



Judicial Council of California

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Title
Juvenile Law: Sibling Visitation (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending three rules and revising three forms to conform them to recent statutory changes giving dependency courts the authority to order visitation between dependent and nondependent siblings in specified circumstances.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend rules 5.570, 5.708, and 5.810 of the California Rules of Court, and revise forms JV-183, JV-185, and JV-403 to ensure that they conform to the recently enacted provisions of Welfare and Institutions Code sections 361.2, 366, 366.3, 388, 778, and 16002.1 Also, the committee recommends amending rule 5.708 to specify the burden of proof and standard when requesting that a child be removed from the home.

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 5.570 with the new standard for granting or denying a request for sibling visitation with a nondependent sibling, to add the new grounds for granting a petition for modification of a prior court order, and to specify the burden of proof and standard when requesting that a child be removed from the home;
2. Amend rule 5.708 with new statutorily required findings;
3. Amend rule 5.810 with the new statutorily required finding to suspend sibling interaction, to clarify when a permanency hearing must be held, and to remove subdivision (f) regarding administrative reviews;
4. Further amend rules 5.708 and 5.810 to delete references to “youth”;
5. Amend rules 5.570, 5.708, and 5.810 with new references to code sections and subsections and with further clarifying changes;
6. Revise *Court Order on Form JV-180*, Request to Change Court Order (form JV-183) to include the new standard for granting a request for sibling visitation with a child who is not a dependent of the court, and

to allow the court to deny a request for sibling visitation if the request is for visitation with a nondependent sibling who remains in the custody of a mutual parent who is not subject to the court's jurisdiction;

7. Further revise form JV-183 to allow a court to set a hearing for the parties to argue whether a hearing on a section 388 petition should be granted or denied;
8. Revise *Child's Information Sheet--Request to Change Court Order* (form JV-185) to clarify, in plain language, that a child can request visitation with a sibling who lives with a mutual parent subject to the jurisdiction of the court; and
9. Revise *Sibling Attachment: Contact and Placement* (form JV-403) to include the new findings required by Senate Bill 1099 regarding siblings under the court's jurisdiction who are not placed together in the same home.