



Subject Text

Meeting materials
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File #: 21-161, Version: 1

Title

Rules and Forms | Juvenile Law: Short-Term Residential Therapeutic Program Placement (Action Required)

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)