

# Juvenile Law Issues Meeting

Call In Number: 877.820.7831

Listen Only Passcode: **3059688**

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FEBRUARY 1, 2018  
11:40 A.M. - 3:30 P.M.  
SAN FRANCISCO, CA



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

## Juvenile Law Issues

Judicial Council Boardroom, 3<sup>rd</sup> Floor

- 11:40 a.m. – 12:15 p.m.      **Working Lunch (Catalina Room)**  
Legislative Update  
*Andi Liebenbaum*
- 12:15 – 12:25 p.m.      Dual-Status Youth Data Standards Working Group Report and Next Steps  
*Hon. Patrick E. Tondreau, Judge, Superior Court of Santa Clara County*  
*Audrey Fancy*  
*Nicole Giacinti, Attorney, CFCC*
- 12:25 – 12:30 p.m.      Update on Competency Legislation  
*Hon. Patrick E. Tondreau*  
*Audrey Fancy*  
*Andi Liebenbaum*
- 12:30 – 1:00 p.m.      Mental Health Services Act Funding  
*Francine Byrne, Manager, Judicial Council Criminal Justice Services*  
*Ashley Mills, Senior Researcher, Mental Health Services Oversight and Accountability Commission*
- 1:00 – 2:00 p.m.      Court Appointed Counsel Workload: Update & Methodology  
*Hon. Jerilyn L. Borack*  
*Don Will, Deputy Director, CFCC*
- 2:00 – 2:30 p.m.      Court Appointed Special Advocates Funding Methodology  
*Hon. Jerilyn L. Borack*  
*Don Will*
- 2:30 – 2:45 p.m.      Remote Appearance by Incarcerated Parents  
*Hon. Jerilyn L. Borack*  
*Audrey Fancy*
- 2:45 – 3:15 p.m.      Juvenile Law Rules and Forms: Electronic Filing and Service  
*Diana Glick, Attorney, CFCC*
- 3:15 – 3:30 p.m.      Emerging issues (All)

# **Juvenile Law: Dual-Status Youth Data Standards Working Group Report and Next Steps**

## **Annual Agenda Item:**

### **Dual Status Youth and Next Steps**

Pursuant to Assembly Bill 1911 ([Eggman]; Stats. 2016, ch 637) convene a group of stakeholders to define data elements and outcome tracking for youth involved in the dependency and delinquency system and report to the legislature by January 1, 2018.

## **Background:**

In response to a report by the State Auditor's Office on implementation of dual status for youth involved in both the child welfare and juvenile justice systems, [Assembly Bill 1911](#) required the Judicial Council to convene a group of stakeholders to define data elements and outcome tracking for youth involved in both systems and report to the legislature by January 1, 2018. A group made up of Fam/Juv members and various stakeholders in the juvenile justice, child welfare, education, and research communities met many times – both in person and via phone conference - over the course of a year to discuss the issues identified in AB1911. The result was a legislative report detailing the group's recommendations in the mandated categories of (1) a common identifier, including discussion of the need for a single system to track dual-status youth, (2) standardized definitions, (3) identified and defined outcomes for counties to track, and (4) baselines and goals for the identified outcomes. The report also includes an initial assessment of the projected costs and benefits associated with implementing the recommendations. The Judicial Council approved forwarding the report to the legislature at its November 2017 in person meeting.

## **Update:**

*Dual Status Youth Data Standards (AB 1911)* was forwarded to the legislature in advance of the January 1, 2018 deadline. There has been no response from the legislature, to date.

## **Attachments:**

[Dual Status Youth Data Standards \(AB 1911\)](#)

[California State Auditor: Dually Involved Youth, Report 2015-115](#)

## **Juvenile Law: Competency Issues**

### **Annual Agenda Item:**

To enrich recommendations to the council and avoid duplication of effort, members of the committee will collaborate with members of the Collaborative Justice Courts Advisory Committee, and former members of the Mental Health Issues Implementation Task Force serving on other advisory bodies, to consider developing recommendations to the Judicial Council to: (1) revise rule 5.645 to define appropriate evaluation tools for use with juveniles, (2) amend legislative language to clarify the presumption of competency, (3) suggest other legislative changes necessary to improve the handling of cases where competency issues are raised, and (4) identify effective practices developed by local courts to address juvenile cases in which competency is a factor. Continued work to secure legislative change consistent with the Governor's [veto message](#) on AB 935.

### **Background:**

Effective January 1, 2012, the Judicial Council, at the recommendation of the committee, amended rule 5.645(d) of the California Rules of Court to specify the qualifications of experts evaluating children's competency to participate in juvenile proceedings as required by changes to WIC 709 enacted in 2010. At that time the committee also considered drafting proposed legislation to more comprehensively address this issue but decided that the complexity of the issues coupled with the need to address core issues during the economic downturn warranted posting discussion.

In 2014, a Joint Juvenile Competency Issues Working Group was formed with members from the Family and Juvenile Law Advisory Committee, the Collaborative Justice Courts Advisory Committee, and the Mental Health Issues Implementation Task Force. This working group drafted legislation to amend Welfare and Institutions Code section 709. The working group received and incorporated comments from court stakeholders in the juvenile justice community. On December 11, 2015, the Judicial Council voted to sponsor the legislation.

### **Update:**

In 2016 Assemblyman Obernolte introduced this as [AB 2695](#). On May 27, 2016, the legislation was held by the Assembly Appropriations Committee in the suspense file. In 2017 Assemblyman Obernolte reintroduced the bill as [AB 689](#), on May 27, 2017 that bill was held in the suspense file. However, Assemblyman Stone introduced [AB 935](#), a bill that also addresses competency and which ultimately incorporated the text developed by the working group. It is anticipated that Assemblymember Stone will introduce a similar bill in 2018 with changes designed to address the Governor's [veto message](#).

## **Juvenile Law: Mental Health Services Act Funding and History**

### **Annual Agenda Item:**

#### **Consider Mental Health Issues Implementation Task Force Referrals**

Review and consider recommendations referred by the Judicial Council following the task force's final report to the council. Recommend appropriate action within the committee's purview.

### **Background:**

The [Mental Health Services Act](#) (MHSA), passed in November 2004, imposes a 1% income tax on personal income in excess of \$1 million. The act increased funding, personnel and other resources to support local and state mental health programs. Counties must create three year program and expenditure plans as well as annual updates on MHSA programs and expenditures. Plans and annual updates must be adopted by the county Board of Supervisors and submitted to the MHSOAC. Funding is available to address five areas of interest. Community Services and supports, prevention and early intervention, innovation, workforce education and training, and capital facilities and technology needs. A brief history of the act and a description of funding sources will be presented.

# Mental Health Services Act

## Q What is the Mental Health Services Act?

The Mental Health Services Act, or Proposition 63, passed by voters in 2004, is funded through a 1% tax on personal income over \$1 million. In 2017, it will generate an estimated \$2 billion for mental health services in California.

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## The Mental Health Services Act is built around five key components:

### COMMUNITY SERVICES & SUPPORT (CSS)

The CSS component provides services for people with severe mental illnesses using a client-centered and family-driven wellness and recovery-focused approach.

Considerations for how services similar to those delivered using the Mentally Ill Offender Crime Reduction Grant Program should be made when planning for CSS services. (Welfare and Institutions Code §5813.5(f))

When programs and services include collaboration with the criminal justice system, any law enforcement function or any function that supports a law enforcement purpose shall not be funded. (Title 9, California Code of Regulations § 3610(e))

#### CSS Funding Categories:

- **Full Service Partnership:** program to provide a full spectrum of direct mental health services for people with serious mental illness through an approach known as “whatever it takes” to support recovery, including housing, employment, and education services and supports.
- **General System Development:** program to improve the mental health service delivery system for all clients.
- **Outreach and Engagement:** program to reach, identify, and engage unserved people with serious mental illness so they receive appropriate services.
- **Mental Health Services Act Housing Program:** program to acquire, rehabilitate or construct permanent supportive housing for clients with serious mental illness.

### PREVENTION & EARLY INTERVENTION (PEI)

The PEI component focuses on providing an early response to mental health needs before they become severe and disabling, particularly for underserved communities. PEI programs strive to prevent homelessness, incarceration, school failure, suicide, unemployment, prolonged suffering, and removal of children from their homes that can result from untreated mental health needs.

### INNOVATION (INN)

The INN component is designed to discover unique ways of operating in the mental health landscape. The goal is to increase access to services, especially for underserved communities, increase quality of services, and promote interagency collaboration. The MHSOAC approves funding for projects in this component.

### CAPITAL FACILITIES AND TECHNOLOGICAL NEEDS (CFTN)

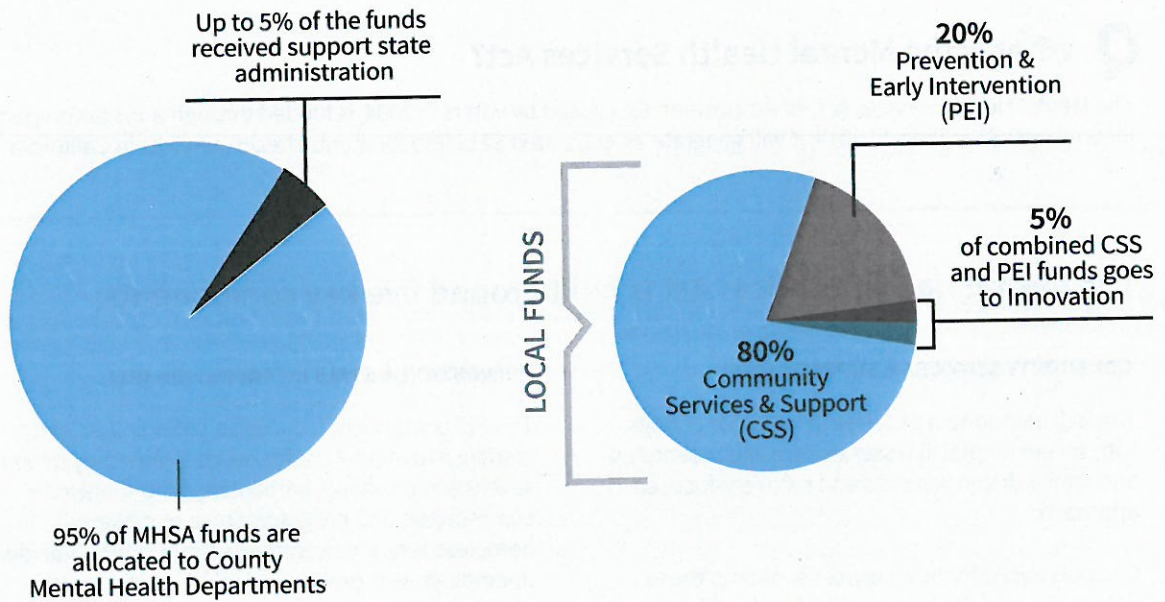
The CFTN component provides one-time funding for infrastructure and technology to support the mental health care system.

### WORKFORCE EDUCATION AND TRAINING (WET)

The WET component includes funds for employment and training to bring in more qualified people to work in the field of mental health.



## Q How are Mental Health Service Act dollars allocated?



## Q How are Mental Health Services Act funds prioritized?

Spending priorities are set through a Community Program Planning Process, which is driven by input from stakeholders.

Stakeholders, as defined by Welfare and Institutions Code §5848, include adults and seniors with severe mental illness, families of children, adults, and seniors with severe mental illness, providers of services, law enforcement agencies, education, social services agencies, veterans and their representatives, providers of alcohol and drug services health care organizations, and other community members.

## Q Can Mental Health Services Act funding be used for people involved in the criminal justice system?

Mental Health Services Act – funded programs and services have the potential to divert people with mental health needs from various stages of the criminal justice system. Examples are found throughout this report.

The MHSa explicitly prohibits use of funds for services for people incarcerated in prison or parolees from state prison (Welfare and Institutions §5813.5(f)). While the Mental Health Services Act prohibits the use of funds for programming or treatment in detention

settings, such funds can be used for discharge planning and connecting people with local community-based services prior to release.

People on probation, including probationers under Public Safety Realignment (AB 109, chapter 15, Stats. 2011), are not prohibited from receiving MHSa funding. However, MHSa should be used to expand mental health services and not to supplant existing state or county funds to provide mental health services. (Welfare and Institutions §5891(a))

## **Juvenile Law: Court-Appointed Dependency Counsel Workload**

### **Annual Agenda Item:**

Begin fulfilling the Judicial Council's charge to "Consider a comprehensive update of the attorney workload data and time standards in the current workload model" by monitoring and assessing the impact of the new funding provided for court-appointed dependency counsel in the 2017-18 Budget Act. Form subcommittee of Committee members joined by legal services managers, juvenile court judges, court executives, researchers and other stakeholders to guide data collection and analysis, assess impact of the new funding and expanded attorney services, and define outcomes and measures to be used in the update of the current workload model. Report to Committee in September 2018.

### **Background:**

In April, 2016 the Judicial Council approved 9 of the 10 recommended changes to the court-appointed counsel workload and allocation methodology developed by the joint subcommittee of the Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee. Recommendation 10 of the joint report, approved by the council, states:

*That the Family and Juvenile Law Advisory Committee consider a comprehensive update of the attorney workload data and time standards in the current workload model. Because any updates to the workload data and time standards will uniformly affect all trial courts, this pending work should not slow or delay the remaining three-year phase-in period previously approved by the Judicial Council for implementing the new dependency counsel funding methodology. Rather this recommendation recognizes that a comprehensive update could not be completed within the time frame set by the Judicial Council for final report from the joint committees.*

### **Update:**

In FY 2016-17 the Judicial Branch received an on-going funding augmentation of \$22 million for court-appointed dependency counsel. The committee can consider the information it wishes staff to gather on the impact of this funding on caseload and quality of service, and how that information will inform its further work on a comprehensive update to attorney workload data and time standards.



## **Juvenile Law: Court-Appointed Special Advocates Grants Program**

### **Annual Agenda Item:**

**Serve as statutorily mandated Advisory Committee to the Judicial Council for the Court Appointed Special Advocates (CASA) grants program (Welf. & Inst. Code, § 100 et seq.)**

Recommend annual funding to local programs pursuant to the methodology approved by the Judicial Council in August 2013. Conduct 5-year review of 2013 methodology and recommend changes if necessary.

### **Background:**

The committee recommended annual funding allocations which were approved by the Judicial Council on October 28, 2016. After discussing the recommendations and the methodology, the committee asked staff to survey the local CASA programs and collect feedback on the methodology. This feedback should be collected during the current fiscal year, for potential discussions of a revision to the methodology in fiscal year 2017-18.

### **Update:**

Staff will report on work with the California CASA Association and local CASA programs to gather feedback and inform recommendations for the committee to consider on methodology revisions.

## **Remote Appearance by Incarcerated Parents**

### **Annual Agenda Items:**

#### **10. Blue Ribbon Commission on Children in Foster Care (BRC) recommendations**

Review and consider for action, when resources become available, the BRC recommendations related to court reform that have been ongoing, but have not yet been fully implemented because of significant budget challenges.

Those recommendations broadly include:

1. Reducing caseloads for judicial officers, attorneys, and social workers;
2. Ensuring a voice in court and meaningful hearings for participants;
3. Ensuring adequately trained and resourced attorneys, social workers, and Court Appointed Special Advocates (CASA); and
4. Establish and monitor data exchange standards and information between the courts and child welfare agencies and those to be monitored by the Judicial Council Technology Committee, in consultation with the Family and Juvenile Advisory Committee, develop technical and operational administration standards for interfacing court case management systems and state justice partner information systems.

#### **22. Court Coordination and Efficiencies**

Review promising practices that enhance coordination and increase efficient use of resources across case types involving families and children including review of unified court implementation possibilities, court coordination protocols, and methods for addressing legal mandates for domestic violence coordination so as to provide recommendations for education content and related policy efforts.

### **Background:**

In 2010, the Legislature enacted [SB 962](#), which affirmed an incarcerated parent's right, under section 2625 of the Penal Code, to appear in person at specific hearings in juvenile dependency proceedings as well as the juvenile court's authority to order the parent physically produced for any dependency hearing. Recognizing the logistical and financial obstacles to an incarcerated parent's personal appearance, the bill also amended section 2625 to authorize the juvenile court to allow an incarcerated parent who has waived the right to appear in person or who has not been ordered produced in court to appear at a hearing by videoconference or, if suitable video technology is unavailable, by telephone.

The Judicial Council added rule 5.530(f) (attached) to protect an incarcerated parent's statutory right to appear in person at specific hearings, affirm the juvenile court's authority to order the parent physically produced for a hearing, and to authorize the court to permit an incarcerated parent to appear by videoconference or telephone. The council also adopted rule 5.531 to establish a procedural threshold for remote appearances by parties in juvenile court proceedings. These efforts notwithstanding, remote participation by incarcerated parents in dependency and child custody proceedings remains rare.

### **Update:**

A few years ago, the California Department of Corrections and Rehabilitation (CDCR) began collaborating with the Kern County Prison Court in Delano to provide remote live video appearances by in-county state prison inmates at their arraignments on alleged offenses committed while incarcerated. After a successful pilot with in-county inmates, CDCR recently expanded remote video appearances to out-of-county inmates who committed offenses in Kern County before they were transferred. The department encourages each of its institutions to use remote video appearances, touting the cost savings, safety, and security. Inmates also seem to prefer to avoid traveling to hearings.

CDCR and its Enterprise Information Services division seem eager to expand remote appearances to other courts and other case types. This might provide an opportunity to expand remote appearances by incarcerated parents in child custody and juvenile dependency proceedings.

### **Innovations Grants for Remote Appearances**

Butte Superior Court remote videoconferencing technology: \$576,000 grant

Humboldt Superior Court interactive videoconferencing system: \$171,000 grant

Merced Superior Court videoconference hearings project: \$194,500 grant

Placer Superior Court video appearance program: \$560,000 grant

Sacramento Superior Court videoconferencing of mental health hearings: \$52,860 grant

San Bernardino Superior Court remote video proceedings: \$245,000 grant

San Bernardino Superior Court videoconferencing child custody recommending counseling: \$35,500 grant

### **Other court programs**

Santa Clara Superior Court mental health offsite hearings

Santa Clara Superior Court child custody mediation via Skype

Santa Clara Superior Court juvenile justice videoconferencing program



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### MEMORANDUM

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Date	Action Requested
January 22, 2018	Please review in anticipation of February 1 meeting
To	Deadline
Family and Juvenile Law Advisory Committee Members	February 1, 2018
From	Contact
Diana Glick Attorney, CFCC	Diana Glick (916) 643-7012 phone diana.glick@jud.ca.gov
Subject	
Juvenile Law: Electronic Filing and Service	

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This memorandum updates the committee on progress in developing a rules and forms proposal to implement recent legislation on electronic filing and service in juvenile proceedings. It is accompanied by a draft invitation to comment as well as proposed new and amended rules of court and revised Judicial Council forms.

#### **Background on recent legislation**

In 2017, the Judicial Council sponsored legislation authorizing electronic filing and service in juvenile matters. The bill was based on the legislative proposal vetted and approved by the Family & Juvenile Law Advisory Committee (FJLAC) in Spring 2016.

Assembly Bill 976 (Stats. 2017, ch. 319) authorizes electronic filing and service in juvenile matters, pursuant to section 1010.6 of the Code of Civil Procedure. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service for unrepresented parties as of January 1, 2019.

### **The proposal**

The attached invitation to comment would: (1) amend rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.640, 5.565, 5.570, 5.590, 5.695, 5.700, 5.726, 5.727, 5.728, 5.906 of the California Rules of Court; (2) add rule 5.523; and (3) amend form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)*, form JV-221, *Proof of Notice of Application*, form JV-282, *Proof of Service—Nonminor*, form JV-310, *Proof of Service Under Section 366.26 of the Welfare and Institutions code*, form JV-326, *Proof of Notice*, form JV-326-INFO, *Instructions for Notice of Prospective Adoptive Parent Hearing*, and form JV-510, *Proof of Service--Juvenile*.

### **Working group deliberations**

This proposal was first brought to FJLAC on December 4, 2017. At that time, four members agreed to join a working group to address specific issues that arose in the implementation of the language in title 5 rules of court. The members of the working group are: Judge Jerilyn Borack, Judge Roger Chan, Leslie Heimov and Mary Majich Davis. The working group met by phone on January 3, 2018. The following changes were made to the proposal, based on feedback received at that meeting:

1. **Invitation To Comment:** Add a question regarding “express consent” in the juvenile context—should it be “express written consent” using the EFS-005-JV, or some other mechanism to obtain written agreement? What are the implications of a requirement of "express consent" from both a minor between the ages of 10 and 15 and the minor's attorney?
2. **Rule 5.523:** Add a subparagraph under "General provisions" that requires mail notice in addition to e-service when a minor who has already consented to receive electronic service is in custody at the time that a notice will issue.
3. **Rule 5.523:** Use the wording “access to a means of electronic communication” instead of “access to the internet”.
4. **Rule 5.523:** Add a discussion point regarding privacy of email communications.
5. **Rule 5.570:** This section has been re-drafted and now contains two subparagraphs. The first specifically addresses notice for a petition to terminate juvenile court jurisdiction over a nonminor, which must be given according section 295 (this is in agreement with existing language in Rule 5.555(b)(3)). The second subparagraph requires all other types of hearings filed pursuant to section 388 and section 778 to be noticed according to section 291. There is an explicit exception to the requirement to notice a parent or former guardian of a nonminor, pursuant to section 388(e)(2)(B).
6. **Rules 5.727 and 5.728:** Ms. Heimov brought to the attention of the group that these rules do not include notice requirements to siblings in accordance with Assembly Bill 743 (Stats. 2010, ch. 560). That bill added language to section 16010.6 requiring a placing agency to issue specific notice to a child's attorney and the child's siblings' attorney of the need for a change in placement that will result in the separation of siblings currently placed together. Language to this effect was added to both rules.
7. **Rules 5.727 and 5.728:** There was general agreement to allow for electronic service of a notice of intent to remove a child, while retaining requirements of personal or telephone notice of an emergency removal and of hearings held to in response to any objection to removal or emergency removal of a child from placement in the home of a prospective adoptive parent.



### **Additional committee review**

On January 22, 2018, this proposal was presented to the Rules & Policy Subcommittee (RPS) of the Information Technology Advisory Committee (ITAC) for member review and comment. The members of RPS were specifically asked to provide an opinion on the "express consent" provision in the Code of Civil Procedure and how best to obtain the consent of a minor between the ages of 10 and 15 and his or her attorney.

The members of RPS were generally supportive of the draft language of the rules and indicated their satisfaction that Rule 5.523 appropriately effectuated statutory language with respect to the provision of express consent. One member noted some inconsistency in the use of "child" versus "party or person" in draft Rule 5.523, subdivisions (b) and (c) and suggested that we clarify references to children who are entitled to notice in a juvenile case. The language was revised to remove references to a "party or person" and refer exclusively to "child" throughout the rule.

### **Remaining issues for discussion**

There are two remaining issues that would benefit from review and feedback from the Committee before it is submitted to the Rules and Projects Committee to approve circulation of the Invitation to Comment:

1. **Rule 5.570 (petitions brought pursuant to section 388 and section 778):** There seems to be a considerable amount of confusion regarding the notice requirements for these petitions, at least in the statutes and rules, if not in actual practice. Part of the issue would appear to stem from the fact that a variety of different petitions can be brought under section 388 (e.g., modification, termination of jurisdiction, among others), and each have their own rules for notice. Is the current proposed language sufficient to ensure notice while providing the latitude necessary to account for the variety of petitions that are brought pursuant to these code sections? Are there any petitions brought under these code sections that *should not* be subject to electronic service?
2. **Forms:** Are the revisions to the seven identified forms appropriate for the implementation of electronic filing and service in accordance with Code of Civil Procedure section 1010.6 and Welfare & Institutions Code section 212.5? Are there any other rules or forms that require revision in order to comply with the new statutory provisions?

### **Attachments and Links**

1. Draft Invitation to Comment
2. Proposed amendments to title 5, California Rules of Court, and proposed new rule 5.523.
3. Proposed revised versions of forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510.
4. Chaptered language of AB 976 can be found here:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB976](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB976)

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## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

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Title

Juvenile Law: Electronic Filing and Service  
in Juvenile Court Matters (Implementation of  
AB 976)

Action Requested

Review and provide comments by June 8,  
2018

Proposed Rules, Forms, Standards, or Statutes

Amend rules 5.504, 5.522, 5.524, 5.534,  
5.538, 5.565, 5.570, 5.590, 5.640, 5.695,  
5.700, 5.726, 5.727, 5.728 and 5.906, add new  
rule 5.523, and amend forms EFS-005-JV/JV-  
141, JV-221, JV-282, JV-310, JV-326, JV-  
326-INFO, and JV-510

Proposed Effective Date

January 1, 2019

Contact

Diana Glick, 916-643-7012  
[diana.glick@jud.ca.gov](mailto:diana.glick@jud.ca.gov)

Proposed by

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Co-chair  
Hon. Mark A. Juhas, Co-chair

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### Executive Summary and Origin

To implement AB 976 (Stats. 2017, ch. 319), the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly propose (1) amending rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.640, 5.565, 5.570, 5.590, 5.695, 5.700, 5.726, 5.727, 5.906 of the California Rules of Court; (2) adding rule 5.523; and (3) amending form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)*, form JV-221, *Proof of Notice of Application*, form JV-282, *Proof of Service—Nonminor*, form JV-310, *Proof of Service Under Section 366.26 of the Welfare and Institutions code*, form JV-326, *Proof of Notice*, form JV-326-INFO, *Instructions for Notice of Prospective Adoptive Parent Hearing*, and form JV-510, *Proof of Service--Juvenile*.

Assembly Bill 976 authorizes electronic filing and service in juvenile matters, pursuant to section 1010.6 of the Code of Civil Procedure. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

proceedings. The bill also requires affirmative consent to electronic service for unrepresented parties as of January 1, 2019.

## **Background**

Code of Civil Procedure section 1010.6 and trial court rules 2.250-2.261 authorize electronic filing and electronic service in civil matters. On July 1, 2014, the Judicial Council amended rule 5.522 to expressly enable the electronic filing of juvenile court documents in accordance with the trial court rules, specifically rules 2.252, et seq. However, trial court rule 2.251 on electronic service was expressly excluded. As rule 5.522(b)(4) states, “[t]his rule does not incorporate the electronic service provisions in rule 2.251.” Rule 2.251 authorizes electronic service in those courts that allow or require electronic filing, and sets forth technical requirements for electronic service.

Effective January 1, 2016, Assembly Bill 879 amended Welfare and Institutions Code sections 290.1–295 to authorize notice of certain juvenile dependency hearings by electronic mail. The provisions of AB 879 applied to a defined set of hearings conducted for children in the juvenile dependency system and authorize notice by e-mail for those hearings specified in sections 290.1–295. The legislation set important parameters for e-mail notice of hearing in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing. The legislation had no effect on juvenile delinquency matters and did not remove the prohibition on electronic service of documents in juvenile matters.

In 2017, the Judicial Council sponsored Assembly Bill 976, to explicitly authorize electronic filing and service in juvenile, probate, and criminal matters through cross-reference to Code of Procedure sections 1010.6, et seq. The bill adds a new section to Welfare and Institutions code to effectuate this cross-reference and to establish limitations on electronic service to protect the confidential information of minors and ensure paper notice of specified proceedings in juvenile court.

## **Legislative Framework**

Assembly Bill 976, which was authored by Assemblymember Marc Berman, takes a comprehensive approach to the authorization of electronic filing and service in several areas of law and adds new provisions to the Code of Civil Procedure to provide for an electronic signature process (to be developed by the Judicial Council by January 1, 2019) and to increase protections for self-represented litigants. Specifically, in all cases filed on or after January 1, 2019, electronic service on an unrepresented person is prohibited unless that person expressly consents to receiving electronic service in that specific action. Currently, and until January 1, 2019, any party who electronically files into a case is considered to have consented to electronic notice in that case.

To authorize electronic filing and service, the bill enacted new sections in Penal Code, Probate Code and Welfare and Institutions Code that cross-reference the central electronic filing and service provisions in Code of Civil Procedure section 1010.6. In Welfare and Institutions Code, the bill added section 212.5, which both authorizes electronic filing and service in juvenile

matters and establishes important protections for children and parents who are participants in juvenile cases.

In addition, the bill amended 32 sections of the Welfare & Institutions Code that govern notice and service in a variety of hearings in juvenile proceedings to authorize electronic service by cross-reference to new section 212.5.

The limitations placed on electronic filing and service in the juvenile context are the following:

- Electronic service is authorized only if the county and the court permit electronic service.
- Consent, or the withdrawal of consent to receive electronic service may be completed by a party or other person entitled to service, or that person's attorney.
- Electronic service is prohibited on any party or person under 10 years of age.
- Electronic service is prohibited on any party or person age 10-15 unless both the minor and the minor's attorney have provided their express consent.
- Electronic service is prohibited on any party or person age 16 or 17 unless the minor provides express consent, after consultation with their attorney. The Judicial Council must develop a rule to set forth the duties of the minor's attorney during this consultation.
- Electronic service of psychological or medical documentation related to a minor is prohibited, with the exception of the summary required pursuant to Section 16010 when it is part of a required report to the court.
- There are three types of notices that may be served electronically, but only in addition to other legally mandated forms of service:
  - A notice of hearing or appellate advisement issued pursuant to subparagraph (A) of paragraph (3) of subdivision (l) of Section 366.26 for a hearing at which a social worker is recommending the termination of parental rights.
  - A citation issued pursuant to Section 661.
  - A notice of hearing pursuant to subdivision (d) of Section 777.
- Electronic service of initial detention hearing notices issued pursuant to sections 290.1 and 290.2 is prohibited.
- Service in a matter that involves an Indian child or when the court has reason to know that an Indian child is involved in the matter, shall be made pursuant to section 224.2.
- Electronic filing and service shall be conducted in a manner that preserves and ensures the confidentiality of records by encryption.

### **Proposal: Amend Existing Rules of Court and Add New Rule of Court**

The provisions of AB 976 establish a general authorization of electronic filing and service in juvenile proceedings with the exceptions described above. The advisory committees recommend making the following changes to the title 5 rules of court to bring them into conformity with the revisions to statute:

#### **Rule 5.504. Judicial Council forms**

Remove sunset date contained in subdivision (c) for flexibility in local court formatting of Judicial Council forms.

**Rule 5.522. Remote filing**

Streamline subdivision (b) to authorize electronic filing pursuant to section 212.5 and remove remaining subparagraphs, which are no longer applicable.

**Proposed New Rule 5.523. Electronic service**

Add new rule to establish general authorization for electronic service in juvenile matters pursuant to section 212.5 and set forth requirements for attorney consultation prior to consent to electronic service by minors, ages 16 and 17. Subdivision (a) contains a general authorization and references section 212.5. Subdivision (b) describes the requirement of attorney consultation by minors age 16 or 17 prior to providing consent to electronic service. Subdivision (c) contains the elements for consideration in the attorney consultation. Subdivision (d) contains specific information that must be provided to the minor by the minor's attorney during the consultation.

**Rule 5.524. Form of petition; notice of hearing**

Add a sentence to subparagraph (1) of subdivision (e) to indicate that hearings noticed under sections 290.1 and 290.2 must not be served electronically. Change reference in subparagraph (2) of subdivision (e) from "electronic mail" to "electronic service," remove reference to section 290.1 and insert reference to obtaining consent to electronic service pursuant to section 212.5. Correct subparagraph (3) of subdivision (f) to include counsel representing a parent or guardian, in accordance with section 630.1.

**Rule 5.534. General provisions—all proceedings**

Change title of subdivision (h) from "Address of parent or guardian—notice" to "Mailing address of parent or guardian." Delete subparagraph (4) of subdivision (i) referencing e-mail notice of dependency hearings. Add new subparagraph (j) titled "Electronic service address" with information on providing an electronic service address and consent to electronic service in juvenile matters. Please note that the subdivision titled "Caregiver notice and right to be heard (§§ 290.1-297, 366.21)" was supposed to have been relettered as subdivision (j) as of January 1, 2017, but was not; therefore, there are currently two subdivisions with the letter (i). This proposal would insert a new subparagraph (j) as described above underneath the first subdivision (i), and would reletter the second subdivision (i) to subdivision (k) to follow the new subdivision.

**Rule 5.538. Conduct of proceedings held before a referee not acting as a temporary judge**

Because AB 976 added references to electronic service pursuant to section 212.5 to sections 248 and 248.5 and in the spirit of cross-referencing statute whenever possible, this proposal would remove the detailed instructions with regard to service in the rule and would refer the reader to sections 248 and 248.5 for service requirements.

**Rule 5.565. Hearing on subsequent and supplemental petitions**

Amend subdivision (c) to create two subparagraphs in order to indicate the different notice and service requirements for subsequent and supplemental petitions.



**Rule 5.570. Request to change court order (petition for modification)**

Rewrite subdivision (g), creating two subparagraphs in order to indicate the different notice and service requirements for petitions filed under section 388 and those filed under section 778. Retain the language from section 388 regarding notice to a parent or former guardian of a nonminor. Retain rule language that addresses notice to a caregiver of a child, nonminor, or nonminor dependent, and notice to the tribe of an Indian child with respect to both sections.

**Rule 5.590. Advisement of right to review in Welfare and Institutions Code section 300, 601 or 602 cases**

Redraft subparagraph (2) of subdivision (b) to provide service requirements for advisement and notice of hearing pursuant to section 366.26 if a party is not present in court when the hearing is ordered. The revised subparagraph authorizes electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights, in which case notice may be served electronically, but only in addition to service of notice by first-class mail.

**Rule 5.640. Psychotropic medications**

Amend (c)(5) to limit local county practice and local rules of court with respect to electronic service, in order to prohibit the electronic service of psychological and medical documentation related to a minor, pursuant to section 212.5. Amend subparagraphs (3) and (4) of subdivision (g) to include the prohibition on electronic service of psychological or medical documentation related to a minor. Retain language in (h)(2) indicating that a copy of the court order must be provided in person or mailed to the caregiver within two court days of when the order is signed.

**Rule 5.695. Findings and orders of the court—disposition**

Amend subparagraph (10) to subdivision (g) to provide service requirements for advisement and notice of hearing pursuant to section 366.26 if a party is not present in court when the hearing is ordered. The revised subparagraphs authorize electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights, in which case notice may be served electronically, but only in addition to service of notice by first-class mail.

**Rule 5.700. Termination of jurisdiction—custody and visitation orders**

Amend subdivision (d) related to clerk's responsibility to send an endorsed filed copy of the order to include service by electronic means in accordance with section 212.5.

**Rule 5.726. Prospective adoptive parent designation**

Amend service requirements set forth in (d)(3)(A) to include a reference to electronic service in accordance with section 212.5.

**Rule 5.727. Proposed removal**

Amend subdivision (b) to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, pursuant to AB 743 (2009).

Amend subdivision (d)(1) to include a reference to electronic service in accordance with section 212.5 for the notice of removal issued by DSS and add subparagraph (3) to subdivision (d) with a reference to Code of Civil Procedure section 1010.6 for statutory language regarding when electronic service is considered complete and any extensions on time to respond after electronic service. Renumber remaining subparagraphs. Add a reference to Code of Civil Procedure 1010.6 for statutory language regarding extensions on time to respond notification of proposed removal to subparagraph (2) of subdivision (e). Retain personal or telephone service requirement in subdivision (f) for a notice of hearing on proposed removal.

**Rule 5.728. Emergency removal**

Amend subdivision (b) to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, pursuant to AB 743 (2009). The proposal would retain the personal or telephone service requirement in subdivisions (c) and (e) for a notice of hearing on emergency removal.

**Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**

Amend (d)(2)(C) to include a reference to electronic service in accordance with section 212.5. Amend (g)(3) to include a reference to electronic service in accordance with section 212.5.

**Proposal: Amend Existing Forms**

The advisory committees recommend making the following form changes to ensure consistency of the forms with new statutory language and amended rules of court:

**EFS-005-JV/JV-141 E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)**

The statutes amended by AB 879 specifically mandated that consent to receive notice of hearing by e-mail be provided on the EFS-005. Prior to July 1, 2016, the EFS-005 allowed litigants and attorneys in civil litigation to provide an “electronic service address,” which can be, but is not necessarily an electronic *mail* address. The “electronic service” referenced on the form and authorized through the more recent AB 976 is a broader concept than notice of a hearing, which was the sole focus of AB 879. In response to the language of AB 879, the EFS-005 was restyled as the EFS-005-CV and its content was preserved; a new form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)* was created. This form enables persons entitled to notice in juvenile court proceedings to give consent to receive notice by e-mail and provide the court with a current e-mail address. The form also allows persons entitled to notice in juvenile court proceedings to notify the court of a change in the e-mail address for receiving electronic notices of hearings and allows those who have previously provided consent to receive notices of hearing by email to withdraw that consent. Given the broadening of authorization in juvenile matters achieved through AB 976, the committees now propose to amend this form to refer to the provision of consent for "receiving notices and documents electronically" instead of receiving notices of hearing by e-mail. The amendments to page 2 of the form bring the instructions in line with the electronic service provisions of AB 976. The form retains the functions of consent, provision of an electronic

service or electronic mail address, and withdrawal of consent, and could be used to satisfy the requirement of affirmative consent to electronic service that will be required as of January 1, 2019.

#### **JV-221 Proof of Notice of Application**

This form accompanies the JV-220 *Application for Psychotropic Medicine* and provides the opportunity for the applicant to indicate that notice of the application was provided to parents, caregivers, CASA advocates, attorneys and the child's Indian tribe, as applicable. Because such an application would include medical and/or psychological documentation related to a minor, the committees propose to remove the sections that allow the applicant to indicate that notice was made by electronic service and to provide an e-mail or electronic service address.

#### **JV-282 Proof of Service—Nonminor**

This optional form can be used to provide proof of service of a variety of documents related to a nonminor dependent in a juvenile court matter. Because nonminor dependents are by definition not minors, there are fewer restrictions on their ability to consent to electronic filing and service and on the types of documentation that may be served. The committees propose to describe the ability to electronically serve documents in the first paragraph of the form and to split out the section titled "Name and address" into two sections: "Name" and "Mailing or Electronic Service Address."

#### **JV-310 Proof of Service Under Section 366.26 of the Welfare and Institutions Code**

This mandatory form is used to show proof of service of a notice of hearing pursuant to section 366.26. Notice of all hearings held under this section may be served electronically (as long as other conditions of electronic service have been met), with the exception of a hearing at which the social worker will recommend termination of parental rights. In the latter case, notice may be given electronically, but only in addition to the other legally required forms of service. Therefore, the committees recommend amending this form to add a section to indicate that service was provided electronically and allow the filer to provide both the electronic service address where notice was given (in Item 2h.) and their own electronic service address in Item 3.

#### **JV-326 Proof of Notice**

This form is used to provide proof of notice of the following: 1) an intent to remove; 2) an emergency removal; 3) a hearing regarding an intent to remove; 4) a hearing regarding an emergency removal; and/or 5) a hearing on a prospective adoptive parent designation. Because there is a general authorization for electronic service in juvenile matters of any document that may be served by mail, express mail, overnight delivery or facsimile transmission, pursuant to new section 212.5 with specified exceptions, it is presumed that the notices and hearings described in section 366.26(n) may generally be provided electronically, providing that other conditions of electronic service have been met. However, current rules of court require personal or telephone notice of 1) an intent to remove; 2) a hearing regarding proposed removal; and 3) a hearing regarding an emergency removal. This proposal would amend CRC 5.726, regarding prospective adoptive parent designation and CRC 5.727, regarding proposed removal to allow

for electronic service of the notices under those sections, but would preserve the language in CRC 5.727 and CRC 5.728 mandating personal or telephone notice of the hearing on a proposed removal or an emergency removal. Therefore, the committees propose that this form be modified to account for the possibility of electronic notice in every section that allows for service by mail. This would require additions to items 1a. through 1g. The notification of the court in item 1h. provides for only oral notification to the court (in person or by telephone). The committees also recommend renaming the form to add a statutory cross-reference to section 366.26(n), such that the form name would be "Proof of Notice Under Section 366.26(n)," in order to clearly indicate the relevant proceedings and to match the names of the pertinent title 5 rules.

### **JV-326-INFO Instructions for Notice of Prospective Adoptive Parent Hearing**

This information sheet describes the notice requirements for three types of hearings: 1) a hearing on prospective adoptive parent designation; 2) a hearing on a notice of proposed removal; and 3) a hearing regarding an emergency removal. Please note that the instructions do not address the notice requirements for the intent to remove or the emergency removal. The committees propose that the name of the form be changed to "Instructions for Notice of Hearings Under Section 366.26(n)" to more clearly reflect the content of the INFO sheet and to coordinate with the new name of form JV-326 and the pertinent title 5 rules. The committees further propose amendments to the instructions to reflect the possibility of electronic notice of the hearing regarding a prospective adoptive parent designation.

### **JV-510 Proof of Service—Juvenile**

This optional form can be used to provide proof of service of a variety of documents related to a juvenile court matter. Because AB 976 enacted a general authorization for electronic service, with specified exceptions, the committees propose to describe the ability to electronically serve documents in the first paragraph of the form and to split out the section titled "Name and address" into two sections: "Name" and "Mailing or Electronic Service Address."

### **Alternatives Considered**

Alternatives considered include the retention of electronic service language for hearings on the administration of psychotropic medication and the retention of current rules of court limiting notice of a hearing on a proposed removal. Because the retention of the current language in these rules would be in direct conflict with the new statutory provisions, it was determined that the changes needed to be made.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation may require changes in court procedures and training in those courts that choose to allow electronic filing and electronic service. Because the legislation requires affirmative consent to electronic service by unrepresented parties as of January 1, 2019, there are opportunities to coordinate the provision of this consent through electronic filing service providers.

## Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are there other California Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Should the prohibition on electronic service of psychological and medical evaluations apply to notice of hearings for review of psychotropic drugs?
- Is the proposed rule containing specific points for consideration when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service?
- How should the requirement of express consent to electronic service be effectuated? Should the use of the EFS-005-JV (as proposed to be amended) be mandatory to provide express consent? Should the express consent be written?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed amendments to Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728 and 5.906, and proposed new rule 5.523.
2. Proposed revisions to forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510.
3. Chaptered language of AB 976 can be found here:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB976](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB976)



**Rules 5.500 – 5.502 \*\*\***

**Rule 5.504. Judicial Council forms**

**(a) Explanation of Judicial Council legal forms**

Rules 1.30–1.37 and 2.131–2.134 apply to Judicial Council legal forms, including forms applicable to the juvenile court.

**(b) Electronically produced forms**

The forms applicable to juvenile court may be produced entirely by computer, word-processor printer, or similar process, or may be produced by the California State Department of Social Services Child Welfare Systems Case Management System.

**(c) Implementation of new and revised mandatory forms**

To help implement mandatory Judicial Council juvenile forms:

- (1) New and revised mandatory forms produced by computer, word-processor printer, or similar process must be implemented within one year of the effective date of the form. During that one-year period the court may authorize the use of a legally accurate alternative form, including any existing local form or the immediate prior version of the Judicial Council form.
- (2) ~~Until January 1, 2019, a~~ A court may produce court orders in any form or format as long as:
  - (A) The document is substantively identical to the mandatory Judicial Council form it is modifying;
  - (B) Any electronically generated form is identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is modifying;
  - (C) The order is an otherwise legally sufficient court order, as provided in rule 1.31(g), concerning orders not on Judicial Council mandatory forms; and
  - (D) The court sends written notice of its election to change the form or format of the mandatory form to the Family and Juvenile Law Advisory Committee and submits additional informational reports as requested by the committee.

**Rule 5.505-5.520 \*\*\***

**Rule 5.522. Remote filing**

**(a) Applicability and definitions**

- (1) This rule applies to juvenile court proceedings in courts that permit fax or electronic filing by local rule.
- (2) As used in this rule, “fax,” “fax transmission,” “fax machine,” and “fax filing” are defined in rule 2.301. A fax machine also includes any electronic device capable of receiving a fax transmission, as defined in rule 2.301.
- ~~(3) As used in this rule, “electronic filing” is defined in rule 2.250. Rule 2.250 also defines other terms used in this rule related to electronic filing, such as “document,” “electronic filer,” and “electronic filing service provider,” “regular filing hours,” and “close of business.”~~

**(b) Electronic filing**

A court may allow for the electronic filing of documents in juvenile proceedings as provided under, and consistent with, Welfare and Institutions Code section 212.5.

- ~~(1) A court may allow for the electronic filing of documents in juvenile dependency and delinquency proceedings as provided under, and consistent with, rule 2.252 et seq.~~
- ~~(2) A court may allow for the electronic filing of documents directly with the court or may provide by local rule for indirect filing through an electronic filing service provider that has in place systems to ensure the integrity and confidentiality of transmission of records and adheres to the requirements of rule 2.256(a)(1).~~
- ~~(3) Electronic filing must be conducted in a manner that preserves and ensures the confidentiality of records by encryption or other secure methods.~~
- ~~(4) This rule does not incorporate the electronic service provisions in rule 2.251.~~

**(c) Fax filing \*\*\***

**Proposed New Rule 5.523. Electronic service (§ 212.5)**

**(a) Electronic service—General provisions**

- (1) Unless otherwise provided by law, a document in a juvenile court matter may be served electronically as prescribed by Section 1010.6 of the Code of Civil Procedure and in accordance with section 212.5 of the Welfare and Institutions

Code.

- (2) If the noticing entity knows or should know that a child or nonminor who has consented to electronic service is in custody at the time that a notice will issue, the entity must also provide service of the notice by first-class mail.

**(b) Consent to electronic service by a child, age 10 to 15**

Electronic service is permitted on any party or person who is 10 to 15 years of age only upon express consent of the child and the child's attorney.

**(c) Consent to electronic service by a child, age 16 or 17**

Electronic service is permitted on any party or person who is 16 or 17 years of age only if the child, after consultation with his or her attorney, consents.

**(d) Required consultation with attorney for child, age 16 or 17**

In a consultation with a child who is 16 or 17 years old and who seeks to consent to electronic service in a juvenile matter, the child's attorney must discuss and encourage the child to consider the following:

- (1) Whether the child has regular and reliable access to a means of electronic communication for purposes of communication regarding their case;
- (2) What means of electronic communication the child intends to use to communicate about their case and whether it is private and secure; and
- (3) Whether the child understands their rights with respect to the provision and withdrawal of consent to electronic service.

**(e) Required notification to child, age 16 or 17**

In addition to the required factors for consideration in consultation described in subdivision (c), the child's attorney must also notify the child who seeks to provide consent to electronic service of the following:

- (3) Electronic transmission of medical or psychological documentation related to a child is prohibited, with the exception of the summary required pursuant to Section 16010 when included as part of a required report to the court.
- (4) On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in Section 1010.6 of the Code of Civil Procedure.
- (5) A party or other person may subsequently withdraw their consent to electronic service by completing the appropriate Judicial Council form.

## **Rule 5.524. Form of petition; notice of hearing**

### **(a) Form of petition—dependency (§§ 332, 333)**

The petition to declare a child a dependent of the court must be verified and may be dismissed without prejudice if not verified. The petition must contain the information stated in section 332.

### **(b) Form of petition—delinquency (§§ 656, 656.1, 656.5, 661)**

The petition to declare a child a ward of the court must be verified and may be dismissed without prejudice if not verified. The petition must contain the information stated in sections 656, 656.1, 656.5, 661, and, if applicable, the intent to aggregate other offenses under section 726.

### **(c) Use of forms**

Dependency petitions must be filed on a Judicial Council form. The filing party must use *Juvenile Dependency Petition (Version One)* (form JV-100) with the *Additional Children Attachment (Juvenile Dependency Petition)* (form JV-101) when appropriate, or *Juvenile Dependency Petition (Version Two)* (form JV-110) as prescribed by local rule or practice. Rules 1.31 and 1.32 govern the use of mandatory and optional forms, respectively.

### **(d) Amending the petition (§§ 348, 678)**

Chapter 8 of title 6 of part 2 of the Code of Civil Procedure, beginning at section 469, applies to variances and amendments of petitions and proceedings in the juvenile court.

### **(e) Notice of hearing—dependency (§§ 290.1, 290.2, 297, 338)**

- (1) When the petition is filed, the probation officer or social worker must serve a notice of hearing under section 290.1, with a copy of the petition attached. On filing of the petition, the clerk must issue and serve notice as prescribed in section 290.2, along with a copy of the petition. CASA volunteers are entitled to the same notice as stated in sections 290.1 and 290.2. [Notice under sections 290.1 and 290.2 cannot be served electronically.](#)
- (2) If the county and the court choose to allow notice by electronic [mailservice](#) of hearings under sections ~~290.1~~291–295, the court must develop a process for obtaining consent from persons entitled to notice that complies with ~~the notice statute~~[Welfare & Institutions Code section 212.5](#) and ensures that notice can be effectuated according to statutory timelines.

(f) **Notice of hearing—delinquency (§§ 630, 630.1, 658, 659, 660)**

- (1) Immediately after the filing of a petition to detain a child, the probation officer or the prosecuting attorney must issue and serve notice as prescribed in section 630.
- (2) When a petition is filed, the clerk must issue and serve a notice of hearing in accordance with sections 658, 659, and 660 with a copy of the petition attached.
- ~~(3) After reasonable notification by minor's counsel or his or her parent or guardian, the clerk must provide notice to the minor's attorney as stated in section 630.1.~~
- (3) After reasonable notification by counsel representing the child, his parents or guardian, the clerk must notify such counsel of the hearings as prescribed in section 630.1.

(g)-(h) \*\*\*

**Rules 5.526-5.532 \*\*\***

**Rule 5.534. General provisions—all proceedings**

(a)-(h) \*\*\*

(i) **Mailing Address of parent or guardian—notice (§ 316.1)**

At the first appearance by a parent or guardian in proceedings under section 300 et seq., the court must order each parent or guardian to provide a mailing address.

- (1) The court must advise that the mailing address provided will be used by the court, the clerk, and the social services agency for the purposes of notice of hearings and the mailing of all documents related to the proceedings.
- (2) The court must advise that until and unless the parent or guardian, or the attorney of record for the parent or guardian, submits written notification of a change of mailing address, the address provided will be used, and notice requirements will be satisfied by appropriate service at that address.
- (3) *Notification of Mailing Address* (form JV-140) is the preferred method of informing the court and the social services agency of the mailing address of the parent or guardian and change of mailing address.

(A) The form must be delivered to the parent or guardian, or both, with the



petition.

- (B) The form must be available in the courtroom, in the office of the clerk, and in the offices of the social services agency.
- (C) The form must be printed and made available in both English and Spanish.

~~(4) If the county and the court allow notice of hearings under sections 290.1–295 by electronic mail, persons who are entitled to notice and who want to receive notice of hearings by electronic mail must indicate their consent by filing E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency) (form EFS-005-JV/JV-141).~~

**(j) Electronic service address (§ 316.1)**

Each party or person entitled to notice who consents to electronic service pursuant to Section 212.5 must provide the court with an electronic service address.

- (1) The court must advise the party or person entitled to notice that the electronic service address will be used by the court and the social services agency for purposes of providing notice pursuant to Sections 291, 292, 293, 294, 295, 297, and 342, unless and until the party or person notifies the court or the social services agency of a new electronic service address in writing or unless the party or person withdraws consent to electronic service.
- (2) A party or person entitled to notice may indicate their consent and provide their electronic service address by filing *Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141).

~~(i)~~

**(k) Caregiver notice and right to be heard (§§ 290.1–297, 366.21) \*\*\***

**Rule 5.536 \*\*\***

**Rule 5.538. Conduct of proceedings held before a referee not acting as a temporary judge**

- (a) \*\*\*
- (b) **Furnishing and serving findings and order; explanation of right to review (§ 248)**

After each hearing before a referee, the referee must make findings and enter an order as provided elsewhere in these rules. In each case, the referee must furnish and serve the findings and order and provide an explanation of the right to review the order in accordance with sections 248 and 248.5. ~~cause all of the following to be done promptly:~~

- (1) ~~Furnish a copy of the findings and order to the presiding judge of the juvenile court.~~
- (2) ~~Furnish to the child (if the child is 14 or more years of age or, if younger, as requested) a copy of the findings and order, with a written explanation of the right to seek review of the order by a juvenile court judge.~~
- (3) ~~Serve the parent and guardian—and counsel for the child, parent, and guardian—a copy of the findings and order, with a written explanation of the right to seek review of the order by a juvenile court judge.~~
  - (A) ~~Service is deemed complete at the time of personal, in court service as provided in Welfare and Institutions Code section 248, subdivision (b)(1).~~
  - (B) ~~If personal, in court service as in (A) is not possible, service must be by mail to the last known address and is deemed complete at the time of mailing as provided in subdivision (b)(2) of that section.~~

**Rules 5.540-5.560 \*\*\***

**Rule 5.565. Hearing on subsequent and supplemental petitions (§§ 342, 364, 386, 387)**

**(a) Contents of subsequent and supplemental petitions (§§ 342, 364, 387)**

A subsequent petition and a supplemental petition must be verified and, to the extent known to the petitioner, contain the information required in an original petition as described in rule 5.524. A supplemental petition must also contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the protection of the child or, in the case of a dependent child placed with a relative, that the placement is not appropriate in view of the criteria in section 361.3.

**(b) Setting the hearing (§§ 334, 342, 364, 386, 387)**

When a subsequent or supplemental petition is filed, the clerk must immediately set it for hearing within 30 days of the filing date. The hearing must begin within the time limits prescribed for jurisdiction hearings on original petitions under rule 5.670.

**(c) Notice of hearing (§§ 292, 297)**

- (1) For petitions filed under section 342 or section 387, notice must be provided in accordance with section 297.

- (2) For petitions filed under section 364, notice must be provided in accordance with section 292.

~~(e) — Notice of hearing (§§ 290.1, 290.2, 292, 297)~~

~~For petitions filed under sections 342 or 387, notice must be provided in accordance with sections 290.1, 290.2, and 291. Notice for petitions filed under section 364 must be provided as stated in section 292.~~

(d)-(f) \*\*\*

**Rule 5.570. Request to change court order (petition for modification)**

(a)-(f) \*\*\*

**(g) Notice of petition and hearing (§§ 388, 778)**

~~The clerk must cause notice of the hearing to be given to the persons and in the same manner prescribed by rule 5.524. The caregiver of the child, nonminor, or nonminor dependent and the tribe of an Indian child must be similarly notified. The parent or legal guardian of a nonminor dependent must not be notified unless the nonminor dependent requests that he or she receive notice or the parent or legal guardian is receiving court-ordered family reunification services.~~

- (1) If a petition is filed under section 388 or section 778 to terminate juvenile court jurisdiction over a nonminor, notice of the hearing must be given as required by section 295. [Rule 5.555(b)(3)]
- (2) For hearings on all other petitions filed under section 388 or section 778, notice of the hearing must be provided in accordance with section 291, except that notice to parents or former guardians of a nonminor must only be provided if the nonminor requests, in writing on the face of the petition, notice to the parents or former guardians, or the parent or legal guardian is receiving court-ordered family reunification services.

(h)-(j) \*\*\*

**Rule 5.575-5.585 \*\*\***

**Rule 5.590. Advisement of right to review in Welfare and Institutions Code section 300, 601, or 602 cases**

(a) \*\*\*

(b) **Advisement of requirement for writ petition to preserve appellate rights when court orders hearing under section 366.26**

When the court orders a hearing under Welfare and Institutions Code section 366.26, the court must advise all parties and, if present, the child's parent, guardian,

or adult relative, that if the party wishes to preserve any right to review on appeal of the order setting the hearing under Welfare and Institutions Code section 366.26, the party is required to seek an extraordinary writ by filing a *Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450)* (form JV-820) or other notice of intent to file a writ petition and request for record and a *Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)* (form JV-825) or other petition for extraordinary writ.

- (1) The advisement must be given orally to those present when the court orders the hearing under Welfare and Institutions Code section 366.26.
- ~~(2) Within one day after the court orders the hearing under Welfare and Institutions Code section 366.26, the advisement must be sent by first-class mail by the clerk of the court to the last known address of any party who is not present when the court orders the hearing under Welfare and Institutions Code section 366.26.~~
- (2) If a party is not present at the time of making the order, the advisement must be made by the clerk of the court by first-class mail to the last known address of the party or by electronic service in accordance with section 212.5. If the notice is for a hearing at which the social worker will recommend the termination of parental rights, the notice may be electronically served in accordance with section 212.5, but only in addition to service of the notice by first-class mail.
- (3) The advisement must include the time for filing a notice of intent to file a writ petition.
- (4) Copies of *Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)* (form JV-825) and *Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450)* (form JV-820) must be available in the courtroom and must accompany all mailed notices informing the parties of their rights.

(c) \*\*\*

**Rule 5.595-5.637 \*\*\***

**Rule 5.640. Psychotropic medications**

(a)-(b) \*\*\*

(c) **Procedure to obtain authorization**

(1)-(4) \*\*\*

- (5) Local county practice and local rules of court determine the procedures for completing and filing the forms and for the provision of notice, except as otherwise provided in this rule and in [Welfare and Institutions Code section 212.5](#). The person or persons responsible for providing notice as required by local court rules or local practice protocols are encouraged to use the most expeditious [legally authorized](#) manner of service ~~possible~~[available](#) to ensure timely notice.
- (6) *Application for Psychotropic Medication* (form JV-220) may be completed by the prescribing physician, medical office staff, child welfare services staff, probation officer, or the child's caregiver. If the applicant is the social worker or probation officer, he or she must complete all items on form JV-220. The physician prescribing the administration of psychotropic medication for the child must complete and sign *Physician's Statement-Attachment* (form JV-220(A)) or if it is a request to continue the same medication by the same physician that completed the most recent JV-220(A), then the physician may complete and sign *Physician's Request to Continue Medication-Attachment* (form JV-220(B)).
- (7) The court must approve, deny, or set the matter for a hearing within seven court days of the receipt of the completed JV-220 and JV-220(A) or (B).
- (8) Notice must be provided to the parents or legal guardians, their attorneys of record, the child's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's current caregiver, the child's Court Appointed Special Advocate, if any, and where a child has been determined to be an Indian child, the Indian child's tribe (see also 25 U.S.C. § 1903(4)-(5); Welf. and Inst. Code, §§ 224.1(a) and (e) and 224.3). If the child is living in a group home, notice to the caregiver must be by notice to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.

Notice must be provided as follows:

- (A) Notice to the parents or legal guardians and their attorneys of record must include:
  - (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);

- (iv) A blank copy of *Statement About Medicine Prescribed* (form JV-219);  
and
  - (v) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222).
- (B) Notice to the child's current caregiver and Court Appointed Special Advocate, if one has been appointed, must include only:
- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);
  - (iv) A blank copy of *Child's Opinion About the Medicine* (form JV-218);  
and
  - (v) A blank copy of *Statement About Medicine Prescribed* (form JV-219).
- (C) Notice to the child's attorney of record and any Child Abuse Prevention and Treatment Act guardian ad litem for the child must include:
- (i) A completed copy of *Application for Psychotropic Medication* (form JV-220);
  - (ii) A completed copy of *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B));
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
  - (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form.; and
  - (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.
- (D) Notice to the Indian child's tribe must include:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child, and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
  - (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form; and
  - (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.
  - (vi) A blank copy of *Statement About Medicine Prescribed* (form JV-219) or information on how to obtain a copy of the form.
- (E) Proof of notice of the application regarding psychotropic medication must be filed with the court using *Proof of Notice of Application* (form JV-221).
- (9) If all the required information is not included in the request for authorization, the court must order the applicant to provide the missing information and set a hearing on the application.
- (10) The court may grant the application without a hearing or may set the matter for hearing at the court's discretion. If the court sets the matter for a hearing, the clerk of the court must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys of record, the dependent child if 12 years of age or older, a ward of the juvenile court of any age, the child's attorney of record, the child's current caregiver, the child's social worker or probation officer, the social worker's or probation officer's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's Court Appointed Special Advocate, if any, and the Indian child's tribe at least two court days before the hearing. Notice must be provided to the child's probation officer and the district attorney, if the child is a ward of the juvenile court.

**(d)-(f) \*\*\***

**(g) Progress review**

- (1) After approving any application for authorization, regardless of whether the approval is made at a hearing, the court must set a progress review.



- (2) A progress review must occur at every status review hearing and may occur at any other time at the court's discretion.
- (3) If the progress review is held at the time of the status review hearing, notice **must be provided as required** under section 293 or 295, **except that electronic service of psychological or medical documentation related to a child is not permitted.** The notice must include a statement that the hearing will also be a progress review on previously ordered psychotropic medication, and must include a blank copy of *Child's Opinion About the Medicine* (form JV-218) and a blank copy of *Statement About Medicine Prescribed* (form JV-219).
- (4) If the progress review is not held at the time of the status review hearing, notice must be provided as required under section 293 or 295, **except that electronic service of psychological or medical documentation related to a child is not permitted.** The notice must include a statement that the hearing will be a progress review on previously ordered psychotropic medication; and must include a blank copy of *Child's Opinion About the Medicine* (form JV-218) and a blank copy of *Statement About Medicine Prescribed* (form JV-219).
- (5) Before each progress review, the social worker or probation officer must file a completed *County Report About Psychotropic Medication* (form JV-224) at least 10 calendar days before the hearing. If the progress review is set at the same time as a status review hearing, form JV-224 must be attached to and filed with the report.
- (6) The child, caregiver, parents, and Court Appointed Special Advocate, if any, may provide input at the progress review as stated in (c)(2).
- (7) At the progress review, the procedures described in section 349 must be followed.

**(h) Copy of order to caregiver**

- (1) Upon the approval or denial of the application, the county child welfare agency, probation department, or other person or entity who submitted the request must provide the child's caregiver with a copy of the court order approving or denying the request.
- (2) **The copy of the order must be provided in person or mailed within two court days of when the order is signed.**
- (3) If the court approves the request, the copy of the order must include the last two pages of form JV-220(A) and all medication information sheets (medication monographs) that were attached to form JV-220(A).
- (4) If the child resides in a group home, a copy of the order, the last two pages of form JV-220(A), and all medication information sheets (medication monographs) that were attached to the JV-220(A) must be provided to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.

- (5) If the child changes placement, the social worker or probation officer must provide the new caregiver with a copy of the order, the last two pages of form JV-220(A), and the medication information sheets (medication monographs) that were attached to form JV-220(A).

(i)-(k) \*\*\*

Rule 5.645-5.690 \*\*\*

**Rule 5.695. Findings and orders of the court—disposition**

(a)-(f) \*\*\*

(g) **Provision of reunification services (§ 361.5)**

(1)-(9) \*\*\*

- (10) When the court orders a hearing under section 366.26, the court must advise orally all parties present, and by first-class mail or by electronic service in accordance with section 212.5 for parties not present, that if the party wishes to preserve any right to review on appeal of the order setting the hearing under section 366.26, the party must seek an extraordinary writ by filing a Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450) (form JV-820) or other notice of intent to file a writ petition and request for record and a Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456) (form JV- 825) or other petition for extraordinary writ.

(A) Within 24 hours of the hearing, notice by first-class mail or by electronic service in accordance with section 212.5 must be provided by the clerk of the court to the last known address of any party who is not present when the court orders the hearing under section 366.26.

(B) Copies of Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456) (form JV-825) and Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450) (form JV-820) must be available in the courtroom and must accompany all mailed notices informing the parties of their rights.

(C) If the notice is for a hearing at which the social worker will recommend the termination of parental rights, the notice may be electronically served in accordance with section 212.5, but only in addition to service of the notice by first-class mail.

(h)-(i) \*\*\*

**Rule 5.700. Termination of jurisdiction—custody and visitation orders (§§ 302, 304, 361.2, 362.4, 726.5)**

(a)-(c) \*\*\*

**(d) Endorsed filed copy—clerk’s certificate of mailing**

Within 15 court days of receiving the order, the clerk of the receiving court must send an endorsed filed copy of the order showing the case number assigned by the receiving court by first-class mail or by electronic means in accordance with section 212.5 to the child’s parents and the originating juvenile court, with a completed clerk’s certificate of mailing, for inclusion in the child’s file.

**Rule 5.705-5.725 \*\*\***

**Rule 5.726. Prospective adoptive parent designation (§§ 366.26(n), 16010.6)**

(a)-(c) \*\*\*

**(d) Notice of designation hearing**

After the court has ordered a hearing on a request for prospective-adoptive-parent designation, notice of the hearing must be as described below.

- (1) The following participants must be noticed:
  - (A) The adoption agency;
  - (B) The current caregiver,
  - (C) The child’s attorney;
  - (D) The child, if the child is 10 years of age or older;
  - (E) The child’s identified Indian tribe if any;
  - (F) The child’s Indian custodian if any; and
  - (G) The child’s CASA program if any.
- (2) If the request for designation is made at the same time as a request for hearing on a proposed or emergency removal, notice of the designation hearing must be provided with notice of the hearing on proposed removal, as stated in rule 5.727(f).

- (3) If the request for designation is made before the agency serves notice of a proposed removal or before an emergency removal occurred, notice must be as follows:
- (A) Service of the notice must be either by first-class mail or [electronic service in accordance with section 212.5](#) sent at least 15 calendar days before the hearing date to the last known address of the person to be noticed, or by personal service on the person at least 10 calendar days before the hearing.
  - (B) *Prospective Adoptive Parent Designation Order* (form JV-327) must be used to provide notice of a hearing on the request for prospective adoptive parent designation.
  - (C) The clerk must provide notice of the hearing to the participants listed in (1) above, if the court, caregiver, or child requested the hearing.
  - (D) The child's attorney must provide notice of the hearing to the participants listed in (1) above, if the child's attorney requested the hearing.
  - (E) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the request for prospective adoptive parent designation.

(e)-(f) \*\*\*

#### **Rule 5.727. Proposed removal (§ 366.26(n))**

##### **(a) Application of rule**

This rule applies, after termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, to the removal by the Department of Social Services (DSS) or a licensed adoption agency of a dependent child from a prospective adoptive parent or from a caregiver who may meet the criteria for designation as a prospective adoptive parent in section 366.26(n)(1). This rule does not apply if the caregiver requests the child's removal.

##### **(b) Participants to be served with notice**

Before removing a child from the home of a prospective adoptive parent as defined in section 366.26(n)(1) or from the home of a caregiver who may meet the criteria of a prospective adoptive parent in section 366.26(n)(1), and as soon as possible after a decision is made to remove the child, the agency must notify the following participants of the proposed removal:

- (1) The court;
- (2) The current caregiver, if that caregiver either is a designated prospective adoptive parent or, on the date of service of the notice, meets the criteria in section 366.26(n)(1);
- (3) The child's attorney;
- (4) The child, if the child is 10 years of age or older;
- (5) The child's identified Indian tribe if any;
- (6) The child's Indian custodian if any; ~~and~~
- (7) The child's CASA program if any; ~~and~~
- (8) The child's sibling's attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with section 16010.6.

**(c) Form of notice**

DSS or the agency must provide notice on *Notice of Intent to Remove Child* (form JV-323). A blank copy of *Objection to Removal* (form JV-325) and *Request for Prospective Adoptive Parent Designation* (form JV-321) must also be provided to all participants listed in (b) except the court.

**(d) Service of notice**

DSS or the agency must serve notice of its intent to remove a child as follows:

- (1) DSS or the agency must serve notice either by first-class mail ~~or by electronic service in accordance with section 212.5~~, sent to the last known address of the person to be noticed, or by personal service.
- (2) If service is by first-class mail, service is completed and time to respond is extended by five calendar days.
- (3) ~~If service is made through electronic means, service is completed and time to respond is extended in accordance with section 1010.6 of the Code of Civil Procedure.~~
- ~~(3)~~ (4) Notice to the child's identified Indian tribe and Indian custodian must

comply with the requirements of section 224.2.

- (4) (5) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the proposed removal.

**(e) Objection to proposed removal**

Each participant who receives notice under (b) may object to the proposed removal of the child and may request a hearing.

- (1) A request for hearing on the proposed removal must be made on *Objection to Removal* (form JV-325).
- (2) A request for hearing on the proposed removal must be made within five court or seven calendar days from the date of notification, whichever is longer. If service of the notification is by mail, time to request a hearing is extended by five calendar days. [If service of the notification is by electronic means, time to request a hearing is extended in accordance with section 1010.6 of the Code of Civil Procedure.](#)
- (3) The court must set a hearing as follows:
  - (A) The hearing must be set as soon as possible and not later than five court days after the objection is filed with the court.
  - (B) If the court for good cause is unable to set the matter for hearing five court days after the petition is filed, the court must set the matter for hearing as soon as possible.
  - (C) The matter may be set for hearing more than five court days after the objection is filed if this delay is necessary to allow participation by the child's identified Indian tribe or the child's Indian custodian.

**(f) Notice of hearing on proposed removal**

After the court has ordered a hearing on a proposed removal, notice of the hearing must be as follows:

- (1) The clerk must provide notice of the hearing to the agency and the participants listed in (b) above, if the court, caregiver, or child requested the hearing.
- (2) The child's attorney must provide notice of the hearing to the agency and the participants listed in (b) above, if the child's attorney requested the hearing.

(3) Notice must be by personal service or by telephone. Notice by personal service must include a copy of the completed forms *Notice of Intent to Remove Child* (form JV-323) and *Objection to Removal* (form JV-325). Telephone notice must include the reasons for and against the removal, as indicated on forms JV-323 and JV-325.

(4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing on the proposed removal.

(g)-(i) \*\*\*

**Rule 5.728. Emergency removal (§ 366.26(n))**

**(a) Application of rule**

This rule applies, after termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, to the removal by the Department of Social Services (DSS) or a licensed adoption agency of a dependent child from the home of a prospective adoptive parent or a caregiver who may meet the criteria for designation as a prospective adoptive parent in section 366.26(n)(1) when the DSS or the licensed adoption agency has determined a removal must occur immediately due to a risk of physical or emotional harm. This rule does not apply if the child is removed at the request of the caregiver.

**(b) Participants to be noticed**

After removing a child from the home of a prospective adoptive parent, or from the home of a caregiver who may meet the criteria of a prospective adoptive parent in section 366.26(n)(1), because of risk of physical or emotional harm, the agency must notify the following participants of the emergency removal:

- (1) The court;
- (2) The caregiver, who is a prospective adoptive parent or who, on the date of service of the notice, may meet the criteria in section 366.26(n)(1);
- (3) The child's attorney;
- (4) The child if the child is 10 years of age or older;
- (5) The child's identified Indian tribe if any;
- (5) The child's Indian custodian if any; ~~and~~
- (6) The child's CASA program if any; ~~and~~

- (7) The child's sibling's attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with section 16010.6.

**(c) Form and service of notice**

*Notice of Emergency Removal* (form JV-324) must be used to provide notice of an emergency removal, as described below.

- (1) The agency must provide notice of the emergency removal as soon as possible but no later than two court days after the removal.
- (2) Notice must be either by telephone or by personal service of the form.
- (3) Telephone notice must include the reasons for removal as indicated on the form, and notice of the right to object to the removal.
- (4) Whenever possible, the agency, at the time of the removal, must give a blank copy of *Request for Prospective Adoptive Parent Designation* (form JV-321) and a blank copy of *Objection to Removal* (form JV-325) to the caregiver and, if the child is 10 years of age or older, to the child.
- (5) Notice to the court must be served by filing *Notice of Emergency Removal* (form JV-324) and *Proof of Notice* (form JV-326) with the court.
- (6) *Proof of Notice* (form JV-326) must be filed with the court before the hearing on the proposed removal.

**(d) Objection to emergency removal**

Each participant who receives notice under (b) may object to the removal of the child and may request a hearing.

- (1) A request for hearing on the emergency removal must be made on *Objection to Removal* (form JV-325).
- (2) The court must set a hearing as follows:
  - (A) The hearing must be set as soon as possible and not later than five court days after the petition objecting to removal is filed with the court.
  - (B) If the court for good cause cannot set the matter for hearing within five court days after the petition objecting to removal is filed, the court must set the matter for hearing as soon as possible.



- (C) The matter may be set for hearing more than five court days after the petition objecting to removal is filed if this delay is necessary to allow participation by the child's identified Indian tribe or the child's Indian custodian.

**(e) Notice of hearing on emergency removal**

After the court has ordered a hearing on an emergency removal, notice of the hearing must be as follows:

- (1) The clerk must provide notice of the hearing to the agency and the participants listed in (b) above, if the court, caregiver, or child requested the hearing.
- (2) The child's attorney must provide notice of the hearing to the agency and the participants listed in (b) above, if the child's attorney requested the hearing.
- (3) Notice must be by personal service or by telephone. Notice by personal service must include a copy of the completed *Notice of Emergency Removal* (form JV-324). Telephone notice must include the reasons for and against the removal, as indicated on forms JV-324 and JV-325.
- (4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing on the emergency removal.

(f)-(g) \*\*\*

**Rule 5.730-5.903 \*\*\***

**Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§ 224.1(b), 303, 388(e), 388.1)**

(a)-(c) \*\*\*

**(d) Determination of prima facie showing**

- (1) Within three court days of the filing of form JV-466 with the clerk of the juvenile court of general jurisdiction, a juvenile court judicial officer must review the form JV-466 and determine whether a prima facie showing has been made that the nonminor meets all of the criteria set forth below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).
  - (A) The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement on the date he or she attained 18

years of age, or the nonminor is eligible to seek assumption of dependency jurisdiction pursuant to the provisions of subdivision (c) of section 388.1;

- (B) The nonminor has not attained 21 years of age;
  - (C) The nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a voluntary reentry agreement; and
  - (D) The nonminor intends to satisfy at least one of the eligibility criteria in section 11403(b).
- (2) If the court determines that a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new form JV-466 may be filed when those issues are resolved.
- (A) The court clerk must serve on the nonminor:
    - A copy of the written order;
    - A blank copy of *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) and *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468);
    - A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO); and
    - The names and contact information for those attorneys approved by the court to represent children in juvenile court proceedings who have agreed to provide a consultation to any nonminor whose request was denied due to the failure to make a prima facie showing.
  - (B) The court clerk must serve on the placing agency a copy of the written order.
  - (C) Service must be by personal service, ~~or~~ by first-class mail, or by [electronic service in accordance with section 212.5](#) within two court days of the issuance of the order.
  - (D) A proof of service must be filed.
- (3) If the judicial officer determines that a prima facie showing has been made,

the judicial officer must issue a written order:

- (A) Directing the court clerk to set the matter for a hearing, and
- (B) Appointing an attorney to represent the nonminor solely for the hearing on the request.

(e)-(f) \*\*\*

**(g) Notice of hearing**

- (1) The juvenile court clerk must serve notice as soon as possible, but no later than five court days before the date the hearing is set, as follows:
  - (A) The notice of the date, time, place, and purpose of the hearing and a copy of the form JV-466 must be served on the nonminor, the nonminor's attorney, the child welfare services agency, the probation department, or the Indian tribal agency that was supervising the nonminor when the juvenile court terminated its delinquency, dependency, or transition jurisdiction over the nonminor, and the attorney for the child welfare services agency, the probation department, or the Indian tribe.
  - (B) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's parents only if the nonminor included in the form JV-466 a request that notice be provided to his or her parents.
  - (C) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's tribal representative if the nonminor is an Indian child and indicated on the form JV-466 his or her choice to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.
  - (D) The notice of the date, time, place, and purpose of the hearing must be served on the local CASA office if the nonminor had a CASA and included on the form JV-466 a request that notice be provided to his or her former CASA.
- (2) The written notice served on the nonminor dependent must include:
  - (A) A statement that the nonminor may appear for the hearing by telephone; and

- (B) Instructions regarding the local juvenile court procedures for arranging to appear and appearing at the hearing by telephone.
- (3) Service of the notice must be by personal service, ~~or~~ by first-class mail, or by electronic service in accordance with section 212.5.
- (4) Proof of service of notice must be filed by the juvenile court clerk at least two court days prior to the hearing.

(h)-(i) \*\*\*

DRAFT

**Electronic Service: Consent,  
Withdrawal of Consent, Address  
Change (Juvenile)**

Clerk stamps date here when form is filed.

**Use this form to:**

- Tell the court that you **agree to receive** notices and documents in your case electronically and give the court an electronic service address;
- **Change** your electronic service or e-mail address; or
- Tell the court that you **do not want to receive** notices and documents in your case electronically any more

- 1  I agree to **receive notices and documents electronically** in this case
- I want to change **my electronic service or e-mail address**. I want to receive notices and documents **at the new address** below starting on: (date):
- I want to stop receiving **notices and documents electronically**, starting: (date):

2 **My role is this juvenile case is** (choose one of the following):

- Child or nonminor dependent who is the subject of the hearing  
I am:  **10-15 years old**       18+ years old  
 16 or 17 years old
- Parent or presumed/alleged parent
- Legal guardian
- Lawyer for (name of party or person represented): \_\_\_\_\_

- Grandparent/other adult relative (relationship to child or nonminor dependent): \_\_\_\_\_
- Caregiver for  the child or nonminor dependent     the sibling of the child
- Sibling of the child (age, if minor): \_\_\_\_\_
- Other (relationship to child or nonminor dependent): \_\_\_\_\_

3  I agree to receive **notices and documents at this electronic or e-mail address** (please print carefully):

Please keep this address confidential.

I do not want to receive **notices and documents electronically** anymore. I am attaching a copy of the Judicial Council form, *Notification of Mailing Address (JV-140)*, with my current mailing address.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature

**If you are a child between the ages of 10 and 15 and you want to receive notices and documents in this case electronically, your lawyer must also agree and sign this form below.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name of lawyer for child

\_\_\_\_\_  
Signature of lawyer for child

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

**Case Number:**



Child's name: \_\_\_\_\_

**If your court and social services agency offer electronic service and you are a party or a person entitled to notice in a juvenile matter:**

- You can (but do not have to) **agree to receive notices and documents electronically (electronic service)**. If you want to **receive notices and documents electronically**, you may fill out and sign this form, the EFS-005-JV/JV-141, and return it to the court.
  - The **electronic or e-mail address** you provide will be used to serve notices and documents electronically in your case unless and until you tell the court that you have changed your **electronic service or e-mail address**.
  - The court and social services agency will use your **electronic service or e-mail address** to send you notices of hearings and other documents when the court opens a case to protect a child from abuse or neglect. If you are a parent, you can read more about this process and the different types of hearings that will be held in *What happens if your child is taken from your home?* (form JV-050-INFO) and on the California Courts website: [www.courts.ca.gov/selfhelp-childabuse.htm](http://www.courts.ca.gov/selfhelp-childabuse.htm).
  - You may ask the court or social services agency to keep **your electronic service or e-mail address** confidential by checking the box underneath your e-mail address.
  - **If a social worker will recommend terminating parental rights over a child** at the hearing, you will still receive the hearing notice by mail or in person. You will also receive the hearing notice **electronically**.
  - If you are a child between the **ages of 10 and 15** and you want to **receive notices and documents electronically**, **your lawyer must also sign this form** and agree for you to **receive notices and documents electronically**.
  - If you are a child **age 16 or 17** and want to **receive notices and documents electronically**, **you must first consult with your lawyer and your lawyer must provide you with certain information before you give your consent**. See **California Rule of Court 5.523** for details about the information your attorney must provide you before you give your consent.
- 
- You may also use this form to tell the court when you **change your electronic service or e-mail address**.
- 
- You may also use this form to **stop** receiving **notices and documents electronically**. If you previously gave the court or social service agency an **electronic service or e-mail address** and agreed to **receive notices and documents electronically**, you can use this form to tell the judge that you do not want to **receive notices and documents electronically** anymore. **If you decide to stop receiving notices and documents electronically, please fill out and attach a copy of the Judicial Council form *Notification of Mailing Address (JV-140)* with your current mailing address when you submit this form.**

Clerk stamps date here when form is filed.

Read Form JV-217-INFO, *Guide to Psychotropic Medication Forms*, for more information about the required forms and the application process.

①  The following parents/legal guardians of the child were notified of the physician’s request to begin and/or to continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with Form JV-217-INFO, *Guide to Psychotropic Medication Forms*, a blank copy of Form JV-219, *Statement About Medicine Prescribed* and a blank copy of Form JV-222, *Input on Application for Psychotropic Medication*.

a. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

c. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

Court fills in case number when form is filed.

**Case Number:**

②  Parental rights were terminated, and the child has no legal parents who must be informed.

③  Parent/legal guardian (name): \_\_\_\_\_  
was not informed because (state reason): \_\_\_\_\_

④  Parent/legal guardian (name): \_\_\_\_\_  
was not informed because (state reason): \_\_\_\_\_

⑤ The child’s current caregiver was notified that a physician is asking to treat the child with psychotropic medication and that an application is pending before the court. The caregiver was provided Form JV-217-INFO, *Guide to Psychotropic Medication Forms* and a blank copy of Form JV-219, *Statement About Medicine Prescribed*, or information on how to obtain a copy of the form as follows:



Child's name: \_\_\_\_\_

5 Caregiver's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_ By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the following address

(specify): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_


 \_\_\_\_\_  
 Sign your name  Signature follows on page 3.

Type or print name

 6  The child's attorney and the child's CAPTA guardian ad litem, if that person is someone other than the child's attorney, were provided with completed Form JV-220, *Application for Psychotropic Medication*; completed JV-220(A), *Physician's Statement—Attachment* or completed Form JV-220(B), *Physician's Request to Continue Medication—Attachment*; a copy of Form JV-217-INFO, *Guide to Psychotropic Medication Forms*; a blank Form JV-218, *Child's Opinion About the Medication*; and a blank copy of Form JV-222, *Input on Application for Psychotropic Medication*, as follows:

a. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By fax at (specify): \_\_\_\_\_ By depositing copies in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. CAPTA guardian ad litem's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By fax at (specify): \_\_\_\_\_ By depositing copies in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_
 7  The following attorneys were notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with a copy of Form JV-217-INFO, *Guide to Psychotropic Medication Forms*, and a blank copy of Form JV-222, *Input on Application for Psychotropic Medication*, or with information on how to obtain a copy of each form as follows:

a. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_ By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_ By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_



Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

7 c. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

Date: \_\_\_\_\_  
Type or print name

Sign your name  Signature follows on page 3.

8  The child's CASA volunteer was notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and an application is pending before the court as follows:

CASA volunteer (name): \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

9  The Indian child's tribe was notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with Form JV-217-INFO, *Guide to Psychotropic Medication Forms*, a blank copy of Form JV-219, *Statement About Medicine Prescribed*, and a blank copy of JV-222, *Input on Application for Psychotropic Medication*.

Indian Tribe (name): \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
Type or print name

Sign your name

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
NONMINOR'S NAME: _____	
<b>PROOF OF SERVICE—NONMINOR</b>	CASE NUMBER: _____

I served a copy of the (*name of document*):

on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the United States mail with postage prepaid or at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar **OR by delivering a copy by electronic means at the electronic service address indicated below:**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Nonminor<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service:   | <input type="checkbox"/> Attorney<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: |
| 2. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service:   | <input type="checkbox"/> Attorney<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>Notice provided only if requested by nonminor dependent or if the parent is receiving court-ordered family reunification services.<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: |
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>Notice provided only if requested by nonminor dependent or if the parent is receiving court-ordered family reunification services.<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. <b>Mailing or electronic service address:</b><br>c. Date of service:<br>d. Method of service: |

<b>NONMINOR'S NAME:</b>	CASE NUMBER:
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5.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
6.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
7.  Supervisor of nonminor dependent's residence  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
8.  Other  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
9.  Other  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:

10. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. **My residence or business mailing address or my electronic service address is (specify):**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

\_\_\_\_\_  
 SIGNATURE

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>   <b>DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>PROOF OF SERVICE UNDER SECTION 366.26 OF THE WELFARE AND INSTITUTIONS CODE</b>	CASE NUMBER:

1. I served a copy of the attached *Notice of Hearing* under section 366.26 on (*identify name and relationship to child below*):
  - a. Name of person served:
  - b.  Mother  Legal/Presumed father  Alleged father  Guardian  Child 10 or over  
 Present custodian  Grandparent  Counsel of record
2. *Manner of service (check proper box)*:
  - a.  **Personal service.** By personally delivering a copy to the person served.
    - (1) Date of service:
    - (2) Time of service:
  - b.  **Substituted service.** By delivering copies to a competent adult at the usual place of residence or business of the person served, and thereafter mailing a copy by first-class mail to the person at the place where the copy was delivered.
    - (1) Name of person with whom left:
    - (2) Date and time of leaving:
    - (3) Date of mailing:
    - (4) Place of mailing (*city and state*):
  - c.  **Certified mail to residence or business.** (*Attach evidence of mailing.*)
  - d.  **Certified mail to counsel of record.** (*Attach evidence of mailing.*)
  - e.  **First-class mail.** By placing copies in a sealed envelope and depositing the envelope  directly in the United States mail with postage paid OR  at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar.
    - (1)  To residence (*address*):
    - (2)  To business (*address*):
    - (3) Date of deposit:
    - (4) Place of deposit (*city and state*):
  - f.  **First-class mail to grandparent.**
    - (1) Addressed as follows (*name and address*):
    - (2) Date of deposit:
    - (3) Place of deposit (*city and state*):
  - g.  **Publication.** (*Attach evidence of publication.*)
  - h.  **Electronic Service** (*electronic service address*):
  - i. **Other:**
3. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. **My residence or business mailing or my electronic service address is** (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE)

Clerk stamps date here when form is filed.  
  
**DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL**

1 Notice of  Intent to remove  
 Emergency removal  
 Hearing on  
 Prospective adoptive parent designation  
 Intent to remove  
 Emergency removal  
set for (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
in Department \_\_\_\_\_ of the superior  
court at (address): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:  
**Superior Court of California, County of**  
\_\_\_\_\_

was given to: \_\_\_\_\_

a.  The adoption agency (name of agency employee notified): \_\_\_\_\_

Fill in child's name and date of birth:  
**Child's Name:** \_\_\_\_\_  
**Date of Birth:** \_\_\_\_\_  
Fill in case number:  
**Case Number:** \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
Phone number: \_\_\_\_\_
- (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
Address: \_\_\_\_\_  
\_\_\_\_\_

(5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
at the following electronic service address: \_\_\_\_\_

b.  The caregiver (name): \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
Phone number: \_\_\_\_\_ *or*  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
Address: \_\_\_\_\_  
\_\_\_\_\_

*or*  Confidential address in court file

(5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
at the following electronic service address: \_\_\_\_\_



Child's name: \_\_\_\_\_

- c.  The child's attorney (*name*): \_\_\_\_\_
- (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:  
 (a)  directly in the U.S. mail with postage paid or  
 (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

(5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- d.  The child if 10 years of age or older (*name*): \_\_\_\_\_
- (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:  
 (a)  directly in the U.S. mail with postage paid or  
 (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

or  Confidential address in court file

(5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- e.  The child's identified Indian tribe, if any (*name of tribe and person notified*): \_\_\_\_\_
- (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:  
 (a)  directly in the U.S. mail with postage paid or  
 (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

(5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- f.  The child's Indian custodian, if any (*name*): \_\_\_\_\_
- (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
- (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file



Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

- f. (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*or*  Confidential address in court file

(5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

g.  The child's Court Appointed Special Advocate (CASA) program, if any (name of tribe and person notified): \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ *or*  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

h.  The court (name of court employee notified): \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 Phone number: \_\_\_\_\_

2 At the time of notice, I was at least 18 years of age and not a party to this matter. I live or am employed in the county where the service occurred. My residence or business mailing address or electronic mailing address is (specify): \_\_\_\_\_

3 I declare under penalty of perjury under the laws of the State of California that the information in items 1 and 2 is true and correct, which means that if I lie on this form, I am committing a crime.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Type or print your name

\_\_\_\_\_  
 Sign of your name

Below are basic instructions for providing notice of a hearing on prospective adoptive parent designation, an intent to remove, or an emergency removal. If you are unfamiliar with this notice process, please refer to Welfare and Institutions Code section 366.26(n) and rules 5.726, 5.727, and 5.728 of the California Rules of Court.

### Notice of designation hearing

- ① The **clerk** must provide notice of the hearing if the caregiver or the child filed form JV-321.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney filed form JV-321.
- ③ If the request for designation was made at the same time as a request for a hearing on an intended or emergency removal, notice of the designation hearing must be provided with notice of the removal hearing and can be given by telephone.
- ④ If the request for designation was made before a request for removal was filed or before an emergency removal occurred, notice must be either by first-class mail, **by electronic service, or** by personal service. Notice must include form JV-321, *Request for Prospective Adoptive Parent Designation*, and the order setting a hearing on form JV-327, *Prospective Adoptive Parent Designation Order*.
- ⑤ **Proof of Notice Under Section 366.26(n)**, form JV-326, must be filed with the court before the hearing on the request for prospective adoptive parent designation.

### Notice of proposed removal hearing

- ① The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- ③ Notice may be given by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*.
- ④ If notice is made by personal service, forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*, must be used.
- ⑤ **Proof of Notice Under Section 366.26(n)**, form JV-326, must be filed with the court before the hearing on the intended removal.

### Notice of emergency removal hearing

- ① The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- ③ Notice of an emergency removal hearing may be by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*.
- ④ If notice is made by personal service, forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*, must be used.
- ⑤ **Proof of Notice Under Section 366.26(n)**, form JV-326, must be filed with the court before the hearing on the emergency removal.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>PROOF OF SERVICE—JUVENILE</b>	CASE NUMBER:

I served a copy of the \_\_\_\_\_ (name of document) on \_\_\_\_\_ (hearing date, if applicable) on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar **OR by delivering a copy by electronic means at the electronic service address indicated below:**

1.  Social worker     Probation officer
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
2.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
3.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
4.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_

- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_

CASE NAME:  	CASE NUMBER:  
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5.  Child (if 10 years of age or older)

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

6.  Child (if 10 years of age or older)

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

7.  Child's sibling

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

8.  CASA volunteer

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

9.  Tribe/Bureau of Indian Affairs

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

10.  Indian custodian

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

CASE NAME:  	CASE NUMBER:  
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11.  Child's caregiver

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

12.  De facto parent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

13.  Grandparent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

14. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

15. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

16. At the time of service I was at least 18 years of age and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business mailing address or my electronic service address is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
(SIGNATURE)