



Judicial Council of California

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Subject Text

Meeting materials
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File #: 15-382, Version: 1

Title

Family and Juvenile Law: Juvenile Court Final Child Custody Orders (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending four rules of court to clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents. The committee also recommends revising two mandatory Judicial Council forms and approving one optional form to allow the juvenile court to include sufficient information about the circumstances underlying its custody order for the family court in which a request for the order's modification or termination is made to determine whether a significant change of circumstances has occurred and, if so, whether the requested modification is in the best interest of the child. The amendments and revisions also update references to current statutes and rules, incorporate gender-neutral language consistent with Assembly Bill 1403 (Stats. 2013, ch. 510) when appropriate, conform to recent case law, and maintain consistency with recent and recommended revisions to the Judicial Council forms for family court custody orders.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016, amend four rules of court, revise two Judicial Council forms, and approve one Judicial Council form for optional use, as follows:

1. Amend rule 5.475 to more clearly and accurately describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court and to make technical changes;
2. Amend rule 5.620(a) to specify the juvenile court's exclusive jurisdiction, under section 304, to establish a guardianship after a dependency petition is filed until the petition is dismissed or jurisdiction is terminated, and to make technical changes;
3. Amend rule 5.620(c) to distinguish the process for issuing juvenile court custody orders subject to continuing jurisdiction from the process for issuing custody orders and terminating jurisdiction;
4. Amend rule 5.700 to clarify that it applies only when the juvenile court issues final custody orders and terminates jurisdiction, to describe the effect of juvenile final custody orders, and to describe the statutory duties of a superior court clerk who receives a final custody order transmitted from the juvenile court;
5. Amend rule 5.790(c) to distinguish between the process when the juvenile court issues custody or visitation orders and retains delinquency jurisdiction and the process when the court issues those orders and terminates its delinquency jurisdiction;
6. Revise form *Custody Order--Juvenile--Final Judgment (JV-200)* to give the court opportunities to make more detailed custody orders, to solicit on the form the reasons for limitations on custody or visitation, to use language in common with the family law custody forms and attachments, and to cross-reference those attachments where appropriate;
7. Revise form JV-200 to use gender-neutral language where possible, to add space for identification of and orders directed to additional parents, and to provide for attachment of parentage orders when applicable;

8. Revise form JV-200 to permit the juvenile court to specify a minimum amount of visitation if it otherwise permits the parents to arrange shared parenting time;
9. Revise *Visitation Order--Juvenile* (form JV-205) to add “(Parenting Time)” to the title, to use gender-neutral language where possible, to clarify the form’s structure, to allow additional detail about supervised visitation and travel with children, and to cross-reference family law attachments where appropriate; and
10. Approve *Reasons for No or Supervised Visitation--Juvenile* (form JV-206) to allow the juvenile court to specify its reasons for denying or limiting visitation or parenting time with a child.