



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 20-137, Version: 1

Title

Rules and Forms | Juvenile Law: Educational Rights Holders (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.649 (Right to make educational or developmental-services decisions); revising *Order Designating Educational Rights Holder* (form JV-535) and its attachment (form JV-535(A)); and approving *Information on Educational Rights Holders* (form JV-535-INFO) to clarify requirements, alleviate confusion, and provide more guidance on service of process.

Recommendation

The committee recommends that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.649 of the California Rules of Court to clarify the filing requirements following a hearing designating an educational rights holder; specify requirements for service of process after the hearing; and update references to “parent and guardian” to include the educational rights of an Indian custodian, in compliance with Welfare and Institutions Code section 361.
2. Revise *Order Designating Educational Rights Holder* (form JV-535) to bring key information to the front page, to include more information about the various parties, to better identify confidential names and addresses, and to provide space for the appointment of more than one educational rights holder.
3. Revise *Attachment to Order Designating Educational Rights Holder* (form JV-535(A)) to include room for the names of all parties and others who need to be served if applicable; include an educational rights holder service of process check box that designates the required parties and others that need service if applicable and appropriate; add the Child’s Statewide Student Identifier (SSID) to better track the child or youth through any school changes; and make the form mandatory rather than optional.
4. Approve *Information on Educational Rights Holders* (form JV-535-INFO) to provide key information about educational rights holders, including what an educational rights holder is; what is required of an educational rights holder; what happens at each hearing when there is an educational rights holder; who needs to be served with forms JV-535 and JV-535(A); and how a parent, guardian, or Indian custodian can appeal a court’s limiting or modifying of educational rights.