 (Stats. 2013, ch. 510) when appropriate, conform to recent case law, and maintain consistency with recent and recommended revisions to the Judicial Council forms for family court custody orders.

Recommendation

The committee recommends that the Judicial Council, effective January 1, 2016, amend four rules of court, revise two Judicial Council forms, and approve one Judicial Council form for optional use, as follows:

1. Amend rule 5.475 to more clearly and accurately describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court and to make technical changes;
2. Amend rule 5.620(a) to specify the juvenile court's exclusive jurisdiction, under section 304, to establish a guardianship after a dependency petition is filed until the petition is dismissed or jurisdiction is terminated, and to make technical changes;
3. Amend rule 5.620(c) to distinguish the process for issuing juvenile court custody orders subject to continuing jurisdiction from the process for issuing custody orders and terminating jurisdiction;
4. Amend rule 5.700 to clarify that it applies only when the juvenile court issues final custody orders and terminates jurisdiction, to describe the effect of juvenile final custody orders, and to describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court;
5. Amend rule 5.790(c) to distinguish between the process when the juvenile court issues custody or visitation orders and retains delinquency jurisdiction and the process when the court issues those orders and terminates its delinquency jurisdiction;
6. Revise form *Custody Order—Juvenile—Final Judgment* (JV-200) to give the court opportunities to make more detailed custody orders, to solicit on the form the reasons for limitations on custody or visitation, to use language in common with the family law custody forms and attachments, and to cross-reference those attachments where appropriate;
7. Revise form JV-200 to use gender-neutral language where possible, to add space for identification of and orders directed to additional parents, and to provide for attachment of parentage orders when applicable;
8. Revise form JV-200 to permit the juvenile court to specify a minimum amount of visitation if it otherwise permits the parents to arrange shared parenting time;
9. Revise *Visitation Order—Juvenile* (form JV-205) to add “(Parenting Time)” to the title, to use gender-neutral language where possible, to clarify the form's structure, to allow additional detail about supervised visitation and travel with children, and to cross-reference family law attachments where appropriate; and
10. Approve *Reasons for No or Supervised Visitation—Juvenile* (form JV-206) to allow the juvenile court to specify its reasons for denying or limiting visitation or parenting time with a child.

The text of the amended rules and the new and revised forms are attached at pages 10–22.

Previous Council Action

Rule 5.475 was adopted in 2006 and last amended effective January 1, 2013. Rule 5.620 was adopted as rule 1429.1 in 2000 and last amended effective January 1, 2014. Rule 5.700 was adopted as rule 1457 in 1990 and last amended effective January 1, 2007. And rule 5.790 was adopted as rule 1493 in 1991 and last amended effective January 1, 2015, to implement statutory family-finding requirements.

Custody Order—Juvenile—Final Judgment (form JV-200) was adopted for mandatory use in 1990 and has been revised multiple times, most recently effective July 1, 2014, to implement statutory amendments affecting the priority of enforcement of restraining orders.

Visitation Order—Juvenile (form JV-205) was adopted for mandatory use in 2000 and has been revised multiple times, most recently effective July 1, 2014, to implement statutory amendments affecting the priority of enforcement of restraining orders.

Rationale for Recommendation

When the juvenile court terminates jurisdiction over a dependent child or ward of the court and places the child with one or more of his or her parents, the court may issue final custody and visitation orders, sometimes known as “exit orders,” under section 362.4 or 726.5 of the Welfare and Institutions Code.¹ These custody orders must be filed in any pending superior court proceeding related to the custody of the child, including dissolution, parentage, Domestic Violence Protection Act, and other family law proceedings as well as probate guardianship proceedings. If no custody proceeding is pending, the juvenile court may order its clerk to transmit the custody orders to the superior court of the county where the parent given physical custody resides. If the juvenile court orders transmission, the clerk of the receiving court must immediately open a file, assign a case number, and file the order.

These juvenile court orders continue in effect until and unless modified by another superior court order. Thus, they govern the custody and visitation of the child indefinitely. The orders need to provide specific direction to the parents and other parties to facilitate compliance and reduce the potential for conflict, especially regarding the parenting time orders and the mechanics of transferring the child from one parent to another.

Juvenile final custody orders also need to provide sufficient detail, and use language familiar to the family law bench and bar, to permit the family court to enforce them if a dispute does arise or to modify or terminate the orders if circumstances change significantly and modification would be in the best interest of the child. The information included in the juvenile court order must address the circumstances that led to the juvenile court’s child custody and parenting time orders to enable a family court to determine whether circumstances have changed to a degree that

¹ All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified. All rule references are to the California Rules of Court.

justifies considering whether the requested modification is in the best interests of the child. The child custody orders need to serve these functions without disclosing juvenile case information that should remain confidential, because juvenile court child custody orders, including attachments, are not themselves confidential. (§ 362.4.)

The proposal addresses these issues by revising *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205) to provide the juvenile court with the opportunity to describe more thoroughly the circumstances underlying its custody and visitation orders. The revisions seek to solicit more information on the face of the form orders and to clarify that certain family law custody and visitation attachments may be used. Further revisions would give the juvenile court the option of referring to specific parts of the juvenile court record in its orders. Under section 827(a)(1)(L)–(M), the record is available without a juvenile court order for inspection by family court judicial officers and staff, as well as guardianship investigators, who are actively participating in a custody proceeding. The committee also proposes approving an optional statewide Judicial Council form, *Reasons for No or Supervised Visitation—Juvenile* (form JV-206), to give the juvenile court specific options for explaining the reasons and circumstances underlying an order denying or limiting visitation or parenting time for a parent with a child.

Finally, the proposal would amend rules 5.475, 5.620, 5.700, and 5.790 to clarify the responsibilities of the juvenile and family courts and clerks when issuing, transmitting, or receiving juvenile court custody orders and to more clearly distinguish the process for issuing custody orders at termination of juvenile court jurisdiction from the process for issuing custody orders and retaining jurisdiction.

In a separate proposal, the committee also proposes revising family court child custody and visitation attachment forms—FL-341(B), FL-341(C), FL-341(D), and FL-341(E)—to indicate that the juvenile court may attach those forms to form JV-200 or JV-205 to add additional detail to its final custody orders.²

Comments, Alternatives Considered, and Policy Implications

External comments

The invitation to comment on this proposal was circulated from April 17, 2015, through June 17, 2015, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list, which included judges, court administrators, attorneys, mediators, family law facilitators and self-help attorneys, and other family and juvenile law professionals and attorney organizations. Twelve comments were received.³ Six commentators agreed with the

² For more information, please see Fam. & Juv. Law Advisory Comm., Rpt. to Judicial Council, *Domestic Violence—Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law—Changes to Request for Order Rules and Forms* (Oct. 28, 2015, meeting).

³ A chart providing the full text of the comments and the committee responses is attached at pages 23–39.

proposal as circulated. The remaining six commentators agreed with the proposal and suggested modifications.

Three commentators noted that, in the absence of a pending family law proceeding, rules 5.475 and 5.700 and form JV-200 direct the transmission of the juvenile court custody order to the superior court in the county of residence of the parent holding sole physical custody of the children. The commentators noted that the rules and form do not, however, provide guidance about where to send the form if parents share physical custody. The committee recommends further amending rules 5.475 and 5.700 to affirm the juvenile court's discretion to designate the court to which the order is to be transmitted, subject to the following order of preference: first, the county of residence of the parent awarded sole physical custody; if none, then to the county of the child's primary residence; and if neither circumstance applies, then to a county or location in which a parent resides. Item 15 on form JV-200 asks the court to designate the receiving jurisdiction and provides an opportunity to indicate into which of the categories the designated jurisdiction falls.

Several commentators suggested that the rules or forms be amended to eliminate the requirement that the receiving court send a filed copy of the custody order to the parents and the originating juvenile court by first-class mail; some suggested permitting e-service. Others suggested permitting personal service on the parents as a substitute for mail service. One commentator noted that it made little sense to require first-class mail if the receiving court and the originating court were divisions of the same superior court, or even in the same building. The committee does not recommend eliminating the requirement that the receiving court use first-class mail to send copies of the order. Section 362.4 requires the receiving court to send a copy of the filed order by first-class mail to the parents and the originating court. Although many of the commentators' suggestions have merit, they will need to wait for legislative amendment. The Court Technology Advisory Committee (CTAC) is in the first phase of its Rules Modernization Project. The current phase focuses on technical amendments to rules and forms designed to facilitate electronic filing and service. The second phase, set to begin next year, will focus on substantive statutory and rule amendments, which may include amending section 362.4.

One commentator suggested requiring that the juvenile court use *Confidential Information* (form JV-287) to transmit any confidential address to the designated superior court. The commentator suggested that this practice would permit the receiving court to fulfill its statutory duty—to send a copy of the filed order to all the parents—without disclosing the confidential address. The committee does not recommend the suggested change. The family court needs to have the mailing address of each party bound by the juvenile court custody orders. Section 316.1 requires each parent to designate a permanent mailing address in the juvenile court proceeding. This address is properly included on the juvenile custody order form. In a child custody proceeding, section 3429 of the Family Code requires each party to disclose the child's residential address in its first pleading or affidavit, but prohibits such disclosure in cases involving allegations of domestic violence or child abuse. The committee is aware of no other statute or rule requiring that a party provide a physical or residential address. Under circumstances in which the

disclosure of a home address would pose a safety risk, the party at risk should designate an alternative mailing address, such as a post office box or an attorney's address. Item 17 on form JV-200 is revised to specify that the address to be included is the mailing address.

Several commentators suggested that form JV-206 be made confidential because of the nature of the information on the form. The committee does not recommend the suggested change. Form JV-206 should be attached to the custody and visitation orders issued on forms JV-200 and JV-205 and become a part of those orders. Section 362.4 requires the Judicial Council to "adopt forms for any custody ... order issued [when the juvenile court terminates its jurisdiction]. These form orders shall not be confidential." Because form JV-206 will be attached to form JV-200 or JV-205, it is a "form order" as described by section 362.4. Legislative policy seems to require that the form be publicly available to the same extent as the principal order to which it is attached.

Confidentiality protections in juvenile court are intended to protect the child subject to the proceedings.⁴ Although the filing of the form in a family law custody file will disclose information about the dependency case, legal and policy considerations dictate that the form be public. First, as discussed above, section 362.4 prohibits the form's confidentiality. Second, if the form were made confidential, it would need to be separated from the principal orders and placed in a confidential portion of the custody file. The information on the form is critical to the family court's disposition of a request to modify the orders. Filing the form separately from the main orders could keep that information from the court. The court might then issue a modification that unintentionally placed the child at risk of physical rather than reputational harm. Third, form JV-206 conveys information about certain parental failures related to the order denying or limiting that parent's visitation rights, along with steps the parent might take to remedy those failures. It neither solicits nor requires a narrative of the events that led to the visitation order.

Two commentators suggested that form JV-206 be adopted as a standalone form rather than as an attachment to the custody or visitation order forms. The suggestion appears intended to facilitate the maintenance of the form in a confidential portion of the family law file. The committee does not recommend the suggested change. Form JV-206 should be an attachment to forms JV-200 or JV-205. Because the information on form JV-206 supports findings and orders made on those covering forms, the committee does not anticipate that the juvenile court would have occasion to use form JV-206 except as an attachment.

Several commentators suggested that form JV-206 be adopted for mandatory use when the juvenile court issues a no-visitation or supervised-visitation order. The committee recommends that JV-206 be approved for optional use. Forms JV-200 and JV-205 have been adopted for mandatory use. Each of these forms requires the juvenile court, when it orders no visitation (JV-

⁴ See, e.g., section 346, which requires the child's, but not the parent's, consent before admitting the public to a dependency hearing.

200, items 4 and 5) or supervised visitation (JV-205, item 3), to specify its reasons for these orders. The principal forms permit the court to use either form JV-206 or another attachment. Many courts have already developed local procedures and forms to specify these reasons. Approving form JV-206 for optional use will permit those courts to continue to use the new or their existing forms and, at the same time, will give courts without a local form a template on which to specify their reasons for limiting or denying visitation.

One court commented that the Department of Child Support Services (DCSS) had requested that the court “not file exit orders on DCSS cases because it creates a problem when/if they file a dismissal.” The court asked, “If the only open case is a DCSS case, should exit orders be filed on that case?” The committee recommends that the juvenile court custody order not be filed in a pending governmental child support case under section 17400 et seq. of the Family Code unless that is the only pending proceeding under the Family Code and the receiving court has already issued a custody or visitation order in that proceeding. If a DCSS case and another proceeding related to the custody of the child are pending in the receiving court, the juvenile court order should be filed in the other proceeding. If no proceeding related to the custody of the child apart from the DCSS case is pending in the receiving court and the court has not issued a custody order in the child support case, the receiving court must open a new family law custody proceeding and file the juvenile court order in that proceeding.

One commentator suggested that item 16 on form JV-200 be expanded to include all parties to the juvenile court proceeding. The committee does not recommend the suggested change. Rather, it recommends revising item 16 to clarify that its requirements apply not to the juvenile court, but to the superior court that receives a copy of the juvenile court order. The number of persons identified in item 16 may have led to its interpretation as a list of persons to be served with the juvenile court order. But that is not the case. The juvenile court order must be served on the parties to the juvenile court proceeding and their counsel in the same manner as all other juvenile court orders. Item 15 reflects the juvenile court’s separate, additional duty to order the transmission of its final custody order to any court in which a specified proceeding is pending or, if no such proceeding is pending, to the court in a county in which a custodial parent resides. Revised items 16 and 17 address the further duties of the clerk of a court that receives a transmitted copy of the juvenile court order. Item 16 directs the clerk of the receiving court to file the order as specified. Revised item 17 directs the receiving court to mail a copy of the newly filed order to the juvenile court to confirm the filing and to the child’s parents to inform them of the proper forum and applicable case number to use to seek a modification of the custody order. Therefore, only the parents’ mailing addresses are needed here.

One commentator suggested deleting the requirement in rule 5.700(d) that the juvenile court custody order be filed in superior court if no proceeding is pending. The commentator was concerned that filing the order might invite unnecessary litigation. The committee does not recommend the suggested change. Instead, the committee proposes clarifying that rule 5.700 requires the originating juvenile court to direct that the order be transmitted to a specific court if no custody proceeding is pending. This requirement is consistent with rule 7.1008, which

requires the transmission of a former guardian visitation order when no custody proceeding is pending. It is also consistent with prevailing California juvenile court practice and the unpublished ruling of at least one appellate court.⁵ Maintaining a copy of the order on file in a superior court is unlikely to promote litigation and will, if litigation does arise, expedite the filing and processing of the case.

One commentator suggested that the juvenile court attach any parentage orders to form JV-200. The committee agrees and recommends that the form direct the attachment of parentage orders if item 9 is completed.

One commentator noted that item 2 on form JV-205, regarding terms of visitation (parenting time), does not indicate clearly that either item 2a or item 2b must be checked, leading parties completing the form to fail to check either item, even when completing subitems (1)–(4) in item 2b. The committee agrees that the existing format is confusing and has modified its recommendation to indicate more clearly that either 2a or 2b, but not both, must be checked. The committee also recommends modifying the “smart” version of the form to permit the subitems under 2b to be checked only if 2b is itself checked.

Finally, several commentators suggested that the committee explore methods other than first-class mail for a receiving court to use to send a copy of the newly filed order to the parents and the originating court. The committee agrees that e-service should be explored. The Court Technology Advisory Committee (CTAC) circulated a separate proposal, SPR15-32, to make technical amendments to the rules of court to facilitate e-business, e-filing, and e-service. Because section 362.4 requires the clerk of the receiving court to use first-class mail to send the order to the juvenile court and the parents, an amendment or revision eliminating that requirement would be substantive and must await the next phase of the Rules Modernization Project.

Alternatives

In addition to the alternatives discussed above, the committee considered not amending the rules or revising the forms. The committee rejected this alternative. The amendments and revisions are needed to update the rules and forms to conform to recent legislation; to simplify the procedures involved in transmitting a juvenile court custody order to the proper family court; and, in response to overwhelming demand from family court judicial officers and court staff, attorneys, and self-represented litigants, to allow the juvenile court to specify in more detail the requirements of its orders and the circumstances underlying them. This additional detail will guide the parties in complying with the orders, reduce occasions for conflict arising from uncertainty regarding the orders’ requirements, and, if a party does seek modification of the orders in family court, provide the court with sufficient information to make an informed decision on the request.

⁵ See [In re L.L. \(Cal. Ct. App. June 26, 2015\) C075958](#), at p. 20.

Policy implications

The Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges and Court Executives Advisory Committees agreed with the proposal. The JRS pointed out that revising and adding forms would have fiscal and operational impacts on the trial courts, but indicated that these impacts would be minor and likely to be outweighed by efficiencies generated by the recommended amendments and revisions.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs to the courts to revise forms, to train court staff about the changes to the rules and forms included in this proposal, and possibly to revise local court rules and forms so they are consistent with the changes adopted by the Judicial Council. However, the committee expects that the changes will save resources for the courts by clarifying and simplifying filing procedures and case-flow management as well as facilitating the exchange of necessary information between juvenile and family courts.

Attachments and Links

1. Cal. Rules of Court, rules 5.475, 5.620, 5.700, and 5.790, at pages 10–15
2. Judicial Council forms JV-200, JV-205, and JV-206, at pages 16–22
3. Chart of comments, at pages 23–39

Rules 5.475, 5.620, 5.700, and 5.790 of the California Rules of Court are amended, effective January 1, 2016, to read:

1 **Rule 5.475. Custody and visitation orders following termination of a juvenile court**
2 **proceeding or probate court guardianship proceeding**

3
4 (a) **Custody and visitation order from other courts or divisions**

5
6 ~~A juvenile court or probate court may transmit a custody or visitation order to a~~
7 ~~family court for inclusion in a pending family law proceeding or to open a new~~
8 ~~family law case file, after termination of a juvenile court proceeding or a probate~~
9 ~~guardianship proceeding under rules 5.700 and 7.1008.~~

10
11 On termination of juvenile court jurisdiction under rule 5.700 or termination of a
12 probate guardianship under rule 7.1008, the juvenile court or probate court will
13 direct the transmission of its custody or visitation orders to any superior court in
14 which a related family law custody proceeding or probate guardianship proceeding
15 is pending for filing in that proceeding.

16
17 If no such proceeding is pending, the court terminating jurisdiction will direct the
18 transmission of its order to the superior court of, in order of preference, the county
19 in which the parent with sole physical custody resides; if none, the county where
20 the child's primary residence is located; or, if neither exists, a county or location
21 where any custodial parent resides.

22
23 (1) *Procedure for filing custody or visitation orders from juvenile or probate*
24 *court*

25
26 (A) ~~The~~ Except as directed in subparagraph (B), on receiving the custody or
27 visitation order of a juvenile court or the visitation order of a former
28 guardian probate court, the clerk of the receiving court must file the
29 order must be filed in any pending nullity, dissolution, legal separation,
30 paternity Uniform Parentage Act, Domestic Violence Prevention Act,
31 or other family law custody proceeding, or in any probate guardianship
32 proceeding which that affects custody or visitation of the child.

33
34 (B) ~~If no dependency, family law, or probate guardianship proceeding~~
35 ~~affecting custody or visitation of the child is pending, the order may be~~
36 ~~used as the sole basis to open a file and assign a family law case~~
37 ~~number. If the only pending proceeding related to the child in the~~
38 ~~receiving court is filed under Family Code section 17400 et seq., the~~
39 ~~clerk must proceed as follows.~~
40 number. If the only pending proceeding related to the child in the
receiving court is filed under Family Code section 17400 et seq., the
clerk must proceed as follows.

1 (i) If the receiving court has issued a custody or visitation order in
2 the pending proceeding, the clerk must file the received order in
3 that proceeding.

4
5 (ii) If the receiving court has not issued a custody or visitation order
6 in the pending proceeding, the clerk must not file the received
7 order in that proceeding, but must instead proceed under
8 subparagraph (C).

9
10 (C) If no dependency, family law, or guardianship proceeding affecting
11 custody or visitation of the child is pending, the order must be used to
12 open a new custody proceeding in the receiving court. The clerk must
13 immediately open a family law file without charging a filing fee, assign
14 a case number, and file the eustody or visitation order, without a filing
15 fee, in the file of any family law proceeding affecting the custody and
16 visitation of the child order in the new case file.

17
18 (2) *Endorsed filed copy—clerk’s certificate of mailing*

19
20 Within 15 court days ~~after~~ of receiving the order, the clerk must send, ~~by~~
21 ~~first-class mail~~, an endorsed filed copy of the order showing the ~~receiving~~
22 ~~court~~ case number assigned by the receiving court by first-class mail to: each
23 of the child’s parents and to the court that issued the order, with a completed
24 clerk’s certificate of mailing, for inclusion in the issuing court’s file.

25
26 (A) ~~The persons whose names and addresses are listed on the order; and~~

27
28 (B) ~~The court that issued the order, with a completed clerk’s certificate of~~
29 ~~mailing, for inclusion in the sending court’s file.~~

30
31 (b) **Modification of former guardian visitation orders—custodial parent**

32
33 When a parent ~~of the child~~ has custody of the child following termination of a
34 probate guardianship, ~~proceedings~~ a former guardian’s request for modification of
35 the probate court visitation order, including an order denying visitation, must be
36 ~~determined~~ brought in a proceeding under the Family Code.

37
38 (c) * * *

39
40
41 **Rule 5.620. Orders after filing under section 300**

1 (a) **Exclusive jurisdiction (§ 304)**

2
3 Once a petition has been filed ~~in juvenile court~~ alleging that a child is described by
4 ~~a subsection~~ of section 300, and until the petition is dismissed or dependency is
5 terminated, the juvenile court has ~~sole and~~ exclusive jurisdiction ~~over matters to~~
6 hear proceedings relating to the custody of the child and visitation with the child
7 and establishing a guardianship for the child.

8
9 (b) * * *

10
11 (c) **Custody and visitation (§ 361.2)**

12
13 If the court sustains a petition, ~~and~~ finds that the child is described by section 300,
14 and removes physical custody from a parent or guardian, it may ~~enter findings and~~
15 orders order the child placed in the custody of a previously noncustodial parent as
16 described in rule 5.695(a)(7)(A) and or (B).

17
18 (1) ~~These findings and This~~ orders may be entered at the dispositional hearing
19 under rule 5.700, or at any subsequent review hearing under rule 5.710(g) or
20 5.715(d)(2) or rule 5.720(b)(1)(B) 5.708(k), or on the granting of a motion
21 request under section 388 for custody and visitation orders.

22
23 (2) If the court orders legal and physical custody to the previously noncustodial
24 parent and terminates dependency jurisdiction under rule 5.695(a)(7)(A), the
25 court must proceed under rule 5.700.

26
27 (3) If the court orders custody to the noncustodial parent subject to the
28 continuing supervision of the court, the court may order services provided to
29 either parent or to both parents under section 361.2(b)(3). If the court orders
30 the provision of services, it must review its custody determination at each
31 subsequent hearing held under section 366 and rule 5.708.

32
33 (d)–(e) * * *

34
35
36 **Rule 5.700. Termination of jurisdiction—custody and visitation orders Order**
37 **determining custody (§§ 302, 304, 361.2, 362.4, 726.5)**

38
39 (a) ~~Order determining custody—termination of jurisdiction~~

40
41 ~~If the juvenile court orders custody to a parent and terminates jurisdiction, the court may~~
42 ~~make orders for visitation with the other parent. When the juvenile court terminates its~~
43 jurisdiction over a dependent or ward of the court and places the child in the home of a

1 parent, it may issue an order determining the rights to custody of and visitation with the
2 child. The court may also issue ~~orders to either parent enjoining any action specified in~~
3 Family Code section 2045 protective orders as provided in section 213.5 or as described
4 in Family Code section 6218.

5
6 ~~(1) — Modification of existing custody orders — new case filings~~

7
8 The order of the juvenile court must be filed in an existing nullity,
9 dissolution, legal guardianship, or paternity proceeding. If no custody
10 proceeding is filed or pending, the order may be used as the sole basis to
11 open a file.

12
13 **(a) Effect of order**

14
15 Any order issued under this rule continues in effect until modified or terminated by
16 a later order of a superior court with jurisdiction to make determinations about the
17 custody of the child. The order may be modified or terminated only if the superior
18 court finds both that:

19
20 (1) There has been a significant change of circumstances since the juvenile court
21 issued the order; and

22
23 (2) Modification or termination of the order is in the best interest of the child.

24
25 ~~(2)~~**(b) Preparation and transmission of order**

26
27 The order must be prepared on *Custody Order—Juvenile—Final Judgment* (form
28 JV-200). The court ~~may~~ must direct either the parent, parent’s attorney, county
29 counsel, or ~~the~~ clerk to:

30
31 ~~(A)~~(1) Prepare the order for the court’s signature; and

32
33 ~~(B)~~(2) Transmit the order within 10 calendar days after the order is signed to
34 ~~the~~ any superior court ~~of the county~~ where a ~~eustody~~ proceeding described in
35 (c)(1) is pending has already been commenced or, if none such proceeding
36 exists, to the superior court of, in order of preference:

37
38 (A) The county in which the parent who has been given sole physical
39 custody resides;

40
41 (B) The county in which the children’s primary residence is located if no
42 parent has been given sole physical custody; or

1 (C) A county or other location where any parent resides.

2
3 ~~(3)~~**(c) Procedures for filing order—receiving court**

4
5 ~~After receipt of the~~ On receiving a juvenile court custody order transmitted under
6 (b)(2), the superior court clerk of the receiving county court must immediately file
7 the juvenile court order in the existing proceeding or immediately open a file,
8 without a filing fee, and assign a case number as follows.

9
10 (1) Except as provided in paragraph (2), the juvenile court order must be filed in
11 any pending nullity, dissolution, legal separation, guardianship, Uniform
12 Parentage Act, Domestic Violence Prevention Act, or other family law
13 custody proceeding and, when filed, becomes a part of that proceeding.

14
15 (2) If the only pending proceeding related to the child in the receiving court is
16 filed under Family Code section 17400 et seq., the clerk must proceed as
17 follows.

18
19 (A) If the receiving court has issued a custody or visitation order in the
20 pending proceeding, the clerk must file the received order in that
21 proceeding.

22
23 (B) If the receiving court has not issued a custody or visitation order in the
24 pending proceeding, the clerk must not file the received order in that
25 proceeding, but must instead proceed under paragraph (3).

26
27 (3) If no dependency, family law, or guardianship proceeding affecting custody
28 or visitation of the child is pending, the order must be used to open a new
29 custody proceeding in the receiving court. The clerk must immediately open
30 a family law file without charging a filing fee, assign a case number, and file
31 the order in the new case file.

32
33 ~~(4)~~**(d) Endorsed filed copy—clerk’s certificate of mailing**

34
35 Within 15 court days after of receiving the order, the clerk of the receiving court
36 must send by first-class mail an endorsed filed copy of the order showing the case
37 number of assigned by the receiving court by first-class mail to (1) the persons
38 whose names and addresses are listed on the order, the child’s parents and (2) the
39 originating juvenile court, with a completed clerk’s certificate of mailing, for
40 inclusion in the child’s file.

41
42 ~~(b)~~ **Order determining custody—continuation of jurisdiction**

1 If the court orders custody to a parent subject to the continuing jurisdiction of the
2 court, with services to one or both parents, the court may direct the order be
3 prepared and filed in the same manner as described in (a).
4
5

6 **Rule 5.790. Orders of the court**
7

8 **(a)–(b)** * * *

9
10 **(c) Custody and visitation (§ 726.5)**
11

12 (1) At any time ~~while the~~ when a child is a ward of the juvenile court, the court
13 may issue an order determining the custody of or visitation with the child. An
14 order issued under this subdivision continues in effect until modified or
15 terminated by a later order of the juvenile court.
16

17 (2) ~~or~~ At the time wardship is terminated, the court may issue an order
18 determining custody of, or visitation with, the child, as described in rule
19 5.700.
20

21 **(d)–(j)** * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
CUSTODY ORDER—JUVENILE—FINAL JUDGMENT	
CASE NUMBER: _____ JUVENILE: _____ FAMILY (existing, if one; otherwise, new): _____	

Date of hearing: _____ Dept.: _____
 Judicial officer (name): _____

THE COURT FINDS AND ORDERS

1. a. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
- b. **Notice and opportunity to be heard.** The parties were given notice and an opportunity to be heard as provided by the laws of the State of California.
- c. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States other (specify): _____
- d. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties or both.

2. Parents bound by this order.

a. Name: _____	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
b. Name: _____	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
c. Name: _____	<input type="checkbox"/> Mother	<input type="checkbox"/> Father

are the parents of the children listed in item 3.
 Parents are are not married to each other.
 Parents do do not reside together.

3. Custody. Custody of the minor children is ordered as follows:

<u>Child's name</u>	<u>Date of birth</u>	<u>Legal custody to (name):</u>	<u>Physical custody to (name):</u>	<u>Primary residence with (name):</u>

Additional children listed on Attachment 3.

4. This order reflects a change in the physical custody of the child or children to the custody of a formerly noncustodial parent.

CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
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5. **Visitation (parenting time) of (name of parent):**
This parent may spend time with the children as follows:

All children listed in item 3 The following children (name each):

- a. As arranged by the parents, but no less than (minimum): hour(s), times per (time period): .
- b. As stated on the attached [form JV-205](#).
- c. No visitation is ordered for the reasons stated on the attached [form JV-206](#) on Attachment 4c.

6. **Visitation (parenting time) of (name of parent):**
This parent may spend time with the children as follows:

All children listed in item 3 The following children (name each):

- a. As arranged by the parents, but no less than (minimum): hour(s), times per (time period): .
- b. As stated on the attached [form JV-205](#).
- c. No visitation is ordered for the reasons stated on the attached [form JV-206](#) on Attachment 5c.

7. **Child abduction prevention.** There is a risk that one parent will take the children out of California without the other parent's permission. *Child Abduction Prevention Order Attachment (form FL-341(B))* is attached and must be obeyed.

8. **Change of residence.** Under Family Code section 3024, unless there is prior written agreement to the change, any parent planning to change the residence of the child(ren) for longer than 30 days must provide notice to the other parent(s) at least 45 days before the proposed change to the extent feasible to allow time for mediation of a new plan.

9. **Parentage (attach court order).** (Name): _____ was declared or adjudged the biological presumed parent of (names of children): _____

by court order (specify county and case number):
 juvenile court family court other (specify): _____
 on (date): _____
 Additional parentage determination(s) and order(s) listed on Attachment 9.

10. **Additional physical custody provisions.** The parents will follow the physical custody provisions listed in the schedule
 on Attachment 10.
 on *Visitation (Parenting Time) Order—Juvenile (form JV-205)*.
 on *Additional Provisions—Physical Custody Attachment (form FL-341(D))*.

11. **Holiday schedule.** The children will spend holiday time as listed in the schedule
 on Attachment 11.
 on *Children's Holiday Schedule Attachment (form FL-341(C))*.

12. **Joint legal custody.** The parents will share joint legal custody as listed in the plan
 on Attachment 12.
 on *Joint Legal Custody Attachment (form FL-341(E))*.

CASE NAME:	CASE NUMBER:
	JUVENILE:
	FAMILY:

13. **Other findings and orders** (including circumstances underlying any limits on custody or visitation at the time of the order):

- Continued on the attached [form JV-206](#).
- Continued on Attachment 13.

NOTICE

The juvenile court has terminated jurisdiction over the children listed in 3.

All requests for modification or termination of these orders must be brought in the family court case in which these orders are filed.

14. a. A criminal protective order on [form CR-160](#) relating to the parties in this case is currently valid and in effect
in case number (specify):
in (specify court, if known):
The order is scheduled to expire on (expiration date):
- b. A Domestic Violence Prevention Act protective order on form [DV-110](#), [DV-116](#), [DV-130](#), or [DV-730](#) relating to the parties
in this case is currently valid and in effect in case number (specify):
in (specify court, if known):
The order is scheduled to expire on (expiration date):
- c. A restraining order (form [JV-250](#), [JV-255](#), or [JV-257](#)) is attached.

Instruction for Law Enforcement

Conflicting Orders—Priorities for Enforcement.

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following order (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h)(2), 6405(b).):

1. *EPO*: If one of the orders is an *Emergency Protective Order* ([form EPO-001](#)) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Date: _____

JUDICIAL OFFICER OF THE JUVENILE COURT

(See reverse for transmittal and filing instructions.)

CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
------------	--------------------------------------

15. The (check one): clerk of the juvenile court parent given physical custody parent's attorney county counsel is directed to transmit this order within 10 calendar days to the clerk of the superior court in any county where a proceeding described in rule 5.700(a)(1) involving the child or children is pending or, if no such case exists, to the clerk of the court in (specify jurisdiction):
- which is (in order of preference):
- the county where the parent who holds sole physical custody resides.
 - the county where the child's or children's primary residence is located (if no parent holds sole physical custody).
 - a county or location where a parent resides.
 - other (name of jurisdiction):

To the clerk of the receiving court:

16. Immediately on receiving this order, file the order as described in rule 5.475(a)(1) or 5.700(b) in a pending proceeding or a new file.
17. After filing the order, send an endorsed file-stamped copy of this order showing the case number assigned by your court by first-class mail to **the originating juvenile court** and:
- a. The parent in 2a (name and mailing address):
 - b. The parent in 2b (name and mailing address):
 - c. The parent in 2c (name and mailing address):
 - d. Other (name and mailing address):

with a completed clerk's certificate of mailing (see below).

CLERK'S CERTIFICATE OF MAILING
(To be completed by clerk of receiving court)

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 17. Each envelope was sealed and deposited with the United States Postal Service

at (place):

on (date):

Date: _____ Clerk, by _____, Deputy

CASE NAME:	CASE NUMBER:
	JUVENILE:
	FAMILY:

VISITATION (PARENTING TIME) ORDER—JUVENILE

Attachment to **Custody Order—Juvenile—Final Judgment (form JV-200)**

Notice of Hearing and Temporary Restraining Order—Juvenile (form JV-250)

Restraining Order—Juvenile (form JV-255) **Change to Restraining Order After Hearing (form JV-257)**

1. This order applies to the following children (*name each*):

- a. _____ b. _____ c. _____
- d. _____ e. _____ f. _____

2. **VISITATION (Parenting Time)** (*name of parent*): _____ will have the children with him or her

(NOTE: Either a or b must be checked. If neither is checked, this order may not be enforceable.)

a. as stated in the visitation agreement on Attachment 2a.

or

b. as follows:

(1) **Weekends** starting on (*specify date*):

- First weekend of the month from _____ at _____ a.m. p.m.
(*specify day(s) and times*): to _____ at _____ a.m. p.m.
- Second weekend of the month from _____ at _____ a.m. p.m.
(*specify day(s) and times*): to _____ at _____ a.m. p.m.
- Third weekend of the month from _____ at _____ a.m. p.m.
(*specify day(s) and times*): to _____ at _____ a.m. p.m.
- Fourth weekend of the month from _____ at _____ a.m. p.m.
(*specify day(s) and times*): to _____ at _____ a.m. p.m.
- Fifth weekend of the month from _____ at _____ a.m. p.m.
(*specify day(s) and times*): to _____ at _____ a.m. p.m.

(2) **Alternating weekends** starting on (*specify date*): _____ from _____

at _____ a.m. p.m. to _____ at _____ a.m. p.m.

(3) **Midweek** from _____ at _____ a.m. p.m.

to _____ at _____ a.m. p.m.

(4) **Other** (*specify days and times as well as any additional conditions*):

Continued on Attachment 2b(4).

3. **SUPERVISED VISITATION.** Until further order of the superior court other (*specify*):

(*name of parent*): _____ may have only supervised visitation with the children according to the schedule in 2 for the reasons stated on the attached form JV-206 Attachment 3.

Visit supervisor (*name*): _____ Phone #: _____ E-mail: _____

4. **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

a. Transportation to the visits must be provided by Parent (*name*): _____

Other (*specify*): _____

b. Transportation from the visits must be provided by Parent (*name*): _____

Other (*specify*): _____

c. The children must be delivered to and picked up from (*specify location*):

d. Other (*specify*):

CASE NAME:	CASE NUMBER:
	JUVENILE:
	FAMILY:

5. **TRAVEL WITH CHILDREN.** Parent (name): _____
must have written permission from the other parent (name): _____ or a court order to take the children out of
- a. the state of California.
 - b. the following counties (specify): _____
 - c. other places (specify): _____

6. **Other findings and orders** (specify circumstances, at the time of the order, underlying any limits on visitation): _____

- Continued on Attachment 6.
- Continued on the attached [form JV-206](#).

Instruction for Law Enforcement

Conflicting Orders—Priorities for Enforcement.

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following order (see Pen. Code, § 136.2, and Fam. Code, §§ 6383(h)(2) and 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* ([form EPO-001](#)) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

CASE NAME:	CASE NUMBER: JUVENILE: FAMILY:
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REASONS FOR NO OR SUPERVISED VISITATION—JUVENILE

Attachment to **Custody Order—Juvenile—Final Judgment (form JV-200)**
 Visitation (Parenting Time) Order—Juvenile (form JV-205)

1. This order applies to the following children (*name each*):

2. This parent (*name*): _____ was ordered to have no visitation only supervised visitation with the child or children named in 1 because
 - a. this parent has not completed has not made substantial progress in the following court-ordered programs:
 - Sexual abuse treatment or awareness program for offenders for victims
 - Drug abuse treatment program with random testing
 - Alcohol abuse treatment program with random testing
 - Domestic violence treatment program for offenders for victims
 - Anger management training
 - Parenting classes
 - Individual counseling
 - Other (*specify*): _____

- b. The court denied services to this parent on (*date*): _____ based on a finding, by clear and convincing evidence, that:
 - he or she was responsible for severe sexual abuse of the child as described in section 361.5(b)(6) of the Welfare and Institutions Code.
 - he or she was responsible for severe physical abuse of or severe physical harm to the child as described in section 361.5(b)(5)–(6) of the Welfare and Institutions Code.
 - his or her whereabouts were unknown on that date and remain unknown.
 - other (*specify*): _____

Completion of one of the programs above *might*, but need not, constitute a significant change of circumstances for purposes of modifying this final custody order. (Welf. & Inst. Code, § 302(d).)

THIS IS A COURT ORDER.

SPR15-18**Family and Juvenile Law: Juvenile Court Final Custody Orders** (amend Cal. Rules of Court, rules 5.475, 5.620, 5.700, 5.790; revise forms JV-200 and JV-205; approve form JV-206)

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

	Commentator	Position	Comment	Committee Response
1.	California Judges Association by Hon. Joan P. Weber, President	A	<p>The proposal would clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents on terms ordered by the court. The proposal is intended to provide a family court, to which a request for modification or termination of the order is made, with sufficient information to determine whether there has been a significant change of circumstances and, if so, whether the requested modification is in the best interest of the child. The proposed amendments and revisions would also update references to current statutes and rules, incorporate gender-neutral language consistent with AB1403 when appropriate, conform to recent case law, and maintain consistency with recent and proposed revisions to the Judicial Council forms for family court custody orders.</p> <p>The proposal incorporates a form already used by Los Angeles Dependency Court to let the Family Court know why a parent's visits are monitored or why no visits are ordered. With the information Family Law Court can rule more appropriately on a request to change the order, and consider whether there has been an appropriate change of circumstance. Other updates and improvements are made as well.</p> <p>We support the proposal.</p>	Thank you for your comment. No additional response is required.
2.	Hon. L. Michael Clark, Judge Superior Court of Santa Clara County	A	These changes are very much needed. Thank you.	Thank you for your comment. No additional response is required.

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	Commentator	Position	Comment	Committee Response
3.	Dependency Advocacy Center San Jose, California by Hilary Kushins, Attorney	A	The proposed JV-206 will be helpful for parents when exiting the dependency system to provide clarity as to what issues should be addressed in seeking modification in family court of the custody order.	Thank you for your comment. No additional response is required.
4.	Marie Hazlett Head Court Records System Clerk Los Angeles County Sheriff's Department	AM	<p>I agree with all proposed changes, with the suggestion that the revision to JV-205 be modified to remove item 2b as it seems unnecessary. Item 2b is the most frequently overlooked box that is often not checked when the subsequent boxes are checked making it difficult to determine whether the subsequent boxes b(1)–(4) are actually granted. I suggest that it be removed all together.</p> <p>My suggestion is:</p> <p>2. <input type="checkbox"/> VISITATION (Parenting Time) (name of parent): _____ will have children with him or her as follows:</p> <p>(a) <input type="checkbox"/> as stated in the visitation agreement on Attachment 2a.</p> <p>(b) <input type="checkbox"/> Weekends starting on (specify date): <input type="checkbox"/> First weekend of the month from _____ at _____. <input type="checkbox"/> First weekend of the month from _____ at _____. (c) <input type="checkbox"/> Alternating Weekends starting on (specify date): _____ from _____. (d) <input type="checkbox"/> Midweek from _____ at _____. (e) <input type="checkbox"/> Other (specify days and times): _____.</p>	The committee understands the commentator's concern, but does not recommend the suggested change. As currently formatted, 2a and 2b are intended as alternatives. If 2a is checked, all visitation terms must be set forth on the attachment. If 2a is not checked, then 2b must be checked and all visitation terms must be set forth in 2b or as indicated therein. The committee has proposed modifications to indicate more clearly that either 2a or 2b must be completed.
5.	Joint Rules Subcommittee (JRS) of the	A	The JRS identified the following	The committee acknowledges the potential

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	Commentator	Position	Comment	Committee Response
	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee		<p>fiscal/operational impact on the trial courts:</p> <ul style="list-style-type: none"> • Impacts existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.) Courts <i>may</i> need to modify existing programming depending upon their case management systems. However, it is likely that changes would be minimal and limited to adding additional codes or actions which are typical to court business. • Requires development of local rules and/or forms Rule changes <i>may</i> require some courts to make minimal changes in their local rules, which courts have the opportunity to do twice annually if necessary. • Results in additional training, which requires the commitment of staff time and court resources Minimal training on additional forms and processing would be necessary for court staff. • Increases court staff workload A slight increase in workload for court staff handling juvenile and family law cases is likely depending upon the court’s caseload. However, the benefit of implementation of this process that clarifies orders and improves efficiencies will likely mitigate the increase. 	impacts identified by the JRS and agrees that the efficiencies resulting from the recommendation are likely to offset these impacts.

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

	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • Proposed date for implementation is not feasible or is problematic Additional implementation time is necessary and appropriate to ensure sufficient time to properly implement all phases of this proposal including changes in case management systems, communication of requirements, forms, training and to ensure all processes are implemented accurately. <p>The following is a response to the proposal’s Request for Specific Comments:</p> <ul style="list-style-type: none"> • Will the approval of proposed form JV-206 provide an effective and efficient method for the juvenile court to convey the reasons for its custody and visitation orders to the family court? <i>Yes, the courts believe this form is helpful and will provide consistency throughout the courts.</i> • Should the council explore effective means of serving notice of the filing of the order other than first-class mail? <i>Unknown at this time, although given many courts are moving to paperless systems exploring other options should be on the horizon. Courts do not want to increase workload and/or expenses with postage costs.</i> • Would the proposal provide cost savings? If so please quantify. 	<p>The committee acknowledges that full implementation of the processes entailed by the recommended amendments and revisions may take more than 2 months, but believes that courts will be able to implement these processes within the extended timelines in rule 5.504(c).¹</p> <p>No response required.</p> <p>The committee agrees that increasing workload or costs is undesirable. The committee believes that the recommended revision to items 16 and 17 on form JV-200 will reduce mailing costs by clarifying that section 362.4 requires first-class mail service of the filed copy of the order only to the originating court and the parents.</p>

¹ All rule references are to the California Rules of Court. All statutory references are to the Welfare and Institutions Code unless otherwise specified.

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

	Commentator	Position	Comment	Committee Response
			<p><i>It is difficult to quantify or conclude given courts would need to know how often cases are reviewed for conflicting orders, etc. However, it is likely in the long run some cost savings could be derived from implementing this change. It might take approximately 15–20 minutes to process the additional new forms for each case, yet if these forms were not available and a clerk had to gather the court file, have a judicial officer review the file, additional orders and make a determination regarding appropriate orders, it may take approximately ½ hour of the clerk’s time and an hour of a judicial officer’s time. Overall the potential savings would be approximately 2/3 of the time spent on reviewing documents and files that have already been processed.</i></p> <ul style="list-style-type: none"> • What are the implementation requirements 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>These will vary among the courts. However, some courts will simply need to add additional codes to indicate the forms have been processed and sent to the appropriate parties. This would require IT staff or a software specialist, operations staff to train clerks on the processing of</i> 	<p>No response required.</p> <p>The committee has designed the recommendation to minimize implementation requirements to the extent consistent with achieving the recommendation’s policy objectives.</p>

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	Commentator	Position	Comment	Committee Response
			<p><i>forms and procedural changes, and management staff to update local rules if necessary.</i></p> <ul style="list-style-type: none"> • Keeping in mind that rule 5.504(c) grants courts one year from their effective date to implement production of new and revised mandatory juvenile forms, would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <i>No, given that local rules, case management systems, and staff training are all likely necessary, two months is not realistic to ensure all necessary elements of the implementation are efficiently and effectively rolled out.</i> • Would this proposal affect small courts differently from large courts? If so, please explain. <i>Not necessarily, it depends on the court's availability of staffing, caseload and complications of case management system changes. For example, larger courts may have a larger caseload and more staff to train making the impact on workload greater yet they may have dedicated IT staff easily available to make system changes. While smaller courts may not have IT staff readily available to revise case management systems, they may have a simpler time of implementation in that the case management system may allow for easier manipulation, less training time with</i> 	<p>The committee acknowledges that full implementation of the processes entailed by the recommended amendments and revisions may take more than 2 months, but believes that courts will be able to implement these processes within the extended timelines in rule 5.504(c).</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
			<i>less staff, and a smaller workload.</i>	
6.	Marianna Klebanov, Attorney/Writer San Mateo, California	AM	With respect to the proposed revision to Rule 5.700(d) of the California Rules of Court, I would remove the portion requiring opening a file in the Superior Court if no proceeding is pending. I would be concerned that this may invite excessive litigation in situations where it is unnecessary.	The committee does not recommend the suggested change. The committee believes that the risk of litigation arising from custody orders is best addressed by revising the order forms to provide more specific direction for situations in which uncertainty could lead to conflict among the parties. Some risk of litigation is unavoidable when a court order governs an evolving relationship. Requiring that the order be filed in a designated court selects a forum for resolution of disputes, forestalls forum shopping, and eliminates incentives for a party to race to file the order in a preferred court.
7.	Orange County Bar Association by Ashleigh Aitken, President	A	No specific comment submitted.	Thank you for your comment. No additional response is required.
8.	Santa Clara County Office of the County Counsel by Julie Fulmer McKellar Lead Deputy County Counsel	AM	The proposed amendments to JV-200 should include additional space in #9 for children with three legal parents. The modification to CRC 5.475(a)(1)(B) provides for the custody order to be used as the sole basis for “opening a file in the superior court of the county in which the parent given physical custody resides” but doesn't indicate the procedure if both parents are given physical	The committee does not recommend the suggested change. Only the rarest cases will present more than one parent whose status is or has been in dispute and has been adjudicated. In that event, the party directed to prepare the order may so indicate on an attachment. The committee has modified its recommendation to add a check box to indicate the continuation of item 9 on an attachment and to direct the attachment of the parentage orders if item 9 is completed. The committee agrees that additional clarification is needed to address situations in which both parents are given physical custody and (a) the child lives with one parent more than 50 percent of the time or (b) the child lives an equal amount of time with each parent. The committee proposes

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

	Commentator	Position	Comment	Committee Response
			custody (as the form allows) and they reside in different counties.	amending rules 5.475 and 5.700 to affirm the juvenile court's authority to direct the clerk or a specific party to transmit the order to a designated superior court for filing.
9.	State Bar of California Executive Committee of the Family Law Section (FLEXCOM) by Saul Bercovitch, Legislative Counsel	A	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports the proposal, revisions, and amended forms.</p> <p>FLEXCOM agrees that the proposed amendments to the California Rules of Court and the proposed revisions to the Judicial Council forms will provide the much needed continuity between juvenile court and family court when a dismissal or termination of dependency occurs. Once an exit order is made using the newly revised Judicial Council forms, the family court will have sufficient information upon which to determine whether there has been a significant change of circumstances under which the exit order could be modified in an action for custody, domestic violence, paternity, etc. The specificity of the orders and the integration of the use of attachments will enable better enforcement of the orders by law enforcement.</p> <p>FLEXCOM agrees that the addition that juvenile court would have any guardianship during the pendency of an action avoids duplicity of actions.</p> <p>FLEXCOM agrees that the automatic venue lies with the custodial parent eliminates forum</p>	<p>See responses to specific comments.</p> <p>No response required.</p> <p>The committee intends this language inserted in rule 5.620(a) to restate existing law.</p> <p>The committee agrees that additional clarification is needed to address situations in which both</p>

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Family and Juvenile Law: Juvenile Court Final Custody Orders (amend Cal. Rules of Court, rules 5.475, 5.620, 5.700, 5.790; revise forms JV-200 and JV-205; approve form JV-206)

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	Commentator	Position	Comment	Committee Response
			shopping. However, where both parents are awarded joint custody with an equal timeshare, there is not a preferred venue. A remedy is not implicit in the proposal for dealing with this. If both parties simultaneously file in two abutting counties (e.g., Los Angeles and Orange County) which county has venue? Perhaps it is similar to the simultaneous filings of Petitions for Dissolution, where venue would lie with the party who serves the other party first in time.	parents are given physical custody and (a) the child lives with one parent more than 50 percent of the time or (b) the child lives an equal amount of time with each parent. The committee does not wish to promote a race to file or serve the order. The committee proposes amending rules 5.475 and 5.700 to affirm the juvenile court’s authority to direct the clerk or a specific party to transmit the order to a designated superior court for filing.
10.	Superior Court of Los Angeles County by Janet Garcia, Court Operations Manager	AM	<p>In new Family Law form FL-300 and associated forms, the word “parenting time” is referenced with “visitation.” This is not used in the dependency context. They should be consistent.</p> <p>Are there specific changes that would improve the rules and forms in this proposal?</p> <p>1. JV-200, item # 15—Remove the check box for “parent given physical custody.” Leave the other three checkboxes.</p> <p>At the bottom of the paragraph, add in BOLD the following language: <i>If a parent in the case appears at the Family Law Clerk’s</i></p>	<p>The committee agrees and intends to incorporate the term “parenting time” into the juvenile court forms to refer to visitation as opportunities to the forms arise. The forms in this proposal have been revised to include “parenting time” to the extent practicable.</p> <p>The committee does not recommend making the suggested change. Section 362.4 authorizes the juvenile court to direct a parent to transmit the order to the receiving court. This check box gives the court an opportunity to exercise its statutory authority, but does not require the court to choose the parent. If, in the circumstances of a particular case, the court determines that directing the parent to transmit the order is inappropriate, the court should direct one of the other persons identified in item 15 to transmit the order.</p> <p>The committee does not recommend making the suggested change. To prevent the filing of multiple family law proceedings or a race by the</p>

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			<p><i>Office with the JV-200 Final Judgment, and the case has not been transmitted and family case number assigned, that parent may request that a family case number be issued at that time in order to facilitate the filing of an RFO for modification.</i></p> <p>In addition, at the bottom of page 4 on the Clerk’s Certificate of Mailing, there should be an option to note that the party was personally served at the time they appeared at the filing window and requested a family case number be issued.</p> <p>The JV-287 form should be a mandatory filing in Family Court, along with the JV-200, whenever one of the parties has a confidential address so the Family Court Clerk can effectuate proper service.</p> <p>Can more than one box be checked ordering multiple parties to transmit the order? If so, there may be multiple cases opened. It may</p>	<p>parties to file first, only the party expressly directed by the juvenile court should be permitted to transmit the juvenile court custody order to the designated superior court. Both the party and the court are designated in item 15 of the form, so that the clerk may easily determine whether the parent has come to the proper court.</p> <p>The committee does not recommend the suggested change. Although this change makes sense, it appears that section 362.4 requires first-class mail service of the filed copy of the order to the originating court and the parents.</p> <p>The committee agrees that the family court should have access to the mailing address of each party bound by the juvenile court custody orders. The committee does not, however, recommend the suggested change. Section 316.1 requires each parent to designate a permanent mailing address to the juvenile court. This address is properly included on the juvenile custody order form. But no statute or rule requires that a party provide a home address. Under circumstances in which the disclosure of a home address would pose a safety risk, the party at risk should designate an alternative mailing address, such as a post office box or an attorney’s address.</p> <p>The committee intends that the court direct only one of the enumerated persons to transmit the order. The committee has inserted clarifying</p>

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			<p>be best to have the Clerk transmit the order.</p> <p>2. JV-200, front page. More space is needed to include family law case number.</p> <p>3. Mandatory use of the Final Judgment—Exit Order. The Final Judgment—Exit Order as proposed should be mandatory upon termination of all dependency cases in which the child is residing in a home with only one parent present to ensure the orders are clearly conveyed to the Family Court.</p> <p>Will the approval of proposed form JV-206 provide an effective and efficient method for the juvenile court to convey the reasons for its custody and visitation orders to the family court? Yes.</p> <p>However, we recommend that the JV-206 be a standalone form and not an attachment to the JV-200.</p> <p>Due to the nature of the information (e.g., the reasons for supervised or no visitation) the form should be a confidential form and kept in a confidential envelope within the file.</p>	<p>language into item 15.</p> <p>The committee agrees and has expanded the space available to enter the family law case number.</p> <p>The committee agrees. Under section 362.4, the Judicial Council adopted form JV-200 for mandatory use. It remains a mandatory form under the proposed revisions, as well as under the proposed amendments to rule 5.700(c). If the juvenile court issues a custody order when terminating its jurisdiction, it must use form JV-200.</p> <p>No response required.</p> <p>The committee does not recommend the suggested change. The committee does not anticipate that the juvenile court would have occasion to use form JV-206 except as an attachment to a custody or visitation order issued on form JV-200 or JV-205. Form JV-206 depends on and explains findings and orders on these covering forms.</p> <p>The committee does not recommend the suggested change. Form JV-206 should be attached to the custody and visitation orders issued on forms JV-200 and JV-205 and become a part of those orders. Section 362.4 requires the Judicial Council</p>

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			<p>Should the council explore effective means of serving notice of the filing of the order other than first class mail?</p> <p>*Yes, if the statute [allows] for other means.</p>	<p>to “adopt forms for any custody ... order issued [when the juvenile court terminates its jurisdiction]. These form orders shall not be confidential.” Because form JV-206 will be attached to form JV-200 or JV-205, it is a “form order” as described by section 362.4. Legislative policy seems to require that the form be publicly available to the same extent as the principal order to which it is attached.</p> <p>The committee agrees that e-service should be explored. The Court Technology Advisory Committee (CTAC) circulated a separate proposal, SPR15-32, to make technical amendments to the rules of court to facilitate e-business, e-filing, and e-service. Because section 362.4 requires the clerk of the receiving court to use first-class mail to send the order to the juvenile court and the parents, an amendment or revision eliminating that requirement would be substantive and must await the next phase of the Rules Modernization Project.</p>
11.	Superior Court of Orange County Family Law and Juvenile Court Operations Managers by Blanca Escobedo, Principal Administrative Analyst	AM	<p>Are there specific changes that would improve the rules and forms in this proposal?</p> <p>If there is a <i>no visitation</i> or <i>monitored visitation</i> order, the JV-206 should be a mandatory form.</p>	<p>The committee does not recommend the suggested change. Forms JV-200 and JV-205 are mandatory. Each of these forms requires the juvenile court to specify its reasons for ordering no visitation (JV-200, items 4 and 5) or supervised (JV-205, item 3) on either form JV-206 or another attachment. Many courts already have local procedures and</p>

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			<p>Our local DCSS has requested our Court not file exit orders on DCSS cases because it creates a problem when/if they file a dismissal. If the only open case is a DCSS case, should exit orders be filed on that case? We recommend adding this clarification to CRC 5.700(b).</p> <p>Case number boxes on forms JV-200, JV-205, and JV-206 are very small and cannot fit two different case numbers. Please expand or create separate boxes for the juvenile and family law case numbers.</p> <p>Custody Order—Juvenile-Final Judgment (JV-200)</p> <ul style="list-style-type: none"> ○ Page 1, header, there is not enough space to write the Family case number. ○ Page 1, item 3 does not have enough space to 	<p>forms in place for specifying these reasons. Approving form JV-206 for optional use will permit these courts to continue to use their existing procedures and, at the same time, will give courts that do not have local forms a format with which to specify their reasons for limiting or denying visitation.</p> <p>The committee has modified its recommendation to specify, in rules 5.475 and 5.700, that a juvenile court custody order should not be filed in a pending governmental child support case unless custody issues have already been addressed in that case. If no other family law custody proceeding is pending and no custody issues have been addressed in the child support proceeding, the receiving court should open a new family law custody proceeding and file the juvenile court order therein.</p> <p>The committee agrees with the suggested change and has expanded the space for entering case numbers.</p> <p>The committee agrees with the suggested change and has expanded the space for entering case numbers.</p> <p>The committee agrees with the suggested change</p>

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			<p>write the name of the person who has legal custody, physical custody, and primary residence.</p> <ul style="list-style-type: none"> ○ Page 1, item 2 we recommend adding a title to this section. The definition/purpose gets lost because it's at the end of #2, which causes confusion. ○ Page 2, item 9 we recommend juvenile courts attach parentage orders to the exit orders so they are also filed in family court case file. ○ Page 3, items 11, 12, and 13 - recommend rewording to "Attachment _____" for flexibility rather than adding specific attachment numbers. ○ Page 4, item 16(a) we recommend adding more space or instructing user to add an attachment to list additional attorneys when multiple children exist, as there will also be multiple attorneys. 	<p>and has expanded the space for entering information in item 3.</p> <p>The committee agrees with the suggested change and has added a title to item 2.</p> <p>The committee agrees with the suggested change and has revised item 9 to direct the attachment of parentage orders.</p> <p>The committee does not recommend the suggested change. The attachment numbers correspond to the item numbers on the primary form, per Judicial Council protocol. That protocol is intended to prevent confusion regarding which items on the primary form are referenced by each item on the attachment. In other words, items on attachments should not be numbered consecutively, but rather according to the item on the primary form to which each corresponds.</p> <p>The committee recommends revising item 16 to reflect the limited statutory duty of the clerk of the receiving court to send a filed copy of the order only to the parents and the originating juvenile court. Revised items 16 and 17 apply only to the receiving court. All parties to the juvenile court case and their respective attorneys will receive a copy of the juvenile custody order.</p>

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			<ul style="list-style-type: none"> ○ Page 4, recommend adding a section 16(i) to reflect the originating court. It gets lost without a line item and it may get missed. ○ Item #16(d): Should courts list children 12 years of age or over only or all children? ○ For courts that have juvenile and family law courts in close proximity, it should allow the use of internal mail service (not just certified mail). <p>Will the approval of proposed form JV-206 provide an effective and efficient method for the juvenile court to convey the reasons for its custody and visitation orders to the family court?</p> <p>The JV-206 will document reasons for custody and visitation orders made by the juvenile court.</p> <p>However, we recommend this be a required</p> 	<p>The committee recognizes the risk of omitting the originating court in the existing format. In addition to reducing the number of persons whom the receiving court is required to send a filed copy, the committee has also proposed moving the originating court to the beginning of revised item 17 to reduce the chance of its omission.</p> <p>The committee recommends deleting item 16(d).</p> <p>The committee agrees that the superior court clerk should not be required to return the filed copy of the form to the originating juvenile court by first-class mail if the receiving court is a division of the originating court and an equally reliable and efficient method of transmitting documents among divisions is available. However, section 362.4 requires the clerk of the receiving court to use first-class mail to send the order to the juvenile court and the parents. See also the response to the Los Angeles Superior Court’s comment on e-service at page 34, above.</p> <p>No response required.</p> <p>See response to initial Superior Court of Orange</p>

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			<p>form when there is a <i>no visitation</i> or <i>monitored visitation</i> order made.</p> <p>Additionally, there are concerns in having the JV-206 becoming a public records once it's filed in family court because it contains sensitive information pertaining to the child(ren). We recommend the JV-206 be deemed a confidential document. If this change is approved, we also recommend revising JV-205, item 3, to reflect the JV-206 deemed a confidential document.</p> <p>Should the council explore effective means of serving notice of the filing of the order other than first class mail?</p> <p>First class mail is adequate for serving notice, but possible e-service options would be preferred.</p> <p>Would the proposal provide a cost savings?</p> <p>We do not anticipate a cost savings with the implementation of this change.</p> <p>What are the implementation requirements for courts? – for example, training staff (identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in the CMS, or modifying the CMS?</p>	<p>County comment at pages 34–35, above.</p> <p>Please see the response to the comment by the Los Angeles Superior Court regarding confidentiality at pages 33–34, above.</p> <p>Please see the response to the comment by the Los Angeles Superior Court on e-service at page 34, above.</p> <p>No response required.</p>

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			<p>Revisions to juvenile and family law procedures will need to be made to reflect the use of the new/revised forms.</p> <p>Communication with judicial officers and stakeholders will be coordinated to share new forms and to remind them documents filed in family court are public records, if confidentiality recommendation is not adopted. CMS impact will be limited to the creation of a new docket code.</p> <p>CRC 5.504(c) grants courts 1 year from their effective date to implement production of new/revised mandatory juvenile forms, could two months from JC approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Two months is sufficient time to implement new forms.</p>	<p>Committee staff is available to provide technical assistance in the implementation of amended rules and new and revised Judicial Council forms.</p> <p>No response required.</p>
12.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>Rule 5.475: The rule should specify in (a)(1)(B) and (b) in which division of the court the proceeding is to be opened and/or brought.</p> <p>Rule 5.700: The rule should specify in (d) in which division of the court the proceeding is to be opened.</p>	<p>The committee does not recommend the suggested changes. As circulated for comment, the rule specifies that the receiving court should open a family law file if no related proceeding is pending. The court should open the file in the division that hears proceedings under the Family Code, typically the family law division or family court.</p> <p>The committee agrees and proposes amending rule 5.700(d) to specify that the receiving court open a family law file if no related proceeding is pending.</p>