



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No. 21-161

For business meeting on October 1, 2021

Title

Juvenile Law: Short-Term Residential
Therapeutic Program Placement

Agenda Item Type

Action Required

Effective Date

October 1, 2021

Date of Report

September 3, 2021

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rule 5.618;
amend rule 5.697; adopt forms JV-235,
JV-236, JV-237, JV-239; approve form
JV-238; revise forms JV-320, JV-410,
JV-421, JV-432, JV-433, JV-437, JV-438,
JV-442, JV-443, JV-445, JV-446, JV-457,
JV-461(A), JV-462, JV-642, JV-667,
JV-672, JV-674, JV-678

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Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Executive Summary

To coincide with the effective date of recently passed legislation, the Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a new rule of court, amend a rule, adopt or approve 5 new Judicial Council forms, and revise 19 Judicial Council forms, effective October 1, 2021. Assembly Bill 153 (Stats. 2021, ch. 86) implements part IV of the federal Family First Prevention Services Act, with an effective date of October 1, 2021. For short-term residential therapeutic programs to be eligible for federal funding, states will need to implement part IV of the act, which California has done through AB 153. The bill creates a new court hearing in which the juvenile court will be required to approve or disapprove any new placement of a child or nonminor dependent in a short-term residential therapeutic program. The bill also

requires that the Judicial Council amend or adopt rules of court and develop or amend appropriate forms, as necessary.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective October 1, 2021:

1. Adopt rule 5.618 of the California Rules of Court to create a uniform procedure for juvenile courts to approve or disapprove a placement in a short-term residential therapeutic program.
2. Amend rule 5.697 of the California Rules of Court regarding the disposition hearing for a nonminor to conform the rule to requirements related to Assembly Bill 153.
3. Adopt four Judicial Council forms to create a consistent and more predictable process for courts addressing a new type of hearing to approve or disapprove a placement in a short-term residential therapeutic program:
 - *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235)
 - *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236)
 - *Proof of Service—Short-Term Residential Therapeutic Program Placement* (form JV-237)
 - *Order on Placement in Short-Term Residential Therapeutic Program* (form JV-239)
4. Approve *Notice of Hearing on Placement in Short-Term Residential Therapeutic Program* (form JV-238)
5. Revise 19 Judicial Council forms to conform them to requirements related to Assembly Bill 153 and the court's review of a placement in a short-term residential therapeutic program:
 - *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320)
 - *Findings and Orders After Detention Hearing* (form JV-410)
 - *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421)
 - *Six-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (form JV-432)
 - *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (form JV-433)
 - *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437)
 - *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438)
 - *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (form JV-442)

- *Eighteen-Month Permanency Attachment: Reunification Services Continued* (Welf. & Inst. Code, § 366.22) (form JV-443)
- *Findings and Orders After Postpermanency Hearing—Parental Rights Terminated; Permanent Plan of Adoption* (form JV-445)
- *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (form JV-446)
- *Twenty-four-Month Permanency Attachment: Reunification Services Terminated* (Welf. & Inst. Code, § 366.25) (form JV-457)
- *Dispositional Attachment: Nonminor Dependent* (form JV-461(A))
- *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462)
- *Initial Appearance Hearing—Juvenile Delinquency* (form JV-642)
- *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667)
- *Findings and Orders After Six-Month Prepermanency Hearing—Delinquency* (form JV-672)
- *Findings and Orders After Permanency Hearing—Delinquency* (form JV-674)
- *Findings and Orders After Postpermanency Hearing—Delinquency* (form JV-678)

The text of the new and amended rules and the new and revised forms are attached at pages 18-108.

Relevant Previous Council Action

This is the first action taken by the council to implement the federal Family First Prevention Services Act as described below. The 19 revised forms were previously adopted, and in some cases revised, to implement earlier statutory changes and other changes to improve clarity.

Analysis

Background

The committee took the unusual step of circulating this proposal for comment based on trailer bill language. This was done to ensure juvenile courts would not be forced to implement legislation effective October 1, 2021, without rules and forms in place. The legislation that this proposal implements, passed in July, brought California into compliance with federal legislation that participating states must implement to preserve access to federal funding for the placement of a foster youth in a short-term residential therapeutic program.

Family First Prevention Services Act

In 2018, the federal Family First Prevention Services Act (FFPSA) was signed into law.¹ Part IV of the legislation addresses steps that participating states must take to safely reduce the inappropriate use of congregate care for children. The federal legislation requires that, for

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

congregate care placements² to be eligible for federal title IV-E funding, each placement of a foster youth in a congregate care setting must be reviewed and approved by a “family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently.”³ The act requires that participating states must implement its provisions no later than October 1, 2021.

Trailer bill language

California, which relies on federal funding to fund its short-term residential therapeutic program (STRTP) placements, elected to implement the requirements of part IV of the FFPSA to ensure that these placements remain eligible for federal funding. To meet the deadline of October 1, 2021, the California Department of Finance introduced budget trailer bill language in early 2021 that would implement part IV of the FFPSA and thus bring California into compliance with the federal requirements.

The trailer bill language proposed the creation of sections 361.22 (addressing dependents) and 727.12 (addressing wards) of the Welfare and Institutions Code.⁴ These virtually identical sections sought to create a process consistent with part IV of the FFPSA, requiring the juvenile court to review and approve or disapprove each placement of a foster youth in an STRTP. Those sections addressed the requirements for this hearing, including noticing requirements, the required contents for the report, and the determinations that the court must make when reviewing the STRTP placement. After receiving a request for a hearing from the social worker or probation officer, the juvenile court would be required to set a hearing within 45 days of the placement being made. The social worker or probation officer must prepare a report that includes the assessment from the statutorily defined qualified individual (QI). The report must be served on all parties no later than 7 calendar days before the hearing.

The trailer bill language required the court to make two determinations that are required by part IV: (1) whether the child’s or nonminor dependent’s needs can be met in a family-based setting and, if not, whether the placement in the STRTP provides the most effective and appropriate care setting in the least restrictive environment; and (2) whether an STRTP is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.⁵ After making these determinations, the court must approve or disapprove the placement.

A significant aspect of this trailer bill language permitted the court to approve the placement without a hearing if the court has received the report, no party has objected to the placement

² In California, congregate care placements are licensed as “short-term residential therapeutic programs.” See Welf. & Inst. Code, § 11400(ad); Health & Saf. § 1502(a)(18).

³ 42 U.S.C. § 675a(c)(2).

⁴ All subsequent unspecified statutory references are to the Welfare and Institutions Code, and all rule references are to the California Rules of Court.

⁵ Welf. & Inst. Code, §§ 361.22(e)(2) & (3); 727.12(e)(2) & (3).

within 5 calendar days of receiving the report, the court has enough information to make the determinations required at the hearing, and that the court intends to approve the placement based on the information before the court.

If at the hearing the court does not approve the placement, the trailer bill language required the court to order the social worker or probation officer to transition the child or nonminor dependent to a placement setting that is consistent with the determinations discussed above within 30 days. And after the placement is approved, all supplemental reports would be required to include evidence of the QI's continued assessment of the need for the STRTP placement, the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services, and the intensive and ongoing efforts made by the child welfare department or probation department to place the youth in a lower level of care.⁶

Proposal and invitation to comment

The Family and Juvenile Law Advisory Committee was aware of the trailer bill language when it was introduced in January 2021 and that implementation of part IV of the FFPSA would most likely become a bill and be signed into law at some point prior to October 1, 2021, to ensure that that the state continues to receive federal funding for STRTP placements. Knowing that the trailer bill language required the Judicial Council to adopt rules of court and develop or amend appropriate forms, as necessary, and that courts would be faced with a brand-new process for any new placement in an STRTP, the committee weighed whether the proposal should circulate for comment based solely on the trailer bill language. If the committee had waited to circulate the proposal for comment until after the legislation was finalized, rules and forms would not have been in place when the legislation became effective on October 1, 2021.

The committee felt that courts would benefit from the structure and guidance that rules and forms provide for hearings that juvenile courts would abruptly face starting on October 1. In addition, the requirement to review every placement made in an STRTP meant that these hearings would not be obscure or rare in occurrence, but would be faced by virtually every juvenile court at some point in the near future, and for some would come up frequently. The committee also recognized that rules and forms would benefit from the public comment process rather than waiting until passage of a signed bill.

The committee therefore elected to circulate the proposal for public comment prior to the legislation being finalized. The proposal was prepared for circulation based on the trailer bill language at the time. The committee knew changes would be required if the language of the final legislation differed from the trailer bill language. If the differences were significant enough, the committee had planned to circulate the proposal in the next rules cycle of 2021–22.

⁶ Welf. & Inst. Code, §§ 366.1(l)(1)–(3), 706.5(c)(1)(B)(i)–(iii).

After the comment period ended on May 27, the trailer bill language had still not been introduced in a bill.⁷ The committee had received 14 comments (discussed further below) but could not finalize the proposal until the legislation was signed into law.

Assembly Bill 153—the trailer bill

The trailer bill language was amended into Assembly Bill 153 and Senate Bill 153 on July 11, 2021, and AB 153 (Committee on Budget; Stats. 2021, ch. 86) was signed into law on July 16, 2021. The committee was able to proceed with updating the proposal based off the final language of AB 153. While there were some changes from the trailer bill language in sections 361.22 and 727.12, the contents of each section were substantially similar. The timeline for the hearing, the service requirements of the report, and the court’s required determinations remained the same. The requirement that the social worker or probation officer must prepare a report that includes the assessment from the QI, as required by section 4096,⁸ remained. There were minor changes to the language that did not have a substantive impact on the proposal, but merely required some minor adjustments in the rule and forms.

There were, however, two changes that had a significant impact on the proposal. The first had to do with the process to approve the placement without a hearing. The trailer bill language included in sections 361.22 and 727.12 a process permitting courts to approve placements without a hearing. However, in AB 153, this process was removed from sections 361.22 and 727.12. Instead, subdivision (h) of those sections requires the Judicial Council to develop a process to review placements without a hearing.

To comply with this legislative mandate, the committee needed to create this review process without it being circulated for public comment. The committee proceeded with the creation of this process in the rule of court while intending to circulate the proposal for public comment in the next rules cycle. After extensive deliberation, the committee has created a process in the new rule (in subdivision (f)) that permits the court to approve the placement without a hearing if no

⁷ The trailer bill language was further amended on June 8, 2021, after the public comment period and before it became a trailer bill.

⁸ Section 4096(g)(3): “The assessment conducted by the qualified individual shall include, at a minimum, all of the following: [¶] (A) Engagement with the child and family team members and, in the case of an Indian child, the Indian child’s tribe, in conducting the assessment. [¶] (B) An assessment of the strengths and needs of the child or nonminor dependent, using an age-appropriate, evidence-based, validated, functional assessment tool and methodology approved by the State Department of Social Services and the State Department of Health Care Services. If the authorized assessment tool has already been completed as part of the child and family team within the last two months, the qualified individual may utilize or update those results at the discretion of the qualified individual. [¶] (C) The identification of the child-specific short- and long-term mental and behavioral health goals and treatment needs of the child. [¶] (D) In the case of an Indian child, the qualified individual’s efforts to consult with the child’s tribe. The qualified individual shall consult and confer with a representative of the child’s tribe or, at the direction of the tribal representative, the qualified expert witness, as described in Section 224.6. Such consultation shall include, but not be limited to, determination of the social and cultural standards of the Indian child’s tribe.”

objection is received from any party after receiving the report required for the hearing within a certain time frame.

The second significant change from the trailer bill language to AB 153 had to do with evidence considered at status review hearings (occurring every six months) for foster youth who remain in approved STRTP placements. Assembly Bill 153 requires that after an STRTP placement is approved, all supplemental reports must include evidence of the QI's continued assessment of the need for the STRTP placement, the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services, and the intensive and ongoing efforts made by the child welfare department or probation department to place the youth in a lower level of care.⁹ While this evidence was required in reports for status review hearings in the trailer bill language, AB 153 added the requirement that this information be considered when the court determines whether the placement is necessary and appropriate at a status review hearing. Forms for regularly scheduled status review hearings therefore were added to the proposal and updated after the comment period to ensure that the court considers this information when it makes those findings. The committee recommends updating each status review form instead of creating a single new attachment form, because the committee wanted to ensure that the court verifies that the required evidence was considered by placing a check box with this verification next to the court's finding that the placement was necessary and appropriate. Doing so would make it clear that considering the evidence was required. The committee intends to circulate these forms along with the rest of the proposal for comment again in the next rules cycle to make additional updates required by AB 153 that were not addressed in this proposal and were unrelated to the review of STRTP placements.

To implement AB 153, the committee therefore proposes a new rule of court and five new forms be adopted or approved. In addition, small revisions to one existing rule and 19 existing status review forms are recommended. The committee proposes an effective date of October 1, 2021, to coincide with the effective date of AB 153 and to ensure that the process created by this proposal is in place when juvenile courts must begin to review and approve or disapprove placements in an STRTP.

Rules of court

The committee recommends the Judicial Council adopt rule 5.618 to create a uniform procedure for juvenile courts to approve or disapprove STRTP placements. In addition, small revisions are recommended to rule 5.697, also related to the implementation of AB 153.

Rule 5.618, Placement in short-term residential therapeutic program

The proposed rule addresses procedural aspects of the hearing under sections 361.22 and 727.12. The proposed rule would establish procedures for the approval of the placement without a

⁹ Welf. & Inst. Code, §§ 366.1(l)(1)–(3), 706.5(c)(1)(B)(i)–(iii).

hearing and for the court's findings and orders, and make clarifications on other matters related to the hearing, to help ensure an efficient process for these hearings:

- Subdivision (b) of the rule requires that the placing agency social worker or probation officer serve a copy of the request for a hearing on *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235) on the parties to the case and the court-appointed special advocate (CASA) volunteer for a child or nonminor dependent under section 300 or 450 jurisdiction.¹⁰ The rule requires that a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) be served with the request for review. These requirements were added to provide proper notice of the hearing request and to ensure that the parties are informed of how to make an objection to the placement.
- Subdivision (c) addresses the court's notice of the hearing. In addition to notice to the parties, the committee wanted to ensure that a child's or nonminor dependent's CASA would be noticed of the hearing, which is not required in section 361.22 or 727.12.
- Subdivision (d) was added to the rule to clarify when the report for the hearing must be filed with the court, which is not addressed in section 361.22 or 727.12. The subdivision also addresses the service of the report, which also requires service of the report to the CASA, which is not a requirement in the statute. Finally, the committee elected to ensure that the report for the hearing did not contain confidential or privileged information.
- Subdivision (e) addresses the use of proposed *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236). The rule states the form may be used by a party to make an objection to the placement, or for parties and individuals with an interest in the child or nonminor to provide input on the STRTP placement. The subdivision also addresses the procedures for completing, filing, and noticing form JV-236, which is to be determined by local county practice and local rules of court except as otherwise provided by the rule.
- Subdivision (f) addresses the approval of the placement without a hearing, a process AB 153 required the Judicial Council to create. For the placement to be approved without a hearing, the rule requires that all parties be served the report 10 court days before the scheduled hearing and that parties must be given 5 court days to object to the placement. If any party objects, the court must proceed to the hearing. If no party objects, the court has 5 court days to approve the placement, vacate the hearing, and notify the parties of the court's ruling.¹¹

¹⁰ Section 361.22(b)(2) requires the social worker to serve the request for review on the CASA, while section 727.12(b)(2) does not require the probation officer to do so.

¹¹ The committee considered how other rules and one statute address timelines for responses from parties for other expedited hearings or processes in juvenile cases. For example, for a hearing to review a child's removal from their

Given the challenges presented by the timelines in this process, the committee determined that the rule should allow courts the option to create their own process in lieu of the process in the rule of court, through local rules that can reflect their own unique circumstances. The proposed rule therefore includes subdivision (f)(4), permitting courts to create local rules to approve the placement without a hearing if certain conditions are met. The rule requires that local rules must meet the requirements of notice and the opportunity to object contained in the rule.

- Subdivision (g) addresses other procedural aspects pertaining to the hearing. It gives a standard of proof (preponderance of the evidence) for the court's required determinations. Evidence Code section 115 states: "Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence." The committee felt that indicating this standard in the rule will provide this clarification, which may benefit courts and practitioners. Subdivision (g) also includes a further legal standard for the approval of the placement, requiring that the approval or disapproval be based on the determinations in sections 366.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) and whether it appears that the child's or nonminor dependent's best interest will be promoted by the placement. Finally, it clarifies that any continuance must not result in the hearing being held after 60 days of the start of the placement.

Rule 5.697, Disposition hearing for a nonminor

The Family and Juvenile Law Advisory Committee recommends updating subdivision (e) of rule 5.697, which lists the required contents of the social study for a disposition hearing for a nonminor, to include the information specified in section 361.22(c) if the nonminor is placed in an STRTP. This requirement was added to section 358.1(l) by AB 153.¹²

In addition, the committee recommends that the references in the rule to "agree with the continuation of reunification services" and "continued reunification services" be replaced with "agree to court-ordered reunification services" and "reunification services" where the rule addresses the social worker's reporting requirements for a nonminor disposition hearing in subdivisions (e)(1)(D)(iv) and (v). Reunification services are not continued at a disposition hearing but rather are ordered.

school of origin, rule 5.651(e)(2)(i) requires the request for a hearing by the child's attorney be filed within 2 *court days* of receiving notice of the placement change. For a hearing to review an out-of-county placement, a parent has 7 *calendar days* to object and request a hearing after receiving notice of the placement change. The court must hold a hearing not later than 5 *calendar days* after the objection is received and prior to the placement. (Section 361.2(h).) A request for review of a presumptive transfer waiver determination must be made within 7 *court days* of the petitioner's being noticed of the placing agency's determination on the request for waiver of presumptive transfer. A hearing can be set no later than 5 *court days* after the request for a hearing was filed. (Rule 5.647(b)(3) & (c)(1).)

¹² Section 358.1(l): "For a placement made on or after October 1, 2021, if the child has been placed in a short-term residential therapeutic program, the social study shall include the information specified in subdivision (c) of Section 361.22."

New forms

The committee proposes that four new Judicial Council forms be adopted, and one approved as optional, to address (1) the placing agency's request for a hearing; (2) an objection from a party to the STRTP placement, and to allow parties and nonparties to provide input; (3) the proof of service; (4) the order scheduling the hearing; and (5) the court's findings and orders after the hearing. The committee recommends the forms be mandatory except for the form for the court's order scheduling the hearing (form JV-238), so there would be a consistent and more predictable process for courts addressing a new type of hearing. In addition, the committee recommends that a small amendment and some technical revisions be made to forms related to detention and disposition hearings, and that forms for regularly scheduled status review hearings be updated to ensure the court considers certain evidence when a child or nonminor is placed in an approved STRTP.

Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235)

This form would be used by the petitioning placing agency to request a hearing. The form also informs the parties of how to make an objection to the placement.

Input on Placement in Short-Term Residential Therapeutic Program (form JV-236)

This form would be used by a party to notify the court of an objection to the placement and the reasons for the objection. The form was modeled in part on existing form *Input on Application for Psychotropic Medication* (form JV-222). The form would also permit a party or a nonparty to provide input on the placement without objecting.

Proof of Service—Short-Term Residential Therapeutic Program Placement (form JV-237)

The proof of service form would be used by the placing agency to verify that it has provided a copy of the request for review, a blank copy of form JV-236, and the report to the parties in the case and the CASA. The form was modeled on existing form *Proof of Service—Juvenile* (form JV-510).

Notice of Hearing on Placement in Short-Term Residential Therapeutic Program (form JV-238)

This form would be used by the court to order the hearing and give notice of the date, time, and location of the hearing.

Order on Placement in Short-Term Residential Therapeutic Program (form JV-239)

This form would include the required findings and orders approving or disapproving the STRTP placement. It will also give the court the option to issue an order approving the placement without a hearing.

Detention and disposition forms

Because the court's approval is required for an initial placement in an STRTP, the committee recommends that detention and disposition forms be amended to indicate when the hearing on

the STRTP placement was held or will be held under sections 361.22 and 727.12.¹³ Other technical amendments unrelated to the proposal are also proposed and highlighted on the forms.

Status review forms

Another significant statutory revision in AB 153 requires the court, when determining the continuing necessity for and appropriateness of the placement, to consider the evidence in sections 366.1(l)(1)–(3) and 706.5(c)(1)(B)(i)–(iii) at every status review hearing for a youth placed in an approved STRTP (see sections 366(a)(1)(A) and 727.2(e)(1)).¹⁴

To implement this new requirement of review, the committee recommends that status review forms be updated to include a statement that the court considered the factors in sections 366.1(l) or 706.5(c) when making the findings that the placement is necessary and appropriate. The following language is proposed to be inserted on the forms beneath the findings:

- ☐ For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions section 366.1(l) when determining the continuing necessity for and appropriateness of the placement.¹⁵

Status review forms have been updated with this language and are attached to this report.¹⁶

Policy implications

The committee considered several policy issues in the formation of this proposal, including whether the proposal should circulate for comment prior to the legislation being introduced, let alone becoming final. Circulating the proposal for comment prior to the legislation becoming final meant that the proposal that went out for comment could not reflect the final legislation, and commenters have not had an opportunity to comment on the final proposal; however, the committee had little choice. AB 153 was not amended to include the trailer bill language until July 11, 2021, was not enacted until July 16, 2021, but must be implemented effective October 1, 2021.

¹³ The forms include *Findings and Orders After Detention Hearing* (form JV-410), new item 15g(6); *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421), new item 10f; *Dispositional Attachment: Nonminor Dependent* (form JV-461(A)), new item 7; *Initial Appearance Hearing—Juvenile Delinquency* (form JV-642), new item 32; and *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667), new item 10.

¹⁴ The committee will seek to ensure consistency in the next rules cycle between and within the forms related to this proposal, including the spelling or abbreviation of “Welfare and Institutions Code.” Given the amount of forms and the time limitations of this proposal, all changes could not be made in this cycle.

¹⁵ For nonminor dependents, evidence and documentation submitted “under section 366.31(b)(4)”; for wards, “under section 706.5(c)(1)(B).”

¹⁶ The following forms have been updated: JV-320, JV-432, JV-433, JV-437, JV-438, JV-442, JV-443, JV-445, JV-446, JV-457, JV-461(A), JV-462, JV-672, JV-674, and JV-678.

Given the complexity of this proposal, the committee could not circulate a proposal implementing all aspects AB 153 and allow for meaningful comment on the numerous provisions that were noncontroversial without first using the budget trailer bill language. The committee determined that the proposal should proceed without the final legislation because the new review hearings will abruptly create a significant burden on many courts to implement—and there was much to be learned from commenters despite their not having the final legislation or the final proposal available. The committee also determined that courts and practitioners would benefit from the structure provided by a rule of court and new forms. The proposal will circulate for postadoption comment at the next rules cycle, at which point there will be the added benefit of courts and stakeholders having had some practical experience with the procedures in the rules and the forms.

Another major issue that the committee deliberated was the procedure in the rule permitting a court to approve an STRTP placement without a hearing. As mentioned above, the trailer bill language on which the circulated proposal was based provided a process for approval of a placement without hearing. AB 153, however, required that the Judicial Council develop a process to approve the placement without a hearing. As a result, the process in the current proposal has not benefited from circulation for comment. Because AB 153 must be implemented by October 1, 2021, the committee has had no choice but to make a proposal. The process will be circulated for comment in the next rules cycle. The committee considered whether the placement be approved without a hearing if no party filed an objection to the placement or, alternatively, that the hearing could only be vacated if all parties affirmatively agreed that the placement be approved. The committee elected to recommend the former, as requiring parties to affirmatively agree would make the process of approving the placement without a hearing too burdensome on the parties and the court.

The committee also considered how the rule should address the difficult timeline of approving the placement without a hearing before the hearing date. The committee had to ensure that the parties had received the report and had had enough time to indicate their position to the court. The committee considered various timelines and elected to require the report be filed with the court and served on the parties at least 10 court days before the hearing and that parties have 5 court days after receipt of the report to file an objection. This leaves the court with 5 court days to approve the placement and inform the parties. Given the challenges presented by the timelines in this process, the committee also determined that the rule should allow courts the option to create their own process in lieu of the process in the rule of court, through local rules that can reflect their own unique circumstances.

Another issue that the committee addressed in the rule was the apparent conflict in AB 153 between the requirement that the QI assessment and supporting documentation be submitted to the court and existing laws on confidentiality and privilege.¹⁷ Section 4096(g)(7) characterizes

¹⁷ See sections 361.22(c)(1)(A) and 727.12(c)(1)(A), requiring that the report submitted for the hearing include “[a] *copy of the assessment*, determination as to the services and care needs of the child or nonminor dependent, and

the QI assessment as being provided as specialty mental health services, which would implicate protections under the Health Insurance Portability and Accountability Act and Confidentiality of Medical Information Act. Although mindful of the law that a rule cannot be inconsistent with statute, subdivision (d)(3) of the rule reconciles the two statutes by clarifying that the contents of the report must comply with existing laws on confidentiality and privilege.

The committee also considered the burden that these additional hearings will place on juvenile courts and whether there were alternatives to a review by the juvenile court for STRTP placements, such as review by an administrative body. Ultimately however, the committee did not take this position and AB 153 was determinative, as it requires the review be conducted by a juvenile court.

Finally, the committee carefully considered whether the new forms should be mandatory or optional. The committee narrowly voted to require form JV-237, the proof of service form, be mandatory because, although existing form JV-510 could also be used as a proof of service, JV-237 includes the specific items that are required to be served for these hearings. The committee elected to recommend the other new forms be mandatory to ensure there is consistency in pleadings related to these new hearings. The only exception was JV-238 (the court's order for hearing), which the committee recommends be optional because other methods can be used by courts for the court's setting of the hearing and notice of the court date.

Comments

A proposal (based on the federal legislation and the February trailer bill language) was circulated for public comment from April 9 to May 27, 2021, as part of the regular spring comment cycle. Fourteen organizations submitted comments on this proposal. Three organizations agreed with the proposal, three agreed if the proposal is modified, four disagreed with the proposal, and four did not indicate a position. Commenters who disagreed with the proposal were placing agencies whose chief concerns were generally more related to the legislation than to the proposed rule and forms. A chart with the full text of all comments received and the committee's responses is attached at pages 109-174.

Administrative hearing

The County Welfare Directors Association of California (CWDA) and the County of San Diego Health and Human Services Agency argued that the body reviewing STRTP placements should be the Interagency Placement Committee (IPC)¹⁸ rather than the courts. Orange County Children and Family Services was opposed to the juvenile court approving placements as well. The CWDA suggested that an IPC approval process would be consistent with federal legislation, which permits the review of the STRTP placement by "a family or juvenile court or another

documentation prepared by the qualified individual pursuant to paragraph (1) of subdivision (h) of Section 4096," italics added.

¹⁸ California law requires that each county must use an IPC to determine whether a foster youth who is placed or will be placed in an STRTP meets one of the criteria in section 4096(e)(1)(A)–(C) to be eligible for such placement. See Welf. & Inst. Code, § 4096.

court (including a tribal court) of competent jurisdiction, *or an administrative body appointed or approved by the court*” (42 U.S.C. § 675a(c)(2), emphasis added). The committee appreciated the concerns that keeping the IPC process will create a duplication of efforts that could result in delays in getting youth necessary services and the concern about significant workload for county staff related to STRTP placement review hearings, and a lack of suitable placements for some foster youth. The committee notes, however, that these concerns have more to do with the federal legislation and AB 153 than they do with the rules and forms proposal. The committee further believes that the intent of the federal legislation is that an independent judicial body will review the STRTP placements, and that the IPC does not fall into that category.

Process for review without a hearing

As mentioned above, when the proposal went out for comment, the February 2021 trailer bill language included a process to approve the placement without a hearing. There were therefore several comments related to this process and the objection process. The final bill was amended to require the Judicial Council to develop this procedure.

Many comments noted that the objection process will place additional workload on courts to process forms.¹⁹ In addition, placing agencies raised concerns about delays and extra workload in meeting notice requirements.²⁰ Another comment raised the question whether the time frame to file the objection is compatible with the service requirements of Code of Civil Procedure section 1013(a) (extending the statutorily prescribed time to respond by 5 calendar days if service is by mail in the state of California).²¹ The comment suggested requiring that the form be filed 5 days before the hearing.

This comment was directed at the trailer bill language and not the rules and forms proposal, but the comment would also apply to the objection process the proposed rule creates. The committee struggled with the timeline for an objection being based on when the party had *received* the report, as it will be difficult for courts to know when a party received the report. The committee, however, determined that this was the most equitable approach because the alternative, requiring a response based on a set number of days before the hearing, would mean that the placing agency could fail in their service obligations and the party would be left without an adequate remedy unless the court continues the hearing. The committee also used other juvenile rules as examples,

¹⁹ See the comment from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee: “If the trailer bill [language] passes, there will be additional workload for judicial and non-judicial staff to calendar and vacate court dates, staff new hearings and make and process orders. The timelines are compressed such that opposition will need to be processed in a timely manner, as will monitoring if opposition is filed and hearings can be vacated.”

²⁰ Los Angeles County Counsel.

²¹ “[A]ny right or duty to do any act or make any response within any period or on a date certain after service of the document, which time period or date is prescribed by statute or rule of court, shall be extended five calendar days, upon service by mail, if the place of address and the place of mailing is within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California but within the United States, and 20 calendar days if either the place of mailing or the place of address is outside the United States.” (Code Civ. Proc., § 1013(a).)

and many juvenile rules (and at least one statute) set the timeline for a response from parties based on receipt of an item or notice from the placing agency.²² The committee, however, will revisit this issue when the proposal circulates for comment in the next rules cycle, and determine whether the rule should be amended to better conform to Code of Civil Procedure section 1013(a).

Indian Child Welfare Act

A commenter recommended adding provisions to the rule requiring the court to make evidentiary findings required by the Indian Child Welfare Act (active efforts and risk of continued custody) when placement in an STRTP is the initial out-of-home placement. The comment noted that this could occur, for example when the child remained in home or with a non-offending parent initially and then STRTP placement is recommended. The active efforts and risk of continued custody findings, however, are addressed at hearings where removal from the parental custody is considered and are not the focus of the STRTP placement reviews.²³

And the California Tribal Families Coalition commented that the notice to the tribe should be more specific as to the type of notice. The type of notice required is not something that is addressed in AB 153 and, under section 224.3(g), tribes get notice of hearings that do not meet the definition of “Indian child custody proceeding” in the same manner as other parties. The bill requires that the report be served on the parties, but a child’s tribe is sometimes overlooked as a party to the case. The rule has therefore been updated to specify that the service of the report must be provided to the child’s tribe and Indian custodian in the case of an Indian child.

Proof of service form

One commenter suggested that proposed proof of service form JV-237 was unnecessary because proof of service forms are already available as Judicial Council forms, including *Proof of Service—Juvenile* (form JV-510). The commenter wrote that the unnecessary form creates another form to maintain and revise in the future, and requires the courts to create docket codes. Another commenter also suggested that the forms should be limited to the request for review and the court’s ruling, like forms related to section 388 petitions. The committee deliberated whether the form JV-237 should remain part of the proposal and voted that it should because it specifies the material that must be served for the hearing, which the committee felt was important to

²² For example, rule 5.640(c)(3) requires *Input on Application for Psychotropic Medication* (form JV-222) be filed within 4 court days of receipt of notice of the application to administer psychotropic medication. For a hearing to review a child’s removal from their school of origin, rule 5.651(e)(2)(i) requires the request for a hearing by the child’s attorney be filed within 2 court days of receiving notice of the placement change. For a hearing to review an out-of-county placement, a parent has 7 calendar days to object and request a hearing after receiving notice of the placement change. (Section 361.2(h).) A request for review of a presumptive transfer waiver determination must be made within 7 court days of the petitioner’s being noticed of the placing agency’s determination on the request for waiver of presumptive transfer. (Rule 5.647(b)(3) & (c)(1).)

²³ See §§ 319(f)(2) (active efforts determination required at initial hearing if the court knows or has reason to know the child is an Indian child), 361(e), 361.7; rule 5.678(c).

identify to help ensure that placing agencies will serve the required documents. The committee also narrowly voted to make the form mandatory for the same reason.

Rule 5.618

A request for specific comment asked whether the procedures in subdivision (e) (current subdivision (g)) of the rule, creating a legal standard for the court's determination on the approval of the STRTP placement, was helpful.²⁴ Responses were mixed, with four commenters saying that the language in the rule was helpful, while five responded that the statute was sufficient without further guidance from the rule. A commenter noted that the trailer bill language did not include a legal standard for the court to use to approve or disapprove the placement, and the rule fills this void.²⁵ Another commenter wrote that the clarification of the evidence the court may consider (the evidentiary standard of preponderance of the evidence, that the court determine if the placement promotes the child's best interest, and that the decision on the placement must be made within 60 days of the placement) are all very important parts of the procedure.

Mandatory versus optional forms

A specific request for comment asked if the forms should be mandatory or optional. The responses were mixed, with five commenters saying the forms should be mandatory, four saying optional, and two saying a combination of mandatory and optional. As discussed above, the committee elected to make all new forms mandatory except the court order for a hearing (form JV-238).

Alternatives considered

The committee never considered not proceeding with the proposal because the February 2021 trailer bill language on which the circulated proposal was based, and AB 153, require the Judicial Council to amend or adopt rules of court and develop or amend appropriate forms, as necessary, to implement this section by October 1, 2021—consistent with the requirements of the federal legislation. The committee did consider whether the proposal should proceed while the legislation was pending. The committee, however, determined that the proposal should proceed with an effective date of October 1, 2021, when the legislation is expected to be effective, because courts and practitioners would benefit from a rule and forms to effectuate the legislation and carry out these new hearings. The committee will also seek to circulate the proposal for comment again in the next rules cycle.

²⁴ Subdivision (g) requires the court to make the determinations required in section 361.22(e)(2) and (3) or 727.12(e)(2) and (3) by a preponderance of the evidence and to approve or disapprove the placement based on these determinations and whether it appears that the child's or nonminor dependent's best interest will be promoted by the placement.

²⁵ Los Angeles County Counsel.

Fiscal and Operational Impacts

New hearings reviewing all STRTP placements will create new costs for the courts. However, this has more to do with the implementation part IV of the Family First Prevention Services Act and AB 153 than it does the rules and forms proposal. The proposed new and revised rules and forms will provide greater clarity and uniformity for the proceedings that courts will be required to conduct beginning October 1, 2021, and it is anticipated that this will ease the fiscal and operational impacts that the courts would have faced had this proposal not been offered.

Attachments and Links

1. Cal. Rules of Court, rules 5.618 and 5.697, at pages 18-22
2. Forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-320, JV-410, JV-421, JV-432, JV-433, JV-437, JV-438, JV-442, JV-443, JV-445, JV-446, JV-457, JV-461(A), JV-462, JV-642, JV-667, JV-672, JV-674, and JV-678, at pages 23-108
3. Comment chart, at pages 109-174

Rule 5.618 of the California Rules of Court is adopted, and rule 5.697 is amended, effective October 1, 2021, to read:

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

(a) Applicability

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

(b) Service of request for hearing

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

- (1) The child’s parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent’s parents and their attorneys of record, if the parent is receiving family reunification services;
- (2) The child’s legal guardians, if applicable, and their attorneys of record;
- (3) The attorney of record for the child or nonminor dependent, and the child, if older than 10 years of age, or the nonminor dependent;
- (4) The child’s or nonminor dependent’s Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record; and
- (5) For a child or nonminor dependent under section 300 or 450 jurisdiction, the child’s or nonminor dependent’s Court Appointed Special Advocate volunteer, if applicable.

(c) Setting the hearing

The court must set a hearing under section 361.22(d) or 727.12(d) after receiving a request for a hearing. The court must provide notice of the hearing to the following:

- (1) The child's parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent's parents and their attorneys of record, if the parent is receiving family reunification services;
- (2) The child's legal guardians, if applicable, and their attorneys of record;
- (3) The attorney of record for the child or nonminor dependent, and the child if older than 10 years of age, or the nonminor dependent;
- (4) The child's or nonminor dependent's Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record; and
- (5) The child's or nonminor dependent's Court Appointed Special Advocate volunteer, if applicable.

(d) Report for the hearing

- (1) The report described in section 361.22(c) or 727.12(c) must be filed with the court no later than seven calendar days before the hearing.
- (2) The report must be served on the individuals listed in (c) of this rule no later than seven calendar days before the hearing.
- (3) The documentation required by section 361.22(c)(1)(A) or 727(c)(1)(A) must not contain information that is privileged or confidential under existing state law or federal law or regulation without the appropriate waiver or consent.

(e) Input on placement

- (1) The following parties who object to the placement may inform the court of the objection by filing *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236):
 - (A) The child's parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent's parents and their attorneys of record, if the parent is receiving family reunification services;
 - (B) The child's legal guardians, if applicable, and their attorneys of record;
 - (C) The attorney of record for the child or nonminor dependent, and the child if older than 10 years of age, or the nonminor dependent; and

1 (D) The child's or nonminor dependent's Indian tribe and any Indian
2 custodian, in the case of an Indian child, and their attorneys of record.

3
4 (2) Form JV-236 may be used to provide input on the child's or nonminor's
5 placement in the short-term residential therapeutic program by the individuals
6 listed in (1) and other individuals with an interest in the child or nonminor.

7
8 (3) Input from a Court Appointed Special Advocate volunteer can also be by a
9 court report under local rule.

10
11 (4) Local county practice and local rules of court determine the procedures for
12 completing, filing, and noticing form JV-236, except as otherwise provided in
13 this rule.

14
15 **(f) Approval without a hearing**

16
17 (1) After the court receives a request for review, the court may approve the
18 placement without a hearing if the following conditions are met:

19
20 (A) The service requirements of (b) were met;

21
22 (B) The placing agency has filed *Proof of Service—Short-Term Residential*
23 *Therapeutic Program Placement (JV-237)* verifying that the parties
24 listed in (e)(1) were served a copy of the report described in section
25 361.22(c) or 727.12(c) no later than 10 court days before the hearing
26 date;

27
28 (C) No party listed in (e)(1) has notified the court of their objection to the
29 placement within 5 court days of receiving the report described in
30 section 361.22(c) or 727.12(c); and

31
32 (D) Based on the information before the court, the court intends to approve
33 the placement consistent with section 361.22(e) or 727.12(e) and (g) of
34 this rule.

35
36 (2) If the court approves the placement without a hearing, it must notify the
37 individuals in (c) of the court's decision to approve the placement and vacate
38 the hearing set under section 361.22(d)(1) or 727.12(d)(1).

39
40 (3) Nothing in this subdivision precludes the court from holding a hearing when
41 no objection to the placement is received.
42

- 1 (4) Notwithstanding (1)–(3), the court may approve the placement without a
2 hearing under a local rule of court if the local rule is adopted under the
3 procedures in rule 10.613 and meets the following requirements:
4
5 (A) The rule ensures the placing agency has filed form JV-237 verifying
6 that the parties listed in (e)(1) were served a copy of the report
7 described in section 361.22(c) or 727.12(c) no later than 10 court days
8 before the hearing date;
9
10 (B) The rule ensures the court does not approve the placement until all the
11 parties listed in (e)(1), after receiving the report, have been given an
12 opportunity to indicate to the court their position on the placement
13 through form JV-236;
14
15 (C) The rule ensures the court’s approval is consistent with section
16 361.22(e) or 727.12(e) and (g) of this rule; and
17
18 (D) The rule ensures that the approval occurs no later than 60 days from the
19 start of the placement.
20

21 **(g) Conduct of the hearing**
22

- 23 (1) In addition to the report described in section 361.22(c) or 727.12(c), the court
24 may consider all evidence relevant to the court’s determinations of section
25 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether the
26 placement in the short-term residential therapeutic program is consistent with
27 the child’s or nonminor dependent’s best interest.
28
29 (2) The court must make the findings in section 361.22(e)(2) and (3) or
30 727.12(e)(2) and (3) by a preponderance of the evidence.
31
32 (3) The court must approve or disapprove the placement based on the
33 determinations in section 366.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and
34 (4) and whether it appears that the child’s or nonminor dependent’s best
35 interest will be promoted by the placement.
36
37 (4) If the court continues the hearing for good cause, including for an evidentiary
38 hearing, in no event may the hearing be continued beyond 60 days after the
39 start of the placement.
40

1 **Rule 5.697. Disposition hearing for a nonminor (Welf. & Inst. Code, §§ 224.1, 295,**
2 **303, 358, 358.1, 361, 366.31, 390, 391)**

3
4 **(a)–(d) * * ***

5
6 **(e) Social study (§§ 358, 358.1)**

7
8 The petitioner must prepare a social study of the nonminor if the court proceeds to
9 a disposition hearing. The social study must include a discussion of all matters
10 relevant to disposition and a recommendation for disposition.

11
12 (1) The petitioner's social study must include the following information:

13
14 (A)–(C) * * *

15
16 (D) If reunification services are being considered:

17
18 (i)–(iii) * * *

19
20 (iv) Whether the nonminor and parent, parents, or guardian agree
21 ~~with the continuation of~~ to court-ordered reunification services;

22
23 (v) Whether ~~continued~~ reunification services are in the best interest
24 of the nonminor; and

25
26 (vi) * * *

27
28 (E)–(N) * * *

29
30 (O) For a placement made on or after October 1, 2021, the information
31 specified in section 361.22(c), if the nonminor has been placed in a
32 short-term residential therapeutic program.

33
34 (2) * * *

35
36 **(f)–(h) * * ***

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

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

The request for review must be served on all parties together with a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236).

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

Fill in court name and street address:

Superior Court of California, County of

- ② The child or nonminor dependent was placed at the following short-term residential therapeutic program
(name): _____,
on (date): _____.

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

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

- ③ The agency listed in ① requests that the court set a hearing under Welfare and Institutions Code section 361.22 or 727.12 to review the placement of the child or nonminor dependent in the short-term residential therapeutic program.
- ④ ☐ The agency listed in ① will request that the placement be approved without a hearing after meeting the requirements of rule 5.618(f) of the California Rules of Court.

Court fills in case number when form is filed.

Case Number:

- ⑤ **To the parent, guardian, child or nonminor dependent, and the child's Indian tribe or Indian custodian in the case of an Indian child: If you do not agree with the placement of the youth in the short-term residential therapeutic program, you may inform the court of your objection.** To do so, you must use form JV-236, *Input on Placement in Short-Term Residential Therapeutic Program* and file it with the court. The court will set a hearing and will inform you when the hearing will occur. Before the hearing, you will receive a report from the social worker or probation officer that will explain why the placement was made and how it serves the needs of the child or nonminor dependent. The report is described in Welfare and Institutions Code section 361.22(c) (dependency), or 727.12(c) (delinquency).

If the agency indicates in ④ that they will request approval of the replacement without a hearing, your objection must be filed with the court within five court days of when you receive the report for the hearing. If no objections are received, the court may approve the placement without a hearing.

Date: _____

Type or print your name

Sign your name

Input on Placement in Short-Term Residential Therapeutic Program

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

If you do not agree with the placement of the child or nonminor dependent in a short-term residential therapeutic program, or if you would like to provide input on the placement without objecting to the placement, you may inform the court of your objection or input by using this form. Only a party to the case can object to the placement, while anyone with an interest in the child or nonminor dependent can use the form to provide their input. If you are a party to the case and you receive the report described in Welfare and Institutions Code section 361.22(c) or 727.12(c) 10 court days before the hearing, or earlier, the court may consider approving the placement without a hearing. In that case, any objections must be filed with the court on this form within 5 court days of receiving the report.

Fill in court name and street address:

Superior Court of California, County of

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

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court fills in case number when form is filed.

Case Number:

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

- a. Name: _____
- b. Address: _____
- c. City/State/Zip: _____
- d. Phone: _____
- e. E-mail: _____

2 Relationship to the child or nonminor dependent :

- a. ☐ Self
- b. ☐ Parent or legal guardian
- c. ☐ Indian custodian
- d. ☐ Attorney for parent, legal guardian, or Indian custodian
- e. ☐ Attorney for child or nonminor dependent
- f. ☐ The child's or nonminor's Indian tribe
- g. ☐ Other: _____

3 The child or nonminor dependent was placed in a short-term residential therapeutic program on (date): _____.

4 ☐ I received the report from the social worker or probation officer addressing the child's or nonminor dependent's placement in the short-term residential therapeutic program on (date): _____.

5 ☐ I object to the child's/nonminor dependent's placement in the short-term residential therapeutic program. (If no objections are received from any of the parties to the case, the court may approve the placement without holding a hearing).

6 I oppose the placement because:



Case Number:

- 7 I do not oppose the placement, but I want to tell the court the following:

- 8 ☐ Check here if you need space for any of the items. Write the item number and the additional information here. If you need more space, attach a sheet or sheets of paper.

Date: _____

Type or print your name

Sign your name

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/NONMINOR'S NAME: CHILD'S/NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME:	
Proof of Service—Short-Term Residential Therapeutic Program Placement	CASE NUMBER:

I served a copy of:

- ☐ *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235) AND a blank copy of: *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236), and/or
- ☐ the report as described in Welfare and Institutions Code section 361.22(c) or 727.12(c), for a hearing on (date):

on the following persons or entities by

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

1. ☐ The child (*if 10 years of age or older*) or the nonminor dependent

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

☐ Attorney

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

2. ☐ Parent/Legal Guardian

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

☐ Attorney

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

3. ☐ Parent/Legal Guardian

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

☐ Attorney

- a. Name:
 b. Mailing, in-person, or electronic service address:
 c. Date of service:
 d. Method of service:

CHILD'S/NONMINOR'S NAME:	CASE NUMBER:
--------------------------	--------------

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

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

☐ Attorney

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

5. ☐ Indian custodian

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

☐ Attorney

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

6. ☐ CASA volunteer

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

7. ☐ Other (*specify*):

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

8. ☐ Other (*specify*):

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

9. ☐ Other (*specify*):

- a. Name:
- b. Mailing, in-person, or electronic service address:
- c. Date of service:
- d. Method of service:

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

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

Date: _____

Type or print your name

Sign your name

**Notice of Hearing on Placement in
Short-Term Residential Therapeutic
Program***Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council**

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

*Fill in court name and street address:***Superior Court of California, County of***Fill in child's/nonminor's name and date of birth:***Child's/nonminor's name:****Date of birth:***Court fills in case number when form is filed.***Case Number:****③ Notice of Hearing**

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

Name and address of court:

**Hearing
Date**→ Date: _____ Time: _____
Dept.: _____ Room: _____

Date: _____

Judicial Officer

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

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

2. ☐ The court reviews the placement without a hearing. The requirements in rule 5.618(f)(1) of the California Rules of Court have been met.
- ☐ The court reviews the placement without a hearing after the conditions required by local rule (*specify local rule number*) created under rule 5.618(f)(4) of the California Rules of Court have been met.

THE COURT FINDS AND ORDERS

3. The court has read and considered the following:
- a. ☐ The report described in Welfare and Institutions Code section 361.22(c) or 727.12(c) filed on (date):
- b. ☐ *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) filed by: on (date):
- c. ☐ *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) filed by: on (date):
- d. ☐ CASA report dated:
- e. ☐ Other:
- f. ☐ Other:
4. ☐ Notice requirements were met. The following items were served within the time prescribed by law: *Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235); *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236); and the report as described in Welfare and Institutions Code section 361.22(c) or 727.12(c).
- ☐ Notice requirements were not met. The following items were not served within the time prescribed by law:
5. ☐ The court on its own motion finds that a continuance that will not result in the hearing being held more than 60 days after the start of the placement is not contrary to the interest of the child or nonminor, and good cause exists for the continuance as set forth below:

CHILD'S/NONMINOR'S NAME:

CASE NUMBER:

6. The needs of the child or nonminor dependent

- a. ☐ can be met through placement in a home-based family setting.
- b. ☐ cannot be met through placement in a family-based setting. The placement in a short-term residential therapeutic program ☐ does ☐ does not provide the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment.

7. The short-term residential therapeutic program ☐ is ☐ is not consistent with the short and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.8. In the case of an Indian child, there ☐ is ☐ is not clear and convincing evidence of good cause to depart from the placement preferences set forth in Welfare and Institutions Code section 361.31.9. ☐ The placement is approved.

- ☐ The placement is not approved. The social worker or probation officer is ordered to transition the child or nonminor dependent to a placement setting that is consistent with the determinations in items 6-8 within 30 days.

10. The basis for the court's determination has been stated on the record or is stated in writing here:

11. ☐ Other orders:12. ☐ Next hearing date:

Time:

Dept.:

Room:

Date: _____

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S 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): Parent's name (if known):
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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 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. ☐ **For 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 the 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):
☐ parent (name):

CHILD'S NAME:	CASE NUMBER:
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8. a. ☐ The court finds, by clear and convincing evidence, that it is likely the child will be adopted.
- b. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
- (1) ☐ The court has heard and considered all relevant, admissible evidence, including:
- (A) ☐ Qualified expert witness testimony provided by _____ ; and
(Name of Witness)
- (B) ☐ Evidence regarding the prevailing social and cultural practices of the child's tribe; and
- (2) ☐ The court finds beyond a reasonable doubt that continued physical custody by the ☐ mother ☐ father
☐ Indian custodian ☐ other (name and relationship to child):
is likely to result in serious emotional or physical damage to the child.
9. The parental rights of
- a. ☐ parent (name):
- b. ☐ parent (name):
- c. ☐ 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 completed, skip items 10–16 and go directly 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 completed, skip items 11–16 and go directly 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 giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. (If item 11 is checked, skip items 12–14 and go directly to item 15 (guardianship).)
12. ☐ Termination of parental rights would be detrimental to the child for the following reasons: (If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship) or 16 (continued foster care).)
- a. ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. ☐ The child is 12 years of age or older and objects to termination of parental rights.
- c. ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. ☐ The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.
NOTE: Do not check item 12d if the child is either:
(1) under the age of 6; or
(2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.
- e. ☐ There would be substantial interference with the child's sibling relationship.

CHILD'S NAME:	CASE NUMBER:
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12. 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 the tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.
13. ☐ Termination of parental rights would not be detrimental to the child, but the child is difficult to place for adoption and there is no identified or available prospective adoptive parent for the child because the child (*check the applicable reason or reasons below and complete item 14*):
- a. ☐ is a member of a sibling group that should stay together.
 - b. ☐ has a diagnosed medical, physical, or mental disability.
 - c. ☐ is 7 years of age or older.
14. a. ☐ Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by (*date, not to exceed 180 days from the date of this order*):
- (*Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15 and 16, and go directly to item 17.*)
- b. ☐ Visitation between the child and
☐ parent (*name*):
☐ parent (*name*):
☐ 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.
15. ☐ The child's permanent plan is legal guardianship.
☐ (*Name*):
is appointed guardian of the child's person ☐ and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until letters have issued.
- (*Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16 and go directly to item 17.*)
- a. ☐ Visitation between the child and
☐ parent (*name*):
☐ parent (*name*):
☐ legal guardian (*name*):
☐ 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 jurisdiction is terminated.
(*If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.*)
- The juvenile court retains jurisdiction over the guardianship under Welfare and Institutions Code section 366.4 or 728(f).
- d. ☐ Dependency ☐ Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by (*date*): _____.

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) ☐ Returning home
- (2) ☐ Adoption
- (3) ☐ Tribal customary adoption
- (4) ☐ Legal guardianship
- (5) ☐ Permanent placement with a fit and willing relative
- (6) ☐ Independent living with identification of a caring adult to serve as a lifelong connection
- The barriers to achieving the child's permanent plan are *(specify)*:

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)*:
☐ parent *(name)*:
☐ 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 is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because:
- a. ☐ The permanent plan is not adoption, and *(choose one)*:
- (1) ☐ The child is placed with a member of the child's extended family, as defined by Welf. & Inst. Code, § 224.1(c); or
- (2) ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- (3) ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (4) ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- (5) ☐ The child is placed in accordance with the preferences established by the tribe; or
- (6) ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
- b. ☐ The permanent plan is adoption, and *(choose one)*:
- (1) ☐ The child is placed with a member of the child's extended family; or
- (2) ☐ A diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or
- (3) ☐ An diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or
- (4) ☐ The child is placed in accordance with the preferences established by the tribe; or
- (5) ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in detail in the record.

CHILD'S NAME:	CASE NUMBER:
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18. ☐ The child's placement is necessary.
19. ☐ The child's placement is appropriate.
20. ☐ For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted pursuant to Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
21. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
22. ☐ The child is an Indian child, and active efforts, as detailed in the record, ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
If active efforts were made, those efforts have proved ☐ successful ☐ unsuccessful.
23. ☐ The child remains a ☐ dependent ☐ ward of the court. (Do NOT check item 22 if item 15c is checked.)
24. ☐ All prior orders not in conflict with this order remain in full force and effect.
25. ☐ Other (specify):

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

27. The

- a. ☐ Parent (name):
- b. ☐ Parent (name):
- c. ☐ Indian custodian (name):
- d. ☐ Child
- e. ☐ 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 DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

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

2. **Detention 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 | <u>Attorney (name):</u> | 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"/> |
| <u>i. Others present in courtroom:</u> | | | | |
| (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:
 b. ☐ Report of CASA volunteer dated:
 c. ☐ Other (specify):
 d. ☐ Other (specify):

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 a child 10 years of age or older who is not present**
 (1) ☐ The child was properly notified under Welfare and Institutions Code section 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
 (2) ☐ The child was not properly notified under Welfare and Institutions Code section 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and

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

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

11. ICWA Jurisdiction

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

Advisements and waivers

12. The court has informed and advised the

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

of the following:

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

13. ☐ 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 one's own behalf.

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14. ☐ **CHILD NOT DETAINED**

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

15. ☐ **CHILD DETAINED**

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

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

- a. ☐ The evidence includes all of the requirements of Welfare and Institutions Code section 319(b).

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

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

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

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

22. ☐ **Other findings and orders**

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

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

24. ☐ The next hearing is scheduled as follows:

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

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

26. Number of pages attached: _____

Date: _____

☐ JUDGE ☐ JUDGE PRO TEMPORE

Date: _____

☐ COMMISSIONER ☐ REFEREE

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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 Welfare and Institutions Code section 300 (*check all that apply*)

☐ 300(a) ☐ 300(c) ☐ 300(e) ☐ 300(g) ☐ 300(i)
☐ 300(b) ☐ 300(d) ☐ 300(f) ☐ 300(h) ☐ 300(j)

and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. ☐ There is clear and convincing evidence of the circumstances stated in Welfare and Institutions Code section 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 (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

4. Reasonable efforts ☐ were ☐ were not made to prevent or eliminate the need for removal from the home.

5. ☐ The child is an Indian child or ☐ where there is reason to know that the child is an Indian child, and as set out in detail in the record,

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

6. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from** (*check all that apply*)

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

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Family finding and engagement

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

Case plan development

8. a. ☐ The county agency solicited and integrated into the case plan the input of the ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe ☐ other (specify):
- 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. ☐ the approved home of a resource family, as defined in Welfare and Institutions Code section 16519.5 or a home that is pending approval under section 16519.5(e)(1).
- d. ☐ with a foster family agency for placement in a foster family home.
- e. ☐ in a suitable licensed community care facility.
- f. ☐ in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 361.22 was held on or is set for (date):
11. ☐ **Placement with the child's relative, (name):**
has been independently considered by the court and is denied for the reasons stated on the record.
12. ☐ The child is an Indian child or there is reason to know the child is an Indian child. Currently (choose one):
- a. ☐ the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

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

Reunification services

18. ☐ **Provision of reunification services to the biological father** ☐ will ☐ will not benefit the child.
19. ☐ **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.
20. ☐ **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.
21. ☐ **As provided in Welfare and Institutions Code section 361.5(b), by clear and convincing evidence**
 a. the ☐ mother ☐ legal guardian ☐ other (specify):
☐ presumed father ☐ Indian custodian
 is a person described in Welfare and Institutions Code section (choose all that apply)
☐ 361.5(b)(3) ☐ 361.5(b)(7) ☐ 361.5(b)(9) ☐ 361.5(b)(11) ☐ 361.5(b)(13) ☐ 361.5(b)(16)
☐ 361.5(b)(4) ☐ 361.5(b)(8) ☐ 361.5(b)(10) ☐ 361.5(b)(12) ☐ 361.5(b)(15) ☐ 361.5(b)(17)
 and reunification services are
 (1) ☐ granted, because by clear and convincing evidence reunification is in the best interest of the child.
 (2) ☐ denied.

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21. b. The ☐ mother ☐ legal guardian ☐ other (specify):
☐ presumed father ☐ Indian custodian

is a person described in Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 361.5(b)(5), and reunification services are

(1) ☐ granted, because

(a) ☐ reunification services are likely to prevent reabuse or neglect.

(b) ☐ the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.

(2) ☐ denied.

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

is a person described in Welfare and Institutions Code section 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 Welfare and Institutions Code section 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):

22. **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

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

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24. 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

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

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

Health and education

27. ☐ 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.

28. 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.

29. 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.

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

31. ☐ 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:

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

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

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33. ☐ 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.
34. ☐ **Child 14 years of age or older**
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

Advisements

35. ☐ **Child under the age of three years or member of a sibling group as described in Welfare and Institutions Code section 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 Welfare and Institutions Code section 366.21(e).

Six-month hearing date:

- b. **At the six-month hearing** under Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code 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.**

CHILD'S NAME:

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36. ☐ **Child three years of age or older who is not a member of a sibling group as described in Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code 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:

37. ☐ a. **The matter is ordered set for hearing under Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(g)(10) of the California Rules of Court to any party not present.
- e. ☐ The court orders that no notice of the hearing set under Welfare and Institutions Code section 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is *(specify date)*:

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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*):
- a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child 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*):

CHILD'S NAME:

CASE NUMBER:

Reunification services

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

9. **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
- ☐ Whether there has been significant progress in resolving the problems that led to the removal;
 - ☐ 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
 - ☐ 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*):

10. **Reunification services are continued for the**

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

- ☐ as previously ordered.
- ☐ as modified
 - ☐ on the record.
 - ☐ in the case plan.

11. ☐ **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*):

CHILD'S NAME:

CASE NUMBER:

Important individuals

12. ☐ **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

13. ☐ 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

14. 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:

**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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*):
- a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child 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*):

CHILD'S NAME:	CASE NUMBER:
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Reunification services

8. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record:
- ☐ Affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - ☐ These efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - ☐ To the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
 - ☐ These efforts and the case plan ☐ have ☐ have not been developed and conducted to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
 - ☐ The active efforts have proved ☐ successful ☐ unsuccessful.
9. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and:
- ☐ Qualified expert witness testimony was provided by _____ ; and
 - ☐ Evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - ☐ There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

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

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> Indian custodian
<input type="checkbox"/> presumed father	<input type="checkbox"/> legal guardian	
<input type="checkbox"/> other (specify):		

 failed to participate regularly and make substantive progress in a court-ordered treatment plan. Reunification services are terminated.
 - ☐ Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

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11. ☐ **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.

12. 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 individuals13. ☐ **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

14. ☐ 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.

Setting for selection of permanent plan

15. ☐ 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).

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15. 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*):
16. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is 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*): _____
- c. ☐ The court finds that the barriers to achieving the child's permanent plans are (*describe*): _____

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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 interests are (*describe*):

CHILD'S NAME:

CASE NUMBER:

TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED

(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to 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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(I) when determining the continuing necessity for and appropriateness of the placement.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-435, item 26 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*):
- a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child 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*):

Reunification services

8. a. ☐ **There is 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 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

CHILD'S NAME:	CASE NUMBER:
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8. a. (1) made significant progress in resolving the problems that led to the removal;
 (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
 (3) consistently and regularly contacted and visited the child.
- b. ☐ Reasonable services have not been provided to the
☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ other (specify):
9. 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.
10. ☐ **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, or in an identified placement with a specific goal is (specify date):

Important individuals

11. ☐ **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 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.

Advisement

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

Eighteen-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

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

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

☐ mother

☐ biological father

☐ legal guardian

☐ presumed father

☐ Indian custodian

☐ other (specify): _____

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**
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 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): _____
9. ☐ There has been a change in the child's placement and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one):
 - a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

CHILD'S NAME:	CASE NUMBER:
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9. c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
10. ☐ **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*):
11. 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

12. ☐ **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

13. ☐ 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:
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Selection of permanent plan

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

- a. ☐ The child's permanent plan is 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)*:

15. ☐ **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:
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16. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (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 is (*specify date*):

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.**
3. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record:
 - a. Affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. These efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. To the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
 - d. These efforts and the case plan ☐ have ☐ have not been developed and conducted to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
 - e. The active efforts have proved ☐ successful ☐ unsuccessful.
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. ☐ Qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ Evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ mother
☐ biological father
☐ legal guardian

☐ presumed father
☐ Indian custodian

☐ other (specify): _____

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**
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 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): _____
9. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one):
 - a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

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9. d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
10. ☐ **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*):
11. 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

12. ☐ **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

13. ☐ 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.

Selection of permanent plan

14. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is placement with (*name*): a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*specify date*):

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14. 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 <i>(specify)</i> :	

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)*:
15. ☐ **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)*:

16. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).

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- 16.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (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 is (*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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-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. ☐ There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (choose one):
- a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ The child is placed in accordance with the preferences established by the tribe; or
- f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child 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

8. **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):

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8. (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, § 366.25 because the person has

- (1) consistently and regularly contacted and visited the child;
- (2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
- (3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
- (a) ☐ to complete the objectives of 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.
- c. The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause under Welf. and Inst. Code section 352 to continue the 18-month status review to (*specify date*):

9. **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.

10. ☐ **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 is (*specify date*):

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:

CHILD'S NAME:

CASE NUMBER:

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.

Advisement

13. 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.

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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.**

9. ☐ **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 32 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other(specify):

10. ☐ **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 32 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

11. 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.

12. ☐ **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

13. **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.

14. 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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15. ☐ **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:

16. The services provided to the child have been

- a. ☐ adequate.
- b. ☐ not adequate.

Health and education

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): .
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. ☐ Surrogate parent (name):
 c. ☐ Educational representative (name):
 d. ☐ Other (name):

CHILD'S NAME:	CASE NUMBER:
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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:

Siblings

23. ☐ **The child does not have siblings under the court's jurisdiction.**
24. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
25. ☐ 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

26. ☐ 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*):
27. ☐ 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*):
28. ☐ 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*):
29. ☐ **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).

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

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31. ☐ **Other findings and orders:**

a. ☐ See attached.

b. ☐ (*Specify*):

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

Hearing date:	Time:	Dept:	Room:
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a. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)

b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

c. ☐ Other (*specify*):

33. 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:	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

1. Postpermanency hearing

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

	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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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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(I) when determining the continuing necessity for and appropriateness of the placement.**

13. ☐ **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 40 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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14. ☐ **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 40 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*):

15. 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

16. 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.
17. ☐ **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.

18. ☐ **Child 14 years of age or older:**
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

Efforts

19. 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.

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20. 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:

21. The services provided to the child have been

- a. ☐ adequate.
b. ☐ not adequate.

22. ☐ **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

23. ☐ **The child does not have siblings under the court's jurisdiction.**
24. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
25. ☐ 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

26. 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.

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27. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 26 or other concerns are:
- ☐ stated in the social worker's report.
 - ☐ specified here:
28. ☐ 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 27:
- ☐ Social worker.
 - ☐ Parent (*name*):
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
29. ☐ 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.

Health

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

32. It is ordered that:
- ☐ The child's permanent plan is legal guardianship.
The likely date by which the child's permanent plan will be achieved is (*specify date*):
 - ☐ 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*):
 - ☐ The child remains in foster care with a permanent plan of (*specify*):
 - ☐ Return home.
 - ☐ Adoption.
 - ☐ Tribal customary adoption.
 - ☐ Legal guardianship.
 - ☐ 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 (<i>specify</i>):	
- The likely date** by which the child's permanent plan will be achieved is (*specify date*):

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

33. ☐ **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)*:

34. ☐ **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.

35. ☐ The child's permanent plan identified in item 32 is appropriate and continues as the permanent plan.

36. ☐ a. The child's permanent plan identified in item 32 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.

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36. 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):

37. ☐ **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).

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

39. ☐ **Other findings and orders:**

- a. ☐ See attached.
 b. ☐ (Specify):

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

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

41. Number of pages attached: _____

Date: _____

☐ JUDGE
 ☐ JUDGE PRO TEMPORE
 ☐ COMMISSIONER
 ☐ REFEREE

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 is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record:
 - a. Affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. These efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. To the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
 - d. These efforts and the case plan ☐ have ☐ have not been developed and conducted to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
 - e. The active efforts have proved ☐ successful ☐ unsuccessful.
5. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
 - a. ☐ Qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ Evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ mother

☐ biological father

☐ legal guardian

☐ presumed father

☐ Indian custodian

☐ other (specify): _____
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one):
 - a. ☐ The child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. ☐ A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. ☐ A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. ☐ The child is placed in accordance with the preferences established by the tribe; or
 - f. ☐ The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child's current placement is appropriate.**
8. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(I) when determining the continuing necessity for and appropriateness of the placement.**

CHILD'S NAME:	CASE NUMBER:
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9. ☐ **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*):

10. ☐ **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

11. 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.
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 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*):

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 interest are (*describe*):

CHILD'S NAME:	CASE NUMBER:
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14. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (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):
- 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*):

Important individuals

15. ☐ **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

16. ☐ 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.

NONMINOR'S NAME:

CASE NUMBER:

DISPOSITIONAL ATTACHMENT: NONMINOR DEPENDENT

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

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

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

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

NONMINOR'S NAME:

CASE NUMBER:

27. ☐ Family reunification services are ordered under Welfare and Institutions Code section 361.6.
- a. The county agency ☐ has ☐ has not complied with the case plan by making reasonable efforts—or in the case of an Indian child, active efforts, as described in Welfare and Institutions Code section 361.7—to create a safe home for the nonminor dependent to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor.
- b. The extent of progress that the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care has been ☐ excellent ☐ satisfactory ☐ minimal ☐ none.
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood is:
28. ☐ It appears that juvenile court jurisdiction over the nonminor dependent may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court is ordered.
29. ☐ The nonminor dependent has elected not to remain in foster care. A hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court within 30 days is ordered.
30. ☐ Other findings and orders
- a. ☐ See [attachment 29a](#).
- b. ☐ (specify):
31. The next hearings are scheduled as follows:
- a. Nonminor dependent status review hearing (Welf. & Inst. Code, § 366.31; Cal. Rules of Court, rule 5.903)
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
- b. Hearing to consider termination of jurisdiction (Welf. & Inst. Code, § 391; Cal. Rules of Court, rule 5.555)
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
- c. Other (specify):
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
32. Number of pages attached: _____

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:	
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME:	
FINDINGS AND ORDERS AFTER NONMINOR DEPENDENT STATUS REVIEW HEARING	CASE NUMBER:
Judicial Officer:	Court Clerk:
Bailiff:	Other Court Personnel:
	Court Reporter: Interpreter: Language:

- | | | | | |
|---------------------------------|--------------------------|--|------------------|--------------------------|
| 1. Parties (name): | Present | | Attorney (name): | Present |
| a. Nonminor dependent: | <input type="checkbox"/> | | | <input type="checkbox"/> |
| b. Probation officer: | <input type="checkbox"/> | | | <input type="checkbox"/> |
| c. County agency social worker: | <input type="checkbox"/> | | | <input type="checkbox"/> |
| d. Other (specify): | <input type="checkbox"/> | | | <input type="checkbox"/> |
2. Tribal representative (name):
3. Others present in courtroom
- a. Other (specify):
- b. Other (specify):
- c. Other (specify):
- d. Other (specify):
4. **The court has read, and considered, and admits into evidence:**
- a. ☐ Report of social worker dated:
- b. ☐ Report of probation officer dated:
- c. ☐ Other (specify):
- d. ☐ Other (specify):

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

5. Notice of the date, time, and location of the hearing was given as required by law.
6. ☐ **The nonminor dependent's continued placement is necessary.**
7. ☐ **The nonminor dependent's continued placement is no longer necessary.**
8. ☐ The nonminor dependent's current placement is appropriate.
9. ☐ The nonminor dependent's current placement is not appropriate. The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
10. ☐ **For a nonminor dependent placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 366.31(b)(4) or 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.**

NONMINOR'S NAME:	CASE NUMBER:
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11. ☐ The nonminor dependent's Transitional Independent Living Case Plan does include a plan for him or her to satisfy at least one of the criteria in Welfare and Institutions Code section 11403(b) to remain in foster care under juvenile court jurisdiction as indicated below:
- ☐ Attending high school or a high school equivalency certificate (GED) program.
 - ☐ Attending a college, a community college, or a vocational education program.
 - ☐ Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - ☐ Employed at least 80 hours per month.
 - ☐ The nonminor dependent is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, or an employment program or activity or to work 80 hours per month due to a medical condition.
12. ☐ The county agency ☐ has ☐ has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with one of the conditions in Welfare and Institutions Code section 11403(b).
13. ☐ The nonminor dependent ☐ was ☐ was not provided with the information, documents, and services as required under Welfare and Institutions Code section 391(c).
14. ☐ The Transitional Independent Living Case Plan ☐ was ☐ was not developed jointly by the nonminor dependent and the county agency.
15. ☐ For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the representative from his or her tribe ☐ was ☐ was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
16. ☐ The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what he or she needs to achieve successful adulthood and set out benchmarks that indicate how both the county agency and nonminor dependent will know when successful adulthood can be achieved.
17. ☐ The nonminor dependent's Transitional Independent Living Case Plan ☐ does ☐ does not include appropriate and meaningful independent living skill services that will help the youth transition from foster care to successful adulthood.
18. ☐ The county agency ☐ has ☐ has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.
19. ☐ The county agency ☐ has ☐ has not made ongoing and intensive efforts to finalize the permanent plan.
20. ☐ The nonminor dependent ☐ did ☐ did not sign and receive a copy of his or her Transitional Independent Living Case Plan.
21. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been ☐ excellent ☐ satisfactory ☐ minimal.
- b. ☐ The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in his or her efforts to attain those goals were stated on the record.
22. ☐ The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the department ☐ has ☐ has not been evaluated.
23. ☐ The county agency ☐ has ☐ has not made reasonable efforts to maintain relations between the nonminor dependent and individuals who are important to him or her, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.
24. ☐ The county agency ☐ has ☐ has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with his or her siblings who are under juvenile court jurisdiction.
25. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:
26. ☐ It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court is ordered.

NONMINOR'S NAME:	CASE NUMBER:
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27. ☐ At a hearing under rule 5.555 of the California Rules of Court held on the date below, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367), and juvenile court jurisdiction is terminated under those findings and orders.

28. ☐ Juvenile court jurisdiction over the youth as a nonminor dependent is continued and

a. ☐ The youth's permanent plan is:

- (1) ☐ Return home
- (2) ☐ Adoption
- (3) ☐ Tribal customary adoption
- (4) ☐ Placement with a fit and willing relative
- (5) ☐ Another planned permanent living arrangement
- (6) ☐ Other (*specify*):

b. ☐ For nonminors placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because:

- (1) ☐ The nonminor is 18 or older.
- (2) ☐ Other (*specify*):

The compelling reasons why other permanent plan options are not in the nonminor's best interest are:

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

c. ☐ Family reunification services are continued.

d. The matter is continued for a hearing set under Welfare and Institutions Code section 366.31, and rule 5.903 of the California Rules of Court within the next six months.

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

30. ☐ Other findings and orders

- a. ☐ See attachment 29a.
- b. ☐ (*Specify*):

31. ☐ Additional findings and orders for nonminor dependent with case plan of continued family reunification services

- a. The agency ☐ has ☐ has not complied with the case plan by making reasonable efforts to create a safe home for the nonminor dependent to reside in and to complete whatever steps are necessary to finalize the permanent plan.
- b. The extent of progress made toward alleviating or mitigating the causes necessitating the current out-of-home placement has been
 - (1) ☐ by the father:
 - (2) ☐ by the mother:
 - (3) ☐ by the nonminor:
 - (4) ☐ other (*specify*):
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood is:
- d. (1) ☐ The nonminor can safely reside in the family home and may return to the family home.
 - (a) ☐ The court maintains jurisdiction under Welfare and Institutions Code section 303(a) and a review hearing under Welfare and Institutions Code section 366.31 is ordered.
 - (b) ☐ It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is ordered.

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

33. The next hearings are scheduled as follows:

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

Hearing date:	Time:	Dept:	Room:
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- b. ☐ Hearing to consider termination of jurisdiction under rule 5.555 of the California Rules of Court.

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

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

Date: _____

JUDICIAL OFFICER

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

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

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

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

as to the identities and addresses of all presumed or alleged fathers.
- b. ☐ The court finds (*name*): to be the ☐ legal ☐ biological
 ☐ presumed ☐ alleged father.
9. The ☐ mother ☐ father ☐ legal guardian ☐ other (*specify*):
were provided with a *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete the form and submit it to the court before leaving the courthouse today.
10. a. ☐ The child ☐ is ☐ may be an Indian child, and the county agency must provide, as required by law, notice of the proceeding and of the tribe's right to intervene. Proof of such notice must be filed with the court.
- b. ☐ There is reason to believe that the child may be of Indian ancestry, and the county agency must provide notice of the proceedings to the Bureau of Indian Affairs as required by law. Proof of such notice must be filed with this court.
11. ☐ The court advised the child and parent or legal guardian of (*check all that apply*)
 - a. ☐ the contents of the petition.
 - b. ☐ the nature and possible consequences of juvenile court proceedings.
 - c. ☐ the purpose and scope of the initial hearing.
 - d. ☐ the hearing rights described in rule:
 - e. ☐ the reason the child was taken into custody.
 - f. ☐ the parent or legal guardian's financial obligation and right to be represented by counsel.
 - g. ☐ other:
12. ☐ Reading of the petition and advice of rights were waived by ☐ the child ☐ the child's counsel.
13. ☐ The prosecutor has requested that a hearing be set to determine whether the child should be transferred to the jurisdiction of the criminal court under Welfare and Institutions Code section 707.
14. ☐ The child ☐ through counsel
 - a. ☐ denied the allegations of the petition dated:
 - b. ☐ asked the court to take no action on the petition at this time.
15. ☐ For the reasons stated on the record, the petition is dismissed ☐ in the interests of justice ☐ because the child does not need treatment or rehabilitation.
16. ☐ After inquiry, the court finds that the child understands the nature of the allegations and the direct consequences of admitting or pleading no contest to the allegations of the petition, and understands and waives the following hearing rights, which were explained (*check all that apply*):
 - a. ☐ The right to have a hearing.

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16. b. ☐ The right to cross-examine and confront witnesses.
 c. ☐ The right to subpoena witnesses and present a defense.
 d. ☐ The right to remain silent.
17. a. ☐ **The child through counsel**
 (1) ☐ **admitted the petition** ☐ **as filed** ☐ **as amended on (date):**
 (2) ☐ **pleaded no contest to the petition** ☐ **as filed** ☐ **as amended on (date):**
 b. ☐ The child's counsel consents to the admission or plea of no contest.
 c. ☐ The admission or plea of no contest is freely and voluntarily made.
 d. ☐ There is a factual basis for the admission or plea of no contest.
 e. ☐ The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of his or her conduct at the time the offense was committed.

18. a. ☐ The following allegations are admitted and found to be true:

Count number	Statutory violation	Misdemeanor	Felony	To be specified at disposition	Enhancement (if applicable)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- b. ☐ As to any offense that could be considered a misdemeanor or felony, the court is aware of and exercises its discretion to determine the offense, as stated in 18a.
- c. ☐ The following allegations are dismissed:
- | | |
|---------------------|----------------------------|
| <u>Count number</u> | <u>Statutory violation</u> |
|---------------------|----------------------------|

19. ☐ The child is described by section ☐ 601 ☐ 602 of the Welfare and Institutions Code.
20. ☐ The maximum confinement time is:
21. ☐ The child's residence is in: _____ County.
22. ☐ The matter is transferred to: _____ County for disposition and further proceedings.
Juvenile Court Transfer Orders (form JV-550) will be completed and transmitted immediately.
23. ☐ The child waives his or her right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

CHILD IN CUSTODY

24. ☐ The court has considered the detention report prepared by probation
☐ and the following documents (*specify*):
☐ and the testimony of (*name*):
☐ and the examination by the court of (*name*):
☐ and takes judicial notice of the entire court file.
25. ☐ The child is released from custody ☐ to the home of (*name, address, and relationship to child*):
☐ on home supervision ☐ on electronic monitoring
☐ the terms of which are stated in the attached *Terms and Conditions* (form JV-624).
26. ☐ The child is a dependent of the court under Welfare and Institutions Code section 300 and is ordered released from custody. The child welfare services department must either ensure that the child's current caregiver take physical custody of the child or take physical custody of the child and place the child in a licensed or approved placement.

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27. ☐ A prima facie showing has been made that the child's disposition is by Welfare and Institutions Code section 601 or 602.
28. ☐ Based on the facts stated on the record, the child is detained in secure custody on the following grounds *(check all that apply)*:
- ☐ The child has violated an order of the court.
 - ☐ The child has escaped from a court commitment.
 - ☐ The child is likely to flee the jurisdiction of the court.
 - ☐ It is a matter of immediate and urgent necessity for the protection of the child.
 - ☐ It is reasonably necessary for the protection of the person or property of another.
29. ☐ Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
30. ☐ Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
31. ☐ Temporary placement and care is the responsibility of the probation department.
32. ☐ **The child is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 will be set or is set for (date):**
33. ☐ Probation is ordered to provide services that will assist with reunification of the child and the family.
34. ☐ Probation is granted the authority to authorize medical, surgical, or dental care under Welfare and Institutions Code section 739.
35. ☐ The child and the parent or legal guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
36. ☐ The ☐ mother ☐ father ☐ legal guardian is/are ordered to supply the names and contact information of adult relatives to probation so they can be notified of the child's removal and of their options to be included in the child's life.
37. ☐ The probation officer must file a case plan within 60 days.
38. ☐ Probation is authorized to release the minor ☐ at its discretion ☐ under the following circumstances:
39. ☐ The court accepts transfer from the County of:
40. ☐ Other orders:
41. ☐ Child ☐ Counsel waives time for *(check all that apply)*
☐ jurisdiction hearing ☐ disposition hearing ☐ other:
42. ☐ **The next hearings will be**
- | | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |
43. ☐ The child
- ☐ is ordered to return to court on the above date(s) and time(s).
 - ☐ remains detained.
44. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
45. ☐ All appointed counsel are relieved.

Date:

☐ JUDGE ☐ JUDGE PRO TEMPORE ☐ COMMISSIONER ☐ REFEREE
Countersignature for detention orders *(if necessary)*:

Date:

JUDICIAL OFFICER

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CUSTODIAL AND OUT-OF-HOME PLACEMENT DISPOSITION ATTACHMENT

THE COURT FINDS AND ORDERS

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

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other (*specify*):
- b. ☐ Reunification services do not need to be provided to (*name*): because the court finds by clear and convincing evidence that (*check one*)
 - (1) ☐ reunification services were previously terminated for that parent or not offered under section 300 et seq. of the Welfare and Institutions Code.
 - (2) ☐ that parent has been convicted of ☐ murder of another child of the parent ☐ voluntary manslaughter of another child of the parent ☐ aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of another child of the parent ☐ felony assault resulting in serious bodily injury to the child or another child of the parent.
 - (3) ☐ the parental rights of that parent regarding a sibling of the child have been terminated involuntarily.
- c. ☐ The child is ☐ ordered to ☐ continued in the care, custody, and control of the probation officer for placement in a suitable relative's home or in a foster or group home.
- d. ☐ The following are ordered to meet with the probation officer on a monthly basis:

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other (*specify*):
- e. ☐ The child is ordered to obey all reasonable directives of placement staff and probation. The child is not to leave placement without the permission of probation or placement staff.

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6. f. ☐ The child is to be placed out of state at the following (*name and address*):
- (1) ☐ In-state facilities are unavailable or inadequate to meet the needs of the child.
- (2) ☐ The state Department of Social Services or its designee has performed initial and continuing inspection of the facility and has certified that it meets all California licensure standards, or has granted a waiver based on a finding that there is no adverse impact to health and safety.
- (3) ☐ The requirements of the Family Code section 7911.1 are met.
- g. ☐ Pending placement, the child is detained in juvenile hall. If being housed in another county, please specify county:
- h. ☐ The child is placed on home supervision in the home of
- (1) ☐ parent (*name*): ☐ mother ☐ father
- (2) ☐ parent (*name*): ☐ mother ☐ father
- (3) ☐ legal guardian (*name*):
- (4) ☐ other (*name and address*):
- ☐ and is subject to electronic monitoring.
- i. ☐ The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- j. ☐ The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- k. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*specify date*):
- l. ☐ The right of the parent or guardian to make educational decisions for the child is specifically limited. *Order Designating Educational Rights Holder* (form JV-535) will be completed and transmitted.
7. ☐ The child has been ordered into a placement described by title IV-E of the Social Security Act.
- a. ☐ The date the child entered foster care is: , which is 60 days after the day the child was removed from his or her home.
- b. ☐ An exception applies to the standard calculation of the date the child entered foster care because
- (1) ☐ the child has been detained for more than 60 days. Therefore, the date the child entered foster care is today's date of:
- (2) ☐ the child has been in a ranch, camp, or other institution for more than 60 days and is now being ordered into an eligible placement. The date the child enters foster care will be the date he or she is moved into the eligible placement facility, which is anticipated to be:
- (3) ☐ at the time the wardship petition was filed, the child was a dependent of the juvenile court and in an out-of-home placement. Thus, the date entered foster care is unchanged from the date the child entered foster care in dependency court. That date is:
8. ☐ The child is committed to the care, custody, and control of the probation office for placement in the county juvenile ranch camp, forestry camp, or:
- a. ☐ for: months days.
- b. ☐ until the requirement of the program has been satisfactorily completed.
- c. ☐ if being housed in another county, please specify:
9. ☐ The child is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities* (form JV-732) will be completed and transmitted.
10. ☐ The minor is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 was held on or is set for (*date*):

Date:

JUDICIAL OFFICER

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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. ☐ **For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.**
9. ☐ 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.
10. ☐ 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.
11. ☐ 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.
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.**

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14. ☐ 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"/>

15. ☐ 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

16. ☐ **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.

17. 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:

18. ☐ 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

19. ☐ 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:

20. 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):

21. ☐ 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.

22. ☐ 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):

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Health and education

23. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*:
24. ☐ 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.
25. ☐ 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).
26. ☐ 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

27. 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

28. 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.**
29. **All prior orders not in conflict with this order remain in full force and effect.**
30. ☐ Other findings and orders:
- a. ☐ See attached.
- b. ☐ *(Specify)*:
31. ☐ The date the child entered foster care is *(specify)*:
32. ☐ **The next hearing will be:**
- | | | | |
|-------|-------|-------|------------------|
| Date: | Time: | Dept: | Type of hearing: |
| Date: | Time: | Dept: | Type of hearing: |
33. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.
34. ☐ 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.
35. 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. ☐ For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.9. ☐ 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.10. ☐ 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.11. ☐ 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: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.

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

14. ☐ 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"/>

15. 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.)

16. 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 Institutions 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):

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17. 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 **15a.**)
- 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:

18. 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

19. ☐ **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.
20. 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:
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21. ☐ 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
22. ☐ 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:
23. 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*):
24. ☐ The child has siblings under the court's jurisdiction and all of the siblings are **not** placed together in the same home.
- a. ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
- b. ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children for the following reasons (*state reasons*):
- No visitation is ordered.
25. ☐ 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

26. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):
27. ☐ 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.
28. ☐ 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).
29. ☐ 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

30. a. ☐ The court inquired of ☐ the mother ☐ others (*names and relationships*):
- as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Parentage (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:
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Advisement

31. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred under 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.**

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

33. ☐ Other findings and orders:

a. ☐ See attached.

b. ☐ (Specify):

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

35. ☐ **The next hearing will be:**

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

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

37. ☐ The sealing process has been explained to the child, and the child has received any materials relevant to the sealing process and the name of his or her attorney who can assist with sealing records.

38. Number of pages attached:

Date:



JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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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. ☐ For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted under Welfare and Institutions Code section 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ 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.
10. ☐ 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.
11. ☐ 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.)
12. ☐ 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:
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13. ☐ **The child is an Indian child**, and by clear and convincing evidence active efforts ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

15. 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)*:

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

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

18. ☐ **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

19. ☐ **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.

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20. 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.
21. ☐ 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
22. ☐ 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:
23. ☐ The child has siblings under the court's jurisdiction and all of the siblings are **not** placed together in the same home.
 a. ☐ Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
 b. ☐ The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children. No visitation is ordered.
24. ☐ Visitation with the child is ordered:
 a. ☐ as 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

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 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

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:
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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

SPR21-12

Juvenile Law: Short-Term Residential Therapeutic Program Placement (Adopt Cal. Rules of Court, rule 5.618; amend rule 5.697; adopt forms JV-235, JV-236, JV-237, JV-238, JV-239; revise forms JV-410, JV-421, JV-461(A), JV-642, JV-667)

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

	Commenter	Position	Comment	Committees Response
1.	California Tribal Families Coalition By Mica Llerandi Senior Attorney, Legal and Program Services Sacramento, CA	NI	<p>California Tribal Families Coalition (CTFC) is a statewide organization governed by a thirteen-member Board of Directors comprised of duly elected tribal officials, with a membership of 42 federally recognized Indian tribes located across the state, as well as the Southern, Central and Northern California Tribal Chairman's Associations. The mission of CTFC is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and at the core of tribal sovereignty and tribal governance. On behalf of their member tribes, CTFC submits these comments regarding SPR 21-12 – Juvenile Law: Short-Term Residential Therapeutic Program Placement.</p> <p>Given that the Family First Prevention Services Act (FFPSA) Trailer Bill Language (TBL) has not been finalized, CTFC believes that development of Rules of Court and Juvenile Court Forms is premature. Once the TBL has been finalized, it is almost certain that Rules and Forms will need to be modified. Additionally, given the broad reach FFPSA surrounding placement in short-term residential therapeutic programs (STRTPs), CTFC recommends modifying inquiry and notice forms to ensure that placement of Indian children in STRTPs align with the requirements of</p>	<p>The committee appreciates this concern. The committee however wanted to ensure that a process was in place when the legislation becomes effective on October 1, 2021. To have the rule and forms in place, the proposal needed to circulate for comment in this cycle based on the budget trailer bill language. The proposal will recirculate for comment in the winter rules cycle.</p> <p>The committee agrees with ensuring the proposal aligns with the requirements of the federal Indian Child Welfare Act (ICWA) and corresponding California law.</p>

SPR21-12

Juvenile Law: Short-Term Residential Therapeutic Program Placement (Adopt Cal. Rules of Court, rule 5.618; amend rule 5.697; adopt forms JV-235, JV-236, JV-237, JV-238, JV-239; revise forms JV-410, JV-421, JV-461(A), JV-642, JV-667)

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

Commenter	Position	Comment	Committees Response
		<p>the federal Indian Child Welfare Act (ICWA) and corresponding California law.</p> <p>We provide the following comments to ensure that the key provisions of the ICWA are complied with in the implementation of FFPSA.</p> <p>Request for Specific Comments <i>Does the proposal adequately address the stated purpose?</i> Yes, the proposal clearly and adequately addresses the stated purpose, but without the final TBL, the proposal is premature.</p> <p><i>Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is language in section 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3), and (4) sufficient?</i></p> <p>A specific procedure for approving or disapproving the placement is not necessary through the hearing process. CTFC recommends incorporating findings that the court has reviewed the report detailed in section 361.22(e)(1) and 727.12(e)(1), in addition to the above-referenced finding, and a finding that court uses the report as a basis for making its determination for approving or disapproving a STRTP placement.</p>	<p>See response above.</p> <p>The rule addresses the report as evidence the court may consider when approving or disapproving the placement. In addition, form JV-239 includes a checkmark box for the court to check to indicate it has read and considered the report.</p>

SPR21-12

Juvenile Law: Short-Term Residential Therapeutic Program Placement (Adopt Cal. Rules of Court, rule 5.618; amend rule 5.697; adopt forms JV-235, JV-236, JV-237, JV-238, JV-239; revise forms JV-410, JV-421, JV-461(A), JV-642, JV-667)

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

	Commenter	Position	Comment	Committees Response
			<p>In the case of approving a placement without a hearing, a procedure should be developed to ensure that tribes who have not intervened or are not able to actively participate in the case are consulted. At a minimum, the procedure should ensure that in the report prepared by the county child welfare agency or the probation officer details active efforts to consult with the tribe regarding the placement of an Indian child in a STRTP. Additionally, in accordance with section 361.7, active efforts, including placements efforts of an Indian child, must be documented on the record.</p> <p>Lastly, this question correctly identifies that findings required by the court are found in section 361.22(e)(2) – (4) and 727.12(e)(2) – (4), but the version of the rule on page 11 of the proposal excludes subsection (e)(4) pertaining to required findings of good cause to deviate from placement preferences for Indian children. Rule 5.618(f) must be corrected to include 361.33(e)(4) and 727.12(e)(4).</p> <p><i>Should the forms be mandatory or optional?</i></p> <p>With the quick turnaround on implementation of FFPSA, it will be important for there to be clear guidance to the court and child welfare practitioners on the meeting the requirements</p>	<p>Since the comment was submitted, subdivision (c)(1)(C) was added to sections 361.22 and 727.12 by Assembly Bill 153, requiring that in the case of an Indian child, the report include a statement regarding whether the child’s tribe had an opportunity to confer regarding the departure from the placement preferences under section 361.31, and the active efforts made prior to placement in a short-term therapeutic program to satisfy subdivision (f) of section 224.1.</p> <p>The rule, as circulated, was drafted before the amendment to the trailer bill adding subdivision (e)(4), which requires, in the case of an Indian child, that the court determine whether there is good cause to depart from the placement preferences set forth in section 361.31. The committee agrees and language has been added to the subdivision (g) of the rule to require this determination at the hearing.</p> <p>The committee agrees that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee</p>

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			<p>set forth in FFPSA. Guidance from Judicial Council through the use of mandatory forms will help ensure FFPSA compliance and the forms will be helpful when guiding the court and practitioners in ensuring due process requirements are met, including proper notice, opportunity to object and be heard, and the scheduling of hearings within the statutory timelines.</p> <p><i>Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of reasons that the youth is being placed in the STRTP?</i></p> <p>Yes, the JV-235 should require an explanation of the reasons the child/youth/nonminor dependent is being placed in a STRTP. The TBL states that the report must be received 10 days before the hearing, which can be scheduled up to 45 days after a child/youth/nonminor dependent has been placed in a STRTP. As a result, parties may not know the full reasons for placing in the STRTP and waiting for the report for further information will place the parties outside of the 5 days timeline for objecting. Per the TBL, a report must be “served on parties no later than seven days before the hearing,” but the triggering timeline for objecting is tied to the “request for hearing to review the placement.” CTFC recommends including a</p>	<p>therefore has elected to recommend JV-235, JV-236, JV-237 and JV-239 be mandatory.</p> <p>The committee does not believe that the information is required as the report will contain the information and Assembly 153 required that all parties to be served the report prior the hearing. The committee believes that the timelines created in AB 153 and the rule will provide parties sufficient time to prepare a response to the placement. The committee is however mindful of the difficulty that these timelines will place on parties and their attorneys, but these timelines are a requirement in order to comply with the FFPSA.</p>

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			<p>section for the petitioner to explain why the STRTP is necessary.</p> <p><i>Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court?</i></p> <p><i>Should the rule require that a CASA volunteer be given an opportunity to object to the placement?</i></p> <p>Yes, the CASA volunteer should receive a copy of the request and report. At a minimum, the CASA volunteer may not receive notice of a youth or nonminor dependents move to a new placement. As an important source of support for youth and nonminor dependents, a CASA volunteer may need to ensure that their names are on the approved list of visitors for the youth or nonminor dependent at the STRTP.</p> <p>CTFC does not take a position on whether a CASA volunteer should be given an opportunity object to placement.</p> <p><i>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplement review related to the evidence required by sections 366.1(j)(1)-(3) and 706.(c)(1)(B)(i)-(iii) of the trailer bill?</i></p>	<p>The trailer bill language was updated since the submission of this comment to require that CASAs be served a copy of the request for review in a dependency case. Assembly Bill 153 does not however require that CASAs be served a copy of the report. However, the committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p>

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			<p>Yes. Required findings at subsequent review hearings is especially important in the case of Indian children. The court must ensure that the placement complies with the ICWA placement preferences as outline in section 361.31 and that any foster care placement for an Indian child must be in the “least restrictive setting that most approximates a family situation and in which the child’s special needs, if any, may be met.” Additionally, in accordance with section 361.31(m), the court record must “document the active efforts to comply with the applicable order of [ICWA placement] preferences” and as required in section 361.7, active efforts “shall be documented in detail in the record.” Thus, any hearing reviewing the placement of an Indian child in a STRTP must ensure appropriate findings are made to very that the placement meets the Indian child’s needs, that appropriate assessments are conducted, and that the Indian child’s needs cannot be met in the home of a family or relative.</p> <p><u>Regarding Proposed Edits to Rules of Court</u> - Use of “Identified Tribe”</p> <p>In the proposed rules, the term “identified tribe” is referenced when discussing notice and setting of hearing. This language is new and different from other rules</p>	<p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(<i>l</i>) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>The term “identified tribe” has been removed and replaced with “Indian tribe and any Indian custodian, in the case of an Indian child.” The committee believes this language will address the concern and trigger notice to prospective tribes.</p>

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			<p>regarding Indian children. Since there is a possibility that a child may enter into a short-term residential therapeutic program at detention or disposition, there is a possibility that a child's tribe has not intervened. In those cases, it will be important for all prospective tribes to be notified of the request to place in a STRTP. The use of "identified tribe" is limiting and may prevent a child's tribe or the designated representative from participating in the proceedings.</p> <p>- Rule 5.618</p> <p>Subsection (b): Notice</p> <p>CTFC is concerned about how notice will be provided to tribes. Currently, the TBL does not include any process for how notice of the hearing is to be provided to the tribes. Specific sections addressing notice to tribes include sections 224.3, and 291-297. None of these sections are referenced in cases where an Indian child is placed in a STRTP. When looking other request for hearing cases such as a <i>Request to Change a Court Order</i> or an <i>Application for Psychotropic Medication</i>, the Rules of Court reference specific notice</p>	<p>Sections 361.22(b)(2) and 727.12(b)(2) of Assembly Bill 153 require that the request for review be served on the child's tribe in the case of an Indian child. The proposed rule 5.618 requires that the child's Indian tribe be noticed of the hearing by the court in subdivision (c)(4). AB 153 requires service of the report on all parties, which would include a child's Indian tribe. The type of notice required is not something that is addressed in AB 153 and under section 224.3(g), tribes get notice of hearings that do not meet the definition of "Indian child custody proceeding" in the same manner as other parties. The rule has, however, been updated to specify that the service of the</p>

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			<p>provisions for the clerk or the social worker/probation officer. Similarly, it would be important to ensure that an entity is identified to ensure notice is served properly on the child's Indian tribe. It will also be important to ensure that the entity completing notice knows whether the <i>Request for Review of Placement in Short-Term Residential Therapeutic Program</i> must be delivered by certified mail with return receipt requested or first-class mail.</p> <p>Subsection (d): Objection to Placement</p> <p>This subsection reads, "A party to a proceeding - or the child's tribe, in the case of an Indian child-" may object to the placement. This language is concerning as it appears to imply that the child's tribe is not a party to a proceeding. CTFC recommends changing this language to, "A party to a proceeding - including a child's tribe, if applicable."</p> <p>Subsection (e): Approval Without a Hearing</p> <p>CTFC does not support an option for approving a STRTP placement without a hearing. Such a process is contrary to the federal legislative intent of FFPSA and ignores mandatory due process for the child, parents, and tribe. This proposed rule must be given additional consideration and</p>	<p>report must be provided to the child's tribe and Indian custody in the case of an Indian child. The bill requires that the report be served on the parties, but a child's tribe is often overlooked as a party to the case, so the committee elected to ensure it was explicit in the rule.</p> <p>The language in the rule referenced in the comment has been removed from the proposal.</p> <p>The trailer bill s was updated since the submission of this comment to require that the Judicial Council develop a process to approve placements without a hearing (see section 361.22(h) and 727.12(h)). The proposal therefore includes this process in subdivision (f). Due to these changes,</p>

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			<p>further rule making surrounding approval STRTP placements without a hearing should go through additional public comment period.</p> <p>Subsection (f): Conduct of a Hearing</p> <p>As stated above, current TBL contains 361.22(e)(4), which states, “In the case of an Indian child, determine whether there is good cause to depart from the placement preferences as set forth in Section 361.31.” This subsection must include this rule regarding findings.</p> <p>CTFC recommends that this section include specific findings and orders. As stated above, courts must make active efforts findings and active efforts extends to placement of Indian children. Ensuring that findings and orders made are in compliance with ICWA placement preferences as delineated in section 361.31 will ensure that placement of Indian children in STRTPs is not arbitrary.</p> <p><u>Regarding Proposed Judicial Council Forms</u></p> <p>- Request for Review of Placement in Short-Term Residential Therapeutic Program (JV-235)</p> <p>Section 1(f) uses “identified tribe.” As reference above, the use of this term is limiting and may</p>	<p>the proposal will circulate for public comment again in the winter rules cycle.</p> <p>The rule has been updated to include this determination in the required determinations the court must make to approve or disapprove the placement.</p> <p>As mentioned by this commenter, the trailer bill was amended to require a determination of whether there is good cause to depart from the placement preferences set forth in Section 361.31 (see sections 361.22(e)(4) and 727.12(e)(4)). The committee does not believe that the active efforts finding should be required at a STRTP placement review. That finding is addressed at hearings addressing the child’s removal from parental custody.</p> <p>The committee agrees and the language has been changed to “The child's or non-minor dependent's</p>

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			<p>prevent a child's tribe from participating or receiving notice.</p> <p>Suggested additions: CTFC recommends include two additional sections. First, a section where the requesting party provide a brief explanation of why the placement in a STRTP is necessary. Second, it would be important for the requesting party to note whether the parties agree to the placement. This could be similar to page 3 of the Request to Change Court Order (JV-180).</p>	<p>Indian tribe and any Indian custodian, in the case of an Indian child.”</p> <p>The committee does not believe that the information is required as the report will contain the information and Assembly Bill 153 requires all parties to be served the report prior the hearing. In addition, subdivision (c)(1)(D) of sections 361.22 and 727.12 require the report prepared for the hearing to indicate whether any party disagrees with the placement.</p>
2.	County of Orange Children and Family Services By Kristen Stits Program Manager CFS Policy Development Unit	N	<p>In reviewing the <i>Invitation to Comment regarding Juvenile Law: Short-Term Residential Therapeutic Program Placement</i>, the County of Orange Children and Family Services would like to provide the following feedback for consideration:</p> <ol style="list-style-type: none"> 1. In terms of the new required Judicial Review of a Placement of a foster youth in a STRTP, the County of Orange Social Services has concerns regarding the proposed new rule of CA Rules of Court (rule 5.618), and <i>is not</i> in support of the Juvenile Court approving or denying any new placement in a STRTP <ol style="list-style-type: none"> a. If FFPSA already gives Juvenile Court the authority to approve or deny a new STRTP placement, a new hearing 	<p>Assembly Bill 153 requires that the Judicial Council create a procedure to approve STRTP placements without a hearing (see sections 361.22(h) and 727.12(h)). A process has been</p>

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			<p>should <i>not</i> be required. A report or update can be submitted to Court, and if there are no objections or requests for a Placement Review Hearing, the placement can stand or proceed.</p> <p>b. It appears that this new rule will diminish the Child Welfare or Probation Departments placement authority, create opportunities for further court delays, and increase workload for all involved.</p> <p>c. Further, there are simply not enough intensive home-based resources and homes available to serve the youth with higher levels of need throughout the state at this time.</p> <p>2. The proposed JV forms should be <i>optional</i>, not mandatory.</p> <p>a. Counties benefit from the ability to modify forms to fit the unique structures and efficiencies of that county's court system, court findings, etc.</p> <p>b. Tailoring forms to a specific county can save time and reduce complexity.</p> <p>c. STRTP placement may trigger multiple notices: Change of</p>	<p>created in the rule in subdivision (f), which includes that approval without a hearing can occur if no party objects to the placement.</p> <p>This issue also has more to do with the trailer bill language and Assembly Bill 153 than with the rules and forms proposal. The rules and forms proposal creates a procedure for what is required by Assembly Bill 153.</p> <p>The committee appreciates this concern but believes it is a concern that has more to do with Assembly Bill 153 than with the rules and forms proposal.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that JV-235, JV-236, JV-237 and JV-239 be mandatory. JV-238 is recommended to be optional.</p>

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			<p>placement; Out-of-County placement; Presumptive Transfer; and now STRTP Placement. Flexibility in optional forms may enable some counties to consider methods of streamlining these multiple notices.</p> <p>3. The requirement to notice CASA does not appear necessary. CASA is currently part of the CFT, is often involved in the IPC, and should be engaged by the QI. In the existing structure, CASA will be aware of the STRTP placement.</p> <p>4. Enabling CASA to object to placement, does not seem appropriate or necessary.</p> <ul style="list-style-type: none">a. This is beyond the reach of the CASA's advocacy role.b. It diminishes the placement authority provided to the child welfare agency.c. CASA's input currently exists as part of the CFT, IPC, and QI process. (i.e., The CFT, IPC,	<p>The trailer bill language was amended since the submission of this comment to require that a CASA be served with the request for review. (See subdivision (b)(2) of section 361.22; although not required in delinquency cases, see 727.12(b)(2)). The committee elected to require notice of the hearing and service of the report to CASAs, even though it is not required by Assembly Bill 153. CASAs are entitled to access the juvenile case file and attend hearings, and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p> <p>The committee agrees that CASAs should not be in a position to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties.</p>

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			<p>and QI may all base findings on the CASA's input.)</p> <ol style="list-style-type: none"> 5. The specific language of 361.22 is sufficiently clear without the procedures described Rule 5.618(f). <ol style="list-style-type: none"> a. Rule 5.618(f) does not appear to add meaningfully to the existing WIC. b. However, Rule 5.618 should emphasize the requirement Court make a determination within 60 days of STRTP placement, as the funding implications to counties are substantial and potentially very damaging. 6. The JV-235 form should be optional and should not require an explanation of the reasons the youth is being placed in the STRTP because this is redundant to the subsequent report required by the court. 7. A Rule of Court requiring the court to make findings at each supplemental review related to WIC 366.1(j) should not be included. <ol style="list-style-type: none"> a. Findings regarding STRTP placement are nuanced beyond "yes/no" determinations. 	<p>The committee believes that sections 361.22 and 727.12 do not give a legal standard for the court to approve or disapprove the placement, and that the additional legal standard contained in the rule is therefore necessary.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that JV-235, JV-236, JV-237 and JV-239 be mandatory. The committee agrees that requiring that information would be redundant.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed</p>

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			<ul style="list-style-type: none">b. The court already exercises its authority to determine whether placement is appropriate.c. The court is already empowered to make placement-related orders to the child welfare agency. <p>8. With regards to nonminor dependents and their adult rights, it does not seem necessary to have an additional hearing if the nonminor dependent has the right and may refuse the placement. There are existing structures in place i.e. IPC's and CFT's in which multidisciplinary teams discuss at length with the nonminor dependent the placement options based on the well-being of the young adult and directed by their voice and choice. Based upon these meetings, the placement recommendation is made and all parties who are involved with the nonminor dependent are advised prior to a report going to Court.</p> <p>9. In general, the process included with the proposed WIC codes is complicated and will be difficult for counties to adjust to. The Judicial Council is encouraged to be mindful of the burden on counties and courts to add these requirements. Focus should be maintained on how to</p>	<p>in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>The committee appreciates these points on the approval of placements for NMD's, but the language of Assembly Bill 153 requires that a STRTP placement for a NMD be reviewed by the court.</p> <p>The committee appreciates this comment and sought to ensure the proposal is as simple and streamlined as possible.</p>

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			<p>streamline and simplify the existing legislative requirements.</p> <p>Overall, the proposed legislation makes it challenging to operationalize the process. The preference would be if WIC 4096(g)(3) had more narrowly defined the requirements of the QI to enable a shorter timeline for the QI's assessment so CFS could be provided the assessment and <i>then</i> alert the court of STRTP placement via report (similar to an Ex Parte) to include the opinion of the CFT members (including those represented in Court), the IPC, and the QI. Then, if any party objected, a hearing could be set and a determination made within the federally-mandated 60-day timeline [WIC 361.22]. If no party objected, the "Ex Parte-type" report would just be signed and findings made upon submission by all counsel.</p>	<p>The committee appreciates this suggestion but notes that some of it has more to do with Assembly Bill 153 than with the rules and forms proposal. A process to approve the placement without a hearing has been added to the rule as subdivision (f). Approval without a hearing will depend on whether the placing agency can complete and serve the report on the parties and file it with the court no later than ten court days before the hearing.</p>
3.	County of San Diego Health & Human Services Agency By Jenny Rodriguez Policy Analyst Child Welfare Services, Policy & Program Support	NI	<p>Thank you for the invitation to comment on the proposals for changes to the California Rules of Court, Judicial Council forms, and legislation currently circulating. The following comments are in response to Item Number SPR21-12, Juvenile Law: Short-Term Residential Therapeutic Program Placement.</p> <p>Rule 5.618. Placement in a short-term residential therapeutic program:</p>	

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			<p>Subdivision (b) requires that the social worker or probation officer serve a copy of the request for a hearing on Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) on the parties to the case.</p> <p>Currently, per WIC Section 4096, the Interagency Placement Committees (IPC) are mandated to approve any placement into an STRTP. This proposed process will require an additional court review process duplicative of the current IPC process. The additional court review process will create new workload for child welfare, probation, and court staff.</p> <p>Recommended modification: For the IPC to be the administrative body designated to approve these placements, thus not requiring an additional court review and preventing new workload for child welfare, probation, and court staff. This responsibility of STRTP approval/disapproval, remaining with the IPCs removes any financial and operational impacts the additional court review process will create.</p> <p>The TBL adds a new 361.22 to address court findings:</p> <p>The requirement to include in the court report, the documentation of all of the</p>	<p>The committee appreciates this comment but notes that it has more to do with the trailer bill language and Assembly Bill 153 than the rules and forms proposal.</p> <p>The committee appreciates this suggestion but notes that it addresses Assembly Bill 153 and not the rules and forms proposal. Assembly Bill 153 does not permit an administrative review by the IPC to approve or disapprove STRTP placements consistent with the FFPSA. The bill requires that the juvenile court approve or disapprove the placement.</p>

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			<p>elements required in the case plan pursuant to WIC 16501.</p> <p>The Federal FFPSA law only requires such documentation in the case plan, not the court report.</p> <p>Recommended modification: That the court report specify that such information is included in the child's case plan and can be accessed upon request of the court and parties to the case. The court requiring this will be duplicated work already available upon request.</p> <p>Additional comments to areas of interest from the advisory committee are below:</p> <p>Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient?</p> <p>Recommended modification: Include a process for appeal when STRTP placement is disapproved by the court. Propose a 5-7 day follow-up to provide additional documentation in support of the STRTP placement.</p>	<p>See comment above. This suggestion would need to be addressed by the Legislature as these requirements were created in Assembly Bill 153.</p> <p>The committee does not agree that an additional process should be created to authorize a party to appeal the juvenile court's decision to the juvenile court. The court's workload will already be significantly increased with the additional hearings created by Assembly Bill 153. In addition, it could violate res judicata and there is little justification to give a party, in this case the placing agency, a second chance to present evidence after a final ruling. Finally, creating a</p>

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			<p>Should the forms be mandatory or optional?</p> <p>If this proposal moves forward, no objections to mandatory forms. The process is similar to the psychotropic medication request with the JV 220 and forms required.</p> <p>Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?</p> <p>No – these are already included in San Diego’s STRTP approval forms for review at IPC. If required for consistency with all 58 counties, supported; however, it is duplicative information.</p> <p>Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court?</p> <p>Yes, if they currently receive all other court related forms and reports.</p>	<p>mandatory appeal process in the juvenile court could result in the court’s determination being delayed past the 60 days of the start of the STRTP placement. The court’s order would be subject to the normal process of an appeal or writ if applicable under section 395.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to make JV-235, JV-236, JV-237 and JV-239 mandatory.</p> <p>The committee does not believe that the information is necessary as the report will contain the information and Assembly Bill 153 requires that all parties to be served the report prior the hearing.</p> <p>The trailer bill was updated since the submission of this comment to require that CASAs be served a copy of the request for review in a dependency</p>

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Juvenile Law: Short-Term Residential Therapeutic Program Placement (Adopt Cal. Rules of Court, rule 5.618; amend rule 5.697; adopt forms JV-235, JV-236, JV-237, JV-238, JV-239; revise forms JV-410, JV-421, JV-461(A), JV-642, JV-667)

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	Commenter	Position	Comment	Committees Response
			<p>Should the rule require that a CASA volunteer be given the opportunity to object to the placement?</p> <p>No.</p> <p>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?</p> <p>No – San Diego IPC already completes second level reviews for continued treatment in an STRTP.</p>	<p>case. Assembly Bill 153 does not however require that CASAs be served a copy of the report. However, the committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p> <p>The committee agrees that CASAs should not be able to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p>
4.	County Welfare Directors Association of California By Diana Boyer Director of Policy for Child Welfare & Older Adult Services	N	The County Welfare Directors Association of California (CWDA) represents the county child welfare agencies tasked with the implementation of the proposed rules of court. We have significant concerns with the proposed	The committee appreciates these concerns but notes that the rules and forms proposal can only implement the trailer bill, enacted as Assembly Bill 153 after this comment's submission. Assembly Bill 153 requires that the juvenile court

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	Sacramento, CA		<p>adoption of these new rules of court (and accompanying forms), which would require all placements into Short-Term Residential Treatment Programs (STRTPs) to undergo an additional, new court hearing process. This would create significant new workload for county child welfare staff – reducing time they need in the field to support and assist children, youth and families. In addition, the proposal is unnecessary to meet the obligations of the federal Family First Prevention Services Act (FFPSA) law.</p> <p>Note our feedback is based upon the draft Rules of Court, which are derived from draft Trailer Bill Language (TBL) which has since been changed/amended. Our comments will address both the current Rules of Court proposal and the changes in the court section of the updated TBL.</p> <p>Background: California implemented the Continuum of Care Reform (CCR) in 2016 to reduce reliance on congregate care facilities for foster youth. Efforts in California through CCR, and leading up to CCR implementation, have resulted in significant decline in congregate care placements in recent years. CCR created multiple new processes and safeguards that have contributed to reducing entries into, and lengths of stay, in congregate care settings, including:</p>	<p>set a hearing to review any STRTP placement. The Judicial Council cannot adopt a rule that would be inconsistent with statute. (Cal. Const., art. VI, § 6(d).)</p> <p>The committee is also aware that CWDA’s position, as laid out in this comment, has been made clear to the drafters of the trailer bill. As such, the suggestions in this comment have been received and considered in the process of the creation of the legislation, which is the appropriate avenue for many of the suggestions in this comment.</p> <p>The committee is appreciative of the context provided in this comment as it relates to California’s efforts to reduce congregate care through the Continuum of Care Reform. The committee further acknowledges that California is different from many states in this respect, and that the number of congregate care placements in California has been reduced since 2016.</p>

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			<ul style="list-style-type: none">• W&I Code 361.2(e)(9)(A) requires the director or deputy director to approve the placement into an STRTP based on review of a case plan, restricts stays to 120 days unless progress is being made towards case plan goals, and requires additional review and approval for stays beyond 120 days.• W&I Code 4096 requires the Interagency Placement Committee (IPC), composed at minimum of representatives of the placing agency and a licensed mental health professional from the county mental health department, to assess whether the child meets medical necessity for specialty mental health services and whether “the is in need of the care and services provided by a short-term residential treatment program.”• W&I Code 16501.1 requires child welfare agencies to consult the Child and Family Team (CFT) in the development of a child’s case plan, to consider the recommendations of the CFT if out-of-home placement is considered, and to document any inconsistencies between the case plan and the CFT recommendations. It further requires in (d)(2) that “If a short-term intensive treatment center placement is selected for a child, the case plan shall indicate the needs of the child that necessitate this placement, the plan for transitioning the child to a less restrictive environment, and the projected timeline by which the child will be transitioned	

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			<p>to a less restrictive environment. This section of the case plan shall be reviewed and updated at least semiannually.”</p> <ul style="list-style-type: none">• WIC 16501 defines a CFT and includes in its duties, “Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.” It further requires “If placement into a short-term residential treatment center or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional.” <p>CCR and other recent investments have also contributed to the reduction in congregate care use though investments into family-based services and supports. Examples include the Foster Family Recruitment, Retention and Support (FPRRS) funding, implementation of Katie A. Specialty Mental Health Services (SMHS), and Adoption Incentive Program funding to support permanency efforts.</p> <p>Family First Prevention Services Act FFPSA, passed in 2018, similarly intended to reduce use of congregate care facilities in all states. CWDA provided input to this federal legislation as it was being developed, in collaboration with many other child welfare organizations and with the California Department of Social Services, to reduce</p>	<p>The committee notes the role that California’s Continuum of Care Reform and the CWDA and the CDSS played in the formation of the FFPSA legislation. The committee also appreciates the background to the FFPSA legislation provided and the efforts to align that legislation to California’s existing law under the CCR.</p>

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		<p>redundancies and try to align the federal law with California's CCR efforts. In many ways, FFPSA was modelled by California's CCR effort, for example and as evidenced by the inclusion of family team meetings, use of functional assessment tools, and requiring accreditation of congregate care facilities. The law also enhance oversight but included flexibility in the review of placements into congregate care. Specifically, FFPSA law provides that:</p> <p><i>(c) “(2) Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall—” Section 475A of the Social Security Act (42 U.S.C. 675a) 3</i></p> <p>Court Hearing Should be Changed to Administrative Review</p> <p>Per the above, FFPSA law allows that an administrative entity—other than the court—could fulfil the obligations of FFPSA with respect to approving placements into congregate care. In California, the IPC could fulfill this function. Therefore, we recommend the Judicial Council work with county and state representatives to craft legislation that would have courts designate the IPC as the administrative body to approve STRTP placements. The IPC process is an established</p>	<p>See comment above. The committee believes that this is an issue that must be resolved by the Legislature, and not in the rules and forms proposal. As to the suggestion that the committee work with county and state representatives to craft legislation that would have courts designate the IPC as the administrative body to approve STRTP placements, the committee has not taken this position and would not recommend it to the Judicial Council. The committee does not believe that the IPC is consistent with FFPSA requirement</p>

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			<p>process that, with some statutory adjustments, can meet the federal mandate. Specifically, we understand that courts currently do not appoint nor oversee the IPC; however, that can be remedied through statutory changes to have the courts designate the IPC membership and directly oversee its work. The IPC can be strengthened by adding individuals or representatives of agencies with objectivity and expertise in the area of assessments and addressing the care and treatment needs of children and youth in the foster care system. The IPC functions can also be expanded to include continuous oversight of the STRTP placement to ensure that youth are receiving the behavioral health treatment and other interventions on a timely basis to support the case plan objectives, including the child/youth's permanency goals and short term and long-term treatment goals.</p> <p>If the court review process remains, we are concerned that this will also create duplication of work since the IPC function is not proposed to be eliminated by the draft TBL. Requiring both an IPC process and a court hearing process could also potentially result in delays for youth to receive the necessary care and treatment from the STRTP when such placement is warranted. It is counties' goal to pursue approval for STRTP placements prior to placement into an STRTP whenever possible, because should such placement not be found warranted by the</p>	<p>that the placement be reviewed by an independent body and the committee believes that hearings to approve STRTP placements should occur in juvenile courts.</p> <p>Please see response above. This is a matter that would need to be resolved by the Legislature.</p>

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			<p>Qualified Individual and/or the court/administrative body, it would result in another placement move for the child/youth and further trauma.</p> <p>Note that there are currently opportunities outside of a new court hearing for the relevant parties to raise objections that will be brought to the court's attention, which again can be strengthened within the IPC process. Under current law, any discrepancies between the CFT and the social worker's case plan recommendations are required by current law to be included in the report to the court. The parties to the hearing are also, by and large, already included in the CFT meeting or otherwise engaged in the case planning process. We also note that the most recent version of the CDSS TBL removes the provision in W&I Code 361.22 and 727.12 that would allow an ex parte review in place of a court hearing, and therefore this provision would not be included in the final Rules of Court. We are objecting to the Department of Social Services to the removal of this provision if their final TBL retains the mandate for court approval of the STRTP placement.</p> <p>Building and strengthening the current IPC process will meet the intent of the federal law and relieve the courts, county staff and attorneys of new, additional workload of a new court hearing and processes, thereby allowing those</p>	<p>The committee notes these guards against congregate placements currently under California law, and appreciates that they have contributed to a reduction in congregate care placements in California.</p>

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			<p>entities to focus on other, important matters on behalf of children, youth and families.</p> <p>In response to questions posed in the invitation to comment:</p> <p>1. <i>Does the proposal adequately address the stated purpose?</i> The proposed rule goes beyond the stated purpose of compliance with FFPSA and will create significant workload for county staff. CWDA recommends the Judicial Council staff work county placing agencies and the Department to leverage existing administrative processes, through the IPC, to conform to the federal law.</p> <p>2. <i>Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3)and (4) sufficient?</i> Since the most recent version of the TBL deletes an ex parte review option, this question is no longer applicable. However, we note that there are existing processes for parties to the case to convey their wishes and desires, and similarly, object to an STRTP placement. This includes during the child and family team meeting and other court hearings where the child's case plan is considered.</p> <p>3. <i>Should the forms be mandatory or optional?</i> The forms should be optional due to the</p>	<p>The committee appreciates this feedback but again stresses that the committee cannot recommend a process that is inconsistent with state law and Assembly Bill 153.</p> <p>The trailer bill language was amended (due in part to the issues raised here), and Assembly Bill 153 requires the Judicial Council to develop a process to approve STRTP placement without a hearing. The rule has been updated to include a process by which STRTP placements can be approved without a hearing if certain conditions are met. Those conditions are similar to requirements for approval without a hearing that were in the original version of the trailer bill language.</p>

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		<p>increased workload they will create and due to the opportunities that parties currently have to raise concerns with STRTP placements. Counties benefit from the ability to modify forms to fit the unique structures and efficiencies of that county's court system, court findings, etc. STRTP placement may trigger multiple notices: Change of placement; Out-of-County placement; Presumptive Transfer; and now STRTP Placement. Flexibility in optional forms may enable some counties to consider methods of streamlining these multiple notices.</p> <p>4. Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP? No as this can be complex and the information should be already included in the Qualified Individuals assessment and report, which can be appended to the court report.</p> <p>5. Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a CASA volunteer be given the opportunity to object to the placement? We do not take issue with the CASA having access to the information but we do take issue with the CASA having an opportunity to object to the placement. Currently, the CASA are typically part of the CFT and can also be part of the IPC review (in</p>	<p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to make JV-235, JV-236, JV-237 and JV-239 mandatory.</p> <p>The committee agrees and this information will not be required on the form.</p> <p>Assembly Bill 153 does not require that CASAs be served a copy of the report. The committee agrees that CASAs should not be in a position to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties</p>

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		<p>some counties, they already participate). Under FFPSA, the QI can also consult the CASA and obtain their input to inform the overall assessment. The proposed TBL would also add noticing requirements to the CASA. In general, we have concerns with the proposed changes related to adding CASA as a party to notices and objecting to placements as this is beyond their current advocacy and support role to foster youth.</p> <p><i>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?</i> The federal law does not require this and as such this does not appear to be necessary. The court already exercises its authority to determine whether placement is appropriate and is already empowered to make placement-related orders to the child welfare agency.</p> <p>Additional Comments:</p> <ul style="list-style-type: none"> • The proposed Rules of Court and proposed TBL unnecessarily diminish the long-standing authority established through California's statute giving the child welfare (and probation) placement authority. While we understand that FFPSA requires either a court's approval, or an administrative body appointed by the court, 	<p>who possess due process rights as potentially aggrieved parties. However, the committee elected to recommend a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>The committee appreciates this concern, but as the comment notes, it is a consequence of the federal legislation and not the rules and forms proposal.</p>

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			<ul style="list-style-type: none">• The new proposed TBL adds requirements upon county placing agencies to document whether the agency had an opportunity to conferred with a tribal agency regarding any departure from the placement preference. This will add workload and potentially delay noticing to parties and, as a result, court hearings may be delayed.• With regards to nonminor dependents and their adult rights, it does not seem necessary to have an additional hearing if the nonminor dependent has the right and may refuse the placement. There are existing structures in place through the IPC's and CFT's in which multidisciplinary teams discuss at length with the nonminor dependent the placement options based on the well-being of the young adult and directed by their voice and choice. Based upon these meetings, the placement recommendation is made and all parties who are involved with the nonminor dependent are advised prior to a report going to Court.• In general, the process included with the proposed WIC codes is complicated and will be difficult for counties to adjust to. The Judicial Council is encouraged to be mindful of the burden on counties and courts to add these requirements. Focus should be maintained on how to streamline and simplify the existing legislative requirements.	<p>The committee appreciates this concern as well, but again, this has more to do with the implementation of the federal legislation through Assembly Bill 153 than with the rules and forms proposal.</p> <p>Assembly Bill 153 requires that a STRTP placement be reviewed for “each placement of a child or <i>nonminor dependent</i>.”</p> <p>FFPSA is intended to fundamentally shift the child welfare system towards a focus on prevention and limiting STRTP placements. This necessitated a framework with additional levels of review and reporting. This proposal implements the framework created in AB 153. The committee is mindful of the burden that this process will impose on placing agencies and courts. The</p>

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				committee sought to make the process as streamlined as possible consistent with AB 153. The committee will continue to refine and streamline the proposal when it will circulate again for comment in the next rules cycle.
5.	Indian Child and Family Preservation Program By Joanne Willis Newton Escondido, CA	NI	<p>I am writing on behalf of my client, the Indian Child and Family Preservation Program (ICFPP), at the instruction of ICFPP's Executive Director, Liz Elgin DeRouen. ICFPP is a Tribal consortium that provides child welfare services to the following federally recognized Tribes:</p> <ol style="list-style-type: none">1. Cloverdale Rancheria Band of Pomo Indians;2. Coyote Valley Rancheria Band of Pomo Indians;3. Dry Creek Rancheria Band of Pomo Indians;4. Kashia Band of Pomo Indians of Stewarts Point Rancheria;5. Lytton Rancheria Band of Pomo Indians; and6. Manchester-Point Arena Band of Pomo Indians. <p>Specifically, this letter concerns JCC's consultation on SPR21-12. ICFPP appreciates JCC's efforts to solicit input from California Tribes and takes this opportunity to submit the comments imbedded in the attached pdf document.</p> <p>Does the proposal adequately address the stated purpose?</p> <p>It appears to, subject to comments below.</p>	No response required.

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			<p>Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient?</p> <p>Procedure would be helpful.</p> <p>Should the forms be mandatory or optional?</p> <p>Request and proposed order should be mandatory; others optional.</p> <p>Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?</p> <p>Yes, as a matter of due process.</p> <p>Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a CASA volunteer be given the opportunity to object to the placement?</p> <p>Yes.</p>	<p>No response required.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that forms JV-235, JV-236, JV-237 and JV-239 be mandatory.</p> <p>The committee does not believe that the information is required as the report will contain the information and the statute requires all parties to be served the report prior the hearing.</p> <p>Assembly Bill 153 does not require that CASAs be served a copy of the report. The committee believes that CASAs should not be in a position to object and thus potentially determine whether the</p>

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			<p>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?</p> <p>Yes.</p> <p>Rule 5.618(b)(4): The child's or nonminor dependent's identified Indian tribe, if applicable.</p> <p>Change to "The child's or non-minor dependent's Indian tribe and any Indian custodian, in the case of an Indian child."</p> <p>Rule 5.618(c)(4): The child's or nonminor dependent's identified Indian tribe, if applicable;</p>	<p>court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties. However, the committee elected to recommend a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>The committee agrees and the language has been changed.</p>

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			<p>Change to "The child's or non-minor dependent's Indian tribe and any Indian custodian, in the case of an Indian child."</p> <p>Rule 5.618(d) Objection to Placement A party to the proceeding—or the child's tribe, in the case of an Indian child—who objects to the placement may inform the court of the objection by filing Objection to or Input on Placement in Short-Term Residential Therapeutic Program (form JV-236) within five calendar days of receiving the report described in section 361.22(c) or 727.12(c).</p> <p>This language suggests that a Tribe is not a party, but it is if it has intervened. Change "-- or the child's tribe in the case of an Indian child --" to ", including the child's tribe and any Indian custodian, in the case of an Indian child,"</p> <p>Rule 5.618(e) Approval Without a Hearing If the court approves the placement without a hearing, it must notify the parties of the court's decision to approve the placement and vacate the hearing, if one has been set.</p> <p>Unless the child, parents, Indian custodian and child's Tribe stipulate to placement without a hearing, the court must hold a hearing to determine if there is good cause to depart from the placement preferences and, if this is the initial out-of-home placement for the child, whether the two ICWA evidentiary standards</p>	<p>The committee agrees and the language has been changed.</p> <p>The committee agrees with this change and language has been changed.</p> <p>Since the submission of this comment, the trailer bill was updated and Assembly Bill 153 requires that the Judicial Council create a procedure to approve STRTP placements without a hearing (see sections 361.22(h) and 727.12(h)). The committee believes that absent any objections from the parties, the court can make the</p>

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	Commenter	Position	Comment	Committees Response
			are met (active efforts and risk of continued custody). The rule (and trailer bill) should be amended to make this restriction on proceeding without a hearing clear.	determination whether there is good cause to depart from the placement preferences without a hearing if there is sufficient information before the court. In addition, the committee does not agree that the rule should address active efforts and risk of continued custody because these are matters to be determined at a detention and disposition hearing after an initial removal. Assembly Bill 153 does not require these issues to be addressed and they are better left to the hearings that address removal from parental custody.
			Rule of court 5.618(f) Conduct of the hearing	
			Add provisions requiring court to make ICWA evidentiary findings (active efforts and risk of continued custody) when placement in STRTP is initial out-of-home placement. This could occur, for example when child remained in home or with non-offending parent initially and then STRTP placement is recommended.	See response above.
			Rule 5.618(f)(2) The court must make the findings in sections 361.22(e)(2) and (3) and 727.12(e)(2) and (3) by a preponderance of the evidence.	
			In the case of an Indian child, placement in a STRTP is a departure from the ICWA placement preferences, which requires a good cause finding by clear and convincing evidence. See 25 CFR 23.132(b) and WIC 361.31(i).	The trailer bill language was amended and Assembly Bill 153 requires the court to make the good cause finding by clear and convincing evidence in sections 361.22(e)(4) and 727.12(e)(4). The rule therefore does need to

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	Commenter	Position	Comment	Committees Response
			<p>JV-236 item 1 Add Indian custodian.</p> <p>JV-237 item 6 Add Indian custodian.</p> <p>JV-237 item 11 Add item for when Indian custodian was not informed and why.</p> <p>JV-239 item 2b The child's tribe is a party if it has intervened. This language suggests that it is not. Change "or the child's tribe in the case of an Indian child" to ", including the child's tribe and any Indian custodian, in the case of an Indian child,"</p> <p>JV-239 item 7 Add item for finding: "The child is an Indian child and there __ is __ is not clear and convincing evidence to support the placement in lieu of the placement preferences in Welfare and Institutions Code section 361.31."</p>	<p>replicate the statutory requirement that this finding be made.</p> <p>The committee agrees and the language has been added.</p> <p>The addition has been made.</p> <p>The committee has elected to simply the form and remove explanations for why certain individuals were not noticed.</p> <p>The clarifying language related to the lack of objections received from parties has been removed and replaced with a reference to the requirements for approval without a hearing in subdivision (f)(1) of the rule.</p> <p>The committee agrees that this finding should be added to the form and the finding is now required by sections 361.22(e)(4) and 727.12(e)(4).</p>
6.	Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC)	A	<p>JRS Position: Agree with proposed changes.</p> <p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p>	

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			<ul style="list-style-type: none">• Impact on existing automated systems. If the trailer bill passes, courts may choose to modify their CMS in order to generate the required notices.• Results in additional training, which requires the commitment of staff time and court resources. If the trailer bill passes, there is training involved and local procedures may need to be created.• Increases court staff workload. If the trailer bill passes, there will be additional workload for judicial and non-judicial staff to calendar and vacate court dates, staff new hearings and make and process orders. The timelines are compressed such that opposition will need to be processed in a timely manner, as will monitoring if opposition is filed and hearings can be vacated.	<p>The committee appreciates this comment and that the proposal will result in increased workload for courts, although, as the commenter recognizes, this has more to do with the implementation of Assembly Bill 153 than with the rules and forms proposal.</p> <p>The committee is mindful of the impact these hearings—or reviews without a hearing—will have on courts. As mentioned, this has more to do with the implementation of Assembly Bill 153 than this rules and forms proposal.</p>
7..	Los Angeles County Counsel By Rebecca Siporen Deputy County Counsel Monterey Park, CA	N	There appear to be very thoughtful, extensive comments by child welfare professionals raising valid and significant concerns regarding social workers and probation staff losing the power to determine placements. Significant concerns regarding additional workload for social workers and probation staff. The concerns over who would be allowed to serve as the "Qualifying Individual" are also very valid concerns.	The committee appreciates these concerns but believes that these concerns have more to do with Assembly Bill 153 than the rules and forms proposal.

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			<p>The concerns I would like to raise over the plan to add a statutory STRTP Placement court hearing is (1) the delays likely in achieving notice, getting the report filed and having the court reach a ruling may significantly delay what is already a complex process of finding and securing placements and (2) concern the shelters will be overrun with additional youth when the court delays ruling on the placement or denies placement.</p> <p>The positive is that the proposed rule allows the child/NMD to go to the STRTP first, then the court process proceeds after the initial placement occurs. Preventing the youth from waiting in limbo for a decision and potentially losing their spot at the STRTP.</p> <p>The major negative to this process is what will happen to the youth for whom there are objections to the placement or the court determines the youth should not be in an STRTP. It creates an immediate need for alternate placement which may not be available. Either because it takes time to secure specialized placements (in LA County the APT team specializes in finding placements but their process takes time and sometimes luck) or because there are no family-setting placements available for the youth. Just because the court determines a youth should be in a family-setting placement does not mean that one is available. The other long-term issue the APT struggles</p>	<p>The committee does appreciate these concerns, and notes that they are valid. Placing agencies will face a difficult burden. However, the rules and forms proposal only implements the legislation, so these concerns would need to be resolved by the Legislature, not in a rules and forms proposal.</p> <p>As mentioned in the comment, the legislation requires the placement to be reviewed after the child or nonminor dependent is placed in the STRTP. If the court disapproves the placement, section 361.22(f) gives the placing agency 30 days to locate an appropriate placement. The committee however appreciates the challenges placing agencies face of locating suitable placements. These concerns however have more to do with Assembly Bill 153 than with the rules and forms proposal.</p>

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			<p>with are youth who will decline placements. The court hearing process proposed ignores that reality. EX: teen or NMD who the court may find don't quite have high enough needs to be in STRTP but whom have declined every smaller setting placement that has been offered. Those youth are looking at a long term stay at a TSCF Shelter.</p> <p>The chronic under-availability of placements for high needs youth will not be solved any time soon and this legislation does nothing to address that chronic under-availability.</p> <p>I am concerned that nearly all of the youth who cannot stay in an STRTP will fall to the shelters (TSCF facilities in LA County) and the stakeholders in LA County have worked so hard to keep youth out of those facilities or make their stay in those facilities as short as possible.</p> <p>As to the proposed Rule of Court rule 5.618(f): Given that the WIC statutes do not state the legal findings necessary to approve or deny the placement it appears adding the rule of court is necessary. This addition establishes "best interest" as the legal standard. If any party wishes to appeal the decision of the court a legal standard in either the WIC section or the Rule of Court is needed. I anticipate that social workers/probation staff will wish to seek appellate or writ remedy to denials of STRTP placements. Especially since many of these youth will not</p>	<p>The committee appreciates the concerns raised but notes that many of these concerns have more to do with Assembly Bill 153 than with the rules and forms proposal.</p> <p>See comment above.</p> <p>The committee agrees that the rule should clarify the required findings and orders for the court.</p>

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			<p>have alternative placements available in the event the court denies the placement.</p> <p>Rule of Court 5.618(f)(4) concern. If the court is allowed to continue a hearing for 60 days that may impact funding. This doesn't allow for any time for the orders to be finalized, transmitted to the agency, transmitted to the STRTP or for another plan to be implemented in the event of a denial.</p> <p>Forms: It would be helpful to take the forms down to one form for application (similar to the 388 forms) and one for the court ruling. One form for the request for hearing (that includes reason for hearing, notice details) and a form the court fills out either granting or denying.</p>	<p>Subdivision (g)(4) (formerly (f)) clarifies that in no event shall the hearing be continued beyond 60 days from the start of the placement. The court's findings must be made within this timeframe or the placement will not be eligible for title IV-E funding. In addition, Assembly Bill 153 requires in sections 361.22(a) and 727.12(a) that the hearing may not be continued beyond 60 days.</p> <p>The committee is proposing five new forms, but they contain the contents suggested in the comment. The committee will consider the possibility of reducing the number of forms in a future proposal.</p>
8.	Orange County Bar Association By Larisa M. Dinsmoor President Newport Beach, CA	AM	<p>Comments: The proposed modification is to remove the child or nonminor dependent's Court Appointed Special Advocate as a person who can set a hearing. In dependency cases the child is already represented by counsel appointed pursuant to Welfare and Institutions Code section 317 who are charged with acting in the child's best interest and in many counties also serve as the child's CAPTA Guardian ad Litem. The child or nonminor dependent's interests are protected. CASA's viewpoints and information are already solicited and considered by the juvenile court. The Judicial Council has not presented a sufficient basis for allowing a</p>	The committee agrees that CASAs should not be in a position to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties.

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		<p>CASA to set a hearing that the child’s attorney/CAPTA G.A.L. has chosen not to set and noted that the Committee was split on whether to include this non-required non-party as among those allowed to set a hearing. The OCBA proposed modification is to remove CRC 5.618(c)(5)—See attached.</p> <hr/> <hr/> <hr/> <ul style="list-style-type: none"> • <u>Does the proposal adequately address the stated purpose? Yes, generally.</u> • <u>Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient? It is sufficient.</u> • <u>Should the forms be mandatory or optional? Optional.</u> • <u>Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP? No. The report includes that information which is highly sensitive.</u> • <u>Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a</u> 	<p>No response required.</p> <p>No response required.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that JV-235, JV-236, JV-237 and JV-239 be mandatory.</p> <p>The committee agrees and this information will not be required on the form.</p>

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		<p><u>CASA volunteer be given the opportunity to object to the placement? A CASA volunteer can receive a copy of the report as they receive copies of other reports however, see modification for an explanation why they should not be able to set a hearing. As the holder of important information about a child a CASA volunteer can be called as a witnessed or file a report with the court regarding their opinion of the placement, including objecting to it.</u></p> <ul style="list-style-type: none"> • <u>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill? Yes.</u> <hr/> <hr/> <hr/> <p>This implements aspects of the trailer bill addressing the federal Family First Prevention Services Act, Part IV which addresses steps to reduce congregate care for children. The trailer bill created two new sections in the Welfare and Institutions Code, sections 36.22 and 727.12, the first for dependent children and the second for at-promise youth. The sections will create</p>	<p>The committee agrees. Assembly Bill 153 does not require that the report be served on the CASA. The committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor. See response above as to a CASA's ability to set a hearing.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p>

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			<p>the process the juvenile court will use to approve or disapprove a new placement in an STRTP. The proposal addresses the Judicial Council's charge to amend or adopt rules of court and to develop or revise forms as necessary. The proposal adds a new rule of court and five forms. The language of the trailer bill may change which may result in changes to the rule of court and forms. However, the implementation deadline is October 1, 2021, hence a Spring 2021 proposal.</p> <p>_____</p> <p>Attachment</p> <p>*Rule 5.618(c)(5) (5) The child's or nonminor dependent's Court Appointed Special Advocate, if applicable.</p>	The committee agrees. See response above.
9.	San Bernardino County Human Services Program Development Division by Robert Silva Supervising Program Specialist Program Development Division	N	<p>San Bernardino does not agree with the proposed rule of court change and has the following comments:</p> <p>This trailer bill if passed will cause a substantial workload for both Children and Family Services (CFS) and the Court, and it will also hinder CFS' ability to move the child when another more appropriate placement becomes available.</p> <p>CFS would have to wait for the Court's approval of denial before moving the child. The delay would increase the difficulty of placement as the STRTP may accept another</p>	<p>The committee appreciates the concerns raised in this comment but notes that the concerns have more to do with Assembly Bill 153 than with the rules and forms proposal.</p> <p>The court approval process for STRTP placements, enacted in Assembly Bill 153 and as required by the FFPSA, occurs after the placement has occurred. The placement must be approved</p>

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			<p>youth while we are awaiting court, thus causing another court hearing to assess another placement.</p> <p>This would be occurring in an environment in which we already have limited resources for our most difficult to place youth and may increase the amount of time youth stay in the offices without a placement.</p> <p>Our current Court cannot handle the volume of additional required hearings under this bill.</p>	<p>within 60 days of the start of the placement. Under Assembly Bill 153, if the placement is disapproved, the placing agency will have 30 days to locate a new placement (see section 727.12(f)).</p> <p>The committee appreciates the extra burden Assembly Bill 153 will put on placing agencies. But the rules and forms proposal can only implement the legislation, and the Judicial Council cannot adopt a rule that would be inconsistent with statute. (Cal. Const., art. VI, § 6(d).). And as mentioned above, the STRTP placement can be started without court approval.</p> <p>The committee appreciates the burden these hearings will place on courts, but as mentioned, this concern has to do more with the implementation of Assembly Bill 153 than with the rules and forms proposal.</p>
10.	Sonoma County Probation Department By Brad Michnevich Division Director, Juvenile Services Division Santa Rosa, CA	AM	<p>Comments:</p> <p>P. 9 – Request for Specific Comments</p> <p>Point 1 Yes</p> <p>Point 2 Language is sufficient</p> <p>Point 3 Mandatory</p> <p>Point 4 No, this would duplicate information already provided in the report</p> <p>Point 5 No and No</p> <p>Point 6 No</p>	No response required.

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			Findings and Orders After Detention Hearing Pages 1-2, 4. B. (1)-(2), (a) & (b). The Court completes this section? Page 4, g. (6) Uncertain how Probation Officer would know this date Dispositional Attachment Page 2, 10. F. This is the same as a Detention Report/hearing. This reference is repeated several times in the attachment and seems duplicative. Other than the comments above the proposal makes sense, is well reasoned, and adequately addresses needs of this population.	The court would need to make a finding whether the child was given an opportunity to be present for the hearing in a dependency proceeding. The court, social worker or probation officer should be able to provide the date of the hearing to review the STRTP placement if one has been set, as the court is required to provide notice of the hearing date. The committee wants to ensure that the court and placing agencies are aware of the requirement to hold a hearing to approve or disapprove a STRTP placement that is the initial placement. The committee appreciates this input.
11.	Superior Court of Los Angeles County By Bryan Borys	A	Does the proposal adequately address the stated purpose? Yes Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient? The language in the rule change is sufficient.	No response required. No response required.

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			<p>Should the forms be mandatory or optional?</p> <p>Optional.</p> <p>Should Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?</p> <p>No; it is a request to review.</p> <p>Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a CASA volunteer be given the opportunity to object to the placement?</p> <p>CASA volunteers are advocates for the minors. It would be appropriate to provide a copy of the request for review and report submitted to the court. The CASA volunteer is routinely invited to provide input.</p> <p>After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review</p>	<p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that forms JV-235, JV-236, JV-237 and JV-239 be mandatory.</p> <p>The committee agrees.</p> <p>The committee agrees. Assembly Bill 153 does require that CASAs be served a copy of the request for review in a dependency case, but not in a delinquency case (see section 727.12(b)(2)). The rule reflects this requirement in subdivision (b). Assembly Bill 153 does not however require that CASAs be served a copy of the report. The committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile</p>

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			<p>related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?</p> <p>Yes. Findings should be made after each supplemental review hearing.</p> <p>The advisory committees also seek comments from courts on the following cost and implementation matters:</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>No</p> <p>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Training Requirements for Clerical Staff, Judicial Assistants, Judicial Officer, Probation Department, and Counsel. No Changes to the case management system. Changes to the Court's process are limited, but the changes may require additional hearings and court time.</p>	<p>case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>No response required.</p> <p>The committee appreciates being made aware of the implementation requirements.</p>
12.	Superior Court of Orange County Family Law and Juvenile Division	NI	Comments	

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		<ul style="list-style-type: none"> ▪ <u>New Forms:</u> <ul style="list-style-type: none"> ▪ <i>Request for Review of Placement in Short-Term Residential Therapeutic Program (JV-235)</i> <ul style="list-style-type: none"> ▪ No comments ▪ <i>Objection to or Input on Placement in Short-Term Residential Therapeutic Program (JV-236)</i> <ul style="list-style-type: none"> ▪ No comments ▪ <i>Proof of Service—Short-Term Residential Therapeutic Program Placement (form JV-237)</i> <ul style="list-style-type: none"> ▪ No need for a new POS specifically to this type of hearing/filing. This just creates more forms to keep/maintain, revise in the future, and create docket codes for courts. There are plenty of POS forms to use or pleading. The JV510 is a specified POS for Juvenile matters. This form could be used. ▪ Additionally, would CCP1013(a) apply to service and extend the time to respond and service 	<p>No response required.</p> <p>No response required.</p> <p>The committee carefully considered whether a new proof of service form was necessary. Ultimately, the committee elected to keep the form as part of the proposal because it includes the specific items required to be served for the STRTP placement review hearing.</p> <p>The committee appreciates this input. The committee elected to require an objection within five court days of the party having received the report for the hearing. The committee believes</p>

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			<p>date? Maybe change the date of when the Objection is to be filed. Extend the time to 5 days before hearing.</p> <ul style="list-style-type: none"> ▪ <i>Notice of Hearing Regarding Placement in Short-Term Residential Therapeutic Program (JV-238)</i> <ul style="list-style-type: none"> ▪ Since the court is to set the hearing and notice parties, the form should have a Clerk's Proof of Mailing section within the form, so the court does not need to print out more forms for the notice. ▪ There is no indication of the location of the hearing. What courthouse address will the hearing be at? Need to specify what the address is for the courthouse where the hearing will be held t. ▪ <i>Order on Placement in Short-Term Residential Therapeutic Program (JV-239)</i> <ul style="list-style-type: none"> ▪ Since the court is to make an order and notice parties of the order, the form should have a Clerk's Proof 	<p>that this will provide parties with enough time to review the report and file an objection.</p> <p>The committee considered this option but determined that a proof of service at the end of the form was not necessary, as a proof of service is typically not included in order forms and it may disrupt the normal practice of noticing forms and possibly create more work for courts.</p> <p>The committee agrees that this information should be added to the form and it has been added.</p> <p>Judicial Council forms with the court's findings and orders do not typically include a proof of service. While this point is well taken, courts</p>

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Commenter	Position	Comment	Committees Response
		<p>of Mailing section within the form, so the court does not need to print out more forms for the order.</p> <ul style="list-style-type: none"> ▪ <u>Revise Forms:</u> <ul style="list-style-type: none"> ▪ <i>Findings and Orders After Detention Hearing (JV-410)</i> <ul style="list-style-type: none"> ▪ No comment ▪ <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent (JV-421)</i> <ul style="list-style-type: none"> ▪ No comment ▪ <i>Dispositional Attachment: Nonminor Dependent (JV-461(A))</i> <ul style="list-style-type: none"> ▪ No comment ▪ <i>Initial Appearance Hearing—Juvenile Delinquency (JV-642)</i> <ul style="list-style-type: none"> ▪ No comment ▪ <i>Custodial and Out-of-Home Placement Disposition Attachment (JV-667)</i> <ul style="list-style-type: none"> ▪ No comment ▪ Proposal of procedure for process: <ul style="list-style-type: none"> ▪ By the statute having the procedure in place, this will save the court time and money in that the court will not need to create 	<p>routinely provide service of findings and orders forms without a proof of service on the form.</p> <p>No responses required.</p> <p>The committee appreciates this comment.</p>

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	Commenter	Position	Comment	Committees Response
			<p>and approve their own process and then compare with what other counties are doing.</p> <p>Request for Specific Comments</p> <ul style="list-style-type: none">Does the proposal adequately address the stated purpose?<ul style="list-style-type: none">Yes.Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient?<ul style="list-style-type: none">I believe by stating the actual process for this it will save the court time and money, so the court does not need to create their own process. This will also help implement in a timely manner.Should the forms be mandatory or optional?<ul style="list-style-type: none">I believe all but one should be mandatory. The proof of service is not needed as there is already a JUV proof of service the JV-510 would be able to be used instead of creating a new form and maintaining the form.	<p>No response required.</p> <p>The committee appreciates this response and agrees with the commenter.</p> <p>The committee notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that JV-235, JV-236, JV-237, and JV-239 be mandatory.</p>

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none">Should <i>Request for Review of Placement in Short-Term Residential Therapeutic Program</i> (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?<ul style="list-style-type: none">Due to the nature of STRTP and the misuse of these types of services, giving an explanation would be helpful to the judicial officer in determining why they were placed.Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court?<ul style="list-style-type: none">Yes, the youth's CASA is a vital member of the youth's support system.Should the rule require that a CASA volunteer be given the opportunity to object to the placement?	<p>The committee does not believe that the information is necessary as the report will contain the information prior to the hearing.</p> <p>The committee agrees and Assembly Bill 153 requires that the CASA receive notice of the request for review. (See subdivision (b)(2) of sections 361.22; although not a requirement in delinquency cases, see section 727.12(b)(2)). The committee elected to require notice of the hearing and service of the report to CASAs, even though it is not required by the AB 153. CASAs are entitled to access the juvenile case file and attend hearings, and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p>

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	Commenter	Position	Comment	Committees Response
			<ul style="list-style-type: none"> ▪ Yes, the youth’s CASA is a vital member of the youth’s support system. ▪ After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill? <ul style="list-style-type: none"> ▪ I believe this would be beneficial to the youth if the placement is no longer needed, the placement could be changed. <p><u>Additional Information Requested:</u></p> <ul style="list-style-type: none"> ▪ Would the proposal provide cost savings? If so, please quantify. <ul style="list-style-type: none"> ▪ No. ▪ What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? 	<p>The committee does not believe that CASAs should be in a position to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties. CASAs will still be able to submit a report for the hearing explaining their position on the placement.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(l) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>No response required.</p>

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			<ul style="list-style-type: none">▪ Training of courtroom clerks for setting hearings and required findings on the record. 1 hr.▪ Training for case processing staff when receiving objections, requests, proof of service etc. 1 hr.▪ Create new hearing types and docket codes for new forms.▪ Creating language for findings for each hearing to be used in the case management system and the clerk system to create the minute orders.	The committee understands the additional workload that will be created by the implementation of Assembly Bill 153 and this proposal. The additional workload however results more from AB 153 than this rules and forms proposal, which is required to implement the bill.
13.	Superior Court of Riverside County by Susan D. Ryan	A	<p>COMMENT:</p> <p>- Does the proposal appropriately address the stated purpose?</p> <p>Yes, the proposal addresses the stated purpose. The purpose of the proposal is to implement part IV of the federal Family First Prevention Services Act to reduce the inappropriate use of congregate care. This proposal would adopt a new rule of court, amend a rule of court, adopt five new forms and revise five forms which would assist in creating the hearing for judicial review of placement in a STRTP.</p> <p>- Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language</p>	The committee appreciates this response.

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			<p>in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient?</p> <p>The proposed subsections of rule 5.618(f) are useful and should be provided. Clarification of the evidence the court may consider, the evidentiary standard of preponderance of the evidence, that the determination is to be made if the placement is in the child's best interest and that the determination must be made within 60 days of the placement are all very important parts of the procedure. Further clarification and explanation in the rules of court is always useful.</p> <p>- Should the forms be mandatory or optional?</p> <p>The forms should be mandatory. Generally mandatory forms help courts with consistency and make identifying certain types of actions and requests more easily identifiable for court staff as opposed to generic pleadings. Forms also ensure that the filings contain all necessarily elements that need to be considered by the court.</p> <p>- Should the Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?</p>	<p>The committee agrees that the rule should provide clarification of the procedure and findings for the hearing.</p> <p>The committee agrees that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore has elected to recommend that JV-235, JV-236, JV-237 and JV-239 be mandatory.</p>

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			<p>Yes. While this information would be contained in the report, having a brief explanation of the reasoning for STRTP placement on the JV-235 would make review of the document more efficient for the court and for anyone that wanted to file a JV-236 without having to refer back to the entire report.</p> <p>- Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a CASA volunteer be given the opportunity to object to the placement?</p> <p>Yes, a CASA volunteer is often one of few trusted advocates that a youth has that they can feel comfortable with in discussing placement issues.</p> <p>- After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?</p>	<p>The committee does not believe that the information is necessary as the report will contain the information and the statute requires all parties to be served the report prior the hearing.</p> <p>The trailer bill language was updated to require that the CASA receive notice of the request for review in a dependency case. Assembly Bill 153 does not require that CASAs be served a copy of the report. However, the committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p>

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			<p>These should only remain as reporting requirements, and the court only asked to make findings if an issue raised at a subsequent review hearing. The federal requirements or WIC 366 or 706 do not appear to require that these findings continue to be made at supplemental review hearings.</p> <p>- Would the proposal provide cost savings? If so, please quantify.</p> <p>There would be no costs savings to the court. This proposal, although mandatory per the Federal Act, will require more court resources, including but not limited to judicial resources, staffing resources to process the documents, set the hearings, keep an accurate record of the proceedings and give notice. The court appreciates that rules and forms are being provided to make this transition as smooth as possible.</p> <p>- What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p>Clerk's office and courtroom staff would need to be trained on how to process these types of</p>	<p>Assembly Bill 153 requires the court consider the factors in sections 366.1(<i>l</i>) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines whether the placement is necessary and appropriate.</p> <p>The committee appreciates the fact that this proposal will not result in cost savings to the courts, but this has more to do with the implementation of Assembly Bill 153 than it does with the rules and forms proposal.</p>

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			documents and hearings (approximately 1 hour). Procedures would need to be created for filing the requests, setting the hearings and completing minute entries. Codes would need to be created in the case management system for processing the documents and hearings.	The committee appreciates that the new hearings will require additional workload and trainings for courts.
14.	Superior Court of San Diego County By Mike Roddy Executive Officer	AM	<ul style="list-style-type: none"> Does the proposal appropriately address the stated purpose? <p>Yes.</p> <ul style="list-style-type: none"> Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient? <p>The language in the statutes is sufficient.</p> <ul style="list-style-type: none"> Should the forms be mandatory or optional? <p>Mandatory, in order to ensure “a consistent and more predictable procedure for making objections to STRTP placements and for the court procedure approving or disapproving STRTP placements.”</p>	<p>No response required.</p> <p>The committee believes that providing a legal standard for the court’s decision is needed in the rule.</p> <p>The committee agrees and notes that courts benefit from consistency in pleadings, especially when a new procedure is being created that will create a significant amount of hearings. The committee therefore recommends making JV-235, JV-236, JV-237 and JV-239 mandatory.</p>

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			<ul style="list-style-type: none"> Should [form JV-235] require an explanation of the reasons that the youth is being placed in the STRTP? <p>Yes. The reason(s) the youth is being placed in the STRTP may impact a party's decision whether to object to or provide input on the placement. This could result in fewer objections filed with the court. Caution must be taken, however, to state the reason(s) in a way that does not disclose confidential information between the youth and therapist or doctor.</p> <ul style="list-style-type: none"> Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? <p>No. As written, the statutes require copies be served to "all parties to the proceeding," and CASA volunteers are not parties. Therefore, it would not be appropriate for CASA volunteers to receive a copy of the request, absent amendments to the statutes.</p>	<p>The committee does not believe that the information is required as the report will contain the information and the statute requires all parties to be served the report prior the hearing. Parties will then have five court/calendar days to object to the placement (depending on whether the placement will be approved without a hearing).</p> <p>Assembly Bill 153 does not require that CASAs be served a copy of the report. However, the committee elected to create a requirement in the rule that CASAs be served a copy of the report because they are entitled to access the juvenile case file and courts often rely on their input in making determinations about the best interests of the child or nonminor.</p>

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			<p>It is worth noting that Sections 361.22(c)(2) and 727.12(c)(2) state when copies of report must be served on parties, but does not specify when the report must be <i>filed with court</i>. As drafted, Rule 5.618 does not state the date for filing either, so it may be helpful to add language to that effect.</p> <ul style="list-style-type: none"> Should the rule require that a CASA volunteer be given the opportunity to object to the placement? <p>Only if the statutes are amended to include CASA volunteers with the parties as persons who are entitled to object to the placement.</p> <ul style="list-style-type: none"> After the STRTP placement is approved and if the child or [NMD] remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill? <p>Yes. If the child or NMD is still in the STRTP six months after the court last made the findings that supported approval of the placement, the court</p>	<p>Subdivision (d) has been added to the rule requiring that the report be filed with the court no later than seven calendar days before the hearing.</p> <p>The committee agrees. Assembly Bill 153 did not include this requirement and the committee agrees that CASAs should not be in a position to object and thus potentially determine whether the court holds a hearing or not. The committee believes that objections should be left to parties who possess due process rights as potentially aggrieved parties.</p> <p>Assembly Bill 153 requires that the court consider the factors in sections 366.1(<i>l</i>) and 706.5(c)(1)(B) at every status review hearing for a youth placed in an approved STRTP when the court determines</p>

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			<p>should ensure that the placement still meets those criteria. STRTPs are supposed to be short-term.</p> <ul style="list-style-type: none">• Would the proposal provide cost savings? <p>The proposal would most likely provide cost savings by (1) ensuring consistent implementation of the trailer bill language across all counties and (2) clarifying the processes and timelines to be met by the court, the parties, and the social worker or probation officer.</p> <ul style="list-style-type: none">• What would the implementation requirements be for courts ...? <p>Training would be required for courtroom clerks and clerks who process case file paperwork. Processes and procedures would need to be revised to include how the new rules and forms will be implemented. New docket codes will need to be created to reflect the findings and orders to be made by the court.</p> <p>General Comments</p>	<p>whether the placement is necessary and appropriate.</p> <p>The committee appreciates this input.</p> <p>No response required.</p>

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	Commenter	Position	Comment	Committees Response
			<p>CRC 5.618(b)(1) & (2) – The following modifications are recommended:</p> <p>Change for continuity within subd. (b) and for consistency with paragraphs (3) & (4):</p> <p>“(1)-A <u>The</u> child’s parents and their attorneys of record, ... or a <u>the</u> nonminor dependent’s parents and their attorneys of record ...”</p> <p>“(2)-A <u>The</u> child’s legal guardians ...”</p> <p>CRC 5.618(c)(1) & (2) – – The following modifications are recommended:</p> <p>Change for continuity within subd. (c) and for consistency with pars. (3) & (4):</p> <p>“(1)-A <u>The</u> child’s parents and their attorneys of record, ... or a <u>the</u> nonminor dependent’s parents and their attorneys of record ...”</p> <p>“(2)-A <u>The</u> child’s legal guardians ...”</p> <p>CRC 5.618(d) & (e) – The following modifications are recommended:</p> <p>In headings, change initial caps to lower case for consistency with other headings:</p> <p>“Objection to Pplacement”</p>	<p>The committee agrees and the changes have been made.</p> <p>The committee agrees and the changes have been made.</p> <p>The changes have been made.</p>

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			<p>“Approval Wwithout a Hhearing”</p> <p>CRC 5.618(f)(1)-(3) – – The following modifications are recommended:</p> <p>Change “and” to “or” for consistency with subd. (d):</p> <p>“(1) ... report described in sections 361.22(c) and <u>or</u> 727.12(c) ... determinations of sections 361.22(e)(2) and (3) and <u>or</u> 727.12(e)(2) and (3) ...”</p> <p>“(2) ... findings in sections 361.22(e)(2) and (3) and <u>or</u> 727.12(e)(2) and (3) ...”</p> <p>“(3) ... determinations in sections 361.22(e)(2) and (3) and <u>or</u> 727.12(e)(2) and (3) ...”</p> <p>Form JV-235 – The following modifications are recommended:</p> <p>First sentence – Insert “form” before form number and insert period at end.</p> <p>“The request ... <i>Program</i> (<u>form</u> JV-235).”</p> <p>Item 4, second sentence. Correct title of form:</p> <p>“... you must fill out <i>Objection to Placement or iInput on <u>Placement in Short-Term</u></i>”</p>	<p>The committee agrees and the changes have been made.</p> <p>The change has been made.</p> <p>The form name has been updated.</p>

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		<p><i>Residential Placement Program</i> and file it with the court. ...”</p> <p>Form JV-235 – The following modifications are recommended:</p> <p>Second sentence – Suggested changes for more clarity:</p> <p>“... report as described in ... 361.22(c) or 727.12(c), <u>i.e., the report on the placement.</u></p> <p>Item 3 – Insert parentheses around and italicize date for consistency with other forms:</p> <p>“ ... program on (<i>date</i>): _____”</p> <p>Item 5 – Suggested changes for more clarity and simplicity:</p> <p>“<u>I oppose</u> The placement is opposed because.”</p> <p>Item 6 – Suggested changes for more clarity and simplicity:</p> <p>“<u>I do not oppose</u> The placement is not opposed, but I want to tell the court ...”</p> <p>Form JV-235 – The following modifications are recommended:</p>	<p>The committee has added clarifying language to describe the report.</p> <p>The change has been made.</p> <p>The change has been made.</p> <p>The change has been made.</p>

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		<p>Sentence after first check box – Suggested changes for consistency with other forms:</p> <p><i>“Request for Review of Placement in Short-Term (form JV-235) Residential Therapeutic Program (form JV- 235) along with a blank copy; of Objection to or Input on ... “</i></p> <p>Sentence after second check box – Suggested change for simplicity:</p> <p><i>“the report as described in ...”</i></p> <p>Item 1 – Insert comma after “older”:</p> <p><i>“The child, if 10 years of age or older, or the nonminor dependent”</i></p> <p>Form JV-238 – The following modifications are recommended:</p> <p>Item 3 – Change comma to semicolon for correct grammar:</p> <p><i>“Notice requirements were not met; the social worker or probation officer is ordered to provide ...”</i></p>	<p>The language has been changed.</p> <p>This language does not appear in the JV-235 form that circulated for comment.</p> <p>Item 1 has been removed from the JV-235 form.</p> <p>The committee has added a period instead of a semicolon.</p>

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

	Commenter	Position	Comment	Committees Response
			<p>Title in center of footer – Correct for consistency with title at top of form:</p> <p>“Order After Notice of Hearing on <u>Regarding</u> Placement in Short-Term Residential Therapeutic Program”</p> <p>Form JV-239 – The following modifications are recommended:</p> <p>Items 1.b. and 1.c. – Change “Form” from initial cap to lower case for consistency with other forms:</p> <p>“ ... (F<u>f</u>orm JV-236) filed by: _____”</p> <p>Item 6 – Insert hyphen after “short” for consistency with statute:</p> <p>“ ... consistent with the short- and long-term residential therapeutic program ...”</p> <p>Item 8 – Insert “or probation officer” after “social worker”:</p> <p>“ The social worker <u>or</u> <u>probation officer</u> is ordered to transition the child or nonminor ...”</p>	<p>The title has on the footer has been corrected.</p> <p>The suggested change has been made.</p> <p>A hyphen has been added.</p> <p>The addition has been made.</p>

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Juvenile Law: Short-Term Residential Therapeutic Program Placement (Adopt Cal. Rules of Court, rule 5.618; amend rule 5.697; adopt forms JV-235, JV-236, JV-237, JV-238, JV-239; revise forms JV-410, JV-421, JV-461(A), JV-642, JV-667)

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

	Commenter	Position	Comment	Committees Response
			<p>Form JV-410 – The following modifications are recommended:</p> <p>Item 4.b.(1): Delete comma after “349(d)”:</p> <p>“... properly notified under ... 349(d), of the right to attend the hearing ...”</p> <p>Item 4.b.(2): Delete comma after “349(d),” delete comma after “or,” and delete “if”:</p> <p>“... properly notified under ... 349(d), of the right to attend the hearing or,if the child wished to be present and was not given an opportunity to be present and</p> <p>“(a) there is good cause for a continuance ...”</p> <p>No additional Comments.</p>	The suggested changes have been made.