

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
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:
- b. Court reporter (name):
- c. Department:
- d. Bailiff (name):
- e. Judicial officer (name):
- f. Interpreter (name and language):
- g. Court clerk (name):

<u>Party (name)</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</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):

3. The court has read and considered and admits the following into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (specify):
- d. Other (specify):

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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 Welf. & Inst. Code, § 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 Welf. & Inst. Code, § 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
- (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 volunteer 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 volunteer 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* (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*):
9. **Indian Child Welfare Act (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 of 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 of or eligible for membership or citizenship in a tribe or Alaska Native village.

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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 Welf. & Inst. Code, § 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 Welf. & Inst. Code, § 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
 - (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 Welf. & Inst. Code, § 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*):
- 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;

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12. b. • 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 their own behalf.

13. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 Other (*specify*):
 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.

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
 mother biological father legal guardian Other (*specify*):
 presumed father alleged father Indian custodian Other (*specify*):

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 Welf. & Inst. Code, § 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 they were 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 Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated here or on the record:
- f. The facts on which the court bases its decision to order the child detained are stated here or were stated on the record:

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15. g. The child is placed in

- (1) the home of a relative; an extended family member, as defined in Welf. & Inst. Code, § 224.1 and section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.); or a nonrelative extended family member, as defined in Welf. & Inst. Code, § 362.7, that has been assessed under Welf. & Inst. Code, § 361.4;
- (2) the approved home of a resource family, as described in Welf. & Inst. Code, § 16519.5, or a home licensed or approved by the Indian child's tribe;
- (3) an emergency shelter or other suitable licensed place; if a short-term residential therapeutic program or community treatment facility, a hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for *(date)*;
- (4) a place exempt from licensure designated by the juvenile court.
- h. Services, including those stated in item 17, are to be provided to the family as soon as possible to reunify the child with their 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 Welf. & Inst. Code, § 361.3.
- m. Less disruptive alternatives to removal were considered by the agency.
- n. The impact of removal on the child was considered by the agency, including
- (1) the relationship between the child and their parents, guardians, or Indian custodians, based on the child's perspective.
- (2) the child's response to removal and, where developmentally appropriate, their perspective on removal.
- (3) the relationship between the child and any siblings.
- (4) the relationship between the child and other members of the household.
- (5) any disruption to the child's schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, any impact on the child's connection to their tribe, extended family members, and tribal community.
- (6) Other *(specify)*:
- o. Orders necessary to alleviate any disruption or harm to the child resulting from removal were stated on the record or are stated here:

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

- a. The evidence includes all the requirements of Welf. & Inst. Code, § 319(b).
- b. The agency *(select (1) or (2))*
- (1) has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family as detailed in the record, and these efforts have proved successful or unsuccessful;
- or
- (2) 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. Either *(select (1) or (2))*
- (1) The child's placement complies with the placement preferences stated in Welf. & Inst. Code, § 361.31 and less disruptive alternatives. The child is placed
- (a) with a member of the child's extended family;
- (b) in a foster home licensed, approved, or specified by the child's tribe;
- (c) in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (d) 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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16. d. (2) 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):
 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):
 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 Welf. & Inst. Code, § 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):

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.

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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: _____

Judicial Officer

Countersignature for detention orders (*if necessary*):

Date: _____

Judge

