



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

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| Title | Agenda Item Type |
| Juvenile Law: Title IV-E Findings and Orders | Action Required |
| Rules, Forms, Standards, or Statutes Affected | Effective Date |
| Amend Cal. Rules of Court, rules 5.710, 5.715, and 5.810; revise forms JV-320, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-672, JV-674, and JV-678 | January 1, 2018 |
| | Date of Report |
| | July 11, 2017 |
| | Contact |
| | Nicole Giacinti, 415-865-7598 nicole.giacinti@jud.ca.gov |
| Recommended by | |
| Family and Juvenile Law Advisory Committee | |
| Hon. Jerilyn L. Borack, Cochair | |
| Hon. Mark A. Juhas, Cochair | |

Executive Summary

The Family and Juvenile Law Advisory Committee proposes amending three rules of court and revising 18 juvenile law forms designed to assist the courts in documenting required findings and orders in out-of-home placement cases. The proposed changes are designed to bring these rules and forms into compliance with recent legislation.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2018:

1. Revise forms JV-320 (item 16a), JV-432 (item 8), JV-433 (item 13), JV-438 (item 10), JV-442 (item 9), JV-446 (item 28), JV-457 (item 8), JV-674 (item 15), and JV-678 (item 14) to include the newly implemented permanent plan options.

2. Revise forms JV-433 (item 14), JV-438 (item 11), JV-442 (item 10), JV-446 (item 29), JV-457 (item 9), JV-674 (item 17), and JV-678 (item 17) to include the new findings related to children 16 and older.
3. Revise form JV-672 (item 14) to reflect new plan options.
4. Amend the reference to Welfare and Institutions Code section 366.21(e) in rule 5.710 to refer to the correct code sections, which are sections 366.22(e) and (g).
5. Amend the reference to Welfare and Institutions Code section 366.21(f) in rule 5.715 to refer to the correct code sections, which are sections 366.22(f) and (g).
6. Revise forms JV-433 (item 9), JV-445 (item 14a), JV-674 (item 14b(4)), and JV-678 (item 10) to include the relative search finding.
7. Revise forms JV-440 (item 11), JV-445 (item 13), JV-446 (item 17), JV-455 (item 11), JV-674 (item 10a), and JV-678 (item 11a) to include an ongoing and intensive efforts finding for children 16 years of age and older.
8. Revise form JV-443 (item 6a(3)) to require the court to consider barriers to reunification faced by minor and nonminor dependent parents.
9. Revise forms JV-320 (item 20), JV-421 (item 32), JV-430 (item 20), JV-435 (item 20), JV-440 (item 21), JV-445 (item 20), JV-446 (item 26), and JV-455 (item 21) to change references to “independence” and “independent living” to “successful adulthood.”
10. Revise form JV-678 to include the new permanent plan options and associated findings.
11. Revise forms JV-445 (item 24) and JV-446 (item 23) to include a check box that indicates whether a postadoption sibling contact agreement has been developed and, if not, specifies that the court inquired about the development of a voluntary postadoption contact agreement for the siblings.
12. Revise forms JV-674 (item 14) and JV-678 (item 5) to clarify when services are continued or terminated.
13. Revise forms JV-421 (item 29), JV-430 (item 17), JV-435 (item 17), JV-440 (item 18), JV-445 (item 17), JV-446 (item 27), JV-672 (item 21), JV-674 (item 24), and JV-678 (item 23) to include a check box that indicates whether or not the child has a psychotropic medication order and documents the date of the next hearing on that order.
14. Revise form JV-443 (item 6c) to include a finding that allows the court to continue the 18-month review hearing if it finds that reasonable services have not been provided.
15. Revise forms JV-415, JV-430, JV-435, JV-440, and JV-455 to include a notice section that informs parents they will not be advised of their appellate rights if they fail to appear at a future hearing.
16. Amend rule 5.810(c)(2)(A) to clarify that the new findings and orders set forth in Welfare and Institutions Code section 727.3(a)(5) should also be made at postpermanency hearings.

The text of the proposed amendments to the rules is attached at pages 9–12. The proposed revised forms are attached at pages 13–89.

Previous Council Action

Of the 18 forms proposed for revision, all of them, except the nonminor dependent status review hearing form that was created in 2012, were originally created in 2006 as part of a large package of optional forms designed to assist the courts in documenting required findings and orders in out-of-home placement cases. Forms JV-320, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, and JV-457 were last revised in 2011, while forms JV-672, JV-674, and JV-678 were last revised in 2012.

Rules 5.710 and 5.715 were implemented in 1990. Rule 5.710 has been amended 19 times, while rule 5.715 has been amended 18 times. Both were most recently amended effective January 2017 to replace language mirroring statute with citations to statute. Rule 5.810 was implemented in 1991 and has been amended eight times; it was most recently amended effective 2016 to comply with statutory changes to sibling visitation requirements and to clarify the timing of permanency and postpermanency hearings in delinquency cases.

All 18 forms proposed for revision were created for the documentation of findings and orders in cases where the child is placed outside of the home. In practice, these forms are put to a variety of uses by the courts. Some courts use the forms to document all findings and orders, others have programmed the findings and orders from the forms into their case management systems, and some courts use them as a template to create their own local findings and order documents.

Rationale for Recommendation

The majority of the revisions proposed are driven by statutory amendments in recent legislation.

Senate Bill 794

In 2015, the Legislature passed Senate Bill 794 (Stats. 2015, ch. 425), which brought large-scale change to the findings and orders required in out-of-home placement cases for dependent and delinquent youth. Specifically, SB 794 revised Family Code section 7950 and Welfare and Institutions Code sections 362.04, 362.05, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 366.31, 706.5, 706.6, 727.2, 727.3, 10618.6, 11386, 11400, 16002, 16501, and 16501.1.

One of the most significant changes made by SB 794 was the narrowing of planned permanent living arrangements as a catchall option for children in out-of-home placements. Prior to SB 794, the court could designate placement in a foster home or group home (referred to as “another planned permanent living arrangement”) as a long-term plan for children of any age. That is no longer true. Since the implementation of SB 794, the availability of another planned permanent living arrangement as a long-term plan is reserved for children age 16 or older.

In addition to modifying the permanent plan options available to probation and child welfare, SB 794 requires the court to make a variety of additional findings and orders aimed at achieving permanence more quickly for children. These additional findings and orders are included on the forms proposed for revision, including form JV-678, which is used during postpermanency

hearings in delinquency cases. This is noteworthy because while the legislation amended the statute that discusses permanency hearings for delinquent children¹ to include the additional findings and orders, it did not amend the statute that addresses postpermanency hearings.² Since the new findings and orders required by SB 794 are aimed at achieving permanence more quickly for children, it seems incongruous not to require the new findings and orders at both permanency and postpermanency hearings. Consequently, revising form JV-678 to include the additional findings and orders and amending rule 5.810(c)(2)(A) of the California Rules of Court will clarify that the new findings and orders set forth in Welfare and Institutions Code section 727.3(a)(5) should also be made at postpermanency hearings.

Senate Bill 1060

In addition to the revisions required by SB 794, two of the 18 forms listed above, forms JV-445 and JV-445, are being revised to comply with SB 1060 (Stats. 2015, ch. 719). The law currently allows, in an adoption proceeding, for continuing contact between the birth relatives and a child if a postadoption contact agreement is entered into voluntarily and is in the best interests of the child at the time the adoption petition is granted. Prior to the enactment of SB 1060, when parental rights were terminated and the dependent or delinquent child was ordered placed for adoption, the county adoption agency or the state Department of Social Services was required to take steps to facilitate ongoing sibling contact, including the encouragement of prospective adoptive parents to make a plan for facilitating postadoptive contact.

Pursuant to SB 1060, the county placing agency is now required to facilitate a meeting with the child, the siblings of the child, the prospective adoptive parents, and a facilitator to decide whether to voluntarily execute a postadoption sibling contact agreement. SB 1060 directs the court to inquire into the status of the development of a voluntary postadoption sibling contact agreement at the first review hearing conducted after parental rights have been terminated and adoption has been ordered.

To comply with SB 1060, it is recommended that forms JV-445 and JV-446 be revised to include a check box that specifies that the court inquired about the development of a voluntary postadoption contact agreement for the siblings.

Additional Revisions

During the five years since the last revision of the bulk of these forms, other bills and California case law have made minor modifications to the findings and orders; the proposed revisions to this group of forms capture those minor changes. In addition, revisions are proposed to increase the accuracy, clarity, and functionality of the forms.

¹ Welf. & Inst. Code, § 727.3(a)(5).

² Welf. & Inst. Code, § 727.2(g).

Time limits. Welfare and Institutions Code section 727.3 sets forth the time limits on reunification services for parents. Although this code section was not changed by SB 794, the time limits on reunification services for parents of delinquent youth are currently not clearly delineated on the findings and order forms. The committee proposes revising forms JV-674 (item 14) and JV-678 (item 5) to clarify when services are continued or terminated. This will make the findings and orders more straightforward and will ensure legally accurate findings.

Psychotropic medication. Recent legislation, SB 238 (Mitchell; Stats. 2015, ch. 534), requires closer court oversight of children who have a court order for psychotropic medication. While not specifically required by statute, the inclusion of a check box that indicates whether the child has a psychotropic medication order and documents the date of the next hearing on that order will allow the court and parties to track such orders and comply with the statutory requirements. The committee therefore proposes revising forms JV-421 (item 29), JV-430 (item 17), JV-435 (item 17), JV-440 (item 18), JV-445 (item 17), JV-446 (item 27), JV-672 (item 21), JV-674 (item 24), and JV-678 (item 23) to include a psychotropic medication order finding.

Continue reunification services past 18 months. Recently, the court in *In re J.E.* (2016) 3 Cal.App.5th 557 reiterated that the court has the discretion to continue reunification services past 18 months when it finds that reasonable services have not been provided to the parent. Revising form JV-443 to include a finding authorizing continued reunification services at the 18-month hearing will ensure the form is as accurate as possible. The committee therefore proposes revising form JV-443 (item 6c) to include the following language for the finding:

The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause pursuant to Welfare and Institutions Code section 352 to continue the 18-month status review to ____.

Revisions to provide information on appellate rights. California Rules of Court, rule 5.590(a) requires that a parent must be present at the court hearing to be advised of his or her appellate rights. In order to provide parents with information about the right to seek appellate review and alert them that they will not be advised of their appellate rights if they fail to appear at a future hearing, the committee recommends revising forms JV-415, JV-430, JV-435, JV-440, and JV-455 to include the following language in a section titled "For Your Information":

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

Comments, Alternatives Considered, and Policy Implications

This proposal circulated for comment as part of the spring 2017 invitation-to-comment cycle, from February 27, 2017, to April 28, 2017, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals. The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee provided comment. Out of six commenters, five agreed with the proposal if modified and one agreed with the proposal as circulated. A chart with the full text of the comments received and the committee's responses is attached at pages 90–145.

The invitation to comment sought input on several different issues. The first issue was whether some of the forms should include a finding that documents whether the child has a psychological medications order and sets forth the next psychological medications hearing date. Four of the six commenters provided input on this question. Of the four, two recommended not including a check box to document such orders, noting that the forms already contain lots of dense information. One commenter felt the check box would be useful but raised confidentiality concerns. Another commenter thought the check box would be helpful. The committee considered not including this check box on the forms; however, after discussion, the committee decided to include the check box to document psychological medication orders because it is an important issue and would be a helpful reminder for the court and parties.

The next issue raised in the invitation to comment was whether form JV-443, *Eighteen-Month Permanency Attachment: Reunification Services Continued*, should include a finding that reunification services be extended to 24 months when the court finds that reasonable services have not been provided. Four out of the six commenters responded to this question. Out of those four, one questioned whether the finding, as written, accurately stated the law. This commenter also noted that including this finding might give the impression that extending services past the 18-month mark is routine, when in fact it should be a rare occurrence. The other three commenters supported including this finding on form JV-443. After discussion, the committee concluded that the finding is helpful and acknowledges recent decisional law. The committee recommended that the finding be included and reworded to resolve the concerns noted by commenters.

Another issue raised in the invitation to comment and addressed by commenters was whether the findings and orders related to delinquent youth should be revised to require independent living planning for children age 14 or older who are in out-of-home placement, to comply with federal mandates, despite the fact that the Welfare and Institutions Code does not require it. Three of the six commenters responded to this question. All three agreed that the findings and orders related to delinquent youth should require independent living planning for children age 14 or older, in

accordance with federal law. The committee did include these revisions in compliance with federal law.

The invitation to comment also sought input on whether revising form JV-462 (which applies to nonminor dependents) to comport with changes implemented by SB 794 would contradict the stated goal of extended foster care: achieving independence. Specifically, the legislation's directive to speak with nonminor dependents about their permanent plan seems to undermine the nonminor dependent's work toward his or her ultimate permanent plan, achieving independence. All four of the six commenters who provided guidance on this question felt that form JV-462 should be revised to comply with the statutory changes implemented by SB 794. The commenters noted that a nonminor dependent can be working toward both independence and another permanent plan, such as adoption. After a robust discussion of this issue, the committee determined, however, that changing form JV-462 to include the new plan options is not appropriate at this time. Specifically, the committee noted that nonminor dependents are adults, and it is inconsistent to apply permanent plans created for children to adults who are already in their permanent plan—namely, achieving independence.

The final question on the invitation to comment sought comments on whether providing a link on the forms to a website created by the Judicial Council with information on the right to seek appellate review would be an appropriate vehicle to inform parties of their potential right to seek appellate review. Three of the six commenters provided input on this question and the comments were split. One commenter felt that including the language about appellate rights on the forms was sufficient. Another believed that including a link that would provide more information would be helpful. Yet another commenter thought that though the link might be helpful, there are people who do not have access to the Internet and would not be able to access the information. After consideration and discussion, the committee determined that including language about appellate rights on the form is sufficient and that creating a website with information on appellate rights is not necessary.

One commenter raised an issue that was not implicated by the proposal but relates to how the forms are used. Specifically, this commenter noted that there is not currently a form the court can use when a child needs to be removed from an abusive, noncustodial parent. Over the past two years, this issue has been litigated in the court with some frequency and there is currently a bill pending in the Legislature, Assembly Bill 1332 (Bloom; 2017–2018 Reg. Sess.), dealing with the issue. The committee considered revising the title of form JV-421 to remove the word “custodial” so that it may be used to remove children from custodial and noncustodial parents. Ultimately, the committee decided against revising the form because the legislation is still pending. If AB 1332 passes, the committee will consider creating an attachment form that is specifically tailored to situations where children are removed from noncustodial parents.

Implementation Requirements, Costs, and Operational Impacts

This proposal will result in minimal printing costs and may result in a temporary increase in employee labor for those courts that need to reprogram existing case management systems. On

the other hand, it will likely result in a statewide savings because courts will not have to devote employee resources to developing legally accurate forms. Instead, these revised forms will be provided to courts statewide.

Attachments and Links

1. Cal. Rules of Court, rules 5.710, 5.715, and 5.810, at pages 9–12.
2. Forms JV-320, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-438, JV-440, JV-442, JV-443, JV-445, JV-446, JV-455, JV-457, JV-672, JV-674, and JV-678, at pages 13–89.
3. Chart of comments, at pages 90-145.

Rules 5.710, 5.715, and 5.810 of the California Rules of Court are amended, effective January 1, 2018, to read:

Title 5. Family and Juvenile Rules

Rule 5.710. Six-month review hearing

(a) Determinations and conduct of hearing (§§ 364, 366, 366.1, 366.21)

At the hearing, the court and all parties must comply with all relevant requirements and procedures in rule 5.708, General review hearing requirements. The court must make all appropriate findings and orders specified in rule 5.708 and proceed under section 366.21(e) and (g), and as follows:

(1)–(4) * * *

(b) * * *

Rule 5.715. Twelve-month permanency hearing

(a) * * *

(b) Determinations and conduct of hearing (§§ 309(e), 361.5, 366, 366.1, 366.21)

At the hearing, the court and all parties must comply with all relevant requirements and procedures in rule 5.708, General review hearing requirements. The court must make all appropriate findings and orders specified in rule 5.708 and proceed under section 366.21(f) and (g), and as follows:

(1)–(5) * * *

Rule 5.810. Reviews, hearings, and permanency planning

(a) * * *

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

(1)–(2) * * *

1 (3) *Selection of a permanent plan (§ 727.3(b))*
2

3 At the first permanency planning hearing, the court must select a permanent
4 plan. At subsequent permanency planning hearings that must be held under
5 section 727.2(g) and rule 5.810(c), the court must either make a finding that
6 the current permanent plan is appropriate or select a different permanent
7 plan, including returning the child home, if appropriate. The court must
8 choose from one of the following permanent plans, listed in section 727.3(b)
9 ~~which are, in order of priority:~~

- 10
11 (A) ~~A permanent plan that immediately returns the child to the physical~~
12 ~~custody of the parent or guardian. This plan must be the permanent~~
13 ~~plan unless no reunification services were offered under section~~
14 ~~727.2(b), or unless the court finds that the probation department has~~
15 ~~established by a preponderance of evidence that return would create a~~
16 ~~substantial risk of detriment to the safety, protection, or physical or~~
17 ~~emotional well being of the ward. The probation department has the~~
18 ~~burden of establishing that detriment. In making its determination, the~~
19 ~~court must review and consider all reports submitted to the court and~~
20 ~~must consider the efforts or progress, or both, demonstrated by the~~
21 ~~child and family and the extent to which the child availed himself or~~
22 ~~herself of the services provided.~~
23 (B) ~~A permanent plan of return of the child to the physical custody of the~~
24 ~~parent or guardian, after 6 additional months of reunification services.~~
25 ~~The court may not order this plan unless the court finds that there is a~~
26 ~~substantial probability that the child will be able to return home within~~
27 ~~18 months of the date of initial removal or that reasonable services~~
28 ~~have not been provided to the parent or guardian.~~
29 (C) ~~A permanent plan of adoption. When this plan is identified, the court~~
30 ~~must order that a hearing under section 727.31 be held within 120~~
31 ~~days.~~
32 (D) ~~A permanent plan of legal guardianship. When this plan is ordered, the~~
33 ~~court must set a hearing under the procedures described in section 728~~
34 ~~and rule 5.815.~~
35 (E) ~~A permanent plan of placement with a fit and willing relative. When~~
36 ~~this plan is ordered, the court must specify that the child will be placed~~
37 ~~with the appropriate relative on a permanent basis.~~
38 (F) ~~A permanent plan of placement in a planned permanent living~~
39 ~~arrangement. The court may order this permanent plan only after~~
40 ~~considering, and ruling out, each of the other permanent plan options~~
41 ~~listed above. If, after doing so, the court concludes that a planned~~
42 ~~permanent living arrangement is the most appropriate permanent plan~~
43 ~~for the child, it must also enter a finding, by clear and convincing~~

evidence, that there is a compelling reason, as defined in section 727.3(c), for determining that a plan of termination of parental rights and adoption is not in the best interest of the child. When a planned permanent living arrangement is ordered, the court must specify the type of placement. The court must also specify the goal of the placement, which may include, but is not limited to, a goal of the child returning home, emancipation, guardianship, or permanent placement with a relative.

(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) *Consideration of reports (§ 727.2(d))*

The court must review and consider the social study report and updated case plan submitted for this hearing by the probation officer and the report submitted by any CASA volunteer, and any other reports filed with the court under section 727.2(d).

(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 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 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

1 appropriately involved, the court must order the probation department
2 to actively involve the child in the development of his or her own case
3 plan and plan for permanent placement, unless the court finds that the
4 child is unable, unavailable, or unwilling to participate; and
5

6 (E) If sibling interaction has been suspended and will continue to be
7 suspended, sibling interaction is contrary to the safety or well-being of
8 either child.
9

10 **(d)–(e) * * ***
11

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

Child's name:

Date of birth:

Age:

Parent's name (if known):

☐ Mother☐ Father

Parent's name (if known):

☐ Mother☐ Father

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

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

THE COURT FINDS AND ORDERS

4. a. ☐ Notice has been given as required by law.
 b. ☐ This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.2; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. ☐ **For child 10 years of age or older who is not present:** The child was properly notified under Welfare and Institutions Code section 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
6. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. ☐ The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code section 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
☐ parent (name): ☐ Mother ☐ Father
☐ parent (name): ☐ Mother ☐ Father

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

8. a. ☐ There is clear and convincing evidence that it is likely the child will be adopted.
- b. ☐ This case involves an Indian child, and the court finds by evidence beyond a reasonable doubt, including the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. *(If item 8a or 8b is checked, go to item 9 unless item 10, 11, 12, or 13 is applicable. If item 8a or 8b is not checked, go to item 15 or 16.)* **The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.**
9. The parental rights of
- a. ☐ parent (name): ☐ Mother ☐ Father
- b. ☐ parent (name): ☐ Mother ☐ Father
- c. ☐ alleged fathers (names):
- d. ☐ unknown mother ☐ all unknown fathers
- are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- e. **The adoption is likely to be finalized by (date):**
(If item 9 is checked, go to item 17.)
10. This case involves an Indian child. The parental rights of
- a. ☐ parent (name):
- b. ☐ parent (name):
- c. ☐ Indian custodians (names):
- d. ☐ alleged fathers (names):
- e. ☐ unknown mother ☐ all unknown fathers
- are modified in accordance with the tribal customary adoption order of the (specify): _____ tribe,
dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein.
The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
(If item 10 is checked, go to item 17.)
11. ☐ The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship. Removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. *(If item 11 is checked, go to item 15 or 16.)*
12. ☐ Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check reasons below and go to item 15 or 16.)*
- a. ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. ☐ The child is 12 years of age or older and objects to termination of parental rights.
- c. ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. ☐ The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either
- (1) under the age of 6; or
- (2) a member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.

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| CHILD'S NAME: | CASE NUMBER: |
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12. e. ☐ There would be substantial interference with the child's sibling relationship.
- f. ☐ The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.
13. ☐ Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child *(if item 13 is checked, check reasons below and go to item 14)*:
- a. ☐ is a member of a sibling group that should stay together.
 - b. ☐ has a diagnosed medical, physical, or mental disability.
 - c. ☐ is 7 years **of age** or older.
14. a. ☐ Termination of parental rights is not ordered at this time. Adoption is the permanent **plan**, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:
(Do not check in the case of a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c as appropriate, and go to item 17.)
- b. ☐ Visitation between the child and
- | | | |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent (name): | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent (name): | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian (name): | | |
| <input type="checkbox"/> other (name): | | |
- is scheduled as follows *(specify)*:
- c. ☐ Visitation between the child and *(names)*:
 is detrimental to the child's physical or emotional well-being and is terminated.
15. ☐ The child's permanent plan is legal guardianship.
- ☐ *(Name)*:
 is appointed legal guardian of the child, and *Letters of Guardianship* will issue. *(Do not check in case of a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b as appropriate, and go to item 15c or 15d.)*
- a. ☐ Visitation between the child and
- | | | |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent (name): | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent (name): | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian (name): | | |
| <input type="checkbox"/> other (name): | | |
- is scheduled as follows *(specify)*:
- b. ☐ Visitation between the child and *(names)*:
 is detrimental to the child's physical or emotional well-being and is terminated.
- c. ☐ Dependency ☐ Wardship is terminated.
- d. ☐ Dependency ☐ Wardship is terminated. The likely date for termination of the dependency or wardship is
(date): *(If this item is checked, go to item 17.)*

The juvenile court retains jurisdiction of the guardianship under Welfare and Institutions Code section 366.4.

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| CHILD'S NAME: | CASE NUMBER: |
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16. a. ☐ The child remains placed with (name of placement):
with a permanent plan of (specify):

- | | |
|--|---|
| (1) <input type="checkbox"/> Returning home | (5) <input type="checkbox"/> Permanent placement with a fit and willing relative |
| (2) <input type="checkbox"/> Adoption | (6) <input type="checkbox"/> Independent living with identification of a caring adult to serve as a lifelong connection |
| (3) <input type="checkbox"/> Tribal customary adoption | |
| (4) <input type="checkbox"/> Legal guardianship | |

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

(If item 16a is checked, provide for visitation in items 16b and 16c as appropriate, and go to item 17.)

b. ☐ Visitation between the child and

☐ parent (name):

☐ Mother

☐ Father

☐ parent (name):

☐ Mother

☐ Father

☐ legal guardian (name):

☐ other (name):

is scheduled as follows (specify):

c. ☐ Visitation between the child and (names):

is detrimental to the child's physical or emotional well-being and is terminated.

17. ☐ The child's placement is necessary.

18. ☐ The child's placement is appropriate.

19. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan. If this case involves an Indian child, the court finds that the agency has made active efforts to provide remedial and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful.

20. ☐ The services set forth in the case plan include those needed to assist the child age 14 or older in making the transition from foster care to successful adulthood. *(This finding is required only for a child 14 years of age or older.)*

21. ☐ The child remains a ☐ dependent ☐ ward of the court. *(If this box is checked, go to items 22 and 23 if applicable, and items 24 and 25.)*

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

23. ☐ Other (specify):

24. ☐ Next hearing date: _____ Time: _____ Dept: _____ Room: _____

- a. ☐ Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family
- b. ☐ Continued hearing under section 366.24(c)(6) for receipt of the tribal customary adoption order
- c. ☐ Six-month postpermanency review

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| CHILD'S NAME: | CASE NUMBER: |
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25. The ☐ Parent (*name*): ☐ Mother ☐ Father
☐ Parent (*name*): ☐ Mother ☐ Father
☐ Indian custodian (*name*):
☐ Child
☐ Other (*name*):

have been advised of their appeal rights (under Cal. Rules of Court, rule 5.590).

Date: _____

JUDICIAL OFFICER

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CHILD'S NAME: | |
| FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING (Welf. & Inst. Code, § 361 et seq.) | CASE NUMBER: |

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

2. **Dispositional hearing**

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

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

3. **The court has read and considered and admits into evidence:**

- a. ☐ Report of social worker dated:
- ☐ For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welf. & Inst. Code, §§ 360(a), 361.5(g).
- ☐ In the case of an Indian child, the report of the social worker includes an assessment in consultation with the Indian child's tribe, as specified in Welf. & Inst. Code, § 358.1(j), whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.
- b. ☐ Report of CASA volunteer dated:
- c. ☐ Case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):
- f. ☐ Testimony of qualified expert under the Indian Child Welfare Act

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| CHILD'S NAME: | CASE NUMBER: |
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
5. 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.
6. ☐ A Court Appointed Special Advocate is appointed for the child.
7. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

Advisements and waivers**8. The court informed and advised the**

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

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

9. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ other (*specify*):

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

10. ☐ Sibling group

The child and the child's siblings listed below form a sibling group in which at least one child in the sibling group was under the age of three years at the time of the initial removal and all children in the sibling group were removed from parental custody at the same time.

Sibling (*name*):

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

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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11. **Disposition is ordered as stated in** (check appropriate box and attach indicated form):

- a. ☐ *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))* (form JV-416), which is attached and incorporated by reference.
- b. ☐ *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)* (form JV-417), which is attached and incorporated by reference.
- c. ☐ *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))* (form JV-418), which is attached and incorporated by reference.
- d. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-420), which is attached and incorporated by reference.
- e. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-421), which is attached and incorporated by reference.

12. **The child's rights** under Welf. & Inst. Code, § 388 and the procedure for bringing a petition under Welf. & Inst. Code, § 388, including the availability of appropriate and necessary forms, was provided to the child as follows:

- a. ☐ Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. ☐ Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. ☐ Child 12 years of age or older who was present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)

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

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

14. The child's medical, dental, mental health, and educational information required by Welfare and Institutions Code section 16010 was provided by the ☐ mother ☐ biological father ☐ legal guardian ☐ presumed father ☐ alleged father ☐ Indian custodian ☐ other (specify):

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

16. ☐ **Other findings and orders:**

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

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

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Six-month permanency hearing (Welf. & Inst. Code, § 366.21(e))
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ Other (specify):

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

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| CHILD'S NAME: | CASE NUMBER: |
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19. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE

Date: _____

☐ COMMISSIONER ☐ REFEREE

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

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

Circumstances justifying removal from custodial parent

2. ☐ There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
3. ☐ The child ☐ is ☐ may be an Indian child, and, by clear and convincing evidence, including testimony of a qualified expert witness, continued physical custody by the following person is likely to cause the child serious emotional or physical damage:
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (specify): | | |
4. Reasonable efforts ☐ were ☐ were not made to prevent or eliminate the need for removal from the home.
5. ☐ The child ☐ is ☐ may be an Indian child, and,
- a. ☐ by clear and convincing evidence, active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
 - b. ☐ active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.
 - c. ☐ there has been consultation with the child's identified Indian tribe regarding whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.
6. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from** (check all that apply):
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (specify): | | |

Family finding and engagement

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

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| CHILD'S NAME: | CASE NUMBER: |
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Case plan development

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

Custody and placement

9. ☐ The ☐ mother ☐ presumed father ☐ biological father did not reside with the child at the time the petition was filed and ☐ does ☐ does not desire custody of the child.
- a. ☐ By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
☐ Mother ☐ Presumed father ☐ Biological father
- b. ☐ The factual basis for the findings in this item is stated on the record.
10. ☐ **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. ☐ in the approved home of a relative.
- b. ☐ in the approved home of a nonrelative extended family member.
- c. ☐ in the foster home in which the child was placed before an interruption in foster care because that placement is in the child's best interest and space is available.
- d. ☐ with a foster family agency for placement in a foster family home.
- e. ☐ in a suitable licensed community care facility.
- f. ☐ in a home or facility in accordance with the federal Indian Child Welfare Act.
11. ☐ **Placement with the child's relative, (name):**
has been independently considered by the court and is denied for the reasons stated on the record.
12. ☐ **The statutory preference order for placement in a suitable Indian home is modified for good cause as**
- a. ☐ stated on the record.
- b. ☐ described in the social worker's report.
- c. ☐ other (specify):
13. ☐ **The child's out-of-home placement is necessary.**
14. ☐ **The child's current placement is appropriate.**
15. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-415, item 17 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
16. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is not the most appropriate placement for the child and is not in the best interest of the child.
The matter is continued to the date and time indicated in form JV-415, item 17 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ other (specify):

CHILD'S NAME:

CASE NUMBER:

Reunification services

17. ☐ **Provision of reunification services to the biological father** ☐ will ☐ will not benefit the child.
18. ☐ **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
- a. ☐ Participation in the program ☐ is ☐ is not in the child's best interest.
- b. ☐ The program ☐ is ☐ is not suitable to meet the needs of the mother and child.
19. ☐ **The following person is incarcerated:**
- ☐ mother ☐ legal guardian ☐ other (specify):
- ☐ presumed father ☐ Indian custodian
- and reasonable reunification services are
- a. ☐ granted.
- b. ☐ denied, because, by clear and convincing evidence, providing reunification services would be detrimental to the child.
20. ☐ **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence:**
- a. The ☐ mother ☐ legal guardian ☐ other (specify):
- ☐ presumed father ☐ Indian custodian
- is a person described in Welf. & Inst. Code, § (specify):
- ☐ 361.5(b)(3) ☐ 361.5(b)(7) ☐ 361.5(b)(9) ☐ 361.5(b)(11) ☐ 361.5(b)(13) ☐ 361.5(b)(16)
- ☐ 361.5(b)(4) ☐ 361.5(b)(8) ☐ 361.5(b)(10) ☐ 361.5(b)(12) ☐ 361.5(b)(15) ☐ 361.5(b)(17)
- and reunification services are
- (1) ☐ granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
- (2) ☐ denied.
- b. The ☐ mother ☐ legal guardian ☐ other (specify):
- ☐ presumed father ☐ Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.
- c. The ☐ mother ☐ legal guardian ☐ other (specify):
- ☐ presumed father ☐ Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are
- (1) ☐ granted.
- (2) ☐ denied, because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.
- d. The ☐ mother ☐ legal guardian ☐ other (specify):
- ☐ presumed father ☐ Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are
- (1) ☐ granted, because
- (a) ☐ reunification services are likely to prevent reabuse or neglect.
- (b) ☐ the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
- (2) ☐ denied.

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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20. e. The ☐ mother ☐ legal guardian
☐ presumed father ☐ Indian custodian
☐ other person who is a legal parent of the child (*name*):

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

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

- f. The ☐ mother ☐ legal guardian ☐ other (*specify*):
☐ presumed father ☐ Indian custodian

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

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

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

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

Efforts

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

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

| | None | Minimal | Adequate | Substantial | Excellent |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (<i>specify</i>): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Siblings

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

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

CHILD'S NAME:

CASE NUMBER:

Health and education

26. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ other (specify):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.
27. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in **Order Designating Educational Rights Holder** (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
28. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
29. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):
30. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are:
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
31. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:
 a. ☐ Social worker.
 b. ☐ Parent (name):
 c. ☐ Surrogate parent (name):
 d. ☐ Educational representative (name):
 e. ☐ Other (name):
32. ☐ The child's education placement has changed since the date the child was physically removed from the home.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
33. ☐ **Child 14 years of age or older:**
 a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 (1) ☐ stated on the record.
 (2) ☐ as follows:

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Advisements

- 34.** ☐ **Child under the age of three years or member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).**
The court informed all parties present at the time of the hearing and further advises all parties that, because the child was under the age of three years on the date of initial removal or is a member of a sibling group:

- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).

Six-month hearing date:

- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:
- Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.
- c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under section 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

- 35.** ☐ **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under section 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:

- 36.** ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(g)(10) of the California Rules of Court to any party not present.

CHILD'S NAME:

CASE NUMBER:

- e. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date by which the permanent plan will be achieved is (specify date):**

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

1. **Six-month status review hearing**

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

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

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

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

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

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
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4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):
- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Efforts**10. The county agency**

- a. ☐ has
- b. ☐ has not

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

11. ☐ The child ☐ is ☐ may be an Indian child, and
- a. ☐ by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. ☐ active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

| | <u>None</u> | <u>Minimal</u> | <u>Adequate</u> | <u>Substantial</u> | <u>Excellent</u> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Siblings

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

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
16. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.

17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on _____.

18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are:
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- ☐ Social worker.
 - ☐ Parent (name):
 - ☐ Surrogate parent (name):
 - ☐ Educational representative (name):
 - ☐ Other (name):
20. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
21. ☐ Child 14 years of age or older:
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
22. Placement and services are ordered as stated in (check appropriate boxes and attach indicated forms):
- ☐ Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e)) (form JV-431), which is attached and incorporated by reference.
 - ☐ Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e)) (form JV-432), which is attached and incorporated by reference.
 - ☐ Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e)) (form JV-433), which is attached and incorporated by reference.
23. ☐ Contact with the child is ordered as stated in (check appropriate box and attach indicated form):
- ☐ Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).
 - ☐ Visitation Attachment: Sibling (form JV-401).
 - ☐ Visitation Attachment: Grandparent (form JV-402).
24. All prior orders not in conflict with this order remain in full force and effect.
25. ☐ Other findings and orders:
- ☐ See attached.
 - ☐ (Specify):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

26. ☐ The next hearing is scheduled as follows:

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
 b. ☐ 12-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
 c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- d. ☐ Other (specify):

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

28. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE ☐ COMMISSIONER ☐ REFEREE

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

CHILD'S NAME:

CASE NUMBER:

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

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

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
5. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (*specify*):

Reunification services

6. **For child under the age of three years at time of initial removal or a member of a sibling group**
- a. ☐ Having considered the relevant evidence, including the following factors
- (1) ☐ Whether there has been significant progress in resolving the problems that led to the removal;
- (2) ☐ Whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; **and**
- (3) ☐ Whether there has been consistent and regular contact and visitation with the child.

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

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

within six months of the date of this hearing or within 12 months of the date the child entered foster care, whichever is sooner.

- b. Reasonable services have not been provided to the

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

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has (*specify*):

CHILD'S NAME:

CASE NUMBER:

7. Reunification services are continued for the

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

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

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

Important individuals

9. ☐ **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**

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

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

Advisement

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

Twelve-month permanency hearing date:

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
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**SIX-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(e))**

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

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
5. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child.
The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

Reunification services

6. ☐ **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**
- a. ☐ The child was under the age of three years on the date of the initial removal from the home.
- b. ☐ The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.
- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- c. By clear and convincing evidence the
- ☐ mother ☐ biological father ☐ Indian custodian
- ☐ presumed father ☐ legal guardian
- ☐ other (specify):
- failed to participate regularly and make substantive progress in a court-ordered treatment plan. Reunification services are terminated.
- d. Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

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| CHILD'S NAME: | CASE NUMBER: |
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7. ☐ **Reunification services terminated: Child of any age**

- a. ☐ Reunification services are terminated for the
☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian
☐ other (specify):

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

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

- b. ☐ Reunification services are terminated for the
☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian
☐ other (specify):

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

- c. ☐ Reunification services are terminated for the
☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian
☐ other (specify):

because it is determined that the person is deceased.

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

Important individuals

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

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

Health

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

CHILD'S NAME:

CASE NUMBER:

Setting for selection of permanent plan

11. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (specify date):
12. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.**
- a. ☐ The child's permanent plan is placement with (name): a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (specify date):
- b. ☐ The child remain in foster care with a permanent plan of (specify):
- (1) ☐ Return home.
- (2) ☐ Adoption.
- (3) ☐ Tribal customary adoption.
- (4) ☐ Legal guardianship.
- (5) ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- ☐ return home ☐ establish legal guardianship
- ☐ place for adoption ☐ place with a relative
- ☐ other (specify):
- The likely date** by which the child's permanent plan will be achieved is (specify date):

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| CHILD'S NAME: | CASE NUMBER: |
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12. c. ☐ The court finds that the barriers to achieving the child's permanent plans are *(describe)*:

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

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

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

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

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

1. Twelve-month permanency hearing

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

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

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

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

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

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

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| CHILD'S NAME: | CASE NUMBER: |
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4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):
- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):

CHILD'S NAME:

CASE NUMBER:

Efforts**10. The county agency**

- a. ☐ has
b. ☐ has not

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

11. ☐ The child ☐ is ☐ may be an Indian child, and

- a. ☐ by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
b. ☐ active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

| | <u>None</u> | <u>Minimal</u> | <u>Adequate</u> | <u>Substantial</u> | <u>Excellent</u> |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

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

17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):**18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are:**

- a. ☐ stated in the social worker's report.
b. ☐ specified here:

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| CHILD'S NAME: | CASE NUMBER: |
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19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- a. ☐ Social worker.
 - b. ☐ Parent (name):
 - c. ☐ Surrogate parent (name):
 - d. ☐ Educational representative (name):
 - e. ☐ Other (name):
20. ☐ The child's education placement has changed since the last review hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - b. ☐ The child is enrolled in school.
 - c. ☐ The child is attending school.
21. ☐ Child 14 years of age or older:
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - (1) ☐ stated on the record.
 - (2) ☐ as follows:
22. Placement and services are ordered as stated in (check appropriate boxes and attach indicated forms):
- a. ☐ Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f)) (form JV-436), which is attached and incorporated by reference.
 - b. ☐ Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f)) (form JV-437), which is attached and incorporated by reference.
 - c. ☐ Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f)) (form JV-438), which is attached and incorporated by reference.
23. ☐ Contact with the child is ordered as stated in (check appropriate box and attach indicated form):
- a. ☐ Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).
 - b. ☐ Visitation Attachment: Sibling (form JV-401).
 - c. ☐ Visitation Attachment: Grandparent (form JV-402).
24. All prior orders not in conflict with this order remain in full force and effect.
25. ☐ Other findings and orders:
- a. ☐ See attached.
 - b. ☐ (Specify):

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| CHILD'S NAME: | CASE NUMBER: |
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26. ☐ The next hearing is scheduled as follows:

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
 b. ☐ 18-month permanency hearing (Welf. & Inst. Code, § 366.22)
 c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
 e. ☐ Other (specify):

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

28. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE ☐ COMMISSIONER ☐ REFEREE

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

CHILD'S NAME:

CASE NUMBER:

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

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

2. Reunification services are terminated.

Placement

3. **The child's out-of-home placement is necessary.**
4. ☐ **The child's current placement is appropriate.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-435, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 26 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ other (specify):

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

Important individuals

8. ☐ **Child in out-of home placement for six months or longer**
- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

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

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| CHILD'S NAME: | CASE NUMBER: |
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Selection of permanent plan

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

a. ☐ The child's permanent plan is placement with (name): a fit and willing relative.

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

b. ☐ The child remains in foster care with a permanent plan of (specify):

(1) ☐ Return home.

(2) ☐ Adoption.

(3) ☐ Tribal customary adoption.

(4) ☐ Legal guardianship.

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

☐ return home

☐ establish legal guardianship

☐ place for adoption

☐ place with a relative

☐ other (specify):

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

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

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

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

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

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

| | |
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| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CHILD'S NAME: | |
| FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.22) | CASE NUMBER: |

1. Eighteen-month permanency hearing

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

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

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

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

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

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

| | |
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| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):
- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (specify):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Efforts**10. The county agency**

- a. ☐ has
- b. ☐ has not

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

11. The child is 16 years of age or older and the agency ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

12. ☐ The child ☐ is ☐ may be an Indian child, and
- a. ☐ by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. ☐ active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

| | None | Minimal | Adequate | Substantial | Excellent |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Siblings

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

Health and education

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

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

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| CHILD'S NAME: | CASE NUMBER: |
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19. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 17 or other concerns are:
- ☐ stated in the social worker's report.
 - ☐ specified here:
20. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 19:
- ☐ Social worker.
 - ☐ Parent (*name*):
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
21. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
22. ☐ Child 14 years of age or older:
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
23. Placement and services are ordered as stated in (check appropriate boxes and attach indicated forms):
- ☐ Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22) (form JV-441), which is attached and incorporated by reference.
 - ☐ Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22) (form JV-442), which is attached and incorporated by reference.
 - ☐ Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22) (form JV-443), which is attached and incorporated by reference.
24. ☐ Contact with the child is ordered as stated in (check appropriate box and attach indicated form):
- ☐ Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).
 - ☐ Visitation Attachment: Sibling (form JV-401).
 - ☐ Visitation Attachment: Grandparent (form JV-402).
25. All prior orders not in conflict with this order remain in full force and effect.

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| CHILD'S NAME: | CASE NUMBER: |
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26. ☐ Other findings and orders:

- a. ☐ See attached.
 b. ☐ (Specify):

27. ☐ The next hearing is scheduled as follows:

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

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

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
 e. ☐ Other (specify):

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

29. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE ☐ COMMISSIONER ☐ REFEREE

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

CHILD'S NAME:

CASE NUMBER:

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

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

2. Reunification services are terminated.

Placement

3. The child's out-of-home placement is necessary.

4. ☐ **The child's current placement is appropriate.**

5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a. ☐ The matter is continued to the date and time indicated in form JV-440, item 27 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):

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

- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child.
The matter is continued to the date and time indicated in form JV-440, item 27 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ other (specify):

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

Important individuals

8. ☐ **Child in an out-of-home placement for six months or longer**

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

Health

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

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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Selection of permanent plan

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

a. ☐ The child's permanent plan is placement with (name): a fit and willing relative.

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

b. ☐ The child remains in foster care with a permanent plan of (specify):

(1) ☐ Return home.

(2) ☐ Adoption.

(3) ☐ Tribal customary adoption.

(4) ☐ Legal guardianship.

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

☐ return home

☐ establish legal guardianship

☐ place for adoption

☐ place with a relative

☐ other (specify):

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

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

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

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

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

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

CHILD'S NAME:

CASE NUMBER:

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

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

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-440, item 27 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
5. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child.
The matter is continued to the date and time indicated in form JV-440, item 27 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (*specify*):

Reunification services

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

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

and

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

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

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

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

Page 1 of 2

CHILD'S NAME:

CASE NUMBER:

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

7. Reunification services are continued for the

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

a. ☐ as previously ordered.

b. ☐ as modified

(1) ☐ on the record.

(2) ☐ in the case plan.

8. ☐ The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or for a child 16 years of age or older in another planned permanent living arrangement (specify date):

Important individuals

9. ☐ Child in out-of-home placement for six months or longer

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

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

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

(1) ☐ as stated on the record.

(2) ☐ as follows:

Health

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

Advisement

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

Twenty-four-month permanency hearing date:

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

1. Postpermanency hearing

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

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

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

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

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

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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5. ☐ A Court Appointed Special Advocate is appointed for the child.

Placement

6. **The child's out-of-home placement is necessary.**
7. ☐ **The child's current placement is appropriate.**
8. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in item 31 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other(specify):
9. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 31 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other(specify):

Case plan development

10. a. ☐ The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b. ☐ The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1) ☐ the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
- (2) ☐ the county agency is not required to actively involve the child because the child is unable, unavailable, or unwilling to participate.
11. ☐ **Child 12 years of age or older:**
- a. ☐ The child was given the opportunity to review the case plan, sign it, and receive a copy.
- b. ☐ The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
- (1) ☐ the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The county agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
- (2) ☐ the county agency is not required to actively involve the child because the child is unable, unavailable, or unwilling to participate.

Efforts

12. The county agency

a. ☐ has

b. ☐ has not

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

13. The child is 16 years of age or older and the agency ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

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| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

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

15. The services provided to the child have been

- a. ☐ adequate.
 b. ☐ not adequate.

Health and education

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

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

18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are:

- a. ☐ stated in the social worker's report.
 b. ☐ specified here:

19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:

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

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| CHILD'S NAME: | CASE NUMBER: |
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20. ☐ The child's education placement has changed since the last review hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
- b. ☐ The child is enrolled in school.
- c. ☐ The child is attending school.
21. ☐ Child **14** years of age or older:
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to **successful adulthood**.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to **successful adulthood**.
- c. ☐ To assist the child in making the transition to **successful adulthood**, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

Siblings

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

Permanent plan

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

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| CHILD'S NAME: | CASE NUMBER: |
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30. ☐ **Other findings and orders:**

- a. ☐ See attached.
 b. ☐ (Specify):

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

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
 b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
 c. ☐ Other (specify):

32. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE ☐ COMMISSIONER ☐ REFEREE

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): | FOR COURT USE ONLY DRAFT Not approved by the Judicial Council |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | |
| CHILD'S NAME: | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; text-align: center;"> FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3) </div> <div style="width: 35%;">CASE NUMBER:</div> </div> | |

1. Postpermanency hearing

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

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

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

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

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

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
 - (2) alleged parent (*name*):
 - (3) alleged parent (*name*):

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Placement

9. Continued out-of-home placement is in the best interest of the child.

10. The child's out-of-home placement is necessary.

11. ☐ The child's current placement is appropriate.

12. ☐ The child's current placement is not appropriate. The county agency must locate an appropriate place for the child.

- a. ☐ The matter is continued to the date and time indicated in item 39 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

13. ☐ **The child is placed outside the state of California and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 39 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

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

Case plan development

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

16. ☐ **Child 12 years of age or older:**

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

17. ☐ **Child 14 years of age or older:**

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

Efforts

18. **The county agency**

- a. ☐ has
- b. ☐ has not

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

| | |
|----------------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|----------------------|--------------|

19. The child is 16 years of age or older and the agency ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

20. The services provided to the child have been

- a. ☐ adequate.
b. ☐ not adequate.

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

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

Siblings

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

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

24. ☐ **The child has siblings. A postadoption sibling contact agreement ☐ has ☐ has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.**

Education

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

26. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 24 or other concerns are:

- a. ☐ stated in the social worker's report.
 b. ☐ specified here:

27. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 25:

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

28. ☐ The child's education placement has changed since the last review hearing.

- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.

Health

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

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

Permanent plan

31. It is ordered that:

a. ☐ The child's permanent plan is legal guardianship.
 The likely date by which the child's permanent plan will be achieved is (specify date):

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

c. ☐ The child remains in foster care with a permanent plan of (specify):

- (1) ☐ Return home.
 (2) ☐ Adoption.
 (3) ☐ Tribal customary adoption.
 (4) ☐ Legal guardianship.

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

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

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

CHILD'S NAME:

CASE NUMBER:

31. d. The court finds that the barriers to achieving the child's permanent plan are *(describe)*:

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

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

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

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

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

34. ☐ The child's permanent plan identified in item 31 is appropriate and continues as the permanent plan.

35. ☐ a. The child's permanent plan identified in item 31 may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.

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

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

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

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

- (1) (name):
 (2) (name):
 (3) (name):
 (4) (name):

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

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

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

38. ☐ **Other findings and orders:**

- a. ☐ See attached.
 b. ☐ (Specify):

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

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
 b. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
 c. ☐ Other (specify):

40. Number of pages attached: _____

Date: _____

☐ JUDGE
 ☐ JUDGE PRO TEMPORE
 ☐ COMMISSIONER
 ☐ REFEREE

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):
- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe
- ☐ other (*specify*):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Efforts**10. The county agency**

- a. ☐ has
- b. ☐ has not

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

11. The child is 16 years of age or older and the agency ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

12. ☐ The child ☐ is ☐ may be an Indian child, and

- a. ☐ by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. ☐ active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

| | None | Minimal | Adequate | Substantial | Excellent |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Siblings

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

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

Health and education

16. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) **and** (f) of the California Rules of Court. A copy of rule 5.650(e) **and** (f) may be obtained from the court clerk.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) **and** (f) of the California Rules of Court. A copy of rule 5.650(e) **and** (f) may be obtained from the court clerk.

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

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
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19. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 17 or other concerns are:

- a. ☐ stated in the social worker's report.
- b. ☐ specified here:

20. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 19:

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

21. ☐ The child's education placement has changed since the last review hearing.

- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
- b. ☐ The child is enrolled in school.
- c. ☐ The child is attending school.

22. ☐ Child 14 years of age or older:

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

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

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

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

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

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

26. ☐ Other findings and orders:

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

27. ☐ The next hearing is scheduled as follows:

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

| | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- c. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- d. ☐ Other (specify):

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

29. Number of pages attached: _____

Date: _____

☐ JUDGE
 ☐ JUDGE PRO TEMPORE
 ☐ COMMISSIONER
 ☐ REFEREE

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

1. By a preponderance of the evidence, the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. ☐ **The child's current placement is appropriate.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. ☐ The matter is continued to the date and time indicated in form JV-455, item 27 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 - b. ☐ Other (specify):
6. ☐ **The child is placed outside the state of California and that out-of-state placement**
 - a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
 - b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 27 for a ☐ written ☐ oral report by the county agency on the progress made toward
 - (1) ☐ returning the child to California and locating an appropriate placement within California.
 - (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) ☐ other (specify):

Selection of permanent plan

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

| | |
|---|---|
| <input type="checkbox"/> return home | <input type="checkbox"/> establish legal guardianship |
| <input type="checkbox"/> place for adoption | <input type="checkbox"/> place with a relative |
| <input type="checkbox"/> other (specify): | |

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

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

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

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

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

10. ☐ a. The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.

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

(1) *(name)*:

(2) *(name)*:

(3) *(name)*:

(4) *(name)*:

9. The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative *(specify date)*:

CHILD'S NAME:

CASE NUMBER:

Important individuals**11. ☐ Child in out-of-home placement for six months or longer**

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

Health

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
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FINDINGS AND ORDERS AFTER SIX-MONTH PREPERMANENCY HEARING—DELINQUENCY

1. The court has read and considered and admits into evidence:

- a. ☐ Report of probation 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 his or her 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 his or her 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. Probation 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 his or her 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 probation on the progress made to locate an appropriate placement.
8. ☐ The child has run away from placement. Out-of-home placement continues to be necessary. The placement was appropriate. Probation has made reasonable efforts to locate the child. Probation has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary to finalize the permanent plan.
9. ☐ 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. There are no available and adequate in-state facilities to meet the child's needs. All licensure requirements have been met or a waiver granted. The placement complies with the requirements of Family Code section 7911.1.
- b. ☐ does not continue to be 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 probation on the progress made toward finding an appropriate placement for the child.
10. ☐ Probation ☐ 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.
11. ☐ **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.
12. ☐ **The child has no known Indian heritage.**

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

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

| | None | Minimal | Adequate | Substantial | Excellent |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

14. ☐ 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

15. ☐ **The child is 14 years of age or older.** The services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.

16. 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:
- b. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement. The probation officer is ordered to actively involve them and submit an updated case plan within 30 days from today.
☐ child ☐ mother ☐ father ☐ legal guardian ☐ tribal representative
☐ other:
- c. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement. The probation officer is not required to involve them because they are unable, unavailable, or unwilling to participate.
☐ child ☐ mother ☐ father ☐ legal guardian ☐ tribal representative
☐ other:

17. ☐ The court finds that the child's:
- | | |
|--|--|
| a. developmental needs <input type="checkbox"/> are <input type="checkbox"/> are not being met | c. physical needs <input type="checkbox"/> are <input type="checkbox"/> are not being met |
| b. mental health needs <input type="checkbox"/> are <input type="checkbox"/> are not being met | d. education needs <input type="checkbox"/> are <input type="checkbox"/> are not being met |

18. ☐ 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. ☐ set forth on the record.
b. ☐ as follows:

19. a. ☐ The following are ordered by the court to participate with the child in a counselling or education program as directed by probation: ☐ mother ☐ father ☐ legal guardian ☐ other (specify):
- b. ☐ The participation by the following is deemed by the court to be inappropriate or potentially detrimental to the child and their participation with the child in a counseling or education program is NOT ordered:
☐ mother ☐ father ☐ legal guardian ☐ other (specify):

20. ☐ 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.

21. ☐ Visitation with the child is ordered:

- a. ☐ As set forth in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
b. ☐ As follows (specify):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Health and education

22. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): _____.
23. ☐ The ☐ parents ☐ legal guardians 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 Welfare and Institutions Code section 739 and vested with the probation department.
24. ☐ A limitation on the ☐ parents ☐ legal guardians to make educational decisions for the child
- a. ☐ is **not** necessary. The parents or legal guardians hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
 - b. ☐ is necessary. Those rights are limited as ordered and as set forth in *Order Designating Educational Rights Holder* (form JV-535).
25. ☐ 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.

Parentage

26. 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 (Juvenile)* (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 Welfare and Institutions Code section 726.4 to:
- (1) alleged father (name): _____
 - (2) alleged father (name): _____

Advisement

27. 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 Welfare and Institutions Code section 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**
28. **All prior orders not in conflict with this order remain in full force and effect.**
29. ☐ Other findings and orders:
- a. ☐ See attached.
 - b. ☐ (Specify): _____
30. ☐ The date the child entered foster care is (specify): _____
31. ☐ **The next hearing will be:**
- | | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |
32. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.
33. ☐ 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 his or her attorney who can assist with sealing records.
34. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
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FINDINGS AND ORDERS AFTER PERMANENCY HEARING—DELINQUENCY☐ 12-MONTH☐ 18-MONTH *(only if reunification services extended at 12 months)***1. The court has read and considered and admits into evidence:**

- a. ☐ Report of probation 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 his or her 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 his or her 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. Probation 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 his or her 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 probation on the progress made to locate an appropriate placement.
8. ☐ The child has run away from placement. Out-of-home placement continues to be necessary. The placement was appropriate. Probation has made reasonable efforts to locate the child. Probation has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary to finalize the permanent plan.
9. ☐ 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. There are no available and adequate in-state facilities to meet the child's needs. All licensure requirements have been met or a waiver granted. The placement complies with the requirements of Family Code section 7911.1.
- b. ☐ does not continue to be 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 probation on the progress made toward finding an appropriate placement for the child.
10. ☐ Probation ☐ has ☐ has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child, and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent plan.
- ☐ For children 16 years of age or older placed in another planned permanent living arrangement, the court finds that probation ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

11. ☐ 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.

| | |
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| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

12. ☐ **The child has no known Indian heritage.**

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

| | None | Minimal | Adequate | Substantial | Excellent |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

14. a. ☐ Reunification services are continued (Welf. & Inst. Code, § 727.3 (b)(2)).

(1) ☐ There is a substantial probability that the child may be returned to the ☐ mother ☐ father ☐ legal guardian by the date set for the 18-month permanency hearing because the ☐ mother ☐ father ☐ legal guardian and the child have demonstrated the capacity and ability to complete the objectives of the case plan. Reunification services are continued to the ☐ mother ☐ father ☐ legal guardian.

(2) ☐ The probation department has not provided reasonable services to the ☐ mother ☐ father ☐ legal guardian. The services provided have been inadequate in that:

The probation department is ordered to provide reasonable reunification services to the ☐ mother ☐ father ☐ legal guardian.

b. ☐ Reunification services are terminated.

(1) ☐ The probation department has provided or offered reasonable services but the ☐ mother ☐ father ☐ legal guardian has not participated regularly and has not demonstrated the capacity and ability to complete the objectives of the case plan. Reunification services are terminated.

(2) ☐ The probation department has provided or offered reasonable services but there is not a substantial probability that the child may be returned to the ☐ mother ☐ father ☐ legal guardian by the date set for the 18-month review. Reunification services are terminated.

(3) ☐ **At 18-month review:** Reunification services are terminated because it has been 18 months since the date the child was originally removed from the physical custody of his or her parent or legal guardian.

(4) ☐ The probation department ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated. (Fam. Code, § 7950.)

15. a. ☐ **The following is appropriate and ordered as the permanent plan:**

(1) ☐ The child is returned home immediately.

(2) ☐ Continuation of reunification services and setting of a further permanency hearing. If the child is not returned home at the next permanency hearing, the court will set a hearing that could result in the termination of parental rights and the adoption of the child.

(3) ☐ Adoption. A hearing under Welfare and Institution Code section 727.31 is scheduled for (date): and an adoption assessment report is ordered.

(4) ☐ Legal guardianship.

b. ☐ The court finds by clear and convincing evidence that (name of child) is not a proper subject for adoption and there is no one willing to accept legal guardianship. The permanent plan is:

(1) ☐ Permanent placement with (name) a fit and willing relative.

(2) ☐ Placement in foster care with a permanent plan of ☐ return home, ☐ adoption, ☐ legal guardianship, or ☐ placement with a fit and willing relative.

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

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

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

16. a. ☐ The likely date by which the permanent plan will be achieved is:
- b. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is: . (Use this finding only when the court continues reunification services under item 14a.).
- c. ☐ The court finds that the barriers to achieving the child's permanent plan are (describe):

For children 16 years of age or older placed in another planned permanent living arrangement:

17. a. ☐ The court asked the child where he or she wants to live and the child provided the following information (describe):
- b. ☐ The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):
- c. ☐ The compelling reasons why the other permanent plan options are not in the child's best interest are (describe):

Case planning and visitation

18. ☐ The child is 14 years of age or older. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
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:
- b. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement. The probation officer is ordered to actively involve them and submit an updated case plan within 30 days from today.
☐ child ☐ mother ☐ father ☐ legal guardian ☐ tribal representative
☐ other:
- c. ☐ The following were **not** actively involved in the case plan development, including the plan for permanent placement. The probation officer is not required to involve them because they are unable, unavailable, or unwilling to participate.
☐ child ☐ mother ☐ father ☐ legal guardian ☐ tribal representative
☐ other:

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

20. ☐ The court finds that the child's:
- a. developmental needs ☐ are ☐ are not being met c. physical needs ☐ are ☐ are not being met
b. mental health needs ☐ are ☐ are not being met d. education needs ☐ are ☐ are not being met
21. ☐ The additional services, assessments, and/or evaluations the child requires, and the person or agency ordered to take the steps necessary for the child to receive these services, assessments, and/or evaluations, are:
- a. ☐ set forth on the record.
b. ☐ as follows:
22. a. ☐ The following are ordered by the court to participate with the child in a counselling or education program as directed by probation: ☐ mother ☐ father ☐ legal guardian ☐ other (specify):
b. ☐ The participation by the following is deemed by the court to be inappropriate or potentially detrimental to the child and their participation with the child in a counseling or education program is **not** ordered:
☐ mother ☐ father ☐ legal guardian ☐ other (specify):
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 **for the following reasons (state reasons):**

No visitation is ordered.
24. ☐ Visitation with the child is ordered:
- a. ☐ As set forth 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. ☐ The ☐ parents ☐ legal guardians 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 Welfare and Institutions Code section 739 and vested with the probation department.
27. ☐ A limitation on the ☐ parents ☐ legal guardians to make educational decisions for the child
- a. ☐ is **not** necessary. The parents or legal guardian hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
b. ☐ is necessary. Those rights are limited as ordered and as set forth in **Order Designating Educational Rights Holder** (form JV-535).
28. ☐ The child's school placement has changed since the last hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days since the placement change.
b. ☐ The child is ☐ enrolled in ☐ attending (specify school):

Parentage

29. 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 (Juvenile)* (form JV-505) were provided with and ordered to complete and submit the form to the court.
- b. ☐ The ☐ court clerk ☐ probation department shall provide the notice required by Welfare and Institutions Code section 726.4 to:
- (1) alleged father (name):
(2) alleged father (name):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Advisement

30. 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 Welfare and Institutions Code section 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

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

32. ☐ Other findings and orders:

a. ☐ See attached.

b. ☐ (Specify):

33. ☐ The date the child entered foster care is (specify):

34. ☐ The next hearing will be:

| | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |

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

36. ☐ 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 his or her attorney who can assist with sealing records.

37. Number of pages attached:

Date:



JUDICIAL OFFICER

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING—DELINQUENCY**1. The court has read and considered and admits into evidence:**

- a. ☐ Report of probation 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 his or her 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 his or her 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. Probation has complied with the case plan by making reasonable efforts to return the child safely home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Child remaining in out-of-home placement

5. ☐ Continued out-of-home care is in the best interest of the child. Reunification services are terminated.
6. ☐ The child's out-of home placement is necessary.
7. a. ☐ The child's out-of -home placement is appropriate.
- b. ☐ The child's current placement is not appropriate. This hearing is continued for a report by probation on the progress made to locate an appropriate placement.
8. ☐ The child has run away from placement. Out-of-home placement continues to be necessary. The placement was appropriate. Probation has made reasonable efforts to locate the child. Probation has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary to finalize the permanent plan.
9. ☐ 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. There are no available and adequate in-state facilities to meet the child's needs. All licensure requirements have been met or a waiver granted. The placement complies with the requirements of Family Code section 7911.1.
- b. ☐ does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued for a report by the county agency on the progress made toward finding an appropriate placement for the child.
10. ☐ The probation department ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom (name of child) could be placed. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated. (Fam. Code, § 7950.)
11. ☐ Probation ☐ has ☐ has not complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child.
- ☐ For children 16 years of age or older placed in another planned permanent living arrangement, the court finds that probation ☐ has ☐ has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan (specify):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

12. ☐ 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.

13. ☐ The child has no known Indian heritage.

14. a. ☐ The following is appropriate and ordered as the permanent plan:

(1) ☐ The child is returned home immediately.

(2) ☐ Adoption. A hearing under Welfare and Institutions Code section 727.31 is scheduled for (date): and an adoption assessment report is ordered.

(3) ☐ Legal guardianship.

b. ☐ The court finds by clear and convincing evidence that (name of child) is not a proper subject for adoption and there is no one willing to accept legal guardianship. The permanent plan is:

(1) ☐ The permanent plan is placement in foster care with a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative.

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

☐ return home

☐ establish legal guardianship

☐ place for adoption

☐ place with a relative

☐ other (specify):

15. ☐ The likely date by which the permanent plan will be achieved is:

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

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

a. ☐ The court asked the child where he or she wants to live and the child provided the following information (describe):

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

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

Case planning and visitation

18. ☐ The child is 14 years of age or older. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

19. a. ☐ The child was actively involved in the development of his or her case plan, including the plan for permanent placement.
 b. ☐ The child was **not** actively involved in the development of his or her case plan, including the plan for permanent placement.
 (1) ☐ Probation is ordered to involve the child and submit an updated case plan within 30 days.
 (2) ☐ Probation is **not** required to involve the child because the child is unable, unavailable, or unwilling to participate.
20. ☐ The court finds that the child's:
 a. developmental needs ☐ are ☐ are not being met c. physical needs ☐ are ☐ are not being met
 b. mental health needs ☐ are ☐ are not being met d. education needs ☐ are ☐ are not being met
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. ☐ set forth on the record.
 b. ☐ as follows:
22. ☐ The child has siblings under the court's jurisdiction and all of the siblings are **not** placed together in the same home.
 a. ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
 b. ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be **contrary to the safety and well-being** of at least one of the children. No visitation is ordered.
23. ☐ Visitation with the child is ordered:
 a. ☐ as set forth in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 b. ☐ **as set forth in *Visitation Attachment: Sibling* (form JV-401).**
 c. ☐ as follows (*specify*):

Health and education

24. The child ☐ **does** ☐ **does not** **have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):**
25. ☐ The ☐ **parents** ☐ **legal guardians** 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 Welfare and Institutions Code section 739 and vested with the probation department.
26. ☐ A limitation on the ☐ **parents** ☐ **legal guardians** to make educational decisions for the child
 a. ☐ is **not** necessary. The parents or legal guardian hold educational rights and responsibilities, including those listed in California Rules of Court, rule 5.650(e) and (f).
 b. ☐ is necessary. Those rights are limited as ordered and as set forth in ***Order Designating Educational Rights Holder*** (form JV-535).
27. ☐ The child's school placement has changed since the last review hearing.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days since the placement change.
 b. ☐ The child is ☐ enrolled in ☐ attending school.

Parentage

28. 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 (Juvenile)* (form JV-505) were provided with and ordered to complete and submit the form to the court.

- b. ☐ The ☐ court clerk ☐ probation department shall provide the notice required by Welfare and Institutions Code section 726.4 to:
 (1) alleged father (*name*):
 (2) alleged father (*name*):

| | |
|---------------|--------------|
| CHILD'S NAME: | CASE NUMBER: |
|---------------|--------------|

Advisement

29. 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 Welfare and Institutions Code section 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

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

31. ☐ Other findings and orders:

a. ☐ See attached.

b. ☐ (Specify):

32. ☐ The date the child entered foster care is (specify):

33. ☐ The next hearing will be:

| | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |

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

35. ☐ 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 his or her attorney who can assist with sealing records.

36. Number of pages attached:

Date:



JUDICIAL OFFICER

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|----|---|----------|---|---|
| 1. | Orange County Bar Association By: Michael L. Baroni, President | AM | <p>Most of the included changes simply incorporate new required findings as to permanency planning options and their correlated Title IV-E findings, and are well-taken. In particular, the modification to rule 5.590 emphasizing appellate rights and the need to consult an attorney to protect such rights is quite welcome.</p> <p>As to the specific questions presented: the addition of requirements for documenting psychotropic medication orders at each review hearing are not strictly necessary, and could cause confusion if (as can often happen) a proper box is not checked on one of these review forms (i.e., someone merely refers back to the last review hearing form to determine whether the child is on such medications, and erroneously concludes he or she is not on medication based on the missed finding). Also, these forms are dense as they are, and should be limited to the required findings for the particular hearing.</p> <p>We also take some issue with the proposed change to form JV-443 adding an option to continue reunification services based on a finding that reasonable services were not offered to the parent during the prior review period. As even recognized by the case</p> | <p>No response necessary.</p> <p>The committee acknowledges that missing a checkbox is a possibility but that is not unique to the psychotropic medications checkbox and does not diminish the importance of tracking such orders for dependent youth. In fact, the purpose of the checkbox is to remind the social worker (it is typically the social worker who submits the findings and orders to the court for adoption) to think about the child's psychotropic medication order and future hearing dates.</p> <p>The committee agrees that the language of this finding needs to be clarified and has revised it to read: "The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of</p> |

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| | | | authority cited in support of this change (<i>In re J.E.</i> (2016) 3 Cal.App.5th 557), extending reunification services based on a lack of reasonable services, and where the predicate conditions of Welfare and Institutions Code (WIC) section 366.22(b) are <i>not</i> met, is actually done via continuing that very review hearing under WIC section 352. At the very least, this language must be edited to indicate that the section 366.22 hearing is being continued for the reason given, not that reunification services are being extended <i>from</i> that hearing to another level of review hearing. Further, the caselaw makes clear that such an extension of an 18-month review hearing is only undertaken under relatively rare circumstances, and placing a default option on the statutory form may incorrectly suggest that this is a more regular or pro-forma option than contemplated by the statutes. | further reunification services and the child's need for a prompt resolution of dependent status, the court finds good cause to continue the review hearing to ____." |
| 2. | Rosemary Bishop, Attorney at Law | AM | I am a panel attorney with Appellate Defenders, Inc., specializing in Dependency appeals. Please consider these comments to the above proposal. I originally asked for a change to | |

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| | | | <p>rule 5.590 (a), eliminating the requirement a parent be present at the hearing in order to be notified of appellate rights. I appreciate the Council's considering my request and providing an alternative by including an advisement on certain court forms. (<i>See</i>, Proposal, page 6.)</p> <p>The only question on which the Council seeks comment is whether the advisement language should include a link to the Judicial Council website for information on appeal rights. However, I also have some additional comments, which I hope will be considered at this time or in the future.</p> <p>1. <i>The advisement language should include notice of deadlines and a link to the Judicial Counsel website for information.</i></p> <p>The proposed advisement language reads as follows:</p> <p>You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next</p> | <p>The committee agrees that the advisement should contain language that encourages the litigant to contact the attorney quickly. As such, the committee recommends revising the final sentence of the advisement to read: "Contact your attorney immediately, if you miss the next hearing and want to discuss your appellate rights. Delay in contacting your attorney may negatively impact your appellate rights."</p> |

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| | | | <p>hearing may also be subject to appellate review.</p> <p>If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.</p> <p>(Proposal, pp. 6-7.) The advisement does not include a statement there are deadlines to appeal. This would be helpful to put recipients on notice to contact their counsel quickly.</p> <p>A link to the Judicial Council website should be added at the end of this advisement, but only if the site provides clear information. It will be helpful to provide recipients with this additional option for getting information, as some may find it easier to go online than to contact their attorneys. The site must be clear and easy to understand, in order to be effective. For example, the link should include a link to the notice of appeal form or how to obtain it, and the 60-day deadline for appealing. It should also once again advise the recipient to contact his or her attorney to file the appeal. It has to be clear there are different deadlines for filing a writ: under</p> | <p>After consideration the committee has determined that including the language regarding appellate rights on the listed forms is sufficient and declines to include a link to a website that provides additional information. The information suggested for the website is information more appropriately provided by the litigant's attorney.</p> |

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| | | | <p>rule 5.590(b), the court does have to give written notice of writ rights even when the parent is not present, so the parent will be receiving such notice by mail. The website should make this clear.</p> <p>The danger in including the website is that recipients will not have easy access to the website or be able to navigate it or be able to obtain or complete the notice of appeal forms in a timely manner. Trying to find the information on the website could cause some recipients to delay contacting their counsel, who will know when and how to appeal.</p> <p>2. Additional comments.</p> <p>a) Unless the rules require the trial courts to mail these Findings and Orders forms, including the new appellate advisement language, to all parents at risk of losing their children through dependency proceedings, the advisement will have limited effect.</p> <p>The only rule that requires the court to send notice of Findings and Orders to a parent is rule 5.538, which refers to hearings held by a referee. The court transcripts I have seen, especially outside of</p> | <p>The court is already required to mail the findings and orders. This requirement is stated in Welfare and Institutions Code section 248.5.</p> |

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| | | | <p>San Diego County, which does send the minute orders to parents, do not show any evidence the trial court's written Findings and Orders are served on the parents by mail. In fact, the Findings and Orders of hearings (with the exception of the final Permanency Planning (366.26) hearing orders) frequently are <i>not</i> on any court forms. They are often adopted, as amended by handwritten interlineation, from the social workers' reports, and not memorialized on any other court forms in the record. If parents do not get copies of the Findings and Orders forms, they will not see the advisement and the proposed advisement will have no effect.</p> <p>b) The proposal does not include advisement of appellate rights from termination of parental rights or other final orders on the selection of a permanent plan under section 366.26.</p> <p>The proposal does not include the advisement language on proposed form JV-320, which provides Findings and Orders on a permanent plan and often includes an order terminating parental rights. (Proposal, p. 19.) Instead, the proposed form includes a box to check stating the parent has been advised of appellate rights under rule 5.590.</p> | <p>The court is required to orally inform the parents of their right to file an extraordinary writ after a Welfare and Institutions Code section 366.26 hearing. The checkbox on form JV-320 merely verifies that the court has complied with that requirement. It is unnecessary to include the advisement on form JV-320 because the advisement is included on the review hearing forms that occur prior to the 366.26 hearing; thus, if it is the 366.26 hearing the parent misses, they will have been advised of their appellate rights in a previous set of findings and orders.</p> |

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| | | | (Proposal, p. 19.) This box is less likely to put parents on notice they have appellate rights. Under Rule 5.590 (a), parents who are not present at the permanency planning hearing will not be advised by the court of appellate rights. It would be helpful to include the advisement language on this form as well. | |
| 3. | State Bar of California, The Executive Committee of the Family Law Section | AM | <p>The Executive Committee of the Family Law Section (FLEXCOM) supports the proposed rule change.</p> <p>FLEXCOM suggests that “successful adulthood,” while appropriate for the statute, might not be well received by young adults when read on a form. Therefore, we suggest eliminating the word “successful” from: page 4 of 6, #20 in JV-320; page 4 of 6, #21 in JV-430; page 4 of 6, #21 in JV-435; page 4 of 6, #22 in JV-440; page 4 of 6, #21 in JV-445; page 5 of 7, #28 in JV-446; page 4 of 6, #22 in JV-455; and page 2 of 4, #15 and #16, in JV-462.</p> | <p>No response necessary.</p> <p>The committee acknowledges that “successful adulthood” is a challenging phrase; however, it is important to track the statutory language as much as possible. The forms must reflect that “independent living” is no longer the phrase used in the Welfare and Institutions Code to describe young adults.</p> |
| 4. | Superior Court of California, Los Angeles | AM | <p>JV-421, Dispositional Attachment: Removal From Custodial Parent – Placement With Nonparent</p> <p>We appreciate the opportunity to comment on the revised forms of orders the judicial council has prepared. With respect to the</p> | |

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| | | | <p>revised JV-421 which is titled “DISPOSITIONAL ATTACHMENT: REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT, we believe there are two legal issues which need to be covered but are not, of which one is extremely critical.</p> <p>A. Bypass Provisions</p> <p>As presently drafted, paragraph 20 of JV-421, which is the Dispositional Attachment to JV-415 and applies when a child is removed from one or more parent at disposition, accurately contains the findings and orders required when reunification is not bypassed for parents described by Section 361.5(b)(1)- (15). Similar findings on 361.5(b)(16), which applies to parents who have been required to be registered as a sex offender, and 361.5(b)(17), which applies to parents who knowingly participated in or permitted the sexual exploitation of the child. For reunification services to be provided to either of these categories of parents, the Court must find by clear and convincing</p> | <p>The committee appreciates this suggestion; however, the pending proposal does not seek to revise subdivision 20.d(1) of form JV-421. The suggested addition is one that would likely receive comments and therefore the committee declines to include it at this time.</p> |

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| | | | <p>evidence that providing services is in the best interests of the child.</p> <p>It would also be helpful to add “because competent testimony establishes that” to paragraph 20.d.(1) dealing with reunification services for parents described by 361.5(b)(5). This is a unique requirement for such parents and should be emphasized to assist the Judicial Officer in focusing on the issue.</p> <p>B. Noncustodial Parents</p> <p>A very serious omission in the disposition forms is the lack of any provision for removing children from the care, custody, or control of abusive noncustodial parents.</p> <p>To put this issue in context, on November 23, 2015 the case of <i>In re Dakota J.</i> (2015) 242 Cal. App. 4th 619 was published. In <i>Dakota J.</i> the trial court had removed two sons from their mother who had a serious mental illness under WIC Section 361(c). The mother, however, had allowed the sons to live with a relative for the last four years. Based on these facts, the Court held</p> | <p>The committee acknowledges that there has been litigation around removal from a noncustodial, abusive parent in the recent year or two. In fact, Assembly Bill 1332, which has an expected effective date of January 1, 2018, is currently pending and addresses the very issue raised by the commentator. In light of the pending legislation, the committee declines to create any new forms or make changes to any existing forms. The committee will consider creating a form that addresses situations where children are removed from non-custodial parents if AB1332 is signed into law.</p> |

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| | | | <p>that it was reversible error for the trial court to remove the two sons from the mother under 361(c) - despite the fact that the mother had a court order giving her sole legal and physical custody of the sons - because the mother was not “a parent with whom the [sons] resided at the time the petition was filed” as required by Section 361(c).</p> <p><i>Dakota J.</i> did state that there were alternative statutes under which a child could be removed from a parent with whom the child did not reside - including WIC Sections 361(a)(1) and 362(a). As the Court explained, “<i>these sections allow the court to limit the control to be exercised over the dependent child by any parent or guardian, not just a custodial parent or guardian.</i>” 243 Cal. App. 4th, <i>supra</i>, at 632-3 (emphasis added).</p> <p>In the aftermath of <i>In re Dakota J.</i> there were at least 10 unpublished opinions issued that followed and expanded on the <i>Dakota J.</i> reasoning. Collectively these opinions held that children could not be protected</p> | |

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| | | | <p>from abusive noncustodial parents under 361(c) for the reasons stated in <i>Dakota J.</i>, and that WIC Section 361.2, the only WIC Section specifically referring to noncustodial parents, was of limited use for two reasons: (1) Section 361.2 requires that the noncustodial parent request physical custody of the child; it does and did not apply to parents like the mother in <i>Dakota J.</i> who did not explicitly request that the sons be placed with her, and (2) for Section 361.2 to apply, the child must first be removed from the custodial parent. It provides no basis for protection when the parent who poses the danger to the child is the noncustodial parent, the custodial parent is nonoffending, and the child is not removed from the custodial parent.</p> <p>While unpublished opinions cannot be cited as precedent, they are routinely reviewed by trial judges who are attempting to understand the rules that they need to apply. The net lesson of the unpublished opinions following <i>In re Dakota J.</i> was that there is no way to protect children in the increasing number of cases where the abuse and risk of</p> | |

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| | | | <p>abuse at issue is caused by an abusive noncustodial parent.</p> <p>One of the interesting facts about all the unpublished opinions issued following <i>In re Dakota J.</i> is that none of them mentioned the alternatives to Section 361(c) identified in that case: Sections 361(a)(1) and 362(a). Two recent published opinions on this issue, however, have directly addressed these sections.</p> <p>In <i>In re Julien H.</i> (2016) 3 Cal. App. 5th 1084, decided October 4, 2016, the Court agreed that the trial court erred when it removed a child from a noncustodial father under 361(c) because the statute applied only to custodial parents. Citing <i>In re Dakota J.</i> the Court found this error not to be prejudicial, however, because the trial court had the power to remove the child from his noncustodial parent under Sections 361(a) and 362(a), applying the same standards as it had applied under Section 361(c). The Court therefore remanded the case to the trial court for the limited purpose of doing exactly that.</p> | |

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| | | | <p><i>In re Alexander Q.</i> (2016) 5 Cal. App. 5th 336, decided November 8, 2016, went even further in its ruling. Making an exhaustive analysis of the legislative history of Section 361, the Court in <i>Alexander Q.</i> found that in fact Section 361(c) was written to be <i>more</i> protective of custodial parents. In other words, far from being prejudicial, the application of the <i>standards</i> set forth in Section 361(c) to noncustodial parents from whom children are being removed could by definition not be prejudicial because the statutory limitation on such removal is that it be “reasonable” (361(a)(1)) or “necessary” (362(a)).</p> <p>C. Proposed Solution</p> <p>There are now three published opinions - including <i>Dakota J.</i> - that hold removal of a child from the care, custody, and control of an abusive noncustodial parent is authorized by Sections 361(a)(1) and 362(a).¹ As shown in the article <i>Protect Children From Abusive Noncustodial Parents</i> published in the <i>Daily Journal</i> by Judge Frank Menetrez</p> | |

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| | | | <p>of this Court shortly before <i>In re Julien H.</i> and <i>In re Alexander Q.</i> were decided, this prior failure of Appellate Courts to recognize the need to remove children from the care, custody, and control of abusive noncustodial parents can have serious adverse impacts on the welfare of the children who are subject to our jurisdiction.² The same is true of the failure to provide a proposed JV form that can be used to make the findings and orders necessary to implement the holdings of <i>Julien H.</i> and <i>Alexander Q.</i></p> <p>As presently drafted JV-421, as indicated by its title, authorizes removal only from custodial parents. While paragraph 9 refers to placement and custody with a noncustodial parent, it does so only in the context of Section 361.2. A solution would be to create a dispositional attachment dealing with removal from the care, custody, and control of noncustodial parents under 361(a)(1) and 362(a). While these sections only require that any order be “reasonable” and “necessary,” we believe that applying the same safeguards to</p> | |

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| | | | <p>noncustodial parents as those applied to custodial parents is appropriate given the extensive statement of the constitutionally protected rights of noncustodial parents contained in <i>Dakota J.</i> The test stated in this section would be the same as stated in the present removal from custodial parents section except the removal would be from the care, custody, and control of the noncustodial parent.</p> <p>Request for Specific Comments:</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes. The proposal appropriately addresses the stated purpose, which is to conform the forms to the revised statutes.</p> <p>Is it useful to include an additional finding that documents whether the child has a psychological medications order and sets forth the next hearing date on that order on the findings and orders forms?</p> <p>Although it would be useful for the forms to have the findings for psychological</p> | <p>No response necessary.</p> <p>The committee appreciates the commentators concern for confidentiality; however, dependency files, including the findings and orders made by the court, are confidential and may only be accessed under limited circumstances, which are set forth in the Welfare and Institutions Code. As such, the information included on a findings and orders form will be as protected as the other</p> |

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| | | | <p>medication orders and the next court hearing for that issue, it would be best to exclude that information to maintain the confidentiality of the child's psychological information. That information will be readily available elsewhere.</p> <p>Should form JV-443, <i>Eighteen-Month Permanency Attachment: Reunification Services Continued</i>, include a finding that reunification services be extended to 24 months when the court finds that reasonable services have not been provided?</p> <p>The form should include the language stated above.</p> <p>Additionally, Judicial Council should create a separate section for parents who do not fall under the 366.22(b) category (as listed in 6(a) of form JV-443 Attachment). In a separate section, Judicial Council should add language consistent with <i>In re J.E.</i> (2016) 3 Cal.App.5th 557, which allows parents not included in section 366.22(b) to receive additional services so long as (1) extending services is in the child's best interest; (2) further services will result in a successful reunification with parents; and (3) the Department failed to provide</p> | <p>documents in a child's dependency files. As noted by the commentator, it would be useful to include information on whether a review hearing regarding psychotropic medications is pending; consequently, the committee has determined that these checkboxes should remain on the form.</p> <p>As stated in the Invitation to Comment, the committee proposes including a checkbox allowing for the provision of additional reunification services in accordance with <i>In re J.E.</i> (2016) 3 Cal.App.5th 557. The question posed in the request for specific comment may have been misleading. The proposal is to include a checkbox that comports with the commentator's suggestion.</p> |

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| | | | <p>reasonable services.</p> <p>Title 42 United States Code section 675 was amended to require that independent living planning begin for children at age 14 or older who are in out-of-home placement, rather than age 16 or older; however, the Welfare and Institutions Code was amended only to require that dependent youth – but not delinquent youth – receive independent living planning at age 14 or older. Should the findings and orders that relate to delinquent youth also be revised to require independent living planning for children at age 14 or older who are in out-of-home placement?</p> <p>Because the statute applies to both dependent and delinquent youth, Judicial Council should amend the forms to include delinquent youth.</p> <p>The legislation driving the revision of these 18 juvenile law forms also impacts nonminor dependents. Specifically, the legislation contemplates speaking with nonminor dependents about their</p> | <p>The committee agrees that independent living planning should begin at 14 for delinquent youth in out-of-home placement.</p> <p>The committee appreciates this comment, particularly its focus on achieving permanence for extended foster care youth. After consideration, the committee has determined it is best to leave form JV-462 as is because it is inconsistent to apply</p> |

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| | | | <p>permanent plans, which seems to contradict the stated goal of extended foster care: achieving independence. Should form JV-462 remain untouched, despite the statutory changes that explicitly apply to nonminor dependents?</p> <p>Revisions to form JV-462 would comport with the law and would not contradict the stated goal of extended foster care, which is achieving independence. This court has had a nonminor dependent adoption and another one is pending. Other nonminor dependents still reside with their former foster parents. DCFS and the court both do their best to cement the relationships. Adoption should be encouraged, even if it is right before the youth turns 21. At the same time, just as with dependent kids, the court encourages nonminor dependents to learn how to live independently. Therefore achieving permanency and encouraging independence do not conflict.</p> <p>Likewise, should rule 5.903 (the rule governing nonminor dependent status</p> | <p>permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living.</p> <p>The committee agrees that form JV-462 and rule 5.903 should mirror each other. As stated</p> |

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| | | | <p>review hearings), be revised to include language related to the appropriateness of another planned permanent living arrangement?</p> <p>To comport with the statute, rule 5.903 should be revised; however, if Judicial Council ultimately decides not to revise form JV-462, there is no need to revise rule 5.903. Both the form and the rule should provide the same information.</p> <p>Would providing a link on the forms to a website maintained by the Judicial Council with information on the right to seek appellate review be an appropriate vehicle to inform parties of their potential right to seek appellate review?</p> <p>Judicial Council wants to add information concerning a person's appellate rights in the following forms: JV-415, JV-430, JV-435, JV-440, and JV-455. The information will contain the following language:</p> <p>You may have a right to appellate review of some or all of the orders made during this hearing. Contact</p> | <p>above, the committee has determined it is best to leave form JV-462 and rule 5.903 as is because it is inconsistent to apply permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living.</p> <p>The committee agrees that including the language regarding appellate rights on the listed forms obviates the need for additional information on the Judicial Council's website. At this time, the committee believes it is unnecessary to include the language about provision of free transcripts. The language on the form directs the party to contact their attorney and the point about free transcripts is just the sort of information that the attorney can provide.</p> |

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| | | | <p>your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.</p> <p>To mirror the language in Rule 5.590(a), Judicial Council should also add: “The right of an indigent appellant to be provided with a free copy of the transcript.” (Rule 5.590(a)(4))</p> <p>However, providing a link on the forms to a website maintained by Judicial Council with information on the right to seek appellate review is not necessary. The rule requires that the advisement be made in “writing or orally.” Including this information in the forms would satisfy the writing component, and many jurisdictions are also likely to provide an oral</p> | |

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| | | | advisement. | |
| 5. | Superior Court of California, Riverside | A | <p><u>Does the proposal address the stated purpose?</u> Yes.</p> <p><u>Is it useful to include an additional finding that documents whether the child has a psychological medications order and sets forth the next hearing date on that order on findings and order form?</u> No.</p> <p><u>Should JV-443 include a finding that reunification services be extended to 24 months when the court finds that reasonable services have not been provided?</u> Yes.</p> <p><u>Should the findings and orders that related to delinquent youth also be revised to require independent living planning for children at age 14 or older who are in out of home placement?</u> Yes.</p> <p><u>Would it be helpful if requests to terminate parental rights were made on a separate attachment that was filed with the court?</u></p> | <p>No response necessary.</p> <p>After consideration, the committee has determined it would be useful to the court and parties to include information on whether a review hearing regarding psychotropic medications is pending; consequently, these checkboxes will remain on the form.</p> <p>The committee agrees that this finding should remain on the form, with a slight modification to the language that clarifies the court is continuing the review hearing, and thus services, because reasonable services were not provided.</p> <p>The committee agrees that the independent living planning findings are applicable to delinquent youth.</p> <p>The committee appreciates this comment and may consider developing such a form at a later date.</p> |

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| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|---|
| | | | <p>Yes-this would be helpful and remove repetitiveness of the language on all of the forms.</p> <p><u>Should JV-462 remain untouched, despite the statutory changes the explicitly apply to nonminor dependents?</u></p> <p>JV462 should be amended to reflect the statutory changes. This will be consistent with other forms in which statutory changes have occurred.</p> <p><u>Should rule 5.903 be revised?</u></p> <p>Yes.</p> <p><u>Would a link on the forms to a JC website with information about the right to appellate review be appropriate?</u></p> | <p>After consideration, the committee has determined it is best to leave form JV-462 as is because it is inconsistent to apply permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living.</p> <p>As stated above, the committee has determined it is best to leave form JV-462 and rule 5.903 as is because is because it is inconsistent to apply permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living.</p> <p>After consideration the committee has determined that including the language regarding appellate rights on the listed forms obviates the need for additional information</p> |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|----|---|----------|---|---|
| | | | <p>Yes.</p> <p><u>Would the proposal provide cost savings?</u></p> <p>No.</p> <p><u>What would the implementation requirements be for courts?</u></p> <p>Training of staff and judicial officers, recommendations with the agencies will need to be reviewed and updated, minute codes will need to be updated and/or created.</p> <p><u>Is six months sufficient time for implementation?</u></p> <p>No, these are substantial changes and six months will not be enough time to coordinate changes with agencies. Recommend a 12-month implementation period.</p> | <p>on the Judicial Council's website.</p> <p>The proposal may not provide cost savings but nor will it raise costs for the courts. A short-term cost increase is anticipated as templates are updated staff is trained on using the new forms.</p> <p>The committee agrees that these are the likely cost drivers</p> <p>While the committee acknowledges that these are significant changes, the majority of the revisions to the code sections went into effect on January 1, 2016. Thus, by the time the form changes are approved the new findings will have been required for two years.</p> |
| 6. | Superior Court of California, San Diego | AM | <ul style="list-style-type: none"> Is it useful to include an additional finding that documents whether the child has a psycho[tropic] medications order and sets forth the next hearing date on that order on the findings and orders forms? <p>Yes! Very helpful!</p> | <p>The committee agrees it would be useful to the court and parties to include information on whether a review hearing regarding psychotropic medications is pending; consequently, these checkboxes will remain on the form.</p> |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|---|
| | | | <ul style="list-style-type: none">Should form JV-443 ... include a finding that reunification services be extended to 24 months when the court finds that reasonable services have not been provided? Yes. | The committee agrees that this finding should remain on the form, with a slight modification to the language that clarifies the court is continuing the review hearing, and thus services, because reasonable services were not provided. |
| | | | <ul style="list-style-type: none">[42 U.S.C. § 675] was amended to require that independent living planning begin for children at age 14 or older who are in out-of-home placement, rather than age 16 or older; however, the [WIC] was amended only to require that dependent youth—but not delinquent youth—receive [ILP] at age 14 or older. Should the findings and orders that relate to delinquent youth also be revised to require [ILP] for children at age 14 or older who are in out-of-home placement? Yes. Clean-up legislation should be sought to correct the oversight in the delinquency statutes. | The committee agrees that the independent living planning findings are applicable to delinquent youth. |
| | | | <ul style="list-style-type: none">Recently, concerns have been raised regarding the clarity of the process for requesting [TPR]. Currently, this request is embedded in a number of forms in this proposal. Would it be helpful if [TPR requests] were made on a separate attachment that was filed with the court? | The committee appreciates this comment and may consider developing such a form at a later date. |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|--|--|
| | | | <p>Would the separate attachment replace, or be an optional alternative to, the embedded requests? The embedded TPR requests should remain embedded, as most requests occur at the hearings for which these forms are used (e.g., dispo and reviews). If created for optional use, the separate attachment might be useful when the request is not made at one of those hearings.</p> <ul style="list-style-type: none">• The legislation driving the revision of these 18 juvenile law forms also impacts [NMDs]. Specifically, the legislation contemplates speaking with [NMDs] about their permanent plans, which seems to contradict the stated goal of extended foster care: achieving independence. Should form JV-462 remain untouched, despite the statutory changes that explicitly apply to [NMDs]? <p>Preliminarily, it should be noted that SB 794 changed the stated goal of extended foster care from “independence” to “successful adulthood.” Although the difference in terms is arguably rhetorical (one need not be completely independent to experience a successful adulthood), it is not certain that asking a NMD about his or her plans for the future necessarily contradicts those goals.</p> <p>Assuming the focus of this question is the</p> | <p>After consideration, the committee has determined it is best to leave form JV-462 as is because it is inconsistent to apply permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living.</p> |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|--|
| | | | <p>requirement for the court to ask a NMD in APPLA “about his or her desired permanency outcome” (WIC § 366.31(e)(10), see also WIC § 727.3(a)(5)), item 27 <u>should</u> be added to form JV-462 as proposed precisely because it is required by statute for these hearings.</p> <p>Curiously, forms JV-674 and JV-678 (item 17) frame this finding, “The court asked the child where he or she wants to live ...” Why is it necessary to paraphrase the statutory language? Being asked about one’s “desired permanency outcome” should encompass much more than “where he or she wants to live.” It is hoped courts will seek more information from the NMD or foster youth, e.g., future plans for further education and/or career goals, family relationships, support systems, etc.</p> <ul style="list-style-type: none"> Likewise, should rule 5.903 (the rule governing [NMD] status review hearings), be revised to include language related to the appropriateness of [APPLA]? If the “language related to the appropriateness of [APPLA]” refers to the requirements set forth in WIC § 366.31(e)(10), yes. Would providing a link on the forms to a website maintained by the Judicial Council with information on the right to seek | <p>As stated above, the committee has determined it is best to leave form JV-462 and rule 5.903 as they are for the time being.</p> <p>After consideration the committee has determined that including the language regarding appellate rights on the listed forms</p> |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|----|---|----------|---|---|
| | | | appellate review be an appropriate vehicle to inform parties of their potential right to seek appellate review? It would be helpful, but it should not replace the new “For Your Information” language that has been proposed. Although we are well into the 21 st century, there are still families who do not have easy access to the internet. | obviates the need for additional information on the Judicial Council’s website. This commentator submitted lengthy edits to the forms, which are included as Attachment A. The majority of the suggested edits were made. |
| 7. | Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) | AM | The changes proposed in SPR17-13 are, for the most part, compliant with the new law and appropriate. However, the proposed changes to JV-462 require more discussion. The "Request for Specific Comments" aptly frames the question: whether achieving independence, as the stated goal of extended foster care, is furthered by discussions about and findings regarding "permanent plans" that may include adoption, foster care, and other things normally associated with minor dependent status (such as those in items 21, 27 and 28). The JRS respectfully suggests that the Family and Juvenile Law Advisory | After consideration, the committee has determined it is best to leave form JV-462 as is because it is inconsistent to apply permanent plans crafted for children to nonminor dependents, who are adults, and are actively pursuing their permanent plan – independent living. |

SPR 17-13

Juvenile Law: Title IV-E Findings & Orders

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

| | Commentator | Position | Comment | Committee Response |
|--|-------------|----------|---|--------------------|
| | | | Committee consider the possibility that such discussions and findings are appropriate in the case of nonminor dependents, but that the language of "another planned permanent living arrangement" should be avoided, as it suggests long-term outcomes that may not be feasible for a nonminor dependent about to leave the system as an adult. For this reason, the JRS recommends that section 27 of Form JV-462 be amended to read as follows instead of beginning with the proposed language of "For nonminors placed in another planned permanent living arrangement:" "For nonminors transitioning to independence:" | |

Item SPR17-13 Response Form

Title: Juvenile Law: Title IV-E Findings and Orders

- ☐ **Agree** with proposed changes
- ☒ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments:

Comments regarding specific questions:

- Is it useful to include an additional finding that documents whether the child has a psycho[tropic] medications order and sets forth the next hearing date on that order on the findings and orders forms?

Yes! Very helpful!

- Should form JV-443 ... include a finding that reunification services be extended to 24 months when the court finds that reasonable services have not been provided?

Yes.

- [42 U.S.C. § 675] was amended to require that independent living planning begin for children at age 14 or older who are in out-of-home placement, rather than age 16 or older; however, the [WIC] was amended only to require that dependent youth—but not delinquent youth—receive [ILP] at age 14 or older. Should the findings and orders that relate to delinquent youth also be revised to require [ILP] for children at age 14 or older who are in out-of-home placement?

Yes. Clean-up legislation should be sought to correct the oversight in the delinquency statutes.

- Recently, concerns have been raised regarding the clarity of the process for requesting [TPR]. Currently, this request is embedded in a number of forms in this proposal. Would it be helpful if [TPR requests] were made on a separate attachment that was filed with the court?

Would the separate attachment replace, or be an optional alternative to, the embedded requests? The embedded TPR requests should remain embedded, as most requests occur at the hearings for which these forms are used (e.g., dispo and reviews). If created for optional use, the separate attachment might be useful when the request is not made at one of those hearings.

- The legislation driving the revision of these 18 juvenile law forms also impacts [NMDs]. Specifically, the legislation contemplates speaking with [NMDs] about their permanent plans, which seems to contradict the stated goal of extended foster care: achieving independence. Should form JV-462 remain untouched, despite the statutory changes that explicitly apply to [NMDs]?

Preliminarily, it should be noted that SB 794 changed the stated goal of extended foster care from “independence” to “successful adulthood.” Although the difference in terms is arguably rhetorical (one need not be completely independent to experience a successful adulthood), it is not certain that asking a NMD about his or her plans for the future necessarily contradicts those goals.

Assuming the focus of this question is the requirement for the court to ask a NMD in APPLA “about his or her desired permanency outcome” (WIC § 366.31(e)(10), see also WIC § 727.3(a)(5)), item 27 should be added to form JV-462 as proposed precisely because it is required by statute for these hearings.

Curiously, forms JV-674 and JV-678 (item 17) frame this finding, “The court asked the child where he or she wants to live ...” Why is it necessary to paraphrase the statutory language? Being asked about one’s “desired permanency outcome” should encompass much more than “where he or she wants to live.” It is hoped courts will seek more information from the NMD or foster youth, e.g., future plans for further education and/or career goals, family relationships, support systems, etc.

- Likewise, should rule 5.903 (the rule governing [NMD] status review hearings), be revised to include language related to the appropriateness of [APPLA]?

If the “language related to the appropriateness of [APPLA]” refers to the requirements set forth in WIC § 366.31(e)(10), yes.

- Would providing a link on the forms to a website maintained by the Judicial Council with information on the right to seek appellate review be an appropriate vehicle to inform parties of their potential right to seek appellate review?

It would be helpful, but it should not replace the new “For Your Information” language that has been proposed. Although we are well into the 21st century, there are still families who do not have easy access to the internet.

RULE 5.810

Throughout rule 5.810, there is inconsistency in referring to the subject of the proceedings as either a “ward” or a “child.” Rules 5.795 and 5.805 use “youth.” Rule 5.812 uses “child” consistently, except in subd. (f). Rules 5.813 and 5.814 alternate between “ward” and “child.” Although it may be appropriate to use one term or another in a particular rule, rule 5.810 could benefit from using only “ward” or “child,” especially within the same paragraph (see, e.g., 5.810(a)(3)(C) and 5.810(b)(3)(A)).

Subds. (a)(3)(B), (b)(2)(B), and (c)(2)(C): Change per WIC § 727.2(e)(2) --

The extent of the probation department's compliance with the case plan in making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts to safely return the child to the child's home and or to complete whatever steps are necessary to finalize the permanent placement of the child;

Subds. (a)(3)(F), (b)(2)(H) (*new*), and (c)(2)(F) (*new*): Change per WIC § 727.2(e)(6) & (g), 727.3(a)(4) --

In the case of a child who is 16^[1] years of age or older, the services needed to assist the child in making the transition from foster care to **independent living successful adulthood**;

The findings set forth in subds. (a)(3)(C) [education rights] and (a)(3)(E) [likely date] need to be added to **subd. (b)(2)**. (See WIC § 727.3(a)(4) [“At each permanency planning hearing, The court shall also make findings, as described in subdivision (e) of Section 727.2”].)

The finding set forth in subd. (a)(3)(C) [education rights] needs to be added to **subd. (c)(2)**. (See 727.2(g)) [“At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e)”].)

Suggestion: Delete subd. **(b)(2)(D)** as unnecessary in light of subd. (b)(3).

FORM JV-320

• Page 1 – Item 2:

The court has read and considered the assessment prepared under Welfare and Institutions Code section 361.5(g), 366.21(i), 366.22(c), **or** 366.25(b), **or 727.31(b)** and the report and recommendation of the ...

• Page 1 – Item 5:

... The child was properly notified under Welfare and Institutions Code section 349(d) of his or her right to attend the hearing, **and** was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

• Page 1 – Right footer:

Welfare and Institutions Code, §§ 361.7, 366.24, 366.26, 727.3, **727.31**, 727.4, 16501.1; Cal. Rules of Court, rules 5.485, 5.504, 5.590, 5.725, 5.810, **5.820**

• Page 2 – Item 12:

Termination of parental rights would be detrimental to the child for the following reasons:
(If item 12 is checked, check reasons below and go to item 15 or 16.)

Comment: The check boxes for items 12.a, b, c, d, e, and f accurately state the reasons for a detriment finding under WIC § 366.26(c)(1)(B), but the analogous reasons for finding that termination of parental rights would not be in the best interest of a minor under WIC §

¹ Or change 16 to 14, as in form JV-674, item 18.

727.3(c)(1)(B),² (1)(C),³ (1)(D),⁴ (2),⁵ (3),⁶ and (4)⁷ are not provided in item 12 or anywhere else on the form. Since this form is intended to be used for orders under WIC §§ 727.3 and 727.31, should there be a separate (additional) item for these reasons?

- Page 3 – Item 12.f: Per WIC § 366.26(c)(1)(B)(vi)(III), underneath reason (2), add:

(3) The child is a nonminor dependent, and the nonminor and the nonminor’s tribe have identified tribal customary adoption for the nonminor.

- Page 3 – Item 14.a: WIC § 366.26(c)(3) uses “permanent placement goal,” not “permanent plan.”

Termination of parental rights is not ordered at this time. Adoption is the permanent **plan placement goal**, and efforts are to be made to locate an appropriate adoptive family. ...

- Pages 3 & 4 – Items 14.c, 15.b, and 16.c: WIC § 366.26(c)(4)(C) uses “would be detrimental,” not “is detrimental.” “Terminated” is appropriate only if visitation was previously allowed. “Prohibited” (or “not allowed”) will bar visitation whether or not it was previously allowed.

Visitation between the child and (*names*):

~~is would be~~ detrimental to the child's physical or emotional well-being and is **terminated prohibited.**

- Page 4 – Boxed sentence at top of page (“court retains jurisdiction of the guardianship”). *This sentence should be at the bottom of page 3 (i.e., “anchored” to item 15, which pertains to guardianship) rather than at the top of page 4, where it appears with item 16 (non-guardianship placements).*

- Page 4 – Item 16.a does not provide a check box for the permanent plan set forth in WIC § 366.26(c)(4)(B)(ii) or (iii) for youth 16 or older or for nonminor dependents, i.e., “another planned permanent living arrangement.” Suggest adding:

² “The minor is 17 years of age or older and specifically requests that transition to independent living with the identification of a caring adult to serve as a lifelong connection be established as his or her permanent plan. On and after January 1, 2012, this includes a minor who requests that his or her [TILCP] include modification of his or her jurisdiction to that of dependency jurisdiction pursuant to [§ 607.2(b)] or of [§ 727.2(i)], or to that of transition jurisdiction pursuant to [§] 450, in order to be eligible as a [NMD] for the extended benefits pursuant to [§] 11403.”

³ “The parent or guardian and the minor have a significant bond, but the parent or guardian is unable to care for the minor because of an emotional or physical disability, and the minor’s caregiver has committed to raising the minor to the age of majority and facilitating visitation with the disabled parent or guardian.”

⁴ “The minor agrees to continued placement in a residential treatment facility that provides services specifically designed to address the minor’s treatment needs, and the minor’s needs could not be served by a less restrictive placement.”

⁵ “Documentation by the probation department that no grounds exist to file for termination of parental rights.”

⁶ “Documentation by the probation department that the minor is an unaccompanied refugee minor, or there are international legal obligations or foreign policy reasons that would preclude terminating parental rights.”

⁷ “A finding by the court that the probation department was required to make reasonable efforts to reunify the minor with the family pursuant to [§ 727.2(a)], and did not make those efforts.”

(7) Another planned permanent living arrangement, as no other permanent plan is appropriate at this time.

FORM JV-415

Page 2 – Item 5.a. – Change “maybe” to “may be”

Page 3 – Item 17 – Is item 17.d. still necessary in light of the proposed revision to item 17.c.? In other words, would a court, at the dispo hearing, ever schedule a postpermanency hearing without having set a .26 hearing first (via item 17.c.)?

FORM JV-421

Page 1 – Right footer – CRC 5.690 should be added, and CRC 5.695 should remain. Not quite sure why 5.695 was replaced with 5.708 and 5.710, which apply to review hearings, not dispositional hearings.

Page 1 – Item 7.b.(1): Change as indicated to mirror the language in CRC 5.695(e)(2) and to be consistent with the proposed changes to items 7.a. and 7.b.

The county agency is ordered to ~~make such diligent efforts~~ exercise due diligence to identify, locate, and notify the child’s relatives, except for ~~individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence~~ any individual the social worker identifies as inappropriate to notify.

Page 2 – Item 10: In light of Continuum of Care Reform, is any consideration being given to replacing a, b, c, and d with “in a resource family home” and “in a short-term residential treatment program”?

Page 3 – Item 20.a.: Add check boxes for 361.5(b)(16) and 361.5(b)(17).

Page 4 – Item 21.b. Should it mirror the language provided on the Judicial Council’s Gray Sheet (“Recommended Title IV-E Findings and Orders”) for dispo hearings?

The likely date by which the child may be returned to and safely maintained in the home or placed for adoption, in legal guardianship, or in an identified placement with a specific goal another permanent plan selected is (*specify*):

Also, shouldn’t this finding (“D4” on the Gray Sheet) be made regardless of whether services are ordered or denied? As such, should it be item 22 rather than item 21.b? In other words, as item 22, the D4 finding will be made regardless of whether item 20.a, 20.b, 20.c, 20.d, 20.e, 20.f, or 21.a is chosen. (Alternatively, item 21.a could be redesignated as 20.g., and item 21.b could be redesignated as 21. This would eliminate the need to renumber all subsequent items.)

Finally, this finding appears again on **page 7** as **item 36.f.**, although it is worded a bit differently (to include tribal customary adoption). Is it necessary to repeat it on page 7? Is it appropriately placed in this section (“Advisements”)? If it remains, should it also be amended to mirror D6?

f. The likely date by which the ~~child may be placed for adoption, tribal customary adoption, legal guardianship, or in an identified placement with a specific goal permanent plan will be achieved~~ is (*specify date*):

Page 4 - Item 22. Should it mirror the language provided on the Judicial Council’s Gray Sheet (“Recommended Title IV-E Findings and Orders”) for dispo hearings?

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

Page 5 – Items 27.a & b: See proposed change to Form JV-455 – “rule 5.650(e)-(f)” is changed to “rule 5.650(e) **and** (f)” (page 72 of SPR-17-13).

Also, the JV-535 on www.courts.ca.gov is titled, “*Order Designating Educational Rights Holder*,” not “*Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs*.”

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

b. A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in ***Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative,⁸ and Determining Child's Educational Needs*** ***Order Designating Educational Rights Holder*** (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule **5.650(e) and (f)** of the California Rules of Court. A copy of rule **5.650(e) and (f)** may be obtained from the court clerk.

Page 5 – Item 29: Insert “(*date*).”

... The next hearing to review the psychotropic medication order is on **(*date*)**:

Our court suggests [1] moving this information to item 31 and [2] moving items 30 and 31 back to 29 and 30. Reason: Items 29 and 30 refer to the findings in Item 28, so all three items should remain together.

⁸ If this is the correct name of form JV-535, a horizontal space is needed after this comma.

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

29. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are:

- a. stated in the social worker's report.
b. specified here:

30. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:

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

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

Page 6 – Items 34 and 34.a: Suggest using language from WIC § 361.5(a)(3)(C):

“In cases where the child was under three years of age on the date of the initial removal from the physical custody of his or her parent or guardian or is a member of a sibling group as described in subparagraph (C) of paragraph (1), the court shall inform the parent or guardian that the failure of the parent or guardian to participate regularly in any court-ordered treatment programs or to cooperate or avail himself or herself of services provided as part of the child welfare services case plan may result in a termination of efforts to reunify the family after six months. The court shall inform the parent or guardian of the factors used in subdivision (e) of Section 366.21 to determine whether to limit services to six months for some or all members of a sibling group as described in subparagraph (C) of paragraph (1).”

Child under the age of three years of age or member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C). The court informed all parties present at the time of the hearing and further advises all parties that, because the child was under the age of three years of age on the date of initial removal or is a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C):

a. Failure to participate regularly and make substantive progress in court-ordered treatment programs or to cooperate or avail himself or herself of services provided as part of the child welfare services case plan may result in the termination of reunification services for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).

Page 6 – Items 36.d., last sentence: Correct rule in last sentence (should be subd. (g)(10)).

The clerk of the court is directed to provide written notice as stated in rule 5.695~~(f)(19)~~(g)(10) of the California Rules of Court to any party not present.

Page 7 – Item 36.f. – See comments, *ante*, regarding Page 4 – Item 21.b.

FORM JV-430

Page 1 – Right footer: Add citations to WIC §§ **361.7, 366**. A citation to § 366 also should be added to the citation footers on Forms JV-431, JV-432, and JV-433.

Page 3 – Item 10: Per WIC § 366(a)(1)(B):

The county agency ... complied with the case plan by making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7, 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

Page 3 – Items 17: Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 3 – Items 17-19: I suggest moving the psychotropic medication information to item 19 and moving 18 and 19 back to 17 and 18. Reason: Items 17 and 18 refer to the findings in Item 16, so all three items should remain together.

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

17. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are:

- a. stated in the social worker's report.
b. specified here:

18. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 17:

- a. Social worker.

- b. Parent (*name*):
- c. Surrogate parent (*name*):
- d. Educational representative (*name*):
- e. Other (*name*):

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

FORM JV-431

(not part of SPR 17-13)

Item 1 of Forms JV-432 and JV-433 start by stating the standard of proof (“By a preponderance of the evidence, ...”). Should Item 1 of Form JV-431 be changed to likewise state the standard of proof?

FORM JV-432

(not part of SPR 17-13)

Page 1 – Items 4.a. & 5.b.: Change “item 25” to “item 26.”

Page 2 – Item 8: Per WIC § 366(a)(2):

The likely date by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption, legal guardianship, placed with a fit and willing relative, or in an identified placement with a specific goal another planned permanent living arrangement is (*specify date*):

FORM JV-433

Page 1 – Item 4.a.: Change “item 25” to “item 26.”

Page 2 – Item 7.a.: Change to accurately reflect the language in WIC § 366.21(e)(5).

Reunification services are terminated for the

| | | |
|-----------------|-------------------|------------------|
| mother | biological father | Indian custodian |
| presumed father | legal guardian | |
| other | | |

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

the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and the person's whereabouts remain unknown.

the person has not had contact with the child for six months.

Page 2 – Item 8: Delete. Item 8 repeats item 7.a., although it is less complete.

Page 2 – Item 10: Change “a group home” to “an out-of-home placement” and delete “from the date the child entered foster care (See WIC §§ 366(a)(1)(B), 366.1(g).) NOTE: WIC § 366.21(h) does not limit this finding to children 10 or older: “The court shall make any other appropriate orders to enable the child to maintain relationships with individuals, other than the child’s siblings, who are important to the child, consistent with the child’s best interests.”

Child 10 years of age or older, placed in ~~a group home~~ an out-of-home placement for six months or longer ~~from the date the child entered foster care~~

Page 3 – Item 12.c.: Change “§ 361.5(g)” to “§ 366.21(i).” (See WIC § 366.21(i).)

Page 3 – Item 12.d.: In the last sentence, change “rule 5.708(n)(5)” to “rule 5.590(b)(2).” (Alternatively, it can be changed to 5.708(i)(2), but that provision cross references to 5.590(b)(2).)

Page 3 – Item 12.e.: See WIC § 361.5(f):

The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or an identified placement with a specific goal another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child’s tribe, tribal customary adoption for the child. ...

Note: Alternative language in WIC § 366.22(a)(3):

... adoption, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, guardianship, or continued placement in foster care ...

Page 3 – Item 12.g.: Add “or in another planned permanent living arrangement.” (See item 12 e., *ante*.)

g. The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or in another planned permanent living arrangement (*specify date*):

Page 3 – Item 13: Per WIC § 366.21(g)(5)

By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified has no one willing to accept legal guardianship as of the hearing date.

Page 3 – Item 13.b.: Grammar error – can be changed to one of the following.

The child remains **s** in foster care with a permanent plan of ...

The child remains **s placed** in foster care with a permanent plan of ...

The child **shall** remain in foster care with a permanent plan of ...

Page 3 – Item 13.b.(5): Per WIC § 366.21(g)(5)(A).

The child is 16 years of age or older, there is a compelling reason that no other **preferred** permanent plan is **in the child's best interest appropriate at the time of the hearing**, and the child is ordered placed in another planned permanent living arrangement with a goal of: ...

Page 4 – Item 13.c.: Consider adding the following as optional alternatives to “(describe):”

_____ stated in the record.

_____ stated in the report.

Page 4 – Item 14.c.: See form JV-438, item 11.c.

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

FORM JV-435

Page 3 – Item 10: Per WIC § 366(a)(1)(B):

The county agency ... complied with the case plan by making reasonable efforts, **or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7,** 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.**

Page 3 – Item 15.b.: Form has been renamed.

A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in ***Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs Order Designating Educational Rights Holder*** (form JV-535) filed in this matter. ...

Page 3 – Item 17: Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 4 – Item 20.a.: Misplaced comma.

The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and, those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.

FORM JV-438

Page 1 – Item 8: Change “a group home” to “an out-of-home placement” and delete “from the date the child entered foster care.” (See WIC §§ 366(a)(1)(B), 366.1(g).) NOTE: WIC § 366.21(h) does not limit this finding to children 10 or older: “The court shall make any other appropriate orders to enable the child to maintain relationships with individuals, other than the child’s siblings, who are important to the child, consistent with the child’s best interests.”

Child 10 years of age or older, placed in a group home an out-of-home placement for six months or longer from the date the child entered foster care

Page 2 – Item 10: Per WIC § 366.21(g)(5).

By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified and has no one willing to accept legal guardianship as of the hearing date.

Page 2 – Item 10.b: Grammar error – can be changed to one of the following.

The child remains s in foster care with a permanent plan of ...

The child remains s placed in foster care with a permanent plan of ...

The child shall remain in foster care with a permanent plan of ...

Page 2 – Item 10.b.(5): See JV-433, item 13.b.(5), *ante*.

The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child’s best interest appropriate at the time of the hearing, and the child is ordered placed in another planned permanent living arrangement with a goal of return home, legal guardianship, placement with a relative, or emancipation, or other (specify):

Page 2 – Item 10.c.: Consider adding the following as optional alternatives to “(describe):”

_____ stated in the record.

_____ stated in the report.

Page 2 – Item 12.c.

... as described in Welf. & Inst. Code, § ~~361.5(g)~~ 366.21(i).

Page 2 – Item 12.d.: In the last sentence, change “rule 5.708(n)(5)” to “rule 5.590(b)(2).”

(Alternatively, it can be changed to 5.708(i)(2), but that provision cross references to 5.590(b)(2).)

Page 3 – Item 12.e.

The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or an identified placement with a specific goal another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child’s tribe, tribal customary adoption for the child. ...

Page 3 – Item 12.g.

g. The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or in another planned permanent living arrangement (specify date):

FORM JV-440

Page 3 – Items 10 & 11.: Combine as suggested for item 10 in Forms JV-430 and JV-435. (This also would eliminate the need to renumber all subsequent items.)

The county agency ... complied with the case plan by making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7, 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

11. The child is 16 years of age or older and the agency has has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

Page 3 – Items 16.a. & b.: See proposed change to Form JV-455 – “rule 5.650(e)-(f)” is changed to “rule 5.650(e) **and** (f)” (page 72 of SPR-17-13).

Page 3 – Items 16.b.: Form has been renamed.

A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in ***Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs Order Designating Educational Rights Holder*** (form JV-535) filed in this matter. ...

Page 3 – Item 18: Insert “(date).”

... The next hearing to review the psychotropic medication order is on **(date)**:

Page 4 – Item 23.c.: The citation on Form JV-443 is WIC § 366.22, not § 366.25.

Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.2**52**) (form JV-443), which is attached and incorporated by reference.

FORM JV-442

Page 1 – Item 8: Change “a group home” to “an out-of-home placement” and delete “from the date the child entered foster care.” (See WIC §§ 366(a)(1)(B), 366.1(g).) NOTE: WIC § 366.21(h) does not limit this finding to children 10 or older: “The court shall make any other appropriate orders to enable the child to maintain relationships with individuals, other than the child’s siblings, who are important to the child, consistent with the child’s best interests.”

Child 10 years of age or older, placed in a group home an out-of-home placement for six months or longer ~~from the date the child entered foster care~~

Page 2 – Item 10: Per WIC § 366.21(g)(5)

By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption **at this time and a potential legal guardian has not been identified has no one willing to accept legal guardianship as of the hearing date.**

Page 2 – Item 10.b.: Grammar error – can be changed to one of the following.

The child remains **s** in foster care with a permanent plan of ...

The child remains **s placed** in foster care with a permanent plan of ...

The child **shall** remain in foster care with a permanent plan of ...

Page 2 – Item 10.b.(5): Per WIC § 366.21(g)(5)(A).

The child is 16 years of age or older, there is a compelling reason that no other **preferred** permanent plan is **in the child's best interest appropriate at the time of the hearing**, and the child is ordered placed in another planned permanent living arrangement with a goal of return home, legal guardianship, placement with a relative, **or** emancipation, **or other (specify)**:

Page 2 – Item 10.c.: Consider adding the following as optional alternatives to “(describe):”

_____ stated in the record.

_____ stated in the report.

Page 2 – Item 12.c.:

... as described in Welf. & Inst. Code, § **361.5(g) 366.22(c)**.

Page 2 – Item 12.d.: In the last sentence, change “rule 5.708(n)(5)” to “rule 5.590(b)(2).”

(Alternatively, it can be changed to 5.708(i)(2), but that provision cross references to 5.590(b)(2).)

Page 3 – Item 12.e.:

The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, **placement with a fit and willing relative, or an identified placement with a specific goal another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption** for the child. ...

Page 3 – Item 12.g.

The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, **or in another planned permanent living arrangement is** (specify date):

FORM JV-443

Page 1 - Items 4.a. & 5.a. – Change “item 25” to “item 27” (or, if items on JV-440 are renumbered, as appropriate).

Page 1 - Item 6.a.(1) – Per WIC § 366.22(b).

who is making significant and consistent progress in a court-ordered residential substance abuse treatment program

Page 1 - Item 6.b.(3)(b) – Per WIC § 366.22(b)(3),

to complete a treatment plan postdischarge from incarceration, or institutionalization, or detention, or following deportation and his or her return to the United States.

Page 2 - Item 6.c.: Insert (date) at the end of the second sentence, “... the court finds good cause to continue reunification services to” ...

Page 2 - Item 8.

The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or in another planned permanent living arrangement (*specify date*):

Page 2 - Item 9: Change “a group home” to “an out-of-home placement” and delete “from the date the child entered foster care.” (See WIC §§ 366(a)(1)(B), 366.1(g).) NOTE: WIC § 366.21(h) does not limit this finding to children 10 or older: “The court shall make any other appropriate orders to enable the child to maintain relationships with individuals, other than the child’s siblings, who are important to the child, consistent with the child’s best interests.”

Child 10 years of age or older, placed in a group home an out-of-home placement for six months or longer ~~from the date the child entered foster care~~

FORM JV-445

Page 2 - Item 11.b.(2).

the county agency is not required to actively involve give the child an opportunity to review the case plan, sign it, and receive a copy because the child is unable, unavailable, or unwilling to participate review the case plan, sign it, and receive a copy.

Page 2 - Items 12 & 13: Combine as suggested for item 10 in Forms JV-430 and JV-435. (This also would eliminate the need to renumber all subsequent items.)

The county agency ... complied with the case plan by making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7, 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-

home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

Page 3 - Item 17: Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 4 - Item 20.a.: Misplaced comma.

The child's educational records, ... were requested by the child's new school within two business days of the request to enroll, and, those records were provided by the child's former school

Page 4 - Item 27.a.: If the court chooses this option (setting a .26), shouldn't this form also include the findings, orders, and advisements required when the court sets a .26 hearing (e.g., form JV-457, item 10)?

Page 4 - Item 27.b.

The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or in another planned permanent living arrangement is (specify date):

FORM JV-446

Page 3 - Item 16.b.(2):

the county agency is not required to actively involve give the child an opportunity to review the case plan, sign it, and receive a copy because the child is unable, unavailable, or unwilling to participate review the case plan, sign it, and receive a copy.

Page 3 - Items 17 & 18: Combine as suggested for item 10 in Forms JV-430 and JV-435. (This also would eliminate the need to renumber all subsequent items.)

The county agency ... complied with the case plan by making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7, 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

Page 4 - Item 20: Change “a group home” to “an out-of-home placement” and delete “from the date the child entered foster care.” (See WIC §§ 366(a)(1)(B), 366.1(g).) NOTE: WIC § 366.21(h) does not limit this finding to children 10 or older: “The court shall make any other

appropriate orders to enable the child to maintain relationships with individuals, other than the child's siblings, who are important to the child, consistent with the child's best interests."

Child 10 years of age or older, placed in a group home an out-of-home placement for six months or longer from the date the child entered foster care

Page 5 - Item 29: Insert "(date)."

... The next hearing to review the psychotropic medication order is on (date):

Page 5 - Item 31.c: Grammar error – can be changed to one of the following.

The child remains in foster care with a permanent plan of ...

The child remains placed in foster care with a permanent plan of ...

The child shall remain in foster care with a permanent plan of ...

Page 5 – Item 31.c.(5): Per WIC § 366.21(g)(5)(A).

The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest appropriate at the time of the hearing, and the child is ordered placed in another planned permanent living arrangement with a goal of: ...:

Page 6 – Item 31.d.: Consider adding the following as optional alternatives to "(describe):"

_____ stated in the record.
_____ stated in the report.

Page 6 – Item 33: Per WIC § 366.3(h)(1).

By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified has no one willing to accept legal guardianship as of the hearing date.

Page 6 – Item 35.c: In the last sentence, change "rule 5.708(n)(5)" to "rule 5.590(b)(2)."
(Alternatively, it can be changed to 5.708(i)(2), but that provision cross-references to 5.590(b)(2).)

FORM JV-455

Page 3 – Items 10 & 11: Combine as suggested for item 10 in Forms JV-430 and JV-435. (This also would eliminate the need to renumber all subsequent items.)

The county agency ... complied with the case plan by making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, or, in the case of an Indian child, active efforts as described in Welf. & Inst. Code, § 361.7, 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 any steps are necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

Page 3 - Item 18: Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 3 - Item 21: Misplaced comma.

The child's educational records ... were requested by the child's new school within two business days of the request to enroll, and, those records were provided by the child's former school

FORM JV-457

Page 1 – Items 5.a. & 6.b.: Change “form JV-440” to “form JV-455.”

Page 1 – Item 8: Change to mirror the language in § 366.25(a)(3) --

By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption or, in the case of an Indian child, tribal customary adoption, and has no one willing to accept legal guardianship as of the hearing date at this time and a potential legal guardian has not been identified.

Page 1 – Item 8: Change to mirror the language in § 366.25(a)(3) –

b. The child shall remain in foster care with a permanent plan of (*specify*):

- (1) Return home.
- (2) Adoption.
- (3) Tribal customary adoption.
- (4) Legal guardianship.
- (5) Placement with a fit and willing relative.

c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with a goal of return home, legal guardianship, placement with a relative, or emancipation.

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

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

Page 1 – Item 8.c. and Page 2 – Item 9.c.: Consider adding the following as optional alternatives to “(*describe*):”

_____ stated in the record.

_____ stated in the report.

Page 2 – Item 10.c.: Change “§ 361.5(g)” to “§ 366.25(b).”

Page 2 – Item 10.d.: In the last sentence, change “rule 5.708(n)(5)” to “rule 5.590(b)(2).” (Alternatively, it can be changed to 5.708(i)(2), but that provision cross-references to 5.590(b)(2).)

Page 2 – Item 10.e.: Change to mirror the language in WIC § 361.5(f).

The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, **or an identified placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, tribal customary adoption specific goal** for the child. ...

Page 2 – Item 10.g.

The likely date by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, **or in another planned permanent living arrangement is** (*specify date*):

Page 3 – Item 11: Change to mirror the language in WIC § 366.25(a)(3).

Child 10 years of age or older, placed in a group home foster care for six months or longer from the date the child entered foster care

a. The county agency has made **reasonable** efforts **to identify individuals who are important to the child and** to maintain the child's relationships with **those** individuals **other than the child's siblings who are important to the child**, consistent with the child's best interests.

b. The county agency has not made **reasonable** efforts **to identify individuals who are important to the child and** to maintain the child's relationships with **those** individuals **other than the child's siblings who are important to the child**, consistent with the child's best interests.

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

...

FORM JV-462

Page 1 – Lower right footer: Provide legal authority citations.

Welfare and Institutions Code, §§ 224.1(b), 295,
366(f), 366.3, 366.31, 366.32, 16503;
Cal. Rules of Court, rule 5.903

Page 2 – Our court was instructed that WIC § 11403(b) findings need to be made regarding *both* (1) the six months preceding the hearing and (2) the six months following the hearing, e.g., “Since the last review hearing, the nonminor has satisfied the criterion of ...” and “During the next six months, it is anticipated the nonminor will satisfy the criterion of...” (See **CRC 5.903(e)(1)(E) & (F)**.) These two findings are not on form JV-462. Query: Is the court no longer required to make these two separate findings regarding the WIC § 11403(b) criteria?

Page 2, item 10: This item does not allow for the possibility that the TILCP does *not* include a plan for the NMD to satisfy a criterion, e.g.,

“The nonminor dependent's Transitional Independent Living Case Plan [redacted] does [redacted] does **not** include a plan for him or her to satisfy at least one of the criteria in Welfare and Institutions Code section 11403(b) ...”

Page 2, item 24: Suggestion: Insert “(date)” before the ending colon.

Page 3, item 26: Delete “to.”

..., and juvenile court jurisdiction is terminated under **to** those findings and orders.

Page 3, item 27.b.: Per WIC §§ 366.3(h)(2)(B) & 366.31(e)(10)(B):

The court has considered the evidence before it and finds that another planned permanent living arrangement is the best **permanent permanency** plan because:

Page 3, item 27.b.(1): Query -- Is the fact that “The nonminor is 18 years of age or older” really a sufficient reason for finding that APPLA is the best permanency plan for the nonminor?

Page 3, item 28.a.: Insert “legal guardianship” between “tribal customary adoption” and “placement with a fit and willing relative.” Insert “another planned permanent living arrangement” between “placement with a fit and willing relative” and “other.”

a. the youth's permanent plan is

- (1) return home
- (2) adoption
- (3) tribal customary adoption

- (4) legal guardianship
- (5) placement with a fit and willing relative
- (6) another planned permanent living arrangement
- (7) other (*specify*):

Page 3, item 31.c. Suggestion: Insert “(date)” before the ending colon.

Page 4, item 31.d.(3). Suggested changes for consistency with item 31.d.(2):

The nonminor cannot safely reside in the family home, and the reunification services are terminated (*check all that apply*).

Page 4, item 33.b.: Suggested changes for consistency with item 33.a.

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

FORM JV-672

Page 1, right footer: Add WIC § 16002.

Page 1, item 4, last sentence. Per WIC § 727.2(e)(2) & CRC 5.810(a)(3)(B):

... Probation has complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child safely to the child's home and to complete whatever steps are necessary to finalize the permanent plan placement of the child.

Page 1, item 8, last sentence. Per WIC § 727.2(e)(2) & CRC 5.810(a)(3)(B):

... Probation has complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child to a safe the child's home and to complete whatever steps are necessary to finalize the permanent plan placement of the child.

Page 1, item 10. Per WIC § 727.2(e)(2) & CRC 5.810(a)(3)(B):

Probation _____ has _____ has not complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child to a safe the child's 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 placement of the child.

Page 2, item 14. Per WIC § 727.2(e)(5):

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, or, if the child is 16 years of age or older, referred to another planned permanent living arrangement is (date):

Page 2, item 20.b. Change “detrimental to” to “contrary to the safety and well-being of” per WIC § 16002(b) & (c).

Page 3, item 22: Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 3, item 24.b.: Form has been renamed.

... Those rights are limited as ordered and as set forth in in Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs Order Designating Educational Rights Holder (form JV-535).

Page 3, item 25.a. For consistency with dependency forms (e.g., JV-435, JV-445, JV-455).

The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.

Page 3, item 26.a.: Form has been renamed.

... All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity Parentage* (Juvenile) (form JV-505) were provided with and ordered to complete the form and submit it to the court.

Page 3, item 33. Suggest changing “youth” to “child” for consistency with the rest of the form.

FORM JV-674

Page 1, right footer: Add WIC §§ 727.2 and 16002.

Page 1, item 4, last sentence. Per WIC §§ 727.2(e)(2), 727.3(a)(4):

... Probation has complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child safely to the child's home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Page 1, item 10. Per WIC §§ 727.2(e)(2), 727.3(a)(4):

Probation _____ has _____ has not complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child to a safe the child's 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 placement of the child.

For children 16 years of age or older placed in another planned permanent living arrangement, the court finds that probation _____ has _____ has not made the following and intensive efforts to return the child to a safe home or finalize the permanent plan:

Page 2, items 14.a. & 14.b. Suggest lower case “s” – “Reunification Sservices are ... “

Page 2, items 14.b.(1) & (2). Per WIC § 727.3(b)(2) & (b)(3):

The probation department has provided or offered reasonable services, and opportunities but the ... has not participated regularly and has not demonstrated the capacity and ability to complete the objectives of the case plan. ...

The probation department has provided or offered reasonable services, and opportunities but there is not a substantial probability that the child may be returned to the

Page 2, items 14.b.(3). Change “minor” to “child” for consistency.

Page 2, items 14.b.(4). Change “(name)” to “the child.”

Page 2, items 15.a.(2): Suggestion for clarity.

... If the child is not returned home at the next permanency hearing, the court will set a hearing that could result in the termination of parental rights and the adoption of the child.

Page 2, items 15.a.(3): Suggest inserting “(date):” after “is scheduled for.”

Page 2, item 15.a. Move item 15.b.(1) to 15.a.(5) because the “clear and convincing evidence...” finding is not required for the court to order permanent placement with a fit and willing relative. (See WIC § 727.3(b)(5).) The changes to the first sentence in item 15.b. below are intended to mirror the language in WIC § 727.3(b)(6) & (c). Nothing in WIC § 727.3(b)(6) & (c) requires a finding that that the child “is not a proper subject for adoption and there is no one willing to accept legal guardianship.”

15. a. The following is appropriate and ordered as the permanent plan:

(1) The child is returned home immediately.

(2) Continuation of reunification services and setting of a further permanency hearing. If the child is not returned home at the next permanency hearing, the court will set a hearing that could result in the termination of parental rights and the adoption of the child.

(3) Adoption. A hearing under Welfare and Institution Code Section 727.31 is scheduled for (date): and an adoption assessment report is ordered.

(4) Legal guardianship.

(5) Permanent placement with (name) , a fit and willing relative.

b. The court finds by clear and convincing evidence that there is a compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the child (name of child) is not a proper subject for adoption and there is no one willing to accept legal guardianship. The permanent plan is:

(1) Permanent placement with (name) — a fit and willing relative.

(1) The permanent plan is Pplacement in foster care with a permanent plan of *(specify)* return home, adoption, legal guardianship, or placement with a fit and willing relative.

(2) The child is 16 years of age or older, there is a compelling reason for determining that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with a goal of: ...

Alternative suggestion for item 15.b.(1): Replace “*(specify)*” with check boxes for each option; add “legal guardianship.”

Placement in foster care with a permanent plan of (specify) ☐ return home, ☐ adoption, ☐ legal guardianship, or ☐ placement with a fit and willing relative.

Page 3, item 16.c. Consider adding the following as optional alternatives to “*(describe)*:”

_____ stated in the record.

_____ stated in the report.

Page 4, item 23.b.(3). Change “detrimental to” to “contrary to the safety and well-being of” per WIC § 16002(b) & (c).

Page 4, item 24. Query: Add options for use of forms JV-401 (sibling visitation) and/or JV-402 (grandparent)?

Page 4, item 25. Insert “*(date)*.”

... The next hearing to review the psychotropic medication order is on (date):

Page 4, item 27.b. Form has been renamed.

... Those rights are limited as ordered and as set forth in in ~~Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and~~

~~Determining Child's Educational Needs Order Designating Educational Rights Holder~~ (form JV-535).

Page 4, item 28.a. For consistency with dependency forms (e.g., JV-435, JV-445, JV-455).

The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement requested by the child's new school within two business days since the placement change of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.

Page 4, item 29.a.: Form has been renamed.

... All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity Parentage* (*Juvenile*) (form JV-505) were provided with and ordered to complete the form and submit it to the court.

Page 5, item 36. Suggest changing “youth” to “child” for consistency with the rest of the form.

FORM JV-678

Page 1, right footer: Add WIC § 16002.

Page 1, item 4, last sentence. Per WIC § 727.2(e)(2) & (g):

... Probation has complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child safely to the child's home and to complete whatever steps are necessary to finalize the permanent plan placement of the child.

Page 1, item 8, last sentence. Per WIC § 727.2(e)(2) & (g):

... Probation has complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, to safely return the child to a safe the child's home and to complete whatever steps are necessary to finalize the permanent plan placement of the child.

Page 1, item 11. Delete item 11.a. and modify item 11 per WIC § 727.2(e)(2) & (g):

11. Probation _____ has _____ has not complied with the case plan by making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, ongoing and intensive efforts, including 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.

a. For children 16 years of age or older placed in another planned permanent living arrangement, the court finds that probate has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

Page 2, item 14. Move item 14.b.(1) to 14.a.(4) because the “clear and convincing evidence...” finding is not required for the court to order permanent placement with a fit and willing relative. (See WIC § 727.3(b)(5).) The changes to the first sentence in item 14.b. are intended to mirror the language in WIC § 727.3(b)(6) & (c). Nothing in WIC § 727.3(b)(6) & (c) requires a finding that the child “is not a proper subject for adoption and there is no one willing to accept legal guardianship.”

14. a. The following is appropriate and ordered as the permanent plan:

(1) The child is returned home immediately.

(2) Adoption. A hearing under Welfare and Institutions Code section 727.31 is scheduled for (date): and an adoption assessment report is ordered.

(3) Legal guardianship.

(4) Permanent placement with (name) , a fit and willing relative.

b. The court finds by clear and convincing evidence that there is a compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the child (name of child) is not a proper subject for adoption and there is no one willing to accept legal guardianship. The permanent plan is:

(1) Permanent placement with (name) a fit and willing relative.

(1) The permanent plan is Pplacement in foster care with a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative.

(2) The child is 16 years of age or older, there is a compelling reason for determining that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with a goal of return home, legal guardianship, placement with a relative, or emancipation.

Page 2, item 16. Consider adding the following as optional alternatives to “(describe):”

_____ stated in the record.

_____ stated in the report.

Page 3, item 22.b. Change “detrimental to” to “contrary to the safety and well-being of” per WIC § 16002(b) & (c).

Page 3, item 23. Query: Add options for use of forms JV-401 (sibling visitation) and/or JV-402 (grandparent)?

Page 3, item 24. Insert “(date).”

... The next hearing to review the psychotropic medication order is on (date):

Page 3, item 26.b. Form has been renamed.

... Those rights are limited as ordered and as set forth in in ~~*Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs*~~ *Order Designating Educational Rights Holder* (form JV-535).

Page 3, item 27.a. For consistency with dependency forms (e.g., JV-435, JV-445, JV-455).

The child's educational records, including any evaluation regarding a disability, were ~~transferred to the new school placement requested by the child's new school~~ within two business days ~~since the placement change~~ of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.

Page 3, item 28.a.: Form has been renamed.

... All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding ~~Paternity Parentage~~* (*Juvenile*) (form JV-505) were provided with and ordered to complete the form and submit it to the court.

Page 4, item 35. Suggest changing “youth” to “child” for consistency with the rest of the form.

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DEADLINE FOR COMMENT: 5:00 p.m., Friday, April 28, 2017.