



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 24, 2018

Title	Agenda Item Type
Juvenile Law: Information for Parents	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms JV-600 and JV-625	September 1, 2018
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	May 4, 2018
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Corby Sturges, 415-865-4507 corby.sturges@jud.ca.gov
Judicial Council staff	
Mr. Corby Sturges, Attorney	
Center for Families, Children & the Courts	

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revising two Judicial Council forms to update advisements to parents of a child who is the subject of juvenile court wardship proceedings, in order to provide these parents with accurate information about the limits of their responsibility to pay for the costs of services and support provided to their child by the court and county.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2018, revise two optional Judicial Council forms to update statutorily required legal advisements, as follows:

- Revise *Juvenile Wardship Petition* (form JV-600) to update the advisement required by Welfare and Institutions Code section 656(j)¹ to reflect the elimination of parents' liability for fees and costs of services provided by the court or county to their children who are subject to juvenile wardship proceedings by Senate Bill 190 (Stats. 2017, ch. 678, § 11).
- Revise *Notice of Hearing—Juvenile Delinquency Proceeding* (form JV-625) to update the advisements required by section 659(e), (f), and (g) to reflect the elimination of parents' liability for fees and costs of services provided by the court or county to their children who are subject to juvenile wardship proceedings by SB 190 (Stats. 2017, ch. 678, § 12) and to make technical changes.

The revised forms are attached at pages 4–7.

Relevant Previous Council Action

The Judicial Council adopted form JV-600 for mandatory use and approved form JV-625 for optional use, effective January 1, 1993. Form JV-600 was converted to an optional form, effective January 1, 2012. Both forms have been revised multiple times since the initial effective date. Form JV-600 was last revised effective May 22, 2017; form JV-625 was last revised effective January 1, 2012.

Analysis/Rationale

Effective January 1, 2018, Senate Bill 190 (Mitchell; Stats. 2017, ch. 678) eliminated almost all parental liability for fees or costs of services provided to the parents' children in juvenile justice (delinquency) proceedings. Parents remain liable for victim restitution, as well as for any fines or penalties assessed by the court.

Policy implications

This proposal revises advisements on Judicial Council forms to reflect statutory amendments that limit parental responsibility for reimbursement of court and county costs of providing services and support to a child who is the subject of juvenile justice proceedings. The committee has not identified any further policy implications.

Comments

This proposal circulated for comment as part of the winter 2018 invitation-to-comment cycle, from December 15, 2017, to February 9, 2018, to the standard mailing list for family and juvenile law proposals.² Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court

¹ Unless otherwise specified, all further statutory references are to the Welfare and Institutions Code.

² As circulated for comment, the proposal included revisions to *Juvenile Court: Information for Parents* (form JV-060). The committee will address those revisions in a later, separate report. All comments received on form JV-060 will be addressed in that report.

administrators and clerks, attorneys, social workers, probation officers, and other juvenile law professionals. Four organizations and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee provided comment. All agreed with the proposal; of those, three suggested some modifications. The committee incorporated most of the suggestions into its recommendation and made additional technical and clarifying changes consistent with those suggestions. A chart with the full text of the comments received and the committee's responses is attached at pages 8–11.

Alternatives considered

In addition to the recommended action, the committee proposed and considered revising form JV-060, *Juvenile Court: Information for Parents*. The revisions proved more extensive than anticipated; the committee has deferred this recommendation to a later date. The advisements to parents on forms JV-600 and JV-625 are required by statute; revisions were required to conform to statutory amendment.

Fiscal and Operational Impacts

The committee does not anticipate that the revisions will require the courts or their justice partners to make significant operational changes. Printing and case management system programming costs may be incurred by courts and prosecuting attorneys' offices that use optional forms JV-600 and JV-625 to perform their statutory duties, but revisions to conform to the statutory amendments will be required regardless of the format used for petitions and notices. The committee does not anticipate that the revisions will generate cost savings.

Attachments and Links

1. Forms JV-600 and JV-625, at pages 4–7
2. Chart of comments, at pages 8–11
3. Link A: Senate Bill 190 (Stats. 2017, ch. 678),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB190

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:	
CASE NAME:	
JUVENILE WARSHIP PETITION <input type="checkbox"/> § 601(a) <input type="checkbox"/> § 601(b) <input type="checkbox"/> § 602	CASE NUMBER:

1. Petitioner on information and belief alleges the following:

- a. ☐ The child named below comes within the jurisdiction of the juvenile court under the following sections of the Welfare and Institutions Code (*check applicable boxes; see attachments for concise statements of facts*):
☐ 601(a) ☐ 601(b) ☐ 602 Violation (*specify code section*):

- b. ☐ Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section ☐ 601(a) ☐ 601(b) ☐ 602

c. Child's name and address:	d. Age:	e. Date of birth:	f. Sex:
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g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged
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i. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (<i>name, address, and relationship to child</i>): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.
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k. Attorney for child (<i>if known</i>): Address: Phone number:	l. Child is <input type="checkbox"/> not detained. <input type="checkbox"/> detained. Date and time of detention (<i>custody</i>): Current place of detention (<i>address</i>):
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(See important notices on page 2.)

CHILD'S NAME:	CASE NUMBER:
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2. Petitioner requests that the court find these allegations to be true.
3. ☐ Petitioner requests a hearing to determine whether the child should be transferred to the jurisdiction of the criminal court under Welfare and Institutions Code section 707 for the following alleged offense(s) (*specify code section(s)*):

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

Date:

<p>_____</p> <p>(TYPE OR PRINT NAME)</p>		<p>_____</p> <p>(SIGNATURE OF PETITIONER)</p>
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☐ *Indian Child Inquiry Attachment* (form ICWA-010(A)) is completed and attached.

☐ Number of pages attached: _____

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and your child may be required to pay any *restitution* owed to the victim and any fines or penalties ordered by the court. In addition, if you or family members other than your child receive services or legal assistance paid for by the court or county, you may be required to pay back the cost of those services unless the court or county decides that you can't afford to pay.

RECORD SEALING

The court may seal your records at the conclusion of your case or you may request sealing at a later date. Please see form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, available through your attorney or www.courts.ca.gov/forms, for more information about record sealing.

- A hearing has been set for the date and time below. The child and the parent or legal guardian or noticed adult relative are entitled to be represented by an attorney.
- The court will appoint an attorney for the child if the child cannot afford an attorney.

See important notice on page 2.

on (*date*): at (*time*): in (*dept.*): (*room*):

a. ☐ detention hearing.

b. ☐ formal reading of petition, advisement of rights, and plea.

c. ☐ jurisdiction hearing.

d. ☐ disposition hearing.

e. ☐ review hearing.

f. ☐ permanency hearing.

g. ☐ other (*specify*):

☐ You are ordered to be present at the hearing.

Page 1 of 2

CHILD'S NAME:

CASE NUMBER:

— TO PARENT OR LEGAL GUARDIAN —

1. If the court orders your child to pay *restitution* to the victim of the alleged offense or to pay any *fin*es or *penalty assessments*, you can be required to pay the full amount or, if you cannot afford the full amount, as much of that amount as the court decides you can afford to pay.
2. You will not be required to pay back the cost of services, support, or legal assistance provided to your child by the court or county in this case.
3. You may be required to pay back the cost of services, including counseling, or legal assistance provided to you or family members other than your child by the court or county in this case.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

W18-05

Juvenile Law: Information for Parents (revise forms JV-060†, JV-600, and JV-625)

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

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association by Nikki P. Miliband, President	AM	1. The proposed change to JV-600 (Juvenile Wardship Petition) correctly informs parents about their limited financial liability under Welfare and Institutions Code section 656. 2. The suggested change to JV-625 (Notice of Hearing-Juvenile Delinquency Proceedings) provides notice to parents regarding juvenile hearings, as is required by Welfare and Institutions Code section 659.	No response required. No response required.
2.	Santa Clara County Department of Family and Children's Services by Francesca LaRue, Director	A	This draft proposal reflects laws that already went in to effect (1/1/18) and are rooted in Juvenile Justice Court process, not Dependency.	No response required.
3.	Superior Court of Riverside County	A	1. Does the proposal appropriately address the stated purpose? Yes. 2. Should the revisions to form JV-060 include any additional information for parents of a child in a juvenile wardship proceeding? No. 3. Would the proposal provide cost savings? No. 4. What would the implementation requirements be for courts? No additional implementation requirements for the court. 5. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee appreciates the answers to these specific questions. No response required. No response required. No response required. No response required. No response required.

W18-05

Juvenile Law: Information for Parents (revise forms JV-060†, JV-600, and JV-625)

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

	Commentator	Position	Comment	Committee Response
			6. How well would this proposal work in courts of different sizes? <i>No difference.</i>	No response required.
4.	Superior Court of San Diego County by Michael M. Roddy, Executive Officer	AM	<ul style="list-style-type: none">• Does the proposal appropriately address the stated purpose? <i>Yes.</i>• Should the revisions to form JV-060 include any additional information for parents of a child in a wardship proceeding? If so, please describe. <i>No. The amount of information is sufficient to meet the purpose of the form.</i>• Would the proposal provide cost savings? If so, please quantify. <i>Unknown.</i>• What would the courts need to do to implement the proposed changes? <i>Replace old forms with revised forms. Revise docket codes, local rules, and local forms as needed to reflect recent legislation (SB 190, SB 395, AB 529, and SB 312).</i>• Would three months from approval of this proposal until its effective date provide sufficient time for implementation? <i>Yes.</i>• How well would this proposal work in courts of different sizes? <i>It probably will work well. If resources permit, versions in languages other than English and Spanish should be made available.</i>	<p>The committee appreciates the answers to these specific questions. No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

W18-05

Juvenile Law: Information for Parents (revise forms JV-060†, JV-600, and JV-625)

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

	Commentator	Position	Comment	Committee Response
			<p>FORM JV-600</p> <p>Page 1, right footer: Change citation to WIC § 601 et seq. (There is no § 600 in the WIC.)</p> <p>The form contains the notice required by WIC § 656(j), but it does not contain the notices required by § 656(h) and (i). Is it presumed that those notices will appear on attachments to the petition?</p> <p>§ 656(h): In a proceeding alleging that the minor comes within Section 601, notice to the parent, guardian, or other person having control or charge of the minor that failure to comply with the compulsory school attendance laws is an infraction, which may be charged and prosecuted before the juvenile court judge sitting as a superior court judge. In those cases, the petition shall also include notice that the parent, guardian, or other person having control or charge of the minor has the right to a hearing on the infraction before a judge different than the judge who has heard or is to hear the proceeding pursuant to Section 601. The notice shall explain the provisions of Section 170.6 of the Code of Civil Procedure.</p> <p>§ 656(i): If a proceeding is pending against a minor child for a violation of Section 594.2, 640.5, 640.6, or 640.7 of the Penal Code, a notice to the parent or legal guardian of the minor that if the minor is found to have violated either or both of these provisions that (1) any</p>	<p>The committee agrees and has incorporated the suggested change into its recommendation.</p> <p>Yes.</p> <p>The notices required by section 656(h) are included in form JV-611, <i>Child Habitually Truant</i>. This form should be attached to form JV-600 when it applies.</p> <p>The notice required by section 656(i) is included in form JV-620, <i>Violation of Law by Child</i>. This mandatory form must be attached to form JV-600 when it applies.</p>

W18-05**Juvenile Law: Information for Parents** (revise forms JV-060†, JV-600, and JV-625)

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

	Commentator	Position	Comment	Committee Response
			community service that may be required of the minor may be performed in the presence, and under the direct supervision, of the parent or legal guardian pursuant to either or both of these provisions, and (2) if the minor is personally unable to pay any fine levied for the violation of either or both of these provisions, that the parent or legal guardian of the minor shall be liable for payment of the fine pursuant to those sections.	
5.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	AM	The JRS notes that the proposed revisions will create a minor impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.).	No response required.