Judicial Council *of* California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-166
For business meeting on September 19, 2023

Title
Juvenile Law: Family Finding and Engagement

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810; revise form JV-672

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, 2024

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August 4, 2023

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending four rules to conform to recent statutory changes clarifying the due diligence that must be used by a social services agency or probation department in performing its family finding obligation when a child is removed from the home. Senate Bill 384 (Stats. 2022, ch. 811) expands the obligation of the placing agency to engage in family finding in dependency and delinquency cases. In addition to the existing duty to ask the child in an age-appropriate manner about parents and adult relatives, due diligence now also requires a social worker or probation officer to use a computer-based search engine to identify relatives and kin to provide family support and possible placement for the child. In the case of an Indian child, the legislation clarifies that the placing agency must contact the child's tribe to help identify relatives and kin. The committee also recommends revising one form to include an item setting forth the court's findings as to whether the probation department exercised due diligence in family finding as required by provisions in Family Code section 7950.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 5.637, 5.695, 5.790, and 5.810 to conform to recent legislation amending Welfare and Institutions Code sections 309 and 628, and to conform to ongoing family finding duties imposed by Family Code section 7950.

2. Revise *Findings and Orders After Six-Month Prepermanency Hearing—Delinquency* (form JV-672) to include an item for the court to make a finding regarding whether the probation department has evaluated every relative who has come forward requesting placement of the child during the juvenile court proceedings.

The proposed amended rules and revised form are attached at pages 13–26.

Relevant Previous Council Action

The Judicial Council last addressed family finding and engagement requirements in response to Assembly Bill 938 (Stats. 2009, ch. 261), which amended Welfare and Institutions Code[1] sections 309 and 628 to require that when a child is removed from their parents, the child's social worker or probation officer must, within 30 days, identify and locate the child's relatives, and notify located relatives that the child has been removed from their parents and explain the various options to participate in the care and placement of the child or support the child's family. Effective January 1, 2011, the council adopted rule 5.637 of the California Rules of Court; amended rules 5.502, 5.534, 5.695, 5.708, 5.715, 5.720, 5.722, and 5.810; and approved Judicial Council forms JV-130, JV-130(A), JV-285, and JV-287 to implement the mandates and legislative intent of AB 938.

Findings and Orders After Six-Month Prepermanency Hearing—Delinquency (form JV-672) was adopted for optional use in 2012 and was most recently revised effective January 1, 2023.

Analysis/Rationale

Background

When a child is placed in foster care, either because the child's parents or guardians are unable to provide adequate care for the child or after being detained in a juvenile delinquency[2] proceeding, it is crucial that the child and family have a supportive network of people to assist them through the associated juvenile court proceedings. Family finding is an integral part of the duties of the child welfare agency and the juvenile probation department in every foster care case. Since 2010,

[1] All further statutory references are to the Welfare and Institutions Code and all further rule references are to the California Rules of Court unless otherwise indicated.

[2] The committee has previously recommended to the council, and the council has approved, leaving all references to "delinquency" rather than using "juvenile justice" since the Welfare and Institutions Code still uses the term "delinquency."

child welfare agencies and probation departments have been obligated to locate and identify relatives and notify them of their options to participate in a child's care or placement after the child's removal from their parents or guardians and to request to participate in court proceedings regarding the child.[3] At many hearings in a dependency or juvenile delinquency case, the court is required to make a finding that the county agency or probation department has exercised due diligence in family finding to locate a child's relatives and that those relatives have been evaluated to serve as the child's placement or offered other opportunities to participate in the child's care.

In 2015, the Legislature acted again to improve outcomes for children served by child welfare agencies and juvenile probation departments by enacting Continuum of Care Reform (Assem. Bill 403; Stats. 2015, ch. 773) to promote opportunities for them to grow up in permanent and stable homes and reduce the use of congregate care. The preservation of familial ties for foster children is vital: many studies have shown that children placed with family have better behavioral and mental health outcomes than their peers in traditional foster care. Children who are placed in kinship care—broadly defined as relatives or close family friends—have fewer placements and school changes, higher overall satisfaction with their placements, and are more likely to feel loved and "wanted" in these kinship placements.[4]

Senate Bill 384

Effective January 1, 2023, Senate Bill 384 (Cortese; Stats. 2022, ch. 811) revised Welfare and Institutions Code sections 309 and 628 to expand the obligation of the social worker and probation officer to engage in family finding in dependency and delinquency cases. Agencies are now required to exercise due diligence in family finding for dependency and delinquency cases by conducting an investigation with specific required actions to identify relatives and kin and to connect a child or youth, who may be disconnected from their parents, with those relatives and kin in an effort to provide family support and possible placement.

Rule 5.637

Current rule 5.637 addresses family finding as mandated under prior law, providing that the social worker or probation officer must conduct an investigation to identify, locate, and notify all of the child's adult relatives about the child's placement in foster care after removal from the parent or guardian. The rule also states that the social worker or probation officer is not required to notify a "relative whose personal history of family or domestic violence would make notification inappropriate."

The committee recommends amending the rule to incorporate the new statutory provisions regarding the due diligence requirement in family finding to be exercised by the social worker or probation officer in foster care cases and to expand the list of persons required to be notified of a

[3] See Assem. Bill 938 (Com. on Judiciary; Stats. 2009, ch. 261).

[4] See Sen. Rules Com., Off. of Sen. Floor Analyses, Unfinished Business analysis of Sen. Bill 384 as amended Aug. 15, 2022, pp. 5–6, *https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB384*.

child's placement in foster care, including parents or alleged parents. The committee reflected on its general practice of refraining from repeating statutory language in the court rules, but decided it was important to set forth all family finding requirements to clarify the actions the agencies must take and assist the courts in evaluating those efforts and making the required findings.

The committee also recommends including the requirements to notify relatives after the county agency locates them and to disseminate written information to them about how to participate in the child's care or placement. Lastly, the recommended rule amendments would require the social worker or probation officer to notify the court if relatives are not notified because of family or domestic violence history.

Rule 5.637 would be expanded and reorganized, with the addition of new subdivision (a) to define the terms "family finding," "kin," and "nonrelative extended family member" in dependency and delinquency cases.

New subdivision (b) would state the requirement in dependency cases to identify and locate a child's relatives and notify them of a child's foster care placement no later than 30 days after removal from the parent's or guardian's custody. A child's relatives must receive written notification of the child's removal and the available options to participate in the child's care and placement, including becoming a resource family, and information on public monetary aid programs. The relatives must also be provided a copy of *Relative Information* (form JV-285) to provide input to the court and the social worker regarding the child's needs.

New subdivision (c) would state the requirement in delinquency cases to identify and locate a child's relatives and notify them of a child's foster care placement no later than 30 days after placement in foster care or after the child's detention, if the probation officer has reason to believe that the child may be at risk of entering foster care. As in subdivision (b) regarding juvenile dependency cases, this subdivision provides that the relatives must be provided written notification of the child's removal and available options to participate in the child's care and placement, including becoming a resource family or a nonrelative extended family member, and information on public monetary aid programs.

New subdivision (d) would state the ongoing duty of the social worker or probation officer to exercise diligent efforts in family finding throughout the dependency or delinquency case until the child is placed for adoption. Under Family Code section 7950(a)(1) regarding foster care placement considerations:

> Diligent efforts shall be made by an agency or entity … to locate an appropriate relative … . At any permanency hearing … or at any postpermanency hearing for a child not placed for adoption, the court shall find that the agency or entity … has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted to the agency or entity as a possible caretaker, either by the relative or by other persons, has been evaluated as an appropriate placement resource.

An important goal of this proposal is to include all family finding requirements in one rule to assist courts and litigants. For that reason, the committee recommends that the rule state the ongoing duty to exercise the due diligence requirements set forth in sections 309 and 628 throughout the pendency of the case until the child is returned home or adopted as required by Family Code section 7950.

Subdivision (d) would also list the mandatory activities the county agency must undertake under SB 384 to demonstrate due diligence in family finding. The agency must ask the child in an age-appropriate manner about the identity and location of kin, use computer-based search tools to locate a child's kin, and contact the Indian child's tribe to identify kin if there is reason to know the child is an Indian child, as required under sections 309 and 628. (See proposed rule 5.637(d)(2).) This subdivision would also separately list additional activities that may be undertaken by the county agency beyond those required by statute, that the court may consider in determining whether the county agency has exercised due diligence in family finding. (See proposed rule 5.637(d)(3).)[5]

Current subdivision (b), which provides that a social worker or probation officer is not required to notify kin whose personal history of family or domestic violence would make notification inappropriate, would be renumbered as subdivision (e). In addition, the committee recommends amending the subdivision to require the social worker or probation officer to inform the court about the lack of notification and the reasoning underlying the determination that a relative's history of family or domestic violence would make notification inappropriate.

Rule 5.695

This rule states the statutory findings and orders that the court must make at a disposition hearing in a dependency case. One such finding is that, in cases in which a child has been removed from the custody of their parent or guardian, the county welfare agency exercised due diligence in family finding to locate relatives for the child. The committee recommends amending subdivision (e) to provide cross-references to rule 5.637(d)(2) (the required family finding activities) and (d)(3) (the additional family finding activities) to assist the court in making its determination of whether the agency has exercised due diligence in family finding for the child. Subdivision (f), which contains examples of activities that demonstrate due diligence by county welfare departments for family finding in dependency cases, would be deleted because that content has been moved to rule 5.637(d). Subdivisions (g)–(i) would be re-lettered to (f)–(h).

Rule 5.790

This rule states the statutory findings and orders that the court must make at a disposition hearing in a delinquency case. One such finding is that the juvenile probation officer exercised due

[5] The lists of activities that the court may consider were previously contained in rules 5.695(f) (regarding findings in dependency cases) and 5.790(g) (regarding findings in delinquency cases), but the committee is recommending they be moved into this rule on family finding so that the factors for consideration are all in one place and clearly separated into the two categories of what activities the court must consider and what activities the court may consider in making its determination of due diligence in family finding.

diligence in family finding to locate relatives for the child. Subdivision (f) would be amended to provide that the court must consider the required activities listed in new subdivision (d)(2) of rule 5.637 and may also consider those activities listed in new subdivision (d)(3) of rule 5.637 (previously listed in subdivision (g) of this rule) when making its determination of whether the probation department has exercised due diligence in family finding for the child. Subdivision (g), which contains examples of activities that demonstrate due diligence by county welfare departments for family finding in dependency cases, would be deleted because that content has been moved to rule 5.637(d). Subdivisions (h)–(j)[6] would be re-lettered to (g)–(i).

Rule 5.810

Rule 5.810 governs the court's findings and orders at permanency and postpermanency hearings in delinquency cases. Under Family Code section 7950, one of the required findings is that the juvenile probation department exercised diligent efforts in family finding for the child, and those efforts must be documented in the probation report.[7] As a result of an oversight, the rule does not address the family finding efforts required by Family Code section 7950. The committee recommends correcting this omission by adding the family finding requirements to the list of findings the court must make in the different hearing types. This content is found at subdivisions (b)(2) and (c)(2).

Subdivision (b)(2)(H) would be added to require the court to consider evidence and make a finding of due diligence in family finding at a permanency hearing in a delinquency case. Subdivision (c)(2)(F) would be added to require the court to consider evidence and make a finding of due diligence in family finding at a postpermanency hearing in such a case.

Form JV-672

Findings and Orders After Six-Month Prepermanency Hearing—Delinquency (form JV 672) lists the required findings and orders that the juvenile court must make at a prepermanency hearing in a delinquency case. Family Code section 7950 requires that the juvenile probation department evaluate every relative who comes forward interested in placement for the child during delinquency proceedings.

The committee recommends adding item 15 to the form to allow the court to make a finding of due diligence and whether the probation department has or has not evaluated every relative who has come forward requesting placement of the child during the juvenile court proceedings to ensure parity and consistency with the dependency context, which already includes this finding

[6] Effective July 1, 2023, (i) (California Department of Corrections and Rehabilitation, Division of Juvenile Justice) was deleted and (j) (Fifteen-day reviews) re-lettered as (i).

[7] See Welf. & Inst. Code, §§ 706.5(c)(1)(B)(iii), 727.2(c) (requiring probation to submit a social study report that includes "[d]ocumentation of the intensive and ongoing efforts made by the probation department … to prepare the minor or nonminor dependent to return home or to be placed with a fit and willing relative"). The committee considered cross-referencing these sections but decided to incorporate the requirements from these sections into the rule to have pertinent information in one location.

in *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433), item 14.

Policy implications

Any policy implications would result from the enactment of the new law, not from the rules recommended to implement that new law.

Comments

This proposal was circulated for public comment from March 16 to May 12, 2023, as part of the spring 2023 comment cycle. Four superior courts, a probation department, a bar association, two legal advocacy organizations, and one individual submitted comments on this proposal. Two commenters agreed with the proposal. Four agreed if the proposal were modified, and three did not indicate a position but expressed that the proposal appropriately addressed its stated purpose. A chart with the full text of the comments received and the committee's responses is attached at pages 27–50. They are summarized below.

Comments on rule 5.637

Family finding requirements for dual-status child

The committee asked for specific comments on whether rule 5.637 should specifically address family finding requirements for a dual-status child[8] by referencing section 241 and, if so, what should the rule provide. Four superior courts and two organizations agreed that it should address dual-status youth. The Santa Clara County Probation Department disagreed and did not view specifically addressing dual-status youth as necessary because it believes the family finding process should be the same for dual-status youth as it is for other youth. Most commenters who responded to this request for comments opined that the lead placement agency should be tasked with the family finding duty and attendant notice to the court. One court commenter suggested applying the duty and attendant notice requirements to both agencies regardless of whether the county had adopted an on-hold or lead agency model, to ensure that the county probation and child welfare services departments are actively communicating and collaborating on the information from their separate investigations to identify relatives and kin of the child.

The committee decided to refer to section 241.1 instead of specifically assigning the duty to a specific agency or agencies, by amending rule 5.637 to require that the written protocols under section 241.1 be amended to reflect which agency or agencies are responsible for exercising due diligence. This approach would allow for each written protocol to be updated based on local county need and practice.[9]

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[8] A dual-status child is a child who is simultaneously a dependent child and a ward of the court.

[9] CDSS issued All County Letter No. 18-42, entitled Family Finding and Engagement, which detailed suggested family finding practices for county agencies in foster care cases. SB 384 requires each county child welfare agency and juvenile probation department to adopt at least one of the vetted family finding practices found in ACL 18-42 and create a public procedure by which relatives can identify themselves to the county placing agency.

Add "and collaborating with" child's Indian tribe
The Youth Law Center requested to further amend rule 5.637(a)(1), the definition of "family finding," to include "and collaborating with" after "contacting" the child's Indian tribe to identify relatives and kin. The language in the rule as written tracks the statutory language in sections 309(e)(3)(B) and 628(d)(3)(B), which only uses "contacting" and not "collaborating with" the Indian child's tribe to identify relatives and kin. The committee concluded that using "collaborating with" could add a duty that is not currently in statute and was not circulated for public comment. The committee declined to accept this suggestion.

Definition of "kin"
Five organization commenters, including three courts, responded affirmatively to the request for specific comments on whether the definition for "kin" in rule 5.637 of the circulated proposal is accurate and complete. The Superior Court of San Diego County suggested the committee consider including the extended family members of an Indian child in the definition of kin. The committee declined this suggestion as the current definition already incorporates the extended family members of an Indian child by referencing rule 5.502(34).

Replace "relatives" with "kin"
Three commenters requested to amend rule 5.637 to add "and kin" after every instance of "relatives" to be consistent with the statutory language in sections 309(e)(3)(B) and 628(d)(3)(B), which includes both terms. The committee chose to modify its recommendation instead to replace the term "relatives" with "kin" since rule 5.637(a)(2) defines "kin" to include "relatives."

Definition of "nonrelative extended family member"
Two organizations and three courts responded affirmatively to the question of whether the definition for "nonrelative extended family member" (NREFM) in the circulated proposal is accurate and complete. The Superior Court of San Diego County suggested the committee consider including "medical professionals" in the definition of NREFM because section 362.7 includes "medical professionals" in a nonexclusive list of examples. The committee declined this addition as "medical professionals" in section 362.7 refers to a list of third parties that the county welfare department may interview to verify the existence of an established familial or mentoring relationship with the child for purposes of determining whether an individual meets the definition of an NREFM.

Include future NREFM relationships
The Youth Law Center requested to amend rule 5.637(a)(3), the definition of an NREFM, to include future NREFM relationships by defining "nonrelative extended family member" to mean "an adult who has an established <u>or will establish a</u> familial or mentoring relationship with a child." The commenter encourages the inclusion of individuals with whom the child will establish a relationship in the rule because NREFMs who are willing to develop more of an established relationship should also be recognized. The committee declined to accept this suggestion as it does not comply with the current statute.

Apply 30-day notice time limit to "all adult relatives"
The Youth Law Center requested to amend rule 5.637(b) to include the 30-day time limit for notice and apply it to all *adult* relatives specified in section 309(e)(1). The committee concluded that adding "adult" to "kin" would be redundant because subdivision (a) of the rule defines relatives as adults by referring to the definition in rule 5.502, which expressly defines a relative as "[a]n adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship." However, because "no later than 30 days" in subdivisions (b)(1) and (c)(1) of rule 5.637 would include "within 30 days," the committee accepts the suggestion adding the time frame to the duty for notice in those subdivisions.

Incorporate sections 309(e)(1)(B) and 628(d)(2)(B) into rule 5.637(b)(2) and (c)(2)
Two commenters, the Superior Court of San Diego County and the Youth Law Center, requested to include the statutory requirements from section 309(e)(1)(B) in the rule regarding the duty of the social worker to provide an explanation of the various options to participate in the care and placement of the child and support for the child's family, including any options that may be lost by failing to respond. Further, although not specifically raised in the comments, similar statutory language regarding the duty of the probation officer to provide an explanation of options is contained in section 628(d)(2)(B) and could similarly be referenced in the rule. The committee agreed and recommends incorporating section 309(e)(1)(B) by reference in rule 5.637(b)(2)(B) and section 628(d)(2)(B) by reference in rule 5.637(c)(2)(B).

Include "oral notification" at beginning of rule 5.637(b)(2) and (c)(2)
The Superior Court of San Diego County requested to include "oral notification in person or by telephone" in addition to written notification in the list of required notifications at rule 5.637(b)(2) and (c)(2), rather than in a separate paragraph after the list, because section 309(e)(1) requires a social worker to, "whenever appropriate, provide oral notification, in person or by telephone." Section 628(d)(2) requires that probation officers do likewise. However, rule 5.637 already contains the oral notification requirement as a stand-alone provision in subdivisions (b) and (c). The committee declined to move it to the beginning of (b)(2) and (c)(2) because those provisions apply to actions that are always required, such as written notification, and not to oral notification, which is conditioned on appropriateness.

Oral notification followed by written information
The Youth Law Center requested to amend rule 5.637(b)(2) to include that oral notification in person or by telephone of the information may also be provided to the child's relatives when appropriate, "but should be followed by the provision of written information to the extent possible." The committee declined to accept this suggestion as it does not currently comply with statute, which mandates written notice.

Include "Indian custodian"
Two commenters, the Superior Court of San Diego County and the Youth Law Center, requested the committee consider adding "Indian custodian" to subdivision (b)(2)(A) of rule 5.637, and the Superior Court of San Diego County requested adding it to subdivisions (c)(2)(A) and (d)(3)(E) of the rule, in light of the term's inclusion under section 309(e)(1)(A) as a party from which a

child may be removed. This omission appears to be an oversight. The committee agrees and has modified its recommendation in light of these suggestions in the interests of statutory compliance and consistency.

Maintain consistency in recipients of notice
The Youth Law Center requested to amend rule 5.637(c)(1) to be consistent with the language in subdivision (b)(1) by adding "parents with legal custody of the child's siblings, any adult siblings, and in the case of an Indian child, any extended family members of the child's tribe." The committee adopted this recommendation to maintain consistency in family-finding notice requirements.

Clarify "ongoing" duty to exercise due diligence
The Santa Clara County Probation Department requested clarification of the "ongoing" duty to exercise due diligence in family finding by asking if addressing family finding efforts at each prepermanency hearing would meet the obligation to exercise ongoing due diligence. The probation department also asked whether and how the "ongoing" obligation in rule 5.637(d) modifies the probation department's obligation to exercise due diligence as provided in section 628.

The committee noted that the "ongoing responsibility to exercise due diligence to engage in family finding" begins within 30 days of the removal and detention of a child under sections 309(e)(1) and 628(d)(2) and extends "until the time the child is placed for adoption" under subsection (d) of proposed rule 5.637, in keeping with the statutory language of Family Code section 7950. The "ongoing" responsibility to exercise due diligence in family finding under rule 5.637(d) is meant to be co-extensive with the placement agency's diligent efforts duty under Family Code section 7950(a)(1). While the due diligence duty to find relatives is ongoing until adoption, the finding that the court has to make regarding the diligent efforts the placement agency has made occurs at every permenancy or post-permanency hearing until the child is adopted.

Include "reason to know" condition
The Superior Court of San Diego County suggested further amending rule 5.637(d)(2) to include the statutory requirement that if an agency knows or has "reason to know" that a child in a dependency or delinquency proceeding is an Indian child, the agency must contact the tribe. (See §§ 309(e)(3)(B), 628(d)(3)(B).) The committee agreed and modified the proposal accordingly.

Require notice to all parties when relative notification determined inappropriate
The Alliance for Children's Rights and the Youth Law Center suggested further amending rule 5.637(e) to provide notice to all parties when an agency determines that notification of a relative is inappropriate due to their personal history of family or domestic violence. The suggested amendment is meant to provide an opportunity for parties who disagree with the agency's assessment of the relative to provide additional information demonstrating the appropriateness of noticing a relative, or to lodge an objection to the agency's assessment of the relative that is the basis for the failure to notify. The committee concluded this suggestion constitutes a substantive

change that would require circulation for public comment, so chose to defer consideration of this suggestion to a future rules cycle.

Comments on rule 5.790

The Superior Court of San Diego County requested to amend rule 5.790(f)(1) to be consistent with the language in section 628(d)(4) by changing "no later than 30 days after the child's placement into foster care" to "no later than 30 days after the court orders foster care placement." The committee agrees with the idea behind the suggestion. However, section 628(d)(4) requires the probation officer to "conduct the investigation to find and notify relatives within 30 days of the placement order." Accordingly, the committee is modifying recommended rule 5.790(f)(1) to be consistent with the statutory language of section 628(d)(4).

Comments on form JV-672

A few comments were also received on the proposed form revision.

Include "reason to know" condition

The Superior Court of San Diego County requested to revise form JV-672, item 3, to reflect the difference between the "reason to know" and "reason to believe" standards contained in sections 224.2 and 224.3. This suggestion is outside the scope of this proposal, and the committee will consider it in the future as time and resources allow. The committee also notes that the delinquency forms are consistent on this point, and changing this one form would make it inconsistent with the other delinquency forms.

Include "developmental-services" decisions

The Superior Court of San Diego County requested to include "or developmental-services" after "educational" in items 28 and 28a regarding who is to make educational decisions for the child. This suggestion is outside the scope of this proposal, and the committee will consider it in the future as time and resources allow. In the meantime, the committee notes that the item references rule 5.650(e) and (f), which already include "developmental services" as vesting with the educational rights holder.

Replace "in preparing" with "with applications"

The Superior Court of San Diego County requested to revise item 30a(4) by replacing "to assist the child in preparing for postsecondary education" with "to assist the child with applications for postsecondary education" to be consistent with the statutory language of section 16501.1(g)(22). Like the court's other suggestions, this is outside the scope of the current proposal. Since this provision on the form is not legally inaccurate, and making this change would make the form inconsistent with all other status review forms in dependency and delinquency proceedings, the committee chose to defer consideration of this suggestion to a future rules cycle.

Alternatives Considered

The Family and Juvenile Law Advisory Committee considered alternatives in developing the proposal. The committee noted that family finding and engagement is an evolving area of the

law, and the Legislature may continue to add duties and responsibilities to the placing agency. The committee considered recommending no action based on the evolving legislative action in this area, but concluded that the amendments to the rules and a form would be helpful to child welfare agencies and juvenile probation departments in meeting their obligations to identify and locate relatives and notify them of their options to participate in the placement and care of the youth in their systems.

The committee considered expanding rule 5.637 to include more information on the responsibilities of the placing agency regarding relative placement. The committee decided that this alternative would unnecessarily expand the scope and focus of the rule.

The committee discussed the issue of family finding for dual-status youth as referenced in section 241.1. The invitation to comment included specific questions regarding whether placing agencies' family finding obligations for dual-status youth should be included in rule 5.637; the committee's recommendations are described above.

The committee also considered three alternatives in defining the ongoing due diligence efforts in family finding: (1) explicitly state that the obligation continues until the child is returned home or placed for adoption, (2) decline to further define "ongoing" in the rule, or (3) add a definition of "ongoing" in the advisory committee comment. The committee considered elaborating on the definition of "ongoing" to include the language "returned home or" prior to "placed for adoption," but declined to further define the extent of "ongoing" family finding investigations to provide the courts the discretion to make the finding on a case-by-case basis.

Fiscal and Operational Impacts

Based on the legislative change in SB 384, placing agencies may incur minor costs because they were previously not required to conduct a computer search. However, implementing the legislation does not require the court to hold any additional hearings or otherwise burden court resources, and so the costs to the judicial branch are expected to be minimal.

Attachments and Links

1. Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810, at pages 13–22
2. Form JV-672, at pages 23–26
3. Chart of comments, at pages 27–50
4. Link A: All County Letter No. 18-42 (Apr. 6, 2018), Family Finding and Engagement, from Cal. Dept. of Social Services, *www.cdss.ca.gov/Portals/9/ACL/2018/18-42.pdf?ver=2018-04-09-132626-940*
5. Link B: Welf. & Inst. Code, § 309, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=309&lawCode=WIC
6. Link C: Welf. & Inst. Code, § 628, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=628.&lawCode=WIC

Rules 5.637, 5.695, 5.790, and 5.810 of the California Rules of Court are amended, effective January 1, 2024, to read:

Rule 5.637. Family finding (§§ 309(e), 628(d))

(a) Definition

(1) "Family finding" means conducting an investigation to identify kin and connect the child with those kin in an effort to provide family support and possible placement. For an Indian child, family finding also includes contacting the child's Indian tribe to identify kin.

(2) "Kin" means any relative as defined in rule 5.502(34), and any nonrelative extended family member of the child or the child's relatives.

(3) "Nonrelative extended family member" means an adult who has an established familial or mentoring relationship with a child or a familial relationship with a relative of the child. These adults may include but are not limited to the following people: godparents, teachers, clergy, neighbors, parents of a sibling, and family friends.

(b) Juvenile dependency proceedings

(1) ~~Within~~ No later than 30 days ~~of a child's removal~~ after a child is removed from ~~the home of his or her~~ their parent or guardian and detained in a juvenile dependency proceeding, ~~if the child is in or at risk of entering foster care,~~ the social worker ~~or probation officer~~ must use due diligence in conducting family finding, including an investigation to identify, locate, and ~~notify~~ provide notification and information as required in paragraph (2) to the child's parents or alleged parents, all the child's adult ~~relatives~~ kin, parents with legal custody of the child's siblings, any adult siblings, and in the case of an Indian child, any extended family members of the child's tribe.

(2) After locating persons specified in paragraph (1), the social worker must provide to them, within 30 days of removal, the following:

(A) Written notification that the child has been removed from the parent, guardian, or Indian custodian's custody;

(B) An explanation in writing of the available options to participate in the child's care and placement, including the information set forth in section 309(e)(1)(B); and

(C) A copy of *Relative Information* (form JV-285) for providing information to the social worker and the court regarding the child's needs and to request permission to address the court, if desired.

Oral notification in person or by telephone of the information must also be provided to the child's kin, when appropriate.

(c) Juvenile delinquency proceedings

(1) No later than 30 days after a child is detained in a juvenile delinquency proceeding, if the probation officer has reason to believe that the child may be at risk of entering a foster care placement or within 30 days of the court order placing the child into foster care, the probation officer must use due diligence to conduct family finding, including an investigation to identify, locate, and provide notification and information as required in paragraph (2) to the child's parents or alleged parents, all of the child's adult kin, parents with legal custody of the child's siblings, any adult siblings, and in the case of an Indian child, any extended family members of the child's tribe.

(2) After locating the child's kin and other persons specified in paragraph (1), the probation officer must provide within 30 days of the date on which the child is detained, to all kin who are located, the following:

(A) Written notification that the child has been removed from the parent, guardian, or Indian custodian's custody; and

(B) An explanation in writing of the available options to participate in the child's care and placement, including the information set forth in section 628(d)(2)(B).

Oral notification in person or by telephone of the information must also be provided to the child's kin, when appropriate.

(d) Due diligence (§§ 309, 628, Fam. Code, § 7950)

(1) During the time the child is removed from the child's parent, guardian, or Indian custodian, the social worker and probation officer have an ongoing responsibility to exercise due diligence to engage in family finding until the time the child is placed for adoption.

(2) The court must find whether the social worker or probation officer has exercised due diligence in family finding by:

(A) Asking the child, in an age-appropriate manner and consistent with the child's best interests, about the identity and location of kin;

(B) Using a computer-based search engine and internet-based search tools to locate kin identified as support for the child and their family; and

(C) If it is known or there is reason to know the child is an Indian child as defined by section 224.1, contacting the Indian child's tribe to identify kin.

(3) When making the finding of due diligence, the court may also consider other efforts, including whether the social worker or probation officer has done any of the following:

(A) Obtained information regarding the location of the child's kin;

(B) Reviewed the child's case file for any information regarding kin;

(C) Telephoned, emailed, or visited all identified kin;

(D) Asked located kin for the names and locations of other kin; or

(E) Developed tools—including a genogram, family tree, family map, or other diagram of family relationships—to help the child, parent, guardian, or Indian custodian to identify kin.

(4) In cases involving a dual-status child, the duty to exercise due diligence in family finding must be assigned in accordance with the written protocols required by section 241.1(b)(4).

(e) When notification of kin is inappropriate

The social worker or probation officer is not required to notify kin whose personal history of family or domestic violence would make notification inappropriate. A social worker or probation officer who determines that notification of kin is inappropriate under this subdivision must notify the court that kin has not been notified and explain the reasoning underlying that lack of notification.

Advisory Committee Comment

This rule initially restated the original requirements of section 103 of the federal Fostering Connections to Success and Increasing Adoptions Act (Pub.L. No. 110-351, § 103 (Oct. 7, 2008) 122 Stat. 3949, 3956, codified at 42 U.S.C. § 671(a)(29)) as implemented by California Assembly

Bill 938 (Com. on Judiciary; Stats. 2009, ch. 261, codified at Welf. & Inst. Code, §§ 309(e) and 628(d)). These statutes enacted elements of the child welfare practice known as family finding and engagement, which has been recommended to improve outcomes for children by the Judicial Council's California Blue Ribbon Commission on Children in Foster Care and the California Child Welfare Council. (See Cal. Blue Ribbon Com. on Children in Foster Care, *Fostering a New Future for California's Children*, pp. 30–31 (Admin. Off. of Cts., May 2009) (final report and action plan), *www.courts.ca.gov/documents/brc-finalreport.pdf; Permanency Committee Recommendations to the Child Welfare Council*, pp. 1–4 (Sept. 10, 2009), *www.chhs.ca.gov*.)

The rule was amended to reflect Senate Bill 384 (Cortese; Stats. 2022, ch. 811), which revised Welfare and Institutions Code sections 309 and 628 regarding the obligation of the social worker and probation officer to engage in family finding in dependency and delinquency cases.

Rule 5.695. Findings and orders of the court—disposition

(a)–(d) * * *

(e) Family-finding determination (§ 309)

(1) If the child is removed, the court must consider and determine whether the social worker has exercised due diligence in conducting the required investigation to identify, locate, and notify the child's ~~relatives~~ kin. The court ~~may~~ must consider the mandatory activities listed in ~~(f) as examples of due diligence~~ rule 5.637(d)(2) and may consider the additional activities listed in rule 5.637(d)(3) in determining whether the agency has exercised due diligence in family finding. The court must document its determination by making a finding on the record.

If the dispositional hearing is continued, the court may set a hearing to be held 30 days from the date of removal or as soon as possible thereafter to consider and determine whether the social worker has exercised due diligence in conducting the required investigation to identify, locate, and notify the child's ~~relatives~~ kin.

(2) If the court finds that the social worker has not exercised due diligence, the court may order the social worker to exercise due diligence in conducting an investigation to identify, locate, and notify the child's ~~relatives~~ kin—except for any individual the social worker identifies as inappropriate to notify under rule 5.637~~(b)~~(e)—and may require a written or oral report to the court.

~~**(f) Due diligence (§ 309)**~~

~~When making the determination required in (e), the court may consider, among other examples of due diligence, whether the social worker has done any of the following:~~

~~(1) Asked making the determination required in (e), the court may consider, among other examples of due diligence, whether the social worker has done any of the following:~~

~~(2) Obtained information regarding the location of the child's relatives;~~

~~(3) Reviewed the child's case file for any information regarding relatives;~~

~~(4) Telephoned, e-mailed, or visited all identified relatives;~~

~~(5) Asked located relatives for the names and locations of other relatives;~~

~~(6) Used Internet search tools to locate relatives identified as supports; or~~

~~(7) Developed tools, including a genogram, family tree, family map, or other diagram of family relationships, to help the child or parents to identify relatives.~~

~~(g)~~ (f) Provision of reunification services (§ 361.5)

(1)–(10) * * *

~~(h)~~ (g) Information regarding termination of parent-child relationship (§§ 361, 361.5)

* * *

~~(i)~~ (h) Setting a hearing under section 366.26

* * *

Rule 5.790. Orders of the court

(a)–(e) * * *

(f) Family-finding determination (§ 628(d))

(1) If the child is detained ~~or~~ and at risk of entering foster care placement or within 30 days of the court order placing the child into foster care, the court must consider and determine whether the probation officer has exercised due diligence in conducting the required investigation to identify, locate, and ~~notify~~ provide notification and information as required in paragraph (2) of rule 5.637(c) to the child's ~~relatives~~ kin. Due diligence in family finding requires that the probation officer engaged in the mandatory activities listed in rule 5.637(d)(2). The court may also consider the additional activities listed in ~~(g)~~ rule 5.637(d)(3) ~~as examples of due diligence~~. The court must document its determination by making a finding on the record.

If the dispositional hearing is continued, the court may set a hearing to be held 30 days from the date of detention or as soon as possible thereafter to consider and determine whether the probation officer has exercised due diligence in conducting the required investigation to identify, locate, and notify the child's ~~relatives~~ kin.

(2) If the court finds that the probation officer has not exercised due diligence, the court may order the probation officer to exercise due diligence in conducting an investigation to identify, locate, and notify the child's ~~relatives~~ kin—except for any individual the probation officer identifies who is inappropriate to notify under rule 5.637~~(b)~~(e)—and may require a written or oral report to the court.

~~(g) Due diligence~~

~~When making the determination required in (f), the court may consider, among other examples of due diligence, whether the probation officer has done any of the following:~~

~~(1) Asked the child, in an age-appropriate manner and consistent with the child's best interest, about his or her relatives;~~

~~(2) Obtained information regarding the location of the child's relatives;~~

~~(3) Reviewed the child's case file for any information regarding relatives;~~

~~(4) Telephoned, e-mailed, or visited all identified relatives;~~

~~(5) Asked located relatives for the names and locations of other relatives;~~

~~(6) Used Internet search tools to locate relatives identified as supports; or~~

~~(7) Developed tools, including a genogram, family tree, family map, or other diagram of family relationships, to help the child or parents to identify relatives.~~

~~(h)~~ (g) Wardship orders (§§ 726, 727, 727.1, 730, 731)

* * *

~~(i)~~ (h) Fifteen-day reviews (§ 737)

* * *

Rule 5.810. Reviews, hearings, and permanency planning

(a) * * *

(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)

A permanency planning hearing for any ward who has been removed from the custody of a parent or guardian and not returned at a previous review hearing must be held within 12 months of the date the ward entered foster care as defined in section 727.4(d)(4). However, when no reunification services are offered to the parents or guardians under section 727.2(b), the first permanency planning hearing must occur within 30 days of disposition.

(1) *Consideration of reports (§ 727.3)*

The court must review and consider the social study report and updated case plan submitted by the probation officer and the report submitted by any CASA volunteer, and any other reports filed with the court under section 727.3(a)(2).

(2) *Findings and orders (§§ 727.2(e), 727.3(a))*

At each permanency planning hearing, the court must consider the safety of the ward and make findings and orders regarding the following:

(A) The continuing necessity for and appropriateness of the placement;

(B) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the child to the child's

home and to complete whatever steps are necessary to finalize the permanent placement of the child;

(C) The extent of progress that has been made by the child and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care;

(D) The permanent plan for the child, as described in (3);

(E) Whether the child was actively involved, as age- and developmentally appropriate, in the development of his or her own case plan and plan for permanent placement. If the court finds that the child was not appropriately involved, the court must order the probation officer to actively involve the child in the development of his or her own case plan and plan for permanent placement, unless the court finds that the child is unable, unavailable, or unwilling to participate; ~~and~~

(F) Whether each parent was actively involved in the development of the case plan and plan for permanent placement. If the court finds that any parent was not actively involved, the court must order the probation department to actively involve that parent in the development of the case plan and plan for permanent placement, unless the court finds that the parent is unable, unavailable, or unwilling to participate; ~~and~~

(G) If sibling interaction has been suspended and will continue to be suspended, that sibling interaction is contrary to the safety or well-being of either child~~.~~; and

(H) Whether the probation officer has exercised due diligence under rule 5.637 in conducting the required investigation to identify, locate, and provide notification and information as required in paragraph (2) of rule 5.637(c) to the child's kin. The court must consider the mandatory activities listed in rule 5.637(d)(2) and may consider the additional activities listed in rule 5.637(d)(3) in determining whether the department has exercised due diligence in family finding. The court must document its determination by making a finding on the record.

(3)–(4) * * *

(c) Postpermanency status review hearings (§ 727.2)

A postpermanency status review hearing must be conducted for wards in placement no less frequently than once every six months.

(1) * * *

(2) *Findings and orders (§ 727.2(g))*

At each postpermanency status review hearing, the court must consider the safety of the ward and make findings and orders regarding the following:

(A) Whether the current permanent plan continues to be appropriate. If not, the court must select a different permanent plan, including returning the child home, if appropriate. If the plan is another planned permanent living arrangement, the court must meet the requirements ~~set forth~~ stated in Welfare and Institutions Code section 727.3(a)(5);

(B) The continuing necessity for and appropriateness of the placement;

(C) The extent of the probation department's compliance with the case plan in making reasonable efforts to complete whatever steps are necessary to finalize the permanent plan for the child;

(D) Whether the child was actively involved, as age appropriate and developmentally appropriate, in the development of his or her own case plan and plan for permanent placement. If the court finds that the child was not appropriately involved, the court must order the probation department to actively involve the child in the development of his or her own case plan and plan for permanent placement, unless the court finds that the child is unable, unavailable, or unwilling to participate; ~~and~~

(E) If sibling interaction has been suspended and will continue to be suspended, sibling interaction is contrary to the safety or well-being of either child~~.~~; and

(F) Whether the probation officer has exercised due diligence under rule 5.637 in conducting the required investigation to identify, locate, and provide notification and information as required in paragraph (2) of rule 5.637(c) to the child's kin. The court must consider the mandatory activities listed in rule 5.637(d)(2) and may consider the additional activities listed in rule 5.637(d)(3) in determining whether the department has exercised due diligence in family finding. The court must document its determination by making a finding on the record.

(3) * * *

(d)–(f) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:	FOR COURT USE ONLY
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** **JV-672.v6.082123.jh**
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 PREPERMANENCY HEARING—DELINQUENCY	CASE NUMBER:

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 Welfare & Institutions Code section 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.

CHILD'S NAME:	CASE NUMBER:

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.**

15. a. ☐ The probation department ☐ has ☐ has not exercised due diligence to locate an appropriate kin with whom the child could be placed.

    b. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated.

16. ☐ 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):*	☐	☐	☐	☐	☐

17. ☐ 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

18. ☐ 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:

CHILD'S NAME:	CASE NUMBER:

19. 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 offier is not required to involve them because they are unable, unavailable, or unwilling to participate.

20. ☐ 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.

21. ☐ 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:

22. 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):*

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):*

23. ☐ 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.

24. ☐ 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

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

26. ☐ 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.

CHILD'S NAME:	CASE NUMBER:

27. 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.

28. ☐ 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 Cal. 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).

29. ☐ 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.

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 to assist the child is: .
The support person's relationship 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.

Parentage

31. 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):*

CHILD'S NAME:	CASE NUMBER:

Advisement

32. 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.**

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 date the child entered foster care is:

36. ☐ **The next hearing will be**

Date:	Time:	Dept:	Type of hearing:
Date**:**	Time:	Dept:	Type of hearing:

37. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.

38. ☐ 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.

39. Number of pages attached:

Date:

_____
Judicial Officer

SPR23-21
Juvenile Law: Family Finding and Engagement (Amend Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810; revise form JV 672)

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	**Position**	**Comment**	**Committee Response**
1.	Alliance for Children's Rights by Kristin Power Vice President, Policy and Advocacy	AM	**Proposed Changes to Notification Provision in Rule 5.637(e)** We appreciate and agree with the committee's decision to include a requirement that the court be notified when the placing agency has decided not to notice a relative of placement opportunities due to that relative's personal history of family or domestic violence. **We recommend that the rule also include a requirement to also notify the minor's attorney, parent's attorney, and (if applicable) the child's tribe.** If the attorney for the minor or parent disagrees with the placing agency's assessment of the relative or can provide additional information demonstrating the appropriateness of noticing a relative, it would provide the attorney an opportunity to engage with the placing agency on the issue or, if necessary, raise the issue with the court prior to the next scheduled hearing. **Specifically, we recommend that proposed Rule 5.637(e) read as follows:** "A social worker or probation officer who determines that notification of a relative is inappropriate under this subdivision must	The committee appreciates the commenter's attention to this proposal and the overall support for the notice requirement to the court when the placing agency has decided not to notice a relative of placement opportunities due to that relative's personal history of family or domestic violence. The committee appreciates this feedback, but since this suggestion constitutes a substantive change and would require circulation for public comment, the committee chose to defer consideration of this suggestion to a future rules cycle.

SPR23-21
Juvenile Law: Family Finding and Engagement (Amend Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810; revise form JV 672)

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	**Position**	**Comment**	**Committee Response**
			notify the court, the child's attorney, the parent's attorney and in the case of an Indian child, the child's tribe, that the relative has not been notified and explain the reasoning behind the lack of notification." Any costs to this additional requirement would be minimal as a hearing is not required.	
2.	Steven Ipson Los Angeles County Commissioner	AM	This change may be viewed as non-substantive, but the JV-672 is identified on its heading as a DELINQUENCY form. I believe it should be identified as a JUSTICE form. This will conform with Rule 5.637 which as proposed references JUSTICE. Any definition used in the draft rule appears appropriate.	The committee respectfully declines to amend form JV-672 as requested. The committee has previously recommended to the council, and the council has approved, leaving all references to "delinquency" on the form rather than "juvenile justice" since the Welfare and Institutions Code still uses the term "delinquency".
3.	Orange County Bar Association by Michael A. Gregg, President	A	The proposal adequately addresses the stated purpose. Specific Comments: Should rule 5.637 specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1, and if so, what should the rule provide to ensure that	The committee appreciates the attention to this proposal from the commenter's organization and the overall support for the clarification of due diligence in family finding.

SPR23-21
Juvenile Law: Family Finding and Engagement (Amend Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810; revise form JV 672)

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

List of All Commenters, Overall Positions on the Proposal, and General Comments				
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			family finding is carried out as intended by statute? Yes. The task could be assigned to the lead agency under section 241.1. Is the definition for kin in rule 5.637 accurate and complete, or should a different definition be proposed to include as part of the rule? It is accurate and complete. Is the definition for a nonrelative extended family member (NREFM) in rule 5.637 accurate and complete, or should a different definition be included in the rule? It is accurate and complete.	The committee agrees that the rule should address family finding for dual status children. The proposed amendments require that the duty to exercise due diligence in family finding be assigned in accordance with the written protocols required by section 241.1(b)(4). No response required. No response required.
4.	Santa Clara County Probation Dept. Juvenile Division by Nick Birchard, Chief Probation Officer	NI	***Proposed rule 5.637****.* Proposed rule 5.637 includes provisions regarding the due diligence required of probation officers and social workers engaging in family finding and certain definitions for terms integral to the family finding process. *Family finding for dual-status youth*. The	No response required. The committee appreciates the commenter's

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			Family and Juvenile Law Advisory Committee requested specific comments on the question of whether rule 5.637 should address dual-status youth. The Probation Department does not view specifically addressing dual-status youth as necessary given that the family finding process should be the same for dual-status youth as it is for other youth. *Definition of kin and NREFM.* The Committee requested specific comments on whether "kin" and "NREFM" are defined in an accurate and complete manner. The Probation Department believes both definitions are clear and supports the inclusion of the definitions in Rule 5.637 so that county agencies are not required to refer to a different rule for relevant definitions (e.g., Rule 5.502). *Ongoing duty to exercise due diligence in family finding*. Subdivision (d) states the ongoing duty of the social worker or probation officer to exercise due diligence in family finding throughout the dependency or delinquency case until the child is placed for adoption. The Probation Department requests	feedback. The committee considered recommending no action based on the evolving legislative action in this area, but concluded that specifically addressing dual-status youth in the rules to be consistent with the written protocols required by section 241.1(b)(4) would be a helpful reminder to child welfare agencies and juvenile probation departments to update their protocols. The committee appreciates the attention to this proposal from the commenter's organization and its support of the proffered definitions of "kin" and "NREFM" in the rule. The committee notes that the "ongoing responsibility to exercise due diligence to engage in family finding" begins within 30 days of the removal and detention of the child under sections 309(e)(1) and 628(d)(2) and extends "until the time the child is

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			clarification on the term "ongoing". For example, would addressing family finding efforts at each prepermanency hearing meet the obligation to exercise ongoing due diligence? It would also be helpful to understand whether and how this statement regarding an "ongoing" obligation in the rules modifies the Probation Department's obligation to exercise due diligence as provided for in Welfare and Institutions Code section 628.	placed for adoption" under subsection (d) of proposed rule 5.637, in keeping with the statutory language of Family Code section 7950. The "ongoing" responsibility to exercise due diligence in family finding under rule 5.637(d) is meant to be co-extensive with the placement agency's diligent efforts duty under Family Code section 7950(a)(1). While the due diligence duty to find relatives is ongoing until adoption, the finding that the court has to make regarding the diligent efforts the placement agency has made occurs at every permenancy or post-permanency hearing until the child is adopted.
5.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	A	[T]he Court agrees that Cal. Rules of Court, rule 5.637 should specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1. The rule should provide that either probation or the social worker provide proof/notification to the Court of the specific activities that were taken for due diligence.	The committee appreciates the attention to this proposal specifically for dual-status cases. The committee concluded not to require the placing agency to provide proof/notification to the Court of the specific activities that were taken for due diligence because rules 5.695(e) and 5.810 (b)(2)(H) and (c)(2)(F) as amended would require the court to make specific findings necessarily based on the presentation of evidence of due diligence in family finding at every permanency and post-permanency hearing.

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			The Court finds that the definition for kin and for a nonrelative extended family member (NREFM) in Cal. Rules of Court, rule 5.637 to be accurate and complete, as stated.	The committee appreciates the attention to this proposal from the court and its support of the proffered definitions of "kin" and "NREFM" in the rule.
6.	Superior Court of Orange County Family Law and Juvenile Divisions by Jenny Diaz Avendano, Operations Analyst Analyst & Training Team	NI	*Does the Proposal appropriately address the stated purpose?* Yes. *Should rule 5.637 specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1, and if so, what should the rule provide to ensure that family finding is carried out as intended by statute?* It may be helpful to include family finding requirements for a dual-status child to ensure the county probation department and child welfare services department are actively communicating and collaborating the information from their separate investigations to identify relatives and kin of the child. The rule may want to include the due diligence of both agencies in conducting their investigations and	The committee appreciates the attention to this proposal from the commenter's organization and the overall support for the clarification of due diligence in family finding. The committee appreciates this feedback and decided to require that the duty be assigned in accordance with the written protocols required by section 241.1(b)(4) rather than to amend rule 5.637 to specifically assign the family finding duty to both agencies in dual-status child cases because this reserves discretion for the counties to determine how to allocate the family finding investigation responsibilities between placing agencies

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			presenting both of their findings to the court, no matter if the county has adopted the on-hold system or lead court/lead agency system. *Is the definition for kin in rule 5.637 accurate and complete, or should a different definition be proposed to include as part of the rule?* Yes. *Is the definition for a nonrelative extended family member (NREFM) in rule 5.637 accurate and complete, or should a different definition be included in the rule?* Yes. *Would the proposal provide cost savings? If so, please quantify.* 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?*	based on whether there is a lead agency or "on hold" concurrent jurisdiction. No response required. No response required. No response required.

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			The implementation would require case management system updates to include due diligence finding language, and written communication to staff, and judicial officers. *Would three months from the Judicial Council's approval of this proposal until its effective date provide sufficient time for implementation?* Yes. *How well would this proposal work in courts of different sizes?* Our court is a large court, and this could work for Orange County.	No response required. No response required. No response required.
7.	Superior Court of Riverside County by Susan Ryan, Chief Deputy of Legal Services	NI	Does the proposal appropriately address the stated purpose? Yes, the proposed updates to the rules of court and the revision of JV-672 do help to clarify the due diligence requirement for the family finding obligation pursuant to SB384. Should rule 5.637 specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1, and if so,	The committee appreciates the attention to this proposal from the commenter's organization and the overall support for the clarification of due diligence in family finding.

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			what should the rule provide to ensure that family finding is carried out as intended by statute? It may alleviate confusion for rule 5.637 to contain a statement that the new requirements apply to dual-status children as defined in WIC 241.1. Is the definition for kin in rule 5.637 accurate and complete, or should a different definition be proposed to include that as part of the rule? The definition for kin proposed in Rule 5.637(a)(2) is accurate and complete. Is the definition for a nonrelative extended family member (NREFM) in rule 5.637 accurate and complete, or should a different definition be included in the rule? The definition for kin proposed in Rule 5.637(a)(3) is accurate and complete. Would the proposal provide cost savings? If so, please quantify. No	The committee recommends amending rule 5.637(d)(1) to include that the family finding duty be assigned in accordance with the written protocols required by section 241.1(b)(4). No response required. No response required. No response required.

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			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 implementation requirements would be minimal. Some existing minute codes regarding family finding and engagement may need to be updated and some new minute codes may need to be created. Minimal training of court staff would be needed. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. How will would this proposal work in courts of different sizes? The proposals should work well for courts of any size.	The committee appreciates the court's feedback that the implementation measures and additional training required by the proposal would be minimal. No response required. No response required.
8.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	• Does the proposal appropriately address the stated purpose?	The committee appreciates the court's support for the family finding proposal.

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			Yes. • Should rule 5.637 specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1, and if so, what should the rule provide to ensure that family finding is carried out as intended by statute? **Yes, if the dual-status child is at risk of entering foster care or placed in foster care. One possible way to approach this is to add a paragraph to rule 5.637(b) like, "(3) If the child has dual status pursuant to section 241.1(e) and the child welfare services department is the lead agency, the provisions of this subdivision apply to the child." Similarly, add a paragraph to rule 5.637(c) like, "(3) If the child has dual status pursuant to section 241.1(e) and the probation department is the lead agency, the provisions of this subdivision apply to the child."** • Is the definition for kin in rule 5.637 accurate and complete, or should a different definition be proposed to include as part of the rule? **Consider including the extended family**	The committee recommends amending rule 5.637(d)(1) to include that the family finding duty be assigned in accordance with the written protocols required by section 241.1(b)(4). The committee thanks the court for its feedback, but notes that as drafted, rule 5.637(a)(2) already incorporates the extended family members of an Indian child by referencing rule 5.502, subdivision (34),

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			members of an Indian child.	which includes "(B) An extended family member as defined by the law or custom of an Indian child's tribe. (25 U.S.C. § 1903(2).)"
			• Is the definition for a nonrelative extended family member (NREFM) in rule 5.637 accurate and complete, or should a different definition be included in the rule? **WIC § 362.7 includes "medical professionals" in the non-exclusive list of examples of an NREFM. Consider including them in rule 5.637 as well.**	The committee concluded that including "medical professionals" in the definition of a NREFM is not accurate because the list of examples at the end of section 362.7 is a list of third parties that the county welfare department may interview to verify the existence of another individual's established familial or mentoring relationship with the child for purposes of verifying a NREFM.
			• Would the proposal provide cost savings? If so, please quantify. **Probably. The proposal saves the juvenile courts the time and effort that would be required to develop these forms on their own or to include all the new required findings and orders in their case management systems**.	The committee appreciates the court's feedback that the proposal would probably provide cost savings to the court.
			• What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising	

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			processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? **In addition to those already mentioned, courts would need to inform their judicial officers and their justice partners (child welfare agency, probation department, attorney offices, CASA offices, et al.) of the revised rules of court and forms.** • Would three months from the Judicial Council's approval of this proposal until its effective date provide sufficient time for implementation? **Yes.** • How well would this proposal work in courts of different sizes? **This proposal would work fine in the San Diego Superior Court (a large court).** Additional comments: • **CRC 5.637(b)(2)(A) – consider adding "Indian custodian's" (see WIC § 309(e)(1)(A)):** … the child has been removed from the parent, ~~or~~ guardian~~'s~~, or Indian custodian's custody;	The committee appreciates the court's feedback of potential additional implementation education measures necessary for justice partners. No response required. No response required. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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			WIC § 309(e)(1) also requires oral notification in person or by telephone "whenever appropriate." Would it be better to include that option in paragraphs (A) and (B) here and elsewhere, rather than in a separate paragraph after (C) (especially since it does not apply to paragraph (C))? For example, "(A) Written notification and, whenever appropriate, oral notification that the child has been removed …"	Rule 5.637 already contains the "oral notification" requirement at the end of subsections (b)(2) and (c)(2). The oral notification is only required "when appropriate", whereas the written notification requirement is always required. The committee concluded the rule should remain as it circulated for comment so as not to confuse the different obligations.
			• **CRC 5.637(b)(2)(B) and elsewhere– consider simply referencing WIC § 309(e)(1)(B) to cover all options:** (B) An explanation in writing and, whenever appropriate, oral notification of the available options to participate in the child's care and placement and to support the child's family, including the information ~~on how to become a resource family and information on additional services and support that are available in out-of-home placements, including visitation and public monetary aid programs~~ set forth in section 309(e)(1)(B); and	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption. The committee concluded that it was appropriate to incorporate section 309(e)(1)(B) by reference in rule 5.637(b)(2)(B) and section 628(d)(2)(B) by reference in rule 5.637(c)(2)(B).
			• **CRC 5.637(c)(1) – consider replacing "delinquency" with "justice" and other**	The committee considered making this change prior to circulating the proposal for

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			suggested edits: <u>If the probation officer has reason to believe the child may be at risk of entering foster care placement, N</u>no later than 30 days after a the [sic] child is detained in a juvenile ~~delinquency~~ justice proceeding, ~~if the probation officer has reason to believe that the child may be at risk of entering a foster care placement~~ or within 30 days of …	comment. Because the Welfare and Institutions Code still uses the term "delinquency", the committee concluded the rule should also use that term.
			And consider here and in 5.790(f)(1) whether "no later than 30 days after the child's placement into foster care" should be changed to "no later than 30 days after the court orders foster care placement." (See WIC § 628(d)(4).)	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			• **CRC 5.637(d)(2) & (3) – consider adding "and kin" after "relatives" (see WIC §§ 309(e)(3)(B), 628(d)(3)(B) which use both terms) or, since 5.637(a)(2) defines "kin" to include relatives, replace "relatives" with "kin." Also, add (C) to 5.637(d)(2).** e.g., (A) Asked the child, in an age-appropriate manner and consistent with the child's best interests, about the identity and location of relatives <u>and kin</u>; and… <u>(C) If it is known or there is reason to know the child is an Indian child,</u>	The committee agrees with the suggestion to replace "relatives" with "kin" and has incorporated it into the revisions that it is recommending for adoption. The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.

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			contacted the Indian child's tribe to identify relatives and kin. … (E) Developed tools—including a genogram, family tree, family map, or other diagram of family relationships—to help the child ~~or~~ and parents, guardians, or Indian custodian to identify relatives and kin.	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			• CRC 5.695(e)(2) – Consider whether "(b)" should be replaced with "(e)", i.e. "rule 5.637(e)"	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			• JV-672, Title – consider changing "DELINQUENCY" to "JUVENILE JUSTICE" (similar changes would be needed for JV-618C, K, S, V, JV-625, JV-635, JV-640, JV-642, JV-644, JV-645, JV-672, JV-674, JV-678, JV-680, JV-682, JV-683, JV-688, JV-700, JV-816, and JV-817).	The committee has previously recommended to the council, and the council has approved, leaving all references to "delinquency" rather than "juvenile justice" since the Welfare and Institutions Code still uses the term "delinquency".
			• JV-672, item 3 – Should these items be revised to reflect the difference between "reason to believe" and "reason to know" as set forth in WIC §§ 224.2, 224.3? (That is, "reason to believe" requires further	The committee concluded that the suggested revision to item 3 is outside the scope of this proposal. The committee also wants to maintain consistency among the JV forms used in delinquency proceedings. The

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			inquiry; "reason to know" requires ICWA notice.)	committee defers this suggestion to a future cycle.
			• JV-672, item 28 and 28.a – Consider inserting "or developmental-services" after "educational."	The committee concluded that this suggestion is outside the scope of this proposal. In addition, the committee notes the form references rule 5.650(e) and (f), which already includes "developmental services" as vesting with the educational rights holder.
			• JV-672, item 30.a.(1) & (3) – Consider changing "and" to "or" ("career ~~and~~ or technical education") per WIC § 16501.1(g)(22).	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			• JV-672, item 30.a.(4) – Consider changing "in preparing" to "with applications" ("to assist the child ~~in preparing~~ with applications for postsecondary education") per WIC § 16501.1(g)(22).	The committee concluded that this suggestion is outside the scope of the current proposal. Since this provision on the form is not legally inaccurate, and making this change would make the form inconsistent with all other status review forms in dependency and delinquency proceedings, the committee chose to defer consideration of this suggestion to a future rules cycle.
			• JV-672, item 31.a. – Consider adding "(Juvenile)" to title of form ("a Statement Regarding Parentage (Juvenile) (form	The committee concluded that the suggested revision is inaccurate because form JV-505's title does not contain "(Juvenile)".

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			JV-505)").	
9.	Youth Law Center by Lauren E. Brady, Director of Legal Advocacy	AM	Good Afternoon, Please find attached the comments of the Youth Law Center regarding Item Number SPR23-21, regarding Juvenile Law: Family Finding and Engagement. We appreciate the opportunity to comment; please do not hesitate to reach out with any further questions. Suggested edit: Add the word kin throughout, following the mention of the word relatives. The definition of family finding includes relatives and kin, yet the rules mention only relatives in each section. This edit is required to make sure all the requirements related to family finding and due diligence include activities related to both relatives and kin. This edit should be made in the related forms as well - forms should state "relatives and kin" at each mention. Suggested edit to 5.637(a) Definitions: (1) "Family finding" means conducting an investigation to identify relatives and kin and connect the child with those relatives	 No response required. No response required. The committee appreciates the commenter's helpful suggestion, but rather than adding the word "kin" throughout, the committee decided to recommend further amending rule 5.637(d)(2) and (3) by replacing "relatives" with "kin" since "kin" is defined to include "relatives" and is thus consistent with the statutory language of sections 309(e)(3)(B) and 628(d)(3)(B). The committee concluded that the rule should track the statutory language in sections 309(e)(3)(B) and 628(d)(3)(B), which does not include "collaborating with"

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			and kin in an effort to provide family support and possible placement. For an Indian child, family finding also includes contacting **and collaborating with** the child's Indian tribe to identify relatives and kin." This change would comport with the ongoing affirmative and continuing duties to collaborate on all types of issues at all stages of a case regarding an Indian child (see ACLs on ICWA). Suggested edit to 5.637(a) Definitions: (3) "Nonrelative extended family member (NREFM)" means an adult who has an established **or will establish a** familial or mentoring relationship with a child or a familial relationship with a relative of the child. These adults may include, but are not limited to, the following people: godparents, teachers, clergy, neighbors, parents of a sibling **or other extended family members,** and family friends. We recommend that this edit be made so that it is clear that the Rule includes individuals with whom the child <u>will</u> establish a relationship. NREFMs who are willing to develop more of an established relationship should be included.	the Indian child's tribe to identify relatives and kin. Although "collaborating with" is not inconsistent with the intent of the statute, it would add a duty that is not currently in the statute and was not circulated for public comment. Since making this change would make the form inconsistent with all other status review forms in dependency and delinquency proceedings, the committee chose to defer consideration of this suggestion to a future rules cycle. The committee concluded that the proposed language is inconsistent with the statutory definition of NREFM. The committee concluded that it is unnecessary to insert "or other extended family members" into rule 5.637(a)(3) because extended family members are already included in the definition of kin in paragraph (a)(2).

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			Suggested edit to 5.637(b) Juvenile Dependency Proceedings: (2) After locating the child's relatives and other persons specified in paragraph (1), the social worker must**, within 30 days of removal,** provide to ~~them~~ **all adult relatives** the following:	The committee thanks the commenter for this helpful suggestion, and has modified the recommended rule to be consistent with the statutory notice requirements contained in sections 309(e)(1) and 628(d)(2). The committee agrees with the suggestion to specify the 30 day time frame and has incorporated it into the revisions that it is recommending for adoption. The committee does not recommend adding "adult" to the rule, however, because the term relative is defined to only include adults.
			(A) Written notification that the child has been removed from the parent**,** ~~or~~ guardian~~'s~~**, or Indian custodian's** custody;	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			(B) An explanation in writing of the available options to participate in the child's care and placement~~, and~~ —including information on how to become a resource family**, an approved relative, or a nonrelative extended family member (NREFM)—**and information on additional services and support that are available in	The committee concluded that a reference to section 309(e)(1)(B) (which sets out information to be provided) should be in rule 5.637(b)(2)(B).

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			out-of-home placements, including visitation and public monetary aid programs; and … Oral notification in person or by telephone of the information may also be provided to the child's relatives when appropriate, **but should be followed by the provision of written information to the extent possible.** It is important to ensure that all appropriate relatives identified receive the information to which they are entitled and which they need to make appropriate decisions for themselves and their families in as many formats as possible to encourage information sharing and dialogue to meet the needs of the child. Suggested edit to 5.637(c) Juvenile Justice Proceedings: (1) No later than 30 days after a child is detained in a juvenile delinquency proceeding, if the probation officer has reason to believe that the child may be at risk of entering a foster care placement or within 30 days of a child's placement into foster care, the probation officer must use	The committee appreciates this suggestion, but declines to modify the recommended rule because the proposed language does not comply with statute, which mandates written notification.

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			due diligence to conduct family finding, including an investigation to identify, locate, and provide notification to the child's parents or alleged parents and all of the child's adult relatives, **parents with legal custody of the child's siblings, any adult siblings, and in the case of an Indian child, any extended family members of the child's tribe.** This section should match the provisions in 5.637(b). Same suggested edits as Section (b)(2) above (except for (B)).	The committee agrees with this suggestion and has incorporated it into the revisions that it is recommending for adoption.
			Suggested edit to 5.637(c) Juvenile Justice Proceedings: Add a new section (3) (3) This section applies to children and nonminor dependents who are involved in both juvenile dependency and juvenile justice proceedings. We recommend this addition to ensure that it is clear the obligations in the Rule are applicable to dual status youth.	The committee agrees that the rule should address family finding for dual status children, and concluded that new section (4) should be added to rule 5.637(d), requiring that the duty be assigned in accordance with the written protocols required by section 241.1(b)(4).
			Suggested edit to 5.637(d): Due diligence: For sections (2)(A) through 3(E). For sections (2)(A) through 3(E) any reference to "relatives" should be revised to state "kin or NREFMs" in order to provide	The committee appreciates the commenter's helpful suggestion, and agrees to recommend amending rule 5.637(d)(2) and (3) to replace "relative" with "kin" to be consistent with the statutory language of sections

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	**Position**	**Comment**	**Committee Response**
			consistency with the definitions provided above, or the language should state "relatives, including kin or NREFMs." Suggested edit to 5.637(e) When notification of a relative is inappropriate: The social worker or probation officer is not required to notify a relative whose personal history of family or domestic violence would make notification inappropriate. A social worker or probation officer who determines that notification of a relative is inappropriate under this subdivision must notify **all parties and** the court that the relative has not been notified and explain the reasoning underlying that lack of notification. We recommend this change to ensure *all parties* are notified and can raise any concerns if it is believed the relative or kin should be considered or this standard is not met.	309(e)(3)(B) and 628(d)(3)(B). The committee declines to include "or NREFMs" because rule 5.637(a)(2) already includes NREFMs in the definition of kin. The committee appreciates this feedback, but since this suggestion constitutes a substantive change and would require circulation for public comment, the committee chose to defer consideration of this suggestion to a future rules cycle.