



# Judicial Council of California

Tribal Court–State Court Forum

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## TRIBAL COURT–STATE COURT FORUM

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** December 12, 2024  
**Time:** 12:15 - 1:15 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/3236> (Listen Only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the October 10, 2024, Tribal Court–State Court Forum meeting.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [forum@jud.ca.gov](mailto:forum@jud.ca.gov). Only written comments received by 12:15 p.m. on December 11, 2024, will be provided to advisory body members prior to the start of the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)**

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**Item 1**

**Indian Child Welfare Act: ICWA Inquiry and Family Finding (Action Required)**

The committee will consider a proposal to amend four rules of court and revise twenty-two Judicial Council forms to conform to the requirements of Assembly Bill 81, Assembly Bill 2929, and two recent decisions of the California Supreme Court concerning ICWA inquiry (*In re. Kenneth D.*, 553 P. 3d 815, 324 Cal.Rptr.3d 259 and *In re. Dezi C.* 553 P.3d 829, 324 Cal.Rptr.3d 275.)

Presenter/Facilitator: Ann Gilmour, Attorney, Center for Families, Children, & the Courts, Judicial Council

**Item 2**

**Bishop Paiute Tribal Court and Inyo County Superior Court Joint-Jurisdiction Court Update (No Action Required)**

Presenter(s)/Facilitator(s): Judge Dean Stout, Chief Judge of the Bishop Paiute Tribal Court and Judge Stephen Place, Presiding Judge of the Superior Court of California, County of El Dorado

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**IV. ADJOURNMENT**

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**Adjourn**



## TRIBAL COURT–STATE COURT FORUM

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

October 10, 2024

12:15 - 1:15 p.m.

Via Zoom

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**Advisory Body Members Present:** Hon. Abby Abinanti, Cochair, Hon. Joyce Hinrichs, Cochair, Hon. Lucy Armendariz, Ms. Laila DeRouen, Hon. Leonard Edwards, Hon. Ana Espana, Hon. Michele Fahley, Hon. Tara Flanagan, Hon. Christopher Haug, Hon. Yvette Ayala Henderson, Hon. Lawrence King, Hon. Patricia Lenzi, Hon. Devon Lomayesva, Ms. Merri Lopez-Keifer, Hon. Nicholas Mazanec, Hon. Dorothy McLaughlin, Hon. April Olson, Hon. Stephen Place, Hon. Mark Ralphs, Ms. Christina Snider-Ashtari, Hon. Dean Stout, Hon. Alison Tucher, Hon. Juan Ulloa, Hon. Christine Williams, Hon. Zeke Zeidler.

**Advisory Body Members Absent:** Hon. Richard Blake, Hon. Sarah Fleischer-Ihn, Hon. Devin Flesher, Hon. April Attebury, Hon. Winston Keh, Hon. Kristina Lindquist, Ms. Andrea Pella, Hon. Victorio Shaw.

**Others Present:** Ms. Charlene Depner, Ms. Vida Castaneda, Ms. Ann Gilmour, Ms. Jessica Henderson, Ms. Tracy Kenny, Ms. Christy Simons.

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:19 p.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the August 8, 2024, Tribal Court–State Court Forum meeting.

Judges Lucy Armendariz, Tara Flanagan, and Michele Fahley abstained from voting.

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#### DISCUSSION AND ACTION ITEMS (ITEMS 1–2)

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##### Item 1

##### Introduction of New Members

Hon. Yvette Ayala Henderson, Chief Judge of the San Manuel Band of Mission Indians Tribal Court, Hon. Lucy Armendariz, Judge of the Superior Court of California, County of Los Angeles who is a member of the Judicial Council and Chair of the Traffic Advisory Committee joining the Forum as liaison from that committee, Ms. Laila DeRouen, the newly appointed Director of the California Department of Social Services Office of Tribal Affairs, Michele Fahley, Chief Judge of the Pala Band of Mission Indians Tribal Court, Hon. Juan Ulloa, Judge of the Quechan Tribal Court, and Hon. Zeke Zeidler, Judge of the Superior Court of California, County of Los Angeles joining the Forum as liaison from the Center for Judicial

Education and Research all introduced themselves and discussed their interests in working with the Forum.

**Item 2**

**Violence Against Women Education Project (VAWEP) Activities**

Vida Castaneda and Ann Gilmour discussed the activities under the Violence Against Women Education Project for the last fiscal year and activities planned for the upcoming fiscal year.

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 12:42 p.m.

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**C L O S E D S E S S I O N**

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**Item 1**

**Legislative Update**

Ms. Tracy Kenny presented on legislation of interest from the last legislative session.

Adjourned closed session at 1:02 p.m.

Approved by the advisory body on enter date.



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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## INVITATION TO COMMENT

[ITC prefix as assigned]-\_\_

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**Title**

Indian Child Welfare Act (ICWA): ICWA  
Inquiry and Family Finding

**Action Requested**

Review and submit comments by May 30,  
2025.

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rules 5.481,  
5.668, 5.708 and 5.725; revise forms ICWA-  
005-INFO, ICWA-010(A), ICWA-020, JV-  
101A, JV-320, JV-405, JV-410, JV-412, JV-  
415, JV-421, JV-430, JV-432, JV-433, JV-  
435, JV-437, JV-438, JV-440, JV-442, JV-  
443, JV-446, JV-455, and JV-457.

**Proposed Effective Date**

January 1, 2026

**Contact**

Ann Gilmour, 415-865-4207  
[ann.gilmour@jud.ca.gov](mailto:ann.gilmour@jud.ca.gov)

**Proposed by**

Family and Juvenile Law Advisory  
Committee

Hon. Tari L. Cody, Cochair

Hon. Stephanie E. Hulsey, Cochair

Tribal Court–State Court Forum

Hon. Abby Abinanti, Cochair

Hon. Joyce D. Hinrichs, Cochair

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### Executive Summary and Origin

The Family and Juvenile Law Advisory Committee and the Tribal Court–State Court Forum propose that effective January 1, 2026, the Judicial Council amend four rules of court and revise twenty-two Judicial Council forms. This proposal responds to two pieces of legislation, Assembly Bill 81 (Ramos; Stats. 2024, ch. 656) and Assembly Bill 2929 (Carrillo; Stats. 2024, ch. 845). Assembly Bill 81 addressed the implementation of the Indian Child Welfare Act (ICWA), including ICWA inquiry. Assembly Bill 2929 addressed family finding in juvenile dependency cases. The proposal also responds to two recent decisions from the Supreme Court of California concerning ICWA inquiry, *In re. Kenneth D.*, 16 Cal.5<sup>th</sup> 1087, 553 P. 3d 815, 324

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

Cal.Rptr.3d 259 and *In re. Dezi C.* 16 Cal.5<sup>th</sup>1112, 553 P.3d 829, 324 Cal.Rptr.3d 275.<sup>1</sup> It also fixes a technical issue regarding ICWA inquiry in one of the forms and other technical issues in the rules and forms. The proposal would amend rules and revise forms that relate to ICWA inquiry and family finding to conform to the legislation and recent cases.

## Background

When a child and family encounter the child welfare system, the court and the agency have specific obligations and requirements that must be followed. These include the requirement under state and federal statutes to identify Indian children so that their tribes can be notified and the requirements of the Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901 et. seq.) and implementing state law can be fulfilled, including ensuring that any foster care placement of an Indian child complies with the placement preferences of ICWA. State and federal law also mandate that whenever possible, if a child is removed from the care and custody of their parents by the juvenile court for placement in foster care, that placement shall, if possible, be made in the home of a relative. To fulfill the requirement to identify Indian children, California law imposes on the local agency and the court an affirmative and continuing duty to inquire whether a child is or may be an Indian child by asking various individuals, including extended family members, contacted by or available to the agency or court throughout the life of a case whether the child is or may be an Indian child.<sup>2</sup> The nature and extent of ICWA inquiry was revised by the Legislature effective 2019 by Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833).<sup>3</sup> The Judicial Council implemented Assembly Bill 3176 by adopting a new rule of court, amending several other rules of court, adopting several new forms, and revising several other forms.<sup>4</sup>

Despite this guidance following the implementation of Assembly Bill 3176, there was a substantial increase in appeals related to ICWA inquiry based on the requirement that the court and the agency inquire of available extended family members throughout the life of a case. Issues in these appeals, including the consequences of a failure to inquire of available extended family members, were eventually decided by the California Supreme Court in a pair of decisions: *In re. Kenneth D.*, 553 P. 3d 815, 324 Cal.Rptr.3d 259 and *In re. Dezi C.* 553 P.3d 829, 324 Cal.Rptr.3d 275. In these decisions the court stressed the need for robust and thorough evidence of ICWA inquiry throughout the life of a case and for the trial court to make fact specific findings about the child's Indian status and the adequacy of ICWA inquiry that are grounded in the record.

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<sup>1</sup> Assembly Bill 81 is available at: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB81](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB81). Assembly Bill 2929 is available at: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB2929](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2929).

<sup>2</sup> See Welfare and Institutions Code section 224.2.

<sup>3</sup> Available at: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB3176](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176)

<sup>4</sup> That proposal was approved at the Judicial Council business meeting on September 24, 2019 as item 19-195 on the Agenda and is available here: <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>

In Assembly Bill 81 the Legislature recently made further changes to the ICWA inquiry requirements in section 224.2 of the Welfare and Institutions Code<sup>5</sup>. Assembly Bill 2929 strengthened the family finding and engagement requirements in all juvenile dependency cases by requiring the agency to present evidence at all review hearings that the agency has continued its efforts to locate any relatives, extended family members, or nonrelative extended family members (also defined as kin) who could provide family support or possible placement of the child, and the results of those efforts. Many of the Judicial Council forms used to document ICWA inquiry and family finding are the same. Because they involve the same forms, the two issues were combined into one proposal.

## **The Proposal**

The proposal is urgently required to respond to recent changes in the law and recent case decisions. The proposal would:

- Amend California Rules of Court, rule 5.481 by changing the language in subsection (a)(2) regarding who must be asked if they have information that the child is or may be an Indian child from “At the first appearance by a parent, Indian custodian, or guardian, and all other participants in any dependency case...” to “At the first appearance by a parent, Indian custodian, guardian, or other party and all other interested persons present in any dependency case...”, add the words “on the record” at the end of subsection (a)(2), and change the term “participant” in subsection (a)(2)(A) to “party and other interested persons”. These changes are required to conform to the recent revisions to section 224.2(c) of the Welfare and Institutions Code. In addition, the proposal would add to the beginning of subsection (a)(4)(B) language clarifying that contacts to the Bureau of Indian Affairs(BIA) and California Department of Social Services (CDSS) for assistance should be made after and based upon the information gathered by interviewing the parents, Indian custodian and extended family members, and only when they need assistance in identifying or contacting tribes. This language is proposed in response to comments from the BIA and the CDSS that they routinely have agencies contact them without having first interviewed available family members. The BIA and CDSS will not conduct these interviews and cannot assist with locating and contacting tribes (which is the assistance they are mandated to provide) without the family background information. Finally, there would be a technical amendment to subsection (a)(4)(C) to correct a code reference.
- Amend California Rules of Court, rule 5.668 (c) to make the language regarding ICWA inquiry consistent with the new language in Welfare and Institutions Code section 224.2 regarding asking each party or other interested person present who has not previously been asked and making this inquiry on the record.

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<sup>5</sup> All further code references are to the California Welfare and Institutions Code unless otherwise stated.

- Amend California Rules of Court, rule 5.708 (b)(1) to require that the report must discuss all efforts the agency has made to comply with its ICWA inquiry duty and adding language to (b)(3) that the court must make a finding as to whether the agency has fulfilled its duty of ICWA inquiry;
- Amend California Rules of Court, rule 5.725 to require in subdivision (c), governing reporting requirements, evidence of ICWA inquiry efforts throughout the life of the case and to add a paragraph under subdivision (d), conduct of the hearing, to require the court to make a finding as to whether the agency has fulfilled its duty of ICWA inquiry under the holdings of the California Supreme Court in *Kenneth D.* and *Dezi C.* These cases suggest there must be robust evidence of ICWA inquiry throughout the life of the case and findings by the court on ICWA inquiry and ICWA status that are grounded in the record. A technical change would update a rule reference in subsection (g);
- Revise the *Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding for Indian Child* ( ICWA-005-INFO) form to clarify and explain the ongoing duty of inquiry of extended family members and make technical corrections regarding when notice must be provided to the Secretary of the Interior;
- Revise the *Indian Child Inquiry Attachment* (ICWA-10A) form to clarify what exactly must be asked of the individuals questioned;
- Revise the *Parental Notification of Indian Status* (ICWA-020) form to clarify that the inquiry is related to relatives and lineal ancestors of the child;
- Revise the *Additional Children Attachment Juvenile Dependency Petition* (JV-101A) form by reformatting it to ensure that ICWA inquiry is documented for each individual child and removing the reference to gender in item e which is not required by statute;
- Revise the *Orders Under Welfare and Institutions Code Sections 366.24, 266.26, 727.3, 727.31* (JV-320) form which is used to document the findings and order at a permanency hearing to add a required finding as to the sufficiency of ICWA inquiry throughout the life of the case and to fix a typographical error at item 19(b)(3) by changing the first word from “an” to “a”;
- Revise the *Continuance – Dependency Detention Hearing* (JV-405) form to correct the name of the hearing in item 2 from dispositional to detention; and modify item c to include language that the court has reviewed evidence of ICWA inquiry submitted for the hearing, remove finding in item c(2)(b) that ICWA does not apply, and add language that ICWA applies when the court makes a finding that the child is an Indian child;
- Revise the *Findings and Orders After detention Hearing (Welf. & Inst. Code, § 319)* (JV-410) form to add a new item 9 ordering the county agency to make diligent efforts to



locate and evaluate appropriate kin, revise the ICWA status language in item 11 to clarify that the court must choose one of the alternative findings, delete the language in item b.(2) that ICWA does not apply, and add a new item ordering the county agency to continue to inquire about the child's Indian status;

- Revise the *Findings and Orders After Jurisdictional Hearing (Welf. & Inst. Code, § 356)* (JV-412) form to update the language at item 5 regarding ICWA inquiry and status;
- Revise the *Findings and Orders After Disposition Hearing (Welf. & Inst. Code, § 361 et seq.)* (JV-415) form to delete the current item 5 which addresses ICWA inquiry and deal with that in the ICWA section in item 7, and delete the language in item 7.d.(1) finding that ICWA does not apply unless new information is received and instead require the agency to continue its ICWA inquiry efforts;
- Revise the *Dispositional Attachment: Removal From Custodial Parent – Placement with Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (JV-421) form to change the language regarding ICWA inquiry and status and the language in item 8 regarding family finding;
- Revise the *Findings and Orders After Six-Month Status Review Hearing (Welf. & Inst. Code, § 366.21(e))* (JV-430) form to include language about continuing ICWA inquiry;
- Revise the *Six-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (JV-432) form to add language concerning family finding and engagement as item 14;
- Revise the *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (JV-433) to add language regarding family finding and engagement and to require that the report that the agency is required to prepare for the permanency hearing include evidence of ICWA inquiry throughout the life of the case;
- Revise the *Findings and Orders After 12-Month Permanency Hearing (Welf. & Inst. Code, § 366.21(f))* (JV-435) form to include language about continuing ICWA inquiry;
- Revise the *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (JV-437) form to add language concerning family finding and engagement;
- Revise the *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (JV-438) to add language regarding family finding and engagement and to require that the report that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case;

- Revise the *Findings and Orders After 18-Month Permanency Hearing (Welf. & Inst. Code, § 366.22)* (JV-440) form to include language about continuing ICWA inquiry;
- Revise the *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (JV-442) to add language regarding family finding and engagement and to require that the report that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case;
- Revise the *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.2)* (JV-443) form to add language concerning family finding and engagement;
- Revise the *Findings and Orders After Postpermanency Hearing – Permanent Plan Other Than Adoption (Welf. & Inst. Code, § 366.3)* (JV-446) form to add language about family finding and engagement;
- Revise the *Findings and Orders After 24-Month Permanency Hearing (Welf. & Inst. Code, § 366.25)* (JV-455) form to add language about ICWA inquiry; and
- Revise the *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (JV-457) form to require the county agency to include evidence of ICWA inquiry in its report for the permanency hearing and to add language about family finding and engagement.

### **Alternatives Considered**

The committees considered whether rules and forms changes were required or whether the issues could be addressed through training but concluded that because the existing rules and forms no longer accurately reflect the requirements of the law, amendments and revisions were necessary.

### **Fiscal and Operational Impacts**

There will be costs associated with updating the forms and findings and orders templates in court systems and training court staff on the new requirements. There should also be substantial savings in the reduction of ICWA inquiry appeals.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee [or other proponent] is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Are the questions in the ICWA-010(A) and ICWA-020 forms helpful and complete?

The advisory committee [or other proponent] also seeks 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 three 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. Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725, at pages 8–11
2. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457, at pages 12–107

Rules 5.481, 5.668, 5.708 and 5.725 of the California Rules of Court would be amended, Effective January 1, 2026, to read:

1 **Rule 5.481. Inquiry and notice**

2  
3 **(a) Inquiry**

4  
5 \*\*\*

6  
7 (1) \*\*\*

8  
9 (2) At the first appearance by a parent, Indian custodian, ~~or~~ guardian, or other  
10 party and all other interested persons present~~participants~~ in any dependency  
11 case; or in juvenile wardship proceedings in which the child is at risk of  
12 entering foster care or is in foster care; or at the initiation of any  
13 guardianship, conservatorship, proceeding for custody under Family Code  
14 section 3041, proceeding to terminate parental rights, proceeding to declare a  
15 child free of the custody and control of one or both parents, preadoptive  
16 placement, or adoption proceeding; and at each hearing that may culminate in  
17 an order for foster care placement, termination of parental rights, preadoptive  
18 placement or adoptive placement, as described in Welfare and Institutions  
19 Code section 224.1(d)(1), or that may result in an order for guardianship,  
20 conservatorship, or custody under Family Code section 3041; the court must  
21 on the record:

22  
23 (A) Ask each ~~participant party~~ party or interested person present whether the  
24 ~~participant party~~ or other interested person knows or has reason to know  
25 the child is or may be an Indian child;

26  
27 (B) Instruct the parties to inform the court if they subsequently receive  
28 information that provides reason to know the child is or may be an  
29 Indian child; and

30  
31 (C) \*\*\*

32  
33 (3) \*\*\*

34  
35 (4) If the social worker, probation officer, licensed adoption agency, adoption  
36 service provider, investigator, or petitioner knows or has reason to know or  
37 believe that an Indian child is or may be involved, that person or entity must  
38 make further inquiry as soon as practicable by:

39  
40 (A) Interviewing the parents, Indian custodian, and “extended family  
41 members” as defined in 25 United States Code section 1903, to gather  
42 the information listed in Welfare and Institutions Code section

Rules 5.481, 5.668, 5.708 and 5.725 of the California Rules of Court would be amended, Effective January 1, 2026, to read:

1                                   224.3(a)(5), Family Code section 180(b)(5), or Probate Code section  
2                                   1460.2(b)(5);

3  
4                                   (B) Based on the information gathered under (a)(4)(A), contacting the  
5                                   Bureau of Indian Affairs and the California Department of Social  
6                                   Services for assistance in identifying the names and contact information  
7                                   of the tribes in which the child may be a member or eligible for  
8                                   membership if the agency has not been able to make contact with such  
9                                   tribe(s); and

10  
11                                   (C) Contacting the tribes and any other person who reasonably can be  
12                                   expected to have information regarding the child’s membership status  
13                                   or eligibility. These contacts must at a minimum include the contacts  
14                                   and sharing of information listed in Welfare and Institutions Code  
15                                   section 224.2(e)(32)(C).

16  
17                                   (5) \*\*\*

18  
19                                   (b)–(c) \*\*\*

20  
21 **Rule 5.668. Commencement of hearing—explanation of proceedings (§§ 316, 316.2)**

22  
23 **(a)–(b) \*\*\***

24  
25 **(c) Indian Child Welfare Act inquiry (§ 224.2(c) & (g))**

26  
27                                   (1) At the first appearance in court of each party or other interested person, the  
28                                   court must ask ~~each participant present at the hearing on the record~~ whether:

29  
30                                   (A)–(D) \*\*\*

31  
32                                   (2) The court must also instruct all parties to inform the court if they  
33                                   subsequently receive information that provides reason to know the child is or  
34                                   may be an Indian child, and order the parents, Indian custodian, or guardian,  
35                                   if available, to complete *Parental Notification of Indian Status* (form ICWA-  
36                                   020).

37  
38                                   (3)–(4) \*\*\*

39  
40 **(d) \*\*\***

41

Rules 5.481, 5.668, 5.708 and 5.725 of the California Rules of Court would be amended, Effective January 1, 2026, to read:

1 **Rule 5.708. General review hearing requirements**

2  
3 (a) \*\*\*

4  
5 (b) **Reports (§§ 366.05, 366.1, 366.21, 366.22, 366.25, 16002)**

6  
7 \*\*\*

8 (1) The report must include:

9  
10 (A) - (B) \*\*\*

11  
12 (C) A factual discussion of each item listed in sections 366.1 and 366.21(c);  
13 ~~and~~

14  
15 (D) A factual discussion of the information required by section 16002(b);  
16 ~~and~~

17  
18 (E) A discussion of all efforts the agency has made to comply with the  
19 affirmative and continuing duty to inquire whether the child is or may  
20 be an Indian child, including evidence that inquiry in accordance with  
21 section 224.2 has been made of any parent or extended family members  
22 contacted by the agency.

23  
24 (2) \*\*\*

25  
26 (3) The court must read and consider, and state on the record that it has read and  
27 considered, the report of the social worker, the report of any CASA  
28 volunteer, the case plan submitted for the hearing, any report submitted by  
29 the child's caregiver under section 366.21(d), and any other evidence.

30  
31 (4) The court must make a finding as to whether the agency has fulfilled its  
32 affirmative and continuing duty to inquire whether the child is or may be an  
33 Indian child.

34  
35 (c)–(k)

36  
37 **Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.31)**

38  
39 (a)–(b) \*\*\*

40  
41 (c) **Report**

Rules 5.481, 5.668, 5.708 and 5.725 of the California Rules of Court would be amended, Effective January 1, 2026, to read:

1 Before the hearing, petitioner must prepare an assessment under section 366.21(i)  
2 including evidence that the agency has, throughout the life of the case, fulfilled its  
3 affirmative and continuing duty to inquire whether the child is or may be an Indian  
4 child. At least 10 calendar days before the hearing, the petitioner must file the  
5 assessment, provide copies to each parent or guardian and all counsel of record, and  
6 provide a summary of the recommendations to the present custodians of the child,  
7 to any CASA volunteer, and to the tribe of an Indian child.  
8

9 **(d) Conduct of hearing**

10  
11 At the hearing, the court must state on the record that the court has read and  
12 considered the report of petitioner, the report of any CASA volunteer, the case plan  
13 submitted for this hearing, any report submitted by the child’s caregiver under  
14 section 366.21(d), and any other evidence, and must proceed under section 366.26  
15 and as follows:  
16

17 (1) Make a finding as to whether the court and the agency have fulfilled their  
18 affirmative and continuing duty throughout the life of the case to inquire  
19 whether the child is or may be an Indian child and whether the record  
20 contains evidence of such inquiry including evidence of inquiry of the  
21 parents, guardians, Indian custodian and other available extended family  
22 members contacted by the court or the agency throughout the life of the case  
23 and whether, based on that inquiry and evidence, there is reason to believe or  
24 know the child may be an Indian child.

25  
26 (~~2~~) \*\*\*

27  
28 (~~3~~) \*\*\*

29  
30 (~~4~~) \*\*\*

31  
32 (~~5~~) \*\*\*

33  
34 **(e) – (f) \*\*\***

35  
36 **(g) Advisement of appeal rights**

37  
38 The court must advise all parties of their appeal rights as provided in rule 5.585~~90~~  
39 and section 366.26(1).  
40  
41  
42

**INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT AND  
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD**

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

**Form ICWA-010(A), *Indian Child Inquiry Attachment***

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment*. This is important because if the child is **or may be** an Indian child, specific steps must be taken to **gather family background information, contact the child's tribe, and prevent the breakup of the child's Indian family** and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

*Tips on how to fill out form ICWA-010(A), Indian Child Inquiry Attachment*

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
  - a. **Do they think the child might be** a member of a tribe or eligible for tribal membership, and if they think the child might be, then which tribe or tribes?
  - b. Are the parents or other members of the extended family members of a tribe, and if they think they might be, which tribe or tribes?
  - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
  - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
  - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
  - f. Do they have any other information indicating the child is an Indian child?
3. If you are in touch with any of the child's relatives **or extended family members throughout the life of the case**, ask them the same questions and **let the court know who you have asked and what they said**.

The court clerk's office cannot file your petition unless you have filled out form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must **gather as much family background information as you can and** contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

**Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child***

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, **if at any time throughout the life of the case you know or have reason to know the child is an Indian child**, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

*Some tips to help you figure out if you have a reason to know the child is an Indian child*

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

*(continued on next page)*



You have reason to know (*continued*):

3. If the child is or has been a ward of the tribal court; or
4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There may also be other information that would give you reason to know that the child is an Indian child.

### Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

#### *Tips on how to find the address for the child's tribe or tribes*

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 Code of Federal Regulations § 23.12) a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at [www.bia.gov/bia/ois/dhs/icwa](http://www.bia.gov/bia/ois/dhs/icwa).

### Copy to the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

### Copy to the Area Director of the Bureau of Indian Affairs and Secretary of the Interior

If you do **not** know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the *Notice* and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825 and to the Secretary of the Interior, 1849 C Street, NW, Washington DC 20240. To help establish the child's tribal identity, you must have completed your further inquiry of available extended family members before contacting the Bureau of Indian Affairs and Secretary of the Interior and provide as much information as possible, including the child's name, birthdate, and birthplace; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

### How do you send the *Notice* and prove to the court that you have done so?

If you have an attorney, the attorney will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the *Notice*, but you must deliver copies of the *Notice* and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then complete step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
  - a. Your petition;
  - b. Form ICWA-010(A), *Indian Child Inquiry Attachment*; and
  - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
  - a. The original signed *Notice* (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A);
  - b. All return receipts given to you by the post office and returned from the mailing; and
  - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

**Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)**

CHILD'S NAME:	CASE NUMBER:
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1. Name of child:

2. (Check one)

I have not yet been able to complete the inquiry about the child's Indian status because:

I understand that I have an affirmative and continuing duty to complete this inquiry. I will do it as soon as possible and advise the court of my efforts.

I have asked or  I am advised by \_\_\_\_\_ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. Each of these persons was asked whether they had any information that the child or the child's parents were affiliated with an Indian tribe, lived on tribal lands, or had ancestors who were members of an Indian tribe. The person(s) questioned are:

Name:	Name:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date questioned:	Date questioned:
Relationship to child:	Relationship to child:

Additional persons questioned and their information is attached (Form MC-020 may be used for this purpose).

3. This inquiry (*check one*):

- gave me reason to believe the child is or may be an Indian child. (*If yes, continue to 4.*)
- gave me no reason to believe the child is or may be an Indian child.

4.  I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or eligible for membership in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.

5. Based on inquiry and tribal contacts (*check all that apply*):

- a.  The child is or may be a member of or eligible for membership in a tribe.  
 Name of tribe(s):  
 Location of tribe(s):
- b.  The child's parents, grandparents, or great-grandparents are or were members of a tribe.  
 Name of tribe(s):  
 Location of tribe(s):
- c.  The residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village or other tribal trust land.
- d.  The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
- e.  The child is or has been a ward of a tribal court.  
 Name of tribe(s):  
 Location of tribe(s):
- f.  Either parent or the child possesses an Indian Identification card indicating membership or citizenship in an Indian tribe.  
 Name of tribe(s):  
 Location of tribe(s):

CHILD'S NAME:	CASE NUMBER:
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6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602:

- The child is in foster care.
- It is probable the child will be entering foster care.

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: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>ICWA-020.v5.120424.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
<b>PARENTAL NOTIFICATION OF INDIAN STATUS</b>	CASE NUMBER: _____

**To the parent, Indian custodian, or guardian of the above named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.**

1. Name: \_\_\_\_\_
2. Relationship to child:  Parent  Indian custodian  Guardian  Other: \_\_\_\_\_

**Indian Status**

3. a.  I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.  
 Name of tribe(s) (name each): \_\_\_\_\_  
 Location of tribe(s): \_\_\_\_\_
- b.  The child is or may be a member of, or eligible for membership in, a federally recognized Indian tribe because (state why you think the child is affiliated with the tribe): \_\_\_\_\_  
 Name of tribe(s) (name each): \_\_\_\_\_  
 Location of tribe(s): \_\_\_\_\_
- c.  One or more of the child's parents, grandparents, or other lineal ancestors is or was a member of a federally recognized tribe.  
 Name of tribe(s) (name each): \_\_\_\_\_  
 Location of tribe(s): \_\_\_\_\_  
 Name and relationship of ancestor(s): \_\_\_\_\_
- d.  I am a resident of or am domiciled, live or have lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- e.  The child is a resident of or is domiciled, live or have lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- f.  The child is or has been a ward of a tribal court of the \_\_\_\_\_ tribe.
- g.  Either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.  
 Name of tribe(s) (name each): \_\_\_\_\_  
 Membership or citizenship number (if any): \_\_\_\_\_
- h.  None of the above apply.
4. A previous form ICWA-020  has  has not been filed with the court.

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)

**Note: This form is not intended to constitute a complete inquiry into Indian heritage. Additional inquiry may be required by the Indian Child Welfare Act.**

CHILD'S NAME:	CASE NUMBER:
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4. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code ( <i>check applicable boxes; see attachment 3a for concise statements of facts</i> ): <input type="checkbox"/> (a) <input type="checkbox"/> (b)(1) <input type="checkbox"/> (b)(4) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)	
b. Child's name: _____ c. Age: _____ d. Date of birth: _____	
<input type="checkbox"/> Information is the same as that given for the child in item 1. ( <i>If not the same, provide different information below.</i> )	
e. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged
g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Other ( <i>state name, address, and relationship to child</i> ):  <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.
i. Prior to intervention, child resided with <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> guardian ( <i>name</i> ): <input type="checkbox"/> Indian custodian ( <i>name</i> ): <input type="checkbox"/> other ( <i>state name, address, and relationship to child</i> ):	j. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention ( <i>address</i> ):  <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other
k. Indian Child Welfare Act Inquiry ( <i>check one</i> ): (1) <input type="checkbox"/> I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (2) <input type="checkbox"/> On information and belief, I am aware that inquiry has been completed by ( <i>insert name</i> ) and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (3) <input type="checkbox"/> Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)), and submit it to the court as soon as possible.	

CHILD'S NAME:	CASE NUMBER:
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5. a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (check applicable boxes; see attachment 3a for concise statements of facts):

(a)  (b)(1)  (b)(4)  (c)  (d)  (e)  (f)  (g)  (h)  (i)  (j)

b. Child's name:	c. Age:	d. Date of birth:
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Information is the same as that given for the child in item 1. (If not the same, provide different information below.)

<p>e. Name: <input type="checkbox"/> mother          Address: <input type="checkbox"/> father                        <input type="checkbox"/> guardian                        <input type="checkbox"/> unknown</p> <p>If mother or father (check all that apply):  <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>	<p>f. Name: <input type="checkbox"/> mother          Address: <input type="checkbox"/> father                        <input type="checkbox"/> guardian                        <input type="checkbox"/> unknown</p> <p>If mother or father (check all that apply):  <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>
--	--

<p>g. Name: <input type="checkbox"/> mother          Address: <input type="checkbox"/> father                        <input type="checkbox"/> guardian                        <input type="checkbox"/> unknown</p> <p>If mother or father (check all that apply):  <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>	<p>h. Other (state name, address, and relationship to child):</p> <p><input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.</p>
--	--

<p>i. Prior to intervention, child resided with</p> <p><input type="checkbox"/> parent (name):  <input type="checkbox"/> parent (name):  <input type="checkbox"/> guardian (name):  <input type="checkbox"/> Indian custodian (name):  <input type="checkbox"/> other (state name, address, and relationship to child):</p>	<p>j. Child is</p> <p><input type="checkbox"/> not detained      <input type="checkbox"/> detained          Date and time of detention:          Current place of detention (address):</p> <p><input type="checkbox"/> Relative      <input type="checkbox"/> Shelter/foster care      <input type="checkbox"/> Other</p>
---	---

k. Indian Child Welfare Act Inquiry (check one):

(1)  I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.

(2)  On information and belief, I am aware that inquiry has been completed by (insert name) and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.

(3)  Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)), and submit it to the court as soon as possible.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-320.v5.120324.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>ORDERS UNDER WELFARE AND INSTITUTIONS CODE</b> <b>SECTIONS 366.24, 366.26, 727.3, 727.31</b>	CASE NUMBER:

Child's Name:	Date of birth:	Age:
Parent's name (if known):		
Parent's name (if known):		
Parent's name (if known):		

1. a. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
 b. Judicial officer: \_\_\_\_\_  
 c. Parties and attorneys present: \_\_\_\_\_
2.  The court has read and considered the assessment prepared under Welf. & Inst. Code, §§ 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the  
 social worker  probation officer  and other evidence.
3.  The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

**THE COURT FINDS AND ORDERS**

4. a.  Notice has been given as required by law.
- b. (1)  The court has reviewed the ICWA-020 Parental Notification of Indian Status forms filed as well as the evidence taken at earlier hearings and the reports and evidence filed by the agency and finds that the court and the agency have fulfilled their affirmative and ongoing duty of inquiry to determine whether the child is or may be an Indian child throughout the life of the case including interviewing available extended family members and there is no reason to believe or know that the child may be an Indian child.
- (2)  This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welf. & Inst. Code, § 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.

CHILD'S NAME:	CASE NUMBER:
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5.  For a child 10 years of age or older who is not present,
- a.  the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- b.  the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (1)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (2)  it is in the best interest of the child not to continue the hearing.
6.  The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7.  The court previously made a finding denying or terminating reunification services, under Welf. & Inst. Code, §§ 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
- parent (*name*):
- parent (*name*):
- parent (*name*):
8. a.  The court finds, by clear and convincing evidence, that it is likely the child will be adopted.
- b.  The child is an Indian child or  there is reason to know that the child is an Indian child, and
- (1)  the court has heard and considered all relevant, admissible evidence, including
- (A)  qualified expert witness testimony provided by (*name of witnesses*) \_\_\_\_\_ and
- (B)  evidence regarding the prevailing social and cultural practices of the child's tribe; and
- (2)  the court finds beyond a reasonable doubt that continued physical custody by the  mother  father
- Indian custodian  Other (*name and relationship to child*): \_\_\_\_\_
- Other (*name and relationship to child*): \_\_\_\_\_
- is likely to result in serious emotional or physical damage to the child.
9. The parental rights of
- a.  parent (*name*):
- b.  parent (*name*):
- c.  parent (*name*):
- d.  alleged fathers (*names*):
- e.  unknown mother  all unknown fathers
- are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- f. **The adoption is likely to be finalized by (*date*):**
- (*If item 9 is completed, skip items 10–18 and go directly to item 19.*)
10. This case involves an Indian child. The parental rights of
- a.  parent (*name*):
- b.  parent (*name*):
- c.  parent (*name*):
- d.  Indian custodians (*names*):
- e.  alleged fathers (*names*):
- f.  unknown mother  all unknown fathers
- are modified in accordance with the tribal customary adoption order of the (*specify*): \_\_\_\_\_ tribe,
- dated \_\_\_\_\_ and comprising \_\_\_\_\_ pages, which is accorded full faith and credit and fully incorporated herein.
- The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
- (*If item 10 is completed, skip items 11–18 and go directly to item 19.*)



CHILD'S NAME:	CASE NUMBER:
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11.  The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. *(If item 11 is checked, skip items 12–14 and go directly to item 15 (guardianship).)*
12.  Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship), 16 (permanent placement with a relative) or 17 (continued foster care).)*
- a.  The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
  - b.  The child is 12 years of age or older and objects to termination of parental rights.
  - c.  The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
  - d.  The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.  
 NOTE: Do not check item 12d if the child is either:
    - (1) under the age of 6; or
    - (2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.
  - e.  There would be substantial interference with the child's sibling relationship.
  - f.  The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to the following:
    - (1) Termination of parental rights would substantially interfere with the child's connection to the tribal community or the child's tribal membership rights.
    - (2) The child's tribe has identified guardianship or another permanent plan for the child.
13.  Termination of parental rights would not be detrimental to the child, but the child is difficult to place for adoption and there is no identified or available prospective adoptive parent for the child because the child *(check the applicable reason or reasons below and complete item 14)*
- a.  is a member of a sibling group that should stay together.
  - b.  has a diagnosed medical, physical, or mental disability.
  - c.  is 7 years of age or older.
14. a.  Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:  
*(Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15–18, and go directly to item 19.)*
- b.  Visitation between the child and
- (1)  parent *(name)*:
  - (2)  parent *(name)*:
  - (3)  legal guardian *(name)*:
  - (4)  Other *(name)*:
- is scheduled as follows *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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14. c.  Visitation between the child and *(names)*:  
is detrimental to the child's physical or emotional well-being and is terminated.

15.  The child's permanent plan is legal guardianship.  
 *(Name)*:  
is appointed guardian of the child's person  and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until the *Letters* have issued.  
*(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16–18 and go directly to item 19.)*

- a.  Visitation between the child and
- (1)  parent *(name)*:
  - (2)  parent *(name)*:
  - (3)  legal guardian *(name)*:
  - (4)  Other *(name)*:  
is scheduled as follows *(specify)*:

b.  Visitation between the child and *(names)*:  
is detrimental to the child's physical or emotional well-being and is terminated.

c.  Dependency  Wardship jurisdiction is terminated.  
*(If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.)*

The juvenile court retains jurisdiction over the guardianship under Welf. & Inst. Code, § 366.4 or § 728(e).

d.  Dependency  Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by *(date)*: \_\_\_\_\_.

16.  The child's permanent plan is permanent placement with *(name)*: \_\_\_\_\_, a fit and willing relative, subject to the periodic review of the juvenile court under Welf. & Inst. Code, § 366.3 or § 727.2.  
**The likely date** by which the child's permanent plan will be achieved is *(specify date)*: \_\_\_\_\_  
*(if item 16 is checked, skip item 17, provide for visitation in item 18, as appropriate, and go to item 19.)*

17.  The child remains placed in foster care with *(name of placement)*:

- a.  With a permanent plan of
- (1)  returning home;
  - (2)  adoption;
  - (3)  tribal customary adoption;
  - (4)  legal guardianship; or
  - (5)  placement with a fit and willing relative.
- b.  The child is 16 years of age or older and no other permanent plan is appropriate at this time. The child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home.
  - establish a legal guardianship.
  - place for adoption.
  - place with a fit and willing relative.
  - Other *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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17. c. The barriers to achieving the permanent plan in items 17a and 17b are:

d. The child, if 10 years of age or older, has identified the following individuals, other than the child's siblings, who are important to the child (*specify*):

e. **The child's permanent plan is likely to be achieved by (date):**

(if item 17 is checked, provide for visitation in item 18, as appropriate, and go to item 19.)

18. The child is permanently placed with a relative or remains placed in foster care (if item 16 or 17 is checked):

a.  Visitation between the child and

(1)  parent (*name*):

(2)  parent (*name*):

(3)  legal guardian (*name*):

(4)  Other (*name*):

is scheduled as follows (*specify*):

b.  Visitation between the child and (*names*):

is detrimental to the child's physical or emotional well-being and is terminated.

19.  The child is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because

a.  the permanent plan is not adoption, and (*choose one*)

(1)  the child is placed with a member of the child's extended family, as defined by Welf. & Inst. Code, § 224.1(c); or

(2)  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

(3)  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

(4)  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

(5)  the child is placed in accordance with the preferences established by the tribe; or

(6)  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

b.  the permanent plan is adoption, and (*choose one*)

(1)  the child is placed with a member of the child's extended family; or

(2)  a diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or

(3)  a diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or

CHILD'S NAME:	CASE NUMBER:
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19. b. (4)  the child is placed in accordance with the preferences established by the tribe; or  
 (5)  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
20.  The child's placement is necessary.
21.  The child's placement is appropriate.
22.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
23.  The child is missing or has run away from placement. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
24.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
25.  The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
26.  The child is an Indian child, and active efforts, as detailed in the record,  were  were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.  
 If active efforts were made, those efforts have proved  successful  unsuccessful.
27. The child is 14 years of age or older and
- a.  the services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
  - b.  the services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
  - c.  to assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
    - (1)  stated on the record.
    - (2)  as follows:
28.  The child remains a  dependent  ward of the court. *(Do NOT check this item if item 15c is checked.)*
29.  All prior orders not in conflict with this order remain in full force and effect.
30.  Other *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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31.  Next hearing date:    Time:    Dept.:    Room:
- a.  Continued hearing under Welf. & Inst. Code, § 366.26 for receipt of report on attempts to locate an appropriate adoptive family
  - b.  Continued hearing under Welf. & Inst. Code, § 366.24(c)(6) for receipt of the tribal customary adoption order
  - c.  Six-month postpermanency review
  - d.  Other *(specify)*:

32. The
- a.  Parent *(name)*:
  - b.  Parent *(name)*:
  - c.  Parent *(name)*:
  - d.  Indian custodian *(name)*:
  - e.  Child
  - f.  Other *(name)*:
  - g.  Other *(name)*:
- have been advised of their appeal rights under California Rules of Court, rule 5.590.

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

\_\_\_\_\_ *Judicial Officer*

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  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</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-405.v3.112024.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>CONTINUANCE—DEPENDENCY DETENTION HEARING</b>	CASE NUMBER:

1. This matter came before the court on the  
 original petition     subsequent petition     supplemental petition     other (specify):  
 filed on (date):

2. **Detention hearing**

- |                             |                                     |
|-----------------------------|-------------------------------------|
| a. Date:                    | e. Court reporter (name):           |
| b. Department:              | f. Bailiff (name):                  |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name):      |                                     |

	Present	Attorney (name):	Present	Appointe today
h. <u>Party (name):</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

**THE COURT FINDS AND ORDERS:**

3.  The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
4.  a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds:
- (1) the child understands the nature of the proceedings;
  - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
  - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

CHILD'S NAME:	CASE NUMBER:
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5.  A Court Appointed Special Advocate is appointed for the child.

6. **The court has informed and advised the**

- mother                       biological father                       legal guardian                       child  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
  - the contents of the petition;
  - the nature of and possible consequences of juvenile court proceedings;
  - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
  - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
  - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
  - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
  - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

7. The court has considered the information contained in

- a.  the report of social worker dated:
- b.  other (*specify*):
- c.  other (*specify*):

and based on this information finds that continuance in the home is contrary to the child's welfare pending a further determination at the continued hearing.

8.  The court grants the motion for continuance under **Welf. & Inst. Code, § 322** made by the

- mother                       biological father                       legal guardian                       child  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

9.  A motion for continuance was made by the

- mother                       biological father                       legal guardian                       child  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

and good cause exists for granting the continuance in that

- a.  notice of the date, time, and location of the hearing was not given to (*name*):
- b.  the child did not receive proper notice of his or her right to attend the hearing.
- c.  other (*specify*):

The motion for the continuance is granted.

CHILD'S NAME:	CASE NUMBER:
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10.  **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms):
- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
  - b.  *Visitation Attachment: Sibling* (form JV-401).
  - c.  *Visitation Attachment: Grandparent* (form JV-402).

**11. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
  - (1) alleged parent (*name*):
  - (2) alleged parent (*name*):
  - (3) alleged parent (*name*):

**12. ICWA Inquiry**

On the record, the court has:

- a.  Asked each participant present at the hearing:
  - Whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
  - Whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
  - Whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
  - If the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
- b.  Instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.
- c. Based on this inquiry and a review of the evidence of ICWA inquiry submitted for the hearing (*check one*):
  - (1)  The court finds there is no reason to believe or reason to know the child is an Indian child. The agency is ordered to continue its inquiry to determine whether the child is or may be an Indian child and report back to the court on its efforts; or
  - (2)  The court finds there is reason to believe the child is an Indian child; and (*check one*):
    - (a)  The record includes evidence that the agency has complied with Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child
    - (b)  The agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others; or
  - (3)  The court finds that there is reason to know that the child is an Indian child, and
    - (a)  The agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
    - (b)  The agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
    - (c)  Notice has been provided as required by law; and
    - (d)  The court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
  - (4)  The court finds that the child is an Indian child and a member of the \_\_\_\_\_ tribe.  
The Indian Child Welfare Act applies.



CHILD'S NAME:	CASE NUMBER:
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13. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

14. The  mother                       biological father                       legal guardian  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

15. The  mother                       biological father                       legal guardian  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

were provided with a *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete form ICWA-020 and to submit it to the court before leaving the courthouse today.

16.  There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 of the for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

17. The  mother                       biological father                       legal guardian  
 presumed father                       alleged father                       Indian custodian  
 other (*specify*):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

18.  **Other findings and orders:**

- a.  See attached.  
b.  (*Specify*):

19. **All parties are ordered to return for the continued hearing:**

Hearing date:	Time:	Dept:	Room:
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20. **All prior orders not in conflict with this order remain in full force and effect.**

21 Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_ \_\_\_\_\_ *Judicial Officer*

Countersignature for detention orders (*if necessary*):

Date: \_\_\_\_\_ \_\_\_\_\_ *Judge*

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-410.v6.120424.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CHILD'S NAME:</b>	
<b>FINDINGS AND ORDERS AFTER DETENTION HEARING</b> <b>(Welf. &amp; Inst. Code, § 319)</b>	CASE NUMBER:

1. This matter came before the court on the  
 original petition     subsequent petition     supplemental petition     other (specify):  
 filed on (date):

**2. Detention hearing**

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

<u>Party (name):</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
  - (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

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

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

**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

- 4. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  **For a child 10 years of age or older who is not present**
  - (1)  The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

CHILD'S NAME:	CASE NUMBER:
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4. b. (2)  The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and
- (a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b)  it is in the best interest of the child not to continue the hearing.
5.  The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a.  The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7.  A Court Appointed Special Advocate is appointed for the child.

**8. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

**9. Family Finding**

The county agency is ordered to make diligent efforts to locate and evaluate appropriate kin to provide family support and serve as a resource placement.

**10. ICWA Inquiry**

On the record, the court has

- a.  asked each participant present at the hearing
- whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
  - whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
  - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
  - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
- b.  instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.

**11. ICWA Status (select one)**

- a.  The court finds there is no reason to believe or reason to know the child is an Indian child and. The county agency is ordered to continue to inquire about the child's possible Indian status and report all inquiry efforts to the court; or
- b.  The court finds there is reason to believe the child is an Indian child; and

CHILD'S NAME:	CASE NUMBER:
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11. b. (1)  the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2)  the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c.  The court finds that there is reason to know that the child is an Indian child, and
- (1)  the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2)  the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
- (3)  notice has been provided as required by law; and
- (4)  the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The court finds that the child is an Indian child and a member of the \_\_\_\_\_ tribe.

**12. ICWA Jurisdiction**

- a. It is known or there is reason to know that the child is an Indian child. The court finds (*select one*)
- (1)  that it has jurisdiction over the proceeding because
- (a) the court finds that the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and
- (b) the court finds that the child is not already under the jurisdiction of a tribal court; or
- (2)  the court finds that it does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or
- (3)  the court finds that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with section 1922 of title 25 of the United States Code.

**Advisements and waivers**

**13. The court has informed and advised the**

- mother                       biological father                       legal guardian                       child
- presumed father                       alleged father                       Indian custodian
- Other (*specify*): \_\_\_\_\_
- Other (*specify*): \_\_\_\_\_
- of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
- The contents of the petition;
  - The nature of and possible consequences of juvenile court proceedings;
  - The reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
  - The right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
  - That if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
  - That the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
  - That the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.

CHILD'S NAME:	CASE NUMBER:
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- 13. c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on their own behalf.

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

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

15.  **CHILD NOT DETAINED**

- a.  Services that would prevent the need for further detention, including those set forth in item 17, are available.
- b.  The child is returned to the custody of  mother  biological father  legal guardian  Other (specify):  
 presumed father  alleged father  Indian custodian  Other (specify):

16.  **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (*select at least one*)
  - (1)  there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
  - (2)  there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
  - (3)  the child has left a placement in which they were placed by the juvenile court.
  - (4)  the child has been physically abused by a person residing in the home and is unwilling to return home.
  - (5)  the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated on the record.
- f. The facts on which the court bases its decision to order the child detained are stated on the record.
- g. The child is placed in
  - (1)  the approved home of a relative.
  - (2)  an emergency shelter.
  - (3)  other suitable licensed place.
  - (4)  a place exempt from licensure designated by the juvenile court.
  - (5)  the approved home of a nonrelative extended family member as defined in Welf. & Inst. Code, § 362.7.
  - (6)  a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for (*date*):
- h. Services, including those set forth in item 17, are to be provided to the family as soon as possible to reunify the child with their family.
- i.  Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j.  Reasonable efforts were not made to prevent or eliminate the need for removal from the home.

CHILD'S NAME:	CASE NUMBER:
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16. k.  There is a relative who is able, approved, and willing to care for the child.
- l.  A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.

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

- a.  The evidence includes all of the requirements of Welf. & Inst. Code, § 319(b).
- b.  As detailed in the record, the agency has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proved  successful or  unsuccessful;
- the agency has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c.  For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d.  The child's placement complies with the placement preferences set forth in Welf. & Inst. Code, § 361.31. The child is placed
- with a member of the child's extended family;
  - in a foster home licensed, approved, or specified by the child's tribe;
  - in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  - in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
- OR
- for the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

18.  The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19.  **Contact with the child is ordered as stated in (check appropriate boxes and attach indicated forms)**

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).*
- b.  *Visitation Attachment: Sibling (form JV-401).*
- c.  *Visitation Attachment: Grandparent (form JV-402).*

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

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

CHILD'S NAME:	CASE NUMBER:
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21.  The  mother  biological father  legal guardian  
 presumed father  alleged father  Indian custodian  
 Other (specify):  
 Other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

22.  There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

23.  **Other findings and orders**

- a.  See attached.  
b.  (Specify):

24.  The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

25.  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  Jurisdictional hearing  
b.  Dispositional hearing  
c.  Settlement conference  
d.  Mediation  
e.  Other (specify):

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_ \_\_\_\_\_ *Judicial Officer*

Countersignature for detention orders (if necessary):  
Date: \_\_\_\_\_ \_\_\_\_\_ *Judge*

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR ( <i>name</i> ):	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-412.v7.120324.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER JURISDICTIONAL HEARING</b> <b>(Welf. &amp; Inst. Code, § 356)</b>	CASE NUMBER:

1. This matter came before the court on the  
 original petition     subsequent petition     supplemental petition     other(*specify*):  
 filed on (*date*):

**2. Jurisdictional hearing**

- |   |   |
|---|---|
| a. Date:<br>b. Department:<br>c. Judicial officer ( <i>name</i> ):<br>d. Court clerk ( <i>name</i> ): | e. Court reporter ( <i>name</i> ):<br>f. Bailiff ( <i>name</i> ):<br>g. Interpreter ( <i>name and language</i> ): |
|---|---|

<u>h. Party (<i>name</i>):</u>	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other ( <i>specify</i> ):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:  
 (1) Court Appointed Special Advocate (CASA) volunteer (*name*):  
 (2) Other (*name*):  
 (3) Other (*name*):

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

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



CHILD'S NAME:	CASE NUMBER:
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**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:**

4. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

**5. ICWA Inquiry and Status** (*select one*)

- a.  The court and the agency have inquired as to whether the child is or may be an Indian child and there is no reason to believe or reason to know the child is an Indian child; or
- b.  There is reason to believe that the child is or may be an Indian child and the agency is ordered to complete further inquiry to determine the child's Indian status and report to the court on the results of that further inquiry; or
- c.  The child is an Indian child or  there is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
6.  The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7.  a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds:
- (1) the child understands the nature of the proceedings;
  - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
  - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
8.  A Court Appointed Special Advocate is appointed for the child.
9. The child's county of residence is:

10. The child's date of birth is (*specify*):

**11. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
  - (2) alleged parent (*name*):
  - (3) alleged parent (*name*):

**Advisements and waivers**

12. a.  The petition was read to those present at the beginning of this jurisdictional hearing.
- b.  Reading of the petition was waived by all those present at the beginning of this jurisdictional hearing.

CHILD'S NAME:	CASE NUMBER:
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13. The court has informed and advised the

- mother       biological father       legal guardian       child  
 presumed father       alleged father       Indian custodian  
 other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
  - the contents of the petition;
  - the nature of and possible consequences of juvenile court proceedings;
  - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
  - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
  - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
  - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
  - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

14.  On the motion of the petitioner, the following allegations are stricken:

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

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

16.  The  mother       biological father       legal guardian  
 presumed father       alleged father       Indian custodian  
 other (*specify*):

understands the nature of the conduct alleged in the petition and the possible consequences of his or her admission, plea of no contest, or submission.

CHILD'S NAME:	CASE NUMBER:
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17. <input type="checkbox"/> Party	Admits	Submits	Pleads no contest	To petition as amended on <i>(specify date):</i>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. <input type="checkbox"/> Alleged father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. <input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

18.  There is a factual basis for the admission.

19.  By a preponderance of the evidence, the allegations stated below are true:

- a.  as stated in the petition as originally filed.
- b.  as stated in the petition as amended on *(date)*:
  - (1)  by agreement of the parties.
  - (2)  by the court to conform to proof.

20.  The allegations *(specify)*:

as stated in the petition  as amended on *(date)*: are not proven and are ordered stricken.

21.  The allegations of the petition are not sustained.

22.  The petition is sustained under, and the child is a person described by, Welf. & Inst. Code, § 300 *(check all that apply)*:

<input type="checkbox"/> 300(a)	<input type="checkbox"/> 300(c)	<input type="checkbox"/> 300(e)	<input type="checkbox"/> 300(g)	<input type="checkbox"/> 300(i)
<input type="checkbox"/> 300(b)	<input type="checkbox"/> 300(d)	<input type="checkbox"/> 300(f)	<input type="checkbox"/> 300(h)	<input type="checkbox"/> 300(j)

23.  The previous disposition has not been effective in the protection of the child.

24.  The county agency is ordered to immediately return the child to the

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> legal guardian
<input type="checkbox"/> presumed father	<input type="checkbox"/> alleged father	<input type="checkbox"/> Indian custodian
<input type="checkbox"/> other <i>(specify)</i> :		

25.  The child and the

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> legal guardian
<input type="checkbox"/> presumed father	<input type="checkbox"/> alleged father	<input type="checkbox"/> Indian custodian
<input type="checkbox"/> other <i>(specify)</i> :		

are placed under the supervision of the county agency for a minimum of six months under their voluntary agreement to informal supervision and the provision of services designed to keep the family together as stated in the family's case plan.

CHILD'S NAME:	CASE NUMBER:
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26.  **Contact with the child is ordered as stated in** (*check appropriate boxes and attach indicated forms*):
- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
  - b.  *Visitation Attachment: Sibling* (form JV-401).
  - c.  *Visitation Attachment: Grandparent* (form JV-402).

27. **All prior orders not in conflict with this order remain in full force and effect.**

28.  **Other findings and orders:**
- a.  See attached.
  - b.  (*Specify*):

29.  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  Dispositional hearing
- b.  Settlement conference
- c.  Mediation
- d.  Other (*specify*):

30.  **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

31. Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
JUDICIAL OFFICER

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</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-415.v5.120324.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING</b> (Welf. & Inst. Code, § 361 et seq.)	CASE NUMBER:

1. This matter came before the court on the  
 original petition     subsequent petition     supplemental petition     other (specify):  
 filed on (date):

**2. Dispositional hearing**

- |                             |                                     |
|-----------------------------|-------------------------------------|
| a. Date:                    | e. Court reporter (name):           |
| b. Department:              | f. Bailiff (name):                  |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name):      |                                     |

	Present	Attorney (name):	Present	Appointed today
h. Party (name):				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

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

- a.  Report of social worker dated:
- (1)  For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welf. & Inst. Code, §§ 360(a), 361.5(g).
  - (2)  In the case of an Indian child, the report of the social worker includes:
    - (a) Evidence that the agency  has  has not provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to be returned home, and these efforts have proved  successful  unsuccessful;
    - (b) An assessment in consultation with the Indian child's tribe, as specified in Welf. & Inst. Code, § 358.1(j), whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

CHILD'S NAME:	CASE NUMBER:
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- 3. b.  Report of CASA volunteer dated:
- c.  Case plan dated:
- d.  Other (specify):
- e.  Other (specify):
- f.  Testimony of qualified expert witness under the Indian Child Welfare Act

**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:**

- 4. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- 5.  A Court Appointed Special Advocate is appointed for the child.

**6. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
  - (1) alleged parent (name):
  - (2) alleged parent (name):
  - (3) alleged parent (name):

**7. ICWA Inquiry**

- a.  The court finds that the social worker or probation officer has asked the child, if old enough, and his or her parents or legal guardians, and the following relatives, \_\_\_\_\_, whether there is information that \_\_\_\_\_ provides reason to know the child is an Indian child.
- b.  The court, on the record, has asked the child, if old enough, and his or her parents or legal guardians, all participants in the proceedings, and the following relatives, \_\_\_\_\_, whether there is information \_\_\_\_\_ indicating the child is an Indian child.
- c.  The parties were instructed to inform the court if they receive any information indicating that the child is an Indian child.
- d.  The court finds that there is no reason to know that the child is an Indian child. The agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court; or
  - The court finds that there is reason to know that the child is an Indian child; and
    - (1) The agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status;
    - (2) Notice has been provided as required by law; and
    - (3) The court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- e.  The court finds that the child is an Indian child and a member of the \_\_\_\_\_ tribe.

**Advisements and waivers**

**8. The court informed and advised the**

- mother
- biological father
- legal guardian
- child
- presumed father
- alleged father
- Indian custodian
- other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

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9. The  mother  biological father  legal guardian  child  
 presumed father  alleged father  Indian custodian  
 other (specify):

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

10.  **Sibling group**

The child and the child's siblings listed below form a sibling group in which at least one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.

Sibling (name):

- a.
- b.
- c.
- d.
- e.
- f.

11. **Disposition is ordered as stated in** (check appropriate box and attach indicated form):

- a.  *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))* (form JV-416), which is attached and incorporated by reference.
- b.  *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)* (form JV-417), which is attached and incorporated by reference.
- c.  *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))* (form JV-418), which is attached and incorporated by reference.
- d.  *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-420), which is attached and incorporated by reference.
- e.  *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-421), which is attached and incorporated by reference.

12. **The child's rights** under Welf. & Inst. Code, § 388 and the procedure for bringing a petition under Welf. & Inst. Code, § 388, including the availability of appropriate and necessary forms, were provided to the child as follows:

- a.  Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b.  Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c.  Child 12 years of age or older who was not present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)

13.  **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form):

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b.  *Visitation Attachment: Sibling* (form JV-401).
- c.  *Visitation Attachment: Grandparent* (form JV-402).

14. The child's medical, dental, mental health, and educational information required by Welfare and Institutions Code section 16010 was provided by the  mother  biological father  legal guardian  presumed father  
 alleged father  Indian custodian  other (specify):

15. **All prior orders not in conflict with this order remain in full force and effect.**

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16.  **Other findings and orders:**

- a.  See attached.
- b.  (Specify):

17.  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  In-home status review hearing (Welf. & Inst. Code, § 364)
- b.  Six-month permanency hearing (Welf. & Inst. Code, § 366.21(e))
- c.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)  
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept:	Room:
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- d.  Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e.  Other (specify):

18.  **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

19. Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

**For Your Information**

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.



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**DISPOSITIONAL ATTACHMENT:  
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT  
(Welf. & Inst. Code, §§ 361, 361.2)**

1.  The child is a person described by Welf. & Inst. Code, § 300 (check all that apply)
- |                                 |                                 |                                 |                                 |                                 |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <input type="checkbox"/> 300(a) | <input type="checkbox"/> 300(c) | <input type="checkbox"/> 300(e) | <input type="checkbox"/> 300(g) | <input type="checkbox"/> 300(i) |
| <input type="checkbox"/> 300(b) | <input type="checkbox"/> 300(d) | <input type="checkbox"/> 300(f) | <input type="checkbox"/> 300(h) | <input type="checkbox"/> 300(j) |
- and is adjudged a dependent of the court.**

**Circumstances justifying removal from custodial parent**

2.  There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (check all that apply):

	361(c)(1)	361(c)(2)	361(c)(3)	361(c)(4)	361(c)(5)
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Reasonable efforts  were  were not made to prevent or eliminate the need for removal from the home.

**Indian Child Welfare Act status**

4.  The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds that there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.

5.  The child  is an Indian child or  there is reason to know that the child is an Indian child, and

- a. qualified expert witness testimony was provided by \_\_\_\_\_ ; and
- b. evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
- c. there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Mother           | <input type="checkbox"/> Biological father | <input type="checkbox"/> Legal guardian |
| <input type="checkbox"/> Presumed father  | <input type="checkbox"/> Indian custodian  |   |
| <input type="checkbox"/> Other (specify): |  |   |
| <input type="checkbox"/> Other (specify): |  |   |

6.  The child  is an Indian child or  there is reason to know that the child is an Indian child, and as set out in detail in the record,

- a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
- b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
- d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, utilizing the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
- e. the active efforts have proved  successful  unsuccessful.

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**7. Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from (check all that apply)**

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

**Family finding and engagement**

8. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented.
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented.
- (1)  The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2)  The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Case plan development**

9. a.  The county agency solicited and integrated into the case plan the input of the  child  mother  father  representative of child's identified Indian tribe  Other (specify): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_
- b.  The county agency did not solicit and integrate into the case plan the input of the  child  mother  father  representative of child's identified Indian tribe  Other (specify): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_ and the agency is ordered to do so and submit an updated case plan within 30 days of the date of this hearing.
- c.  The county agency did not solicit and integrate into the case plan the input of the  child  mother  father  representative of child's identified Indian tribe  Other (specify): \_\_\_\_\_  
 Other (specify): \_\_\_\_\_ and the county agency is not required to do so because these persons are unable, unavailable, or unwilling to participate.

**Custody and placement**

10.  The  mother  presumed father  biological father did not reside with the child at the time the petition was filed and  does  does not desire custody of the child.
- a.  By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:  
 Mother                       Presumed father                       Biological father
- b.  The factual basis for the findings in this item is stated on the record.
11.  **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a.  in the approved home of a relative.
- b.  in the approved home of a nonrelative extended family member.
- c.  the approved home of a resource family, as defined in Welf. & Inst. Code, § 16519.5 or a home that is pending approval under Welf & Inst. Code, § 16519.5(e)(1).
- d.  with a foster family agency for placement in a foster family home.
- e.  in a suitable licensed community care facility.
- f.  in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 was held on or is set for (date): \_\_\_\_\_
12.  **Placement with the child's relative, (name):** \_\_\_\_\_ has been independently considered by the court and is denied for the reasons stated on the record.
13.  The child is an Indian child or there is reason to know the child is an Indian child. Currently (choose one)
- a.  the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or

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13. b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d.  a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e.  the child is placed in accordance with the preferences established by the tribe; or
- f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

14. **The child's out-of-home placement is necessary.**

15.  **The child's current placement is appropriate.**

16.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.

17.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.

18.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a.  The matter is continued to the date and time indicated in form JV-415, item 18 for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
19.  For a child placed in short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(I) when determining the continuing necessity for and appropriateness of the placement.

20.  **The child is placed outside the state of California and that out-of-state placement**

- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
- b.  is not the most appropriate placement for the child and is not in the best interest of the child.  
The matter is continued to the date and time indicated in form JV-415, item 18 for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
- (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3)  Other (*specify*):

**Reunification services**

21.  **Provision of reunification services to the biological father**  will  will not benefit the child.
22.  **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
- a.  Participation in the program  is  is not in the child's best interest.
- b.  The program  is  is not suitable to meet the needs of the mother and child.
23.  The  mother  legal guardian  Other (*specify*):  
 presumed father  Indian custodian  Other (*specify*):  
is incarcerated and reasonable reunification services are
- a.  granted.
- b.  denied because, by clear and convincing evidence, providing reunification services would be detrimental to the child.

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24.  **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence,**

- a. the  mother  legal guardian  Other (specify):  
 presumed father  Indian custodian  Other (specify):

is a person described in Welf. & Inst. Code, § (choose all that apply)

- 361.5(b)(3)  361.5(b)(7)  361.5(b)(9)  361.5(b)(11)  361.5(b)(13)  361.5(b)(16)  
 361.5(b)(4)  361.5(b)(8)  361.5(b)(10)  361.5(b)(12)  361.5(b)(15)  361.5(b)(17)

23. a. and reunification services are

- (1)  granted because, by clear and convincing evidence reunification is in the best interest of the child.  
(2)  denied.

- b. The  mother  legal guardian  Other (specify):  
 presumed father  Indian custodian  Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.

- c. The  mother  legal guardian  Other (specify):  
 presumed father  Indian custodian  Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are

- (1)  granted.  
(2)  denied because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.

- d. The  mother  legal guardian  Other (specify):  
 presumed father  Indian custodian  Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are

- (1)  granted because  
(a)  reunification services are likely to prevent reabuse or neglect.  
(b)  the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.

(2)  denied.

- e. The  mother  legal guardian  
 presumed father  Indian custodian  
 other person who is a legal parent of the child (name):  
 Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are

- (1)  granted because by clear and convincing evidence reunification is in the best interest of the child.  
(2)  denied because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.  
(3)  The factual basis for the findings in this item is stated on the record.

- f. The  mother  legal guardian  Other (specify):  
 presumed father  Indian custodian  Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed *Waiver of Reunification Services* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.

g. **The county agency must provide reunification services,** and the following must participate in the reunification services stated in the case plan:

- Mother  Biological father  Presumed father  Other (specify):  
 Indian custodian  Legal guardian  Other (specify):

24. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (specify):

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**Efforts**

26. The county agency  has  has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete any steps necessary to finalize the permanent placement of the child.

27. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Siblings**

28.  The child does not have siblings under the court's jurisdiction.

29. a. The child's educational needs  are  are not being met.  
 b. The child's physical needs  are  are not being met.  
 c. The child's mental health needs  are  are not being met.  
 d. The child's developmental needs  are  are not being met.

**Health and education**

30.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (specify):  
 Other (specify):  
 is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

31.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are  
 a.  stated in the social worker's report.  
 b.  specified here:

32.  The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

33. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

34. a.  A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.  
 b.  A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

35.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:  
 a.  Social worker  
 b.  Parent (name):

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35. c.  Surrogate parent (*name*):  
d.  Educational representative (*name*):  
e.  Other (*name*):
36.  The child's education placement has changed since the date the child was physically removed from the home.  
a.  The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.  
b.  The child is enrolled in school.  
c.  The child is attending school.
37. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),  
(1)  an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.  
(2)  the name of the support person(s) to assist the child is:  
the support person's relationship(s) to the child is:  
(3)  an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.  
(4)  to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services  
(a)  stated on the record.  
(b)  as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
38.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
39.  **Child 14 years of age or older**  
a.  The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.  
b.  The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.  
c.  To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services  
(1)  stated on the record.  
(2)  as follows:

#### Advisements

40.  Child under three years of age on the date of initial removal from the physical custody of the child's parent or guardian, or for a child in a sibling group whose members were removed from parental custody at the same time, and in which one member of the sibling group was under three years of age on the date of initial removal from the physical custody of the child's parent or guardian.
- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).
- Six-month hearing date:**
- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:

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40. b.
  - whether the sibling group was removed from parental care as a group;
  - the closeness and strength of the sibling bond;
  - the ages of the siblings;
  - the appropriateness of maintaining the sibling group;
  - the detriment to the child if sibling ties are not maintained;
  - the likelihood of finding a permanent home for the sibling group;
  - whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
  - the wishes of each child whose age and physical and emotional condition permits a meaningful response; and
  - the best interest of each child in the sibling group.

c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

41.  **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:
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42.  a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(g)(10) of the California Rules of Court to any party not present.
- e.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is (date):





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3. b.  **For a child 10 years of age or older who is not present,**
- (1)  the child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2)  the child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing, or the child wished to be present and was not given an opportunity to be present, and
- (a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b)  it is in the best interest of the child not to continue the hearing.

4.  A Court Appointed Special Advocate is appointed for the child.

5. **Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

6. **ICWA Inquiry**

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*select one*):

- a.  There is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court;
- b.  There is reason to believe the child is an Indian child; and
- (1)  the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2)  the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c.  There is reason to know that the child is an Indian child, and
- (1)  the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status : or
- (2)  the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3)  notice has been provided as required by law; and
- (4)  the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The child is an Indian child and a member of the \_\_\_\_\_ tribe.

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Advisements and waivers

7. The court has informed and advised the

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

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

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

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

- 9. a.  The following were actively involved in the case plan development, including the child's plan for permanent placement:

- Child       Mother       Father       Representative of child's identified Indian tribe
- Other(specify):       Other(specify):

- b.  The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

- Child       Mother       Father       Representative of child's identified Indian tribe
- Other(specify):       Other(specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

- c.  The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

- Child       Mother       Father       Representative of child's identified Indian tribe
- Other(specify):       Other(specify):

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts

10. The county agency

- a.  has
- b.  has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

- 11.  The child is an Indian child or
- there is reason to know that the child is an Indian child, and as set out in detail in the record,

- a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;

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- 11. b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved  successful  unsuccessful.

**12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Siblings**

- 13.  **The child does not have siblings under the court's jurisdiction.**
- 14.  **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

**Health and education**

- 15. a.  A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b.  A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

- 16. a. The child's educational needs  are  are not being met.
- b. The child's physical needs  are  are not being met.
- c. The child's mental health needs  are  are not being met.
- d. The child's developmental needs  are  are not being met.

17. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*specify date*):

- 18.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
  - a.  stated in the social worker's report.
  - b.  specified here:

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19.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
  - Parent (*name*):
  - Surrogate parent (*name*):
  - Educational representative (*name*):
  - Other (*name*):
20.  The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
  - The child is enrolled in school.
  - The child is attending school.
21.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - the name of the support person(s) to assist the child is:  
The support person's relationship(s) to the child is:
  - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23.  **Child 14 years of age or older:**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
  - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
  - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:

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**24. Placement and services are ordered as stated in** *(check appropriate boxes and attach indicated forms)*

- a.  *Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e))* (form JV-431), which is attached and incorporated by reference.
- b.  *Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (form JV-432), which is attached and incorporated by reference.
- c.  *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (form JV-433), which is attached and incorporated by reference.

**25.**  **Contact with the child is ordered as stated in** *(check appropriate box and attach indicated form)*

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400)
- b.  *Visitation Attachment: Sibling* (form JV-401)
- c.  *Visitation Attachment: Grandparent* (form JV-402)

**26. All prior orders not in conflict with this order remain in full force and effect.**

**27.**  **Other findings and orders**

- a.  See attached.
- b.  *(Specify):*

**28.**  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  In-home status review hearing (Welf. & Inst. Code, § 364)
- b.  Twelve-Month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)  
*(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)*

Hearing date:	Time:	Dept.:	Room:
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- d.  Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e.  Other *(specify):*

**29.**  **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

**30.** Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

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**SIX-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED**  
(Welf. & Inst. Code, § 366.21(e))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

**Placement**

2. **The child's out-of-home placement is necessary.**
3.  **The child's current placement is appropriate.**
4.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a.  The matter is continued to the date and time indicated in form JV-430, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
6.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
7.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
8.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a.  the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d.  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e.  the child is placed in accordance with the preferences established by the tribe; or
- f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
- b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
- (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3)  Other (*specify*):

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**Reunification services**

10.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
  - c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
  - d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
  - e. the active efforts have proved  successful  unsuccessful.

11.  **Reunification services continued: Child under age of three at time of removal or member of sibling group**

- a.  The child was under the age of three years on the date of the initial removal from the home.
- b.  The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.

- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- (5) (name):
- (6) (name):

- c.  Services are continued as described in item 12; or
- d.  The court finds by clear and convincing evidence that the parent or legal guardian failed to participate regularly and make substantive progress in a court-ordered treatment plan, but reunification services are continued because

- (1)  having considered the relevant evidence, including
  - (a)  whether there has been significant progress in resolving the problems that led to the removal;
  - (b)  whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; and
  - (c)  whether there has been consistent and regular contact and visitation with the child;

the court finds there is a substantial probability that the child may be returned to the

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

within six months of the date of this hearing or within 12 months of the date the child entered foster care, whichever is sooner.

- (2) Reasonable services have not been provided to the
  - mother                       biological father                       Indian custodian
  - presumed father                       legal guardian                       Other (specify):
  - Other (specify):

12. **Reunification services are continued for the**

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

- a.  as previously ordered.

CHILD'S NAME:	CASE NUMBER:
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12. b.  as modified  
 (1)  on the record.  
 (2)  in the case plan.

13.  **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative or in another planned permanent living arrangement is *(date)*:

**Family finding and engagement**

14. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or  
 b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.  
 (1)  The county agency is ordered to make such diligent efforts, except with respect to individuals who the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.  
 (2)  The county agency must submit a report to the court on or before (date:) \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

15.  **The child is 10 years of age or older and has been in out-of-home placement for six months or longer.**  
 a.  The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.  
 b.  The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.  
 c.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services  
 (1)  as stated on the record.  
 (2)  as follows:

**Health**

16.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (specify):  
 Other (specify):  
 is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

**Advisement**

17. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan, modification of parental rights and the adoption of the child and other members of the sibling group.**

**Twelve-month permanency hearing date:**



CHILD'S NAME:

CASE NUMBER:

**SIX-MONTH PERMANENCY ATTACHMENT:  
REUNIFICATION SERVICES TERMINATED  
(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

**Placement**

2. **The child's out-of-home placement is necessary.**
3.  **The child's current placement is appropriate.**
4.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a.  The matter is continued to the date and time indicated in form JV-430, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
6.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
7.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
8.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a.  the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d.  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e.  the child is placed in accordance with the preferences established by the tribe; or
- f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
- b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
- (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3)  Other (*specify*):

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**Reunification services**

10.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
  - c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
  - d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
  - e. the active efforts have proved  successful  unsuccessful.

11.  The child is an Indian child or there is reason to know that the child is an Indian child, and
- a.  qualified expert witness testimony was provided by \_\_\_\_\_ ; and
  - b.  evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
  - c.  there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
    - Mother  Biological father  Legal guardian
    - Presumed father  Indian custodian
    - Other (specify): \_\_\_\_\_
    - Other (specify): \_\_\_\_\_

12.  **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**

- a.  The child was under the age of three years on the date of the initial removal from the home.
- b.  The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
  - (1) (name): \_\_\_\_\_
  - (2) (name): \_\_\_\_\_
  - (3) (name): \_\_\_\_\_
  - (4) (name): \_\_\_\_\_
  - (5) (name): \_\_\_\_\_
  - (6) (name): \_\_\_\_\_
- c. By clear and convincing evidence the
  - mother  biological father  Indian custodian
  - presumed father  legal guardian  Other (specify): \_\_\_\_\_
  - Other (specify): \_\_\_\_\_

failed to participate regularly and make substantive progress in a court-ordered treatment plan and there is not a substantial probability of return within six months. Reunification services are terminated.
- d. Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

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13.  **Reunification services terminated: Child of any age**

- a.  Reunification services are terminated for the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |

because the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and, by clear and convincing evidence,

- (1)  the person's whereabouts remain unknown.  
 (2)  the person has not had contact or visited with the child for six months.

- b.  Reunification services are terminated for the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |

because, by clear and convincing evidence, that person has been convicted of a felony indicating parental unfitness.

- c.  Reunification services are terminated for the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |

because it is determined that the person is deceased.

14. The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency  has  has not been evaluated.

**Family finding and engagement**

15. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1)  The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2)  The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

16.  **Child in out-of-home placement for six months or longer**

- a.  The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- b.  The county agency has **not** made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- c.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows:

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**Health**

17.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (*specify*):  
 Other (*specify*):  
 is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

**Setting for selection of permanent plan**

18.  a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**

- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents and available extended family members and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
  - (1) (*name*):
  - (2) (*name*):
  - (3) (*name*):
  - (4) (*name*):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*date*):

19.  **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.

a.  The child's permanent plan is permanent placement with (*name*): \_\_\_\_\_, a fit and willing relative.  
**The likely date** by which the child's permanent plan will be achieved is (*date*): \_\_\_\_\_

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19. b.  The child is ordered to remain in foster care with a permanent plan of (*specify*)

- (1)  return home.  
 (2)  adoption.  
 (3)  tribal customary adoption.  
 (4)  legal guardianship.  
 (5)  placement with a fit and willing relative.

c.  The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to

- return home.                       establish legal guardianship.  
 place for adoption.                 place with a relative.  
 Other (*specify*):

**The likely date** by which the child's permanent plan will be achieved is (*date*):

d.  The court finds that the barriers to achieving the child's permanent plans are (*describe*):

20.  **For children 16 years of age or older placed in another planned permanent living arrangement,**

a. the court asked the child where the child wants to live, and the child provided the following information (*describe*):

b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):

c. the compelling reasons why the other permanent plan options are not in the child's best interests are (*describe*):

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-435.v6.120324.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER</b> <b>12-MONTH PERMANENCY HEARING</b> (Welf. & Inst. Code, § 366.21(f))	CASE NUMBER:

**1. Twelve-month permanency hearing**

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
h. <u>Party (name):</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
  - (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

**2. The court has read and considered and admits into evidence the**

- a.  report of social worker dated:
- b.  report of CASA volunteer dated:
- c.  case plan dated:
- d.  Other (specify):
- e.  Other (specify):

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**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

3. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  For a child 10 years of age or older who is not present,
- (1)  the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2)  the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b)  it is in the best interest of the child not to continue the hearing.
4.  A Court Appointed Special Advocate is appointed for the child.

**5. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

**6. ICWA inquiry**

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*select one*):

- a.  There is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court;
- b.  There is reason to believe the child is an Indian child; and
- (1)  the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2)  the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c.  There is reason to know that the child is an Indian child, and
- (1)  the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status: or
- (2)  the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3)  notice has been provided as required by law; and
- (4)  the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The child is an Indian child and a member of the \_\_\_\_\_ tribe.

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**Advisements and waivers**

**7. The court has informed and advised the**

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

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

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

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

**Case plan development**

9. a.  The following were actively involved in the case plan development, including the child's plan for permanent placement:  
 child                       mother                       father                       representative of child's identified Indian tribe  
 Other (*specify*):     Other (*specify*):

- b.  The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 child                       mother                       father                       representative of child's identified Indian tribe  
 Other (*specify*):     Other (*specify*):  
 The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

- c.  The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 child                       mother                       father                       representative of child's identified Indian tribe  
 Other (*specify*):     Other (*specify*):  
 The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

**Efforts**

**10. The county agency**

- a.  has
- b.  has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;



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11. c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved  successful  unsuccessful.

**12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Siblings**

13.  **The child does not have siblings under the court's jurisdiction.**
14.  **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

**Health and education**

15. a.  **A limitation on the right of the parents to make educational decisions for the child is not necessary.** The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b.  A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

16. a. The child's educational needs  are  are not being met.
- b. The child's physical needs  are  are not being met.
- c. The child's mental health needs  are  are not being met.
- d. The child's developmental needs  are  are not being met.

17. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

18.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a.  stated in the social worker's report.
- b.  specified here:

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19.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
  - Parent (*name*):
  - Surrogate parent (*name*):
  - Educational representative (*name*):
  - Other (*name*):
20.  The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
  - The child is enrolled in school.
  - The child is attending school.
21.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - the name of the support person(s) to assist the child is: \_\_\_\_\_, and the relationship(s) to the child is: \_\_\_\_\_.
  - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23.  **Child 14 years of age or older:**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
  - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
  - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:

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**24. Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a.  *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f))* (form JV-436), which is attached and incorporated by reference.
- b.  *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437), which is attached and incorporated by reference.
- c.  *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438), which is attached and incorporated by reference.

**25.**  **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b.  *Visitation Attachment: Sibling* (form JV-401).
- c.  *Visitation Attachment: Grandparent* (form JV-402).

**26. All prior orders not in conflict with this order remain in full force and effect.**

**27.**  **Other findings and orders**

- a.  See attached.
- b.  (Specify):

**28.**  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  In-home status review hearing (Welf. & Inst. Code, § 364)
- b.  Eighteen-month permanency hearing (Welf. & Inst. Code, § 366.22)
- c.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)  
*(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)*

Hearing date:	Time:	Dept.:	Room:
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- d.  Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e.  Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f.  Other (specify):

**29.**  **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

**30.** Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

CHILD'S NAME:	CASE NUMBER:
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**TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED**  
(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

**Placement**

2. **The child's out-of-home placement is necessary.**
3.  **The child's current placement is appropriate.**
4.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a.  The matter is continued to the date and time indicated in form JV-435, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
6.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
7.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
8.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a.  the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d.  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e.  the child is placed in accordance with the preferences established by the tribe; or
- f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

CHILD'S NAME:	CASE NUMBER:
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9.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
  - b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a  written  oral report by the county agency on the progress made toward
    - (1)  returning the child to California and locating an appropriate placement within California.
    - (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
    - (3)  Other (*specify*):

**Reunification services**

10. a.  **There is substantial probability that the child may be returned** to the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |
- by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has
- (1) made significant progress in resolving the problems that led to the removal;
  - (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
  - (3) consistently and regularly contacted and visited the child.
- b.  Reasonable services have not been provided to the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |
11. Reunification services are continued for the
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> mother                    | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian          |
| <input type="checkbox"/> presumed father           | <input type="checkbox"/> legal guardian    | <input type="checkbox"/> Other ( <i>specify</i> ): |
| <input type="checkbox"/> Other ( <i>specify</i> ): |  |  |
- a.  as previously ordered.
  - b.  as modified
    - (1)  on the record.
    - (2)  in the case plan.

12.  **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*date*):

**Family finding and engagement**

13. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
  - (2) The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

CHILD'S NAME:	CASE NUMBER:
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**Important individuals**

14.  **Child 10 years of age or older**
- a.  The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
  - b.  The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
  - c.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
    - (1)  as stated on the record.
    - (2)  as follows:

**Health**

15.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (*specify*):  
 Other (*specify*):  
 is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

**Advisement**

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 18-month permanency hearing set on a date within 18 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Eighteen-month permanency hearing date:
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CHILD'S NAME:	CASE NUMBER:
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**TWELVE-MONTH PERMANENCY ATTACHMENT:  
REUNIFICATION SERVICES TERMINATED  
(Welf. & Inst. Code, § 366.21(f))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
  - a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
  - c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
  - d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
  - e. the active efforts have proved  successful  unsuccessful.
4.  The child is an Indian child or there is reason to know that the child is an Indian child, and
  - a.  qualified expert witness testimony was provided by (name): \_\_\_\_\_ ; and
  - b.  evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
  - c.  there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
 

<input type="checkbox"/> Mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> Other (specify):		
<input type="checkbox"/> Other (specify):		

**Placement**

5. **The child's out-of-home placement is necessary.**
6.  **The child's current placement is appropriate.**
7.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
9.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
10.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
  - a.  The matter is continued to the date and time indicated in form JV-435, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
  - b.  Other (specify):

CHILD'S NAME:	CASE NUMBER:
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11.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a.  the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
  - b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
  - c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  - d.  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
  - e.  the child is placed in accordance with the preferences established by the tribe; or
  - f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
  - b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a  written  oral report by the county agency on the progress made toward
    - (1)  returning the child to California and locating an appropriate placement within California.
    - (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
    - (3)  Other (*specify*):

13. The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency  has  has not been evaluated.

**Family finding and engagement**

14. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
  - (2) The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

15.  **For a child who is 10 years of age or older,**
- a.  the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
  - b.  the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.



CHILD'S NAME:	CASE NUMBER:
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15. c.  to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows:

**Health**

16.  The  mother  biological father  Other (specify):  
 presumed father  legal guardian  Other (specify):  
 is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

**Selection of permanent plan**

17.  **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a.  The child's permanent plan is permanent placement with (name): \_\_\_\_\_, a fit and willing relative.  
**The likely date** by which the child's permanent plan will be achieved is (date): \_\_\_\_\_
- b.  The child is ordered to remain in foster care with a permanent plan of
- (1)  return home.
  - (2)  adoption.
  - (3)  tribal customary adoption.
  - (4)  legal guardianship.
  - (5)  placement with a fit and willing relative.
- c.  The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home.  establish legal guardianship.
  - place for adoption.  place with a relative.
  - Other (specify): \_\_\_\_\_
- The likely date** by which the child's permanent plan will be achieved is (date): \_\_\_\_\_
- d.  The court finds that the barriers to achieving the child's permanent plans are (describe): \_\_\_\_\_

18.  **For children 16 years of age or older placed in another planned permanent living arrangement,**
- a. the court asked the child where the child wants to live, and the child provided the following information (describe): \_\_\_\_\_

CHILD'S NAME:	CASE NUMBER:
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18. b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

c. the compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

19.  a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**

- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents and available extended family members and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
  - (1) *(name)*:
  - (2) *(name)*:
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is *(specify date)*:

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:  NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-440.v7.120424.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING</b> <b>(Welf. &amp; Inst. Code, § 366.22)</b>	CASE NUMBER:

**1. Eighteen-month permanency hearing**

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

<u>h. Party (name):</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom
  - (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

**2. The court has read and considered and admits into evidence the**

- a.  report of social worker dated:
- b.  report of CASA volunteer dated:
- c.  case plan dated:
- d.  Other (specify):
- e.  Other (specify):

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**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

3. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  For a child 10 years of age or older who is not present
- (1)  The child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2)  The child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b)  it is in the best interest of the child not to continue the hearing.
4.  A Court Appointed Special Advocate is appointed for the child.

**5. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

**6. ICWA Inquiry**

The court has reviewed the evidence of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village, has reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*select one*):

- a.  There is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court;
- b.  There is reason to believe the child is an Indian child; and
- (1)  the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2)  the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, and the California Department of Social Services.
- c.  There is reason to know that the child is an Indian child, and
- (1)  the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2)  the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3)  notice has been provided as required by law; and
- (4)  the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The child is an Indian child and a member of the \_\_\_\_\_ tribe.

CHILD'S NAME:	CASE NUMBER:
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**Advisements and waivers**

**7. The court has informed and advised the**

- mother       biological father       legal guardian       child  
 presumed father       alleged father       Indian custodian  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

- 8. The**       mother       biological father       legal guardian       child  
 presumed father       alleged father       Indian custodian  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

**Case plan development**

- 9. a.**       The following were actively involved in the case plan development, including the child's plan for permanent placement:  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

- b.**       The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

- c.**       The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

**Efforts**

**10. The county agency**

- a.  has  
 b.  has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

- 11.**       The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,  
 a. affirmative, active, thorough, and timely efforts       have       have not      been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;

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11. b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved  successful  unsuccessful.

**12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Siblings**

13.  The child does not have siblings under the court's jurisdiction.
14.  The child has siblings under the court's jurisdiction. *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

**Health and education**

15. a.  A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b.  A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

16. a. The child's educational needs  are  are not being met.
- b. The child's physical needs  are  are not being met.
- c. The child's mental health needs  are  are not being met.
- d. The child's developmental needs  are  are not being met.

17. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

18.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a.  stated in the social worker's report.
- b.  specified here:

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19.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
  - Parent (*name*):
  - Surrogate parent (*name*):
  - Educational representative (*name*):
  - Other (*name*):
20.  The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
  - The child is enrolled in school.
  - The child is attending school.
21.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - the name of the support person(s) to assist the child is: \_\_\_\_\_, and the support person's relationship(s) to the child is: \_\_\_\_\_.
  - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23.  **Child 14 years of age or older**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
  - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
  - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:

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**24. Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a.  *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22)* (form JV-441), which is attached and incorporated by reference.
- b.  *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (form JV-442), which is attached and incorporated by reference.
- c.  *Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22)* (form JV-443), which is attached and incorporated by reference.

**25.  Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b.  *Visitation Attachment: Sibling* (form JV-401).
- c.  *Visitation Attachment: Grandparent* (form JV-402).

**26. All prior orders not in conflict with this order remain in full force and effect.**

**27.  Other findings and orders**

- a.  See attached.
- b.  (Specify):

**28.  The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  In-home status review hearing (Welf. & Inst. Code, § 364)
- b.  Twenty-four-month permanency hearing (Welf. & Inst. Code, § 366.25)
- c.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)  
*(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)*

Hearing date:	Time:	Dept.:	Room:
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- d.  Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e.  Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f.  Other (specify):

**29.  The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*



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**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:  
REUNIFICATION SERVICES TERMINATED  
(Welf. & Inst. Code, § 366.22)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record
  - a. affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
  - c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
  - d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
  - e. the active efforts have proved  successful  unsuccessful.
4.  The child is an Indian child or there is reason to know that the child is an Indian child, and
  - a.  qualified expert witness testimony was provided by (name): \_\_\_\_\_ ; and
  - b.  evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
  - c.  there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
 

<input type="checkbox"/> Mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Other (specify):		

**Placement**

5. **The child's out-of-home placement is necessary.**
6.  **The child's current placement is appropriate.**
7.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
9.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
10.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
  - a.  The matter is continued to the date and time indicated in form JV-440, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
  - b.  Other (specify):

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11.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
  - a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
  - a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  - a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
  - the child is placed in accordance with the preferences established by the tribe; or
  - the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12.  **The child is placed outside the state of California, and that out-of-state placement**

- continues to be the most appropriate placement for the child and is in the best interest of the child.
- is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a  written  oral report by the county agency on the progress made toward
  - returning the child to California and locating an appropriate placement within California.
  - locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
  - Other (*specify*):

13. The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency  has  has not been evaluated.

**14. Family finding and engagement**

- The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
  - The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
  - The county agency must submit a report to the court on or before (date:) \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

15.  **For a child who is 10 years of age or older,**

- the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.

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15. c.  to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows:

### Health

16.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (*specify*):  
 Other (*specify*):
- is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

### Selection of permanent plan

17.  **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a.  The child's permanent plan is permanent placement with (*name*): \_\_\_\_\_, a fit and willing relative.  
**The likely date** by which the child's permanent plan will be achieved is (*date*): \_\_\_\_\_
- b.  The child is ordered to remain in foster care with a permanent plan of
- (1)  return home.  
(2)  adoption.  
(3)  tribal customary adoption.  
(4)  legal guardianship.  
(5)  placement with a fit and willing relative.
- c.  The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home.  establish legal guardianship.  
 place for adoption.  place with a relative.  
 Other (*specify*): \_\_\_\_\_
- The likely date** by which the child's permanent plan will be achieved is (*date*): \_\_\_\_\_
- d.  The court finds that the barriers to achieving the child's permanent plans are (*describe*): \_\_\_\_\_
18.  **For children 16 years of age or older placed in another planned permanent living arrangement.**
- a. The court asked the child where the child wants to live, and the child provided the following information (*describe*): \_\_\_\_\_

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18. b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):

c. The compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

19.  a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (*name*):
- (2) (*name*):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*date*):

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**EIGHTEEN-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED**  
(Welf. & Inst. Code, § 366.22)

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

**Placement**

2. **The child's out-of-home placement is necessary.**

3.  **The child's current placement is appropriate.**

4.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.

5.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.

6.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.

7.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a.  The matter is continued to the date and time indicated in form JV-440, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.

- b.  Other (*specify*):

8.  There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (*choose one*),

- a.  the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or

- b.  a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

- c.  a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

- d.  a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

- e.  the child is placed in accordance with the preferences established by the tribe; or

- f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

9.  **The child is placed outside the state of California, and that out-of-state placement**

- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.

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9. b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
  - (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
  - (3)  Other (*specify*):

**Reunification services**

**10. By clear and convincing evidence, it is in the best interest of the child to provide additional reunification services to the**

- a.  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (*specify*):  
 Other (*specify*):
- (1)  who is making significant and consistent progress in a substance abuse treatment program.
  - (2)  who is recently discharged from incarceration, institutionalization, or the custody of the Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return.
  - (3)  who was a minor parent or a nonminor dependent parent at the time of the initial hearing and is making significant and consistent progress in establishing a safe home for the child's return.

and

**b. There is a substantial probability that the child may be returned to the**

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

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.25 because the person has

- (1) consistently and regularly contacted and visited the child;
- (2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
- (3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
  - (a)  to complete the objectives of their substance abuse treatment plan as evidenced by reports from a substance abuse provider.
  - (b)  to complete a treatment plan postdischarge from incarceration or institutionalization.

- c.  The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause under Welf. and Inst. Code, § 352 to continue the 18-month status review to (*date*):

**11. Reunification services are continued for the**

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

a.  as previously ordered.

b.  as modified

- (1)  on the record.
- (2)  in the case plan.

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12.  **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is *(date)*:

**Family finding and engagement**

13. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1)  The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2)  The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

14.  **For a child who is 10 years of age or older**
- a.  The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b.  The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows:

**Health**

15.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (specify):  
 Other (specify):
- is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

**Advisement**

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 24-month permanency hearing set on a date within 24 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. **That hearing may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

**Twenty-four-month permanency hearing date:**

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-446.v5.120424.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING—          PERMANENT PLAN OTHER THAN ADOPTION</b> (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

**1. Postpermanency hearing**

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

	Present	Attorney name	Present	Appointed today
h. <u>Party name</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom
  - (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

**2. The court has read and considered and admits into evidence**

- a.  report of social worker (dated):
- b.  report of CASA volunteer (dated):
- c.  case plan (dated):



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2. d.  Other (specify):

e.  Other (specify):

**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

3. a.  Notice of the date, time, and location of the hearing was given as required by law.

b.  **For a child 10 years of age or older who is not present,**

(1)  the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

(2)  the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and

(a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.

(b)  it is in the best interest of the child not to continue the hearing.

4. a.  The child  is  may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.

b.  There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

5.  A Court Appointed Special Advocate is appointed for the child.

**6. Parentage**

a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to

(1) alleged parent (name):

(2) alleged parent (name):

(3) alleged parent (name):

**Advisements and waivers**

**7. The court has informed and advised the**

mother                       biological father                       legal guardian                       child

presumed father                       alleged father                       Indian custodian

Other (specify):

Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

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

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

**Placement**

9.  **Continued out-of-home placement is in the best interest of the child.**
10.  **The child's out-of-home placement is necessary.**
11.  **Continued out-of-home placement is no longer necessary. The child is ordered immediately returned to the home of the**  mother.  father.  legal guardian.  Other (*specify*):
- a.  Family maintenance services are ordered for six months.
- b.  The family does not need further services, and the person(s) specified in item 11 is or are granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).
12.  **The child's current placement is appropriate.**
13.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
14.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
15.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
16.  **The child's current placement is not appropriate.** The county agency must locate an appropriate place for the child.
- a.  The matter is continued to the date and time indicated in item 45 for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
17.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
- b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 45 for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
- (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.

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17. b. (3)  Other (*specify*):

18. The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency  has  has not been evaluated.

#### Case plan development

19. a.  The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b.  The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1)  the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
- (2)  the county agency is not required to actively involve the child in the case plan development because the child was unable, unavailable, or unwilling to participate.

#### 20. Child 14 years of age or older

- a.  The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b.  The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c.  To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1)  stated on the record.
- (2)  as follows:

21.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

#### Efforts

##### 22. The county agency

- a.  has
- b.  has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

23. The services provided to the child have been

- a.  adequate.
- b.  not adequate.

#### Family finding and engagement

24. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.

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24. b. (1)  The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2)  The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

25.  **Child is 10 years of age or older and has been in an out-of-home placement for six months or longer.**

- a. The child has identified the following as an individual important to the child:
- (1) (name): \_\_\_\_\_
- (2) (name): \_\_\_\_\_
- b. The county agency  has  has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
- c. The county agency  has  has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
- d. The county agency  has  has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
- e.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows: \_\_\_\_\_
- f.  To identify a prospective adoptive parent or a legal guardian for the child, the county agency must provide the service
- (1)  as stated on the record.
- (2)  as follows: \_\_\_\_\_

**Siblings**

26.  **The child does not have siblings under the court's jurisdiction.**
27.  **The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.**
28.  The child has siblings. A postadoption sibling contact agreement  has  has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.

**Education**

29. a. The child's educational needs  are  are not being met.
- b. The child's physical needs  are  are not being met.
- c. The child's mental health needs  are  are not being met.
- d. The child's developmental needs  are  are not being met.
30.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are
- a.  stated in the social worker's report.
- b.  specified here: \_\_\_\_\_

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31.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:
- a.  Social worker
  - b.  Parent (*name*):
  - c.  Surrogate parent (*name*):
  - d.  Educational representative (*name*):
  - e.  Other (*name*):
32.  The child's education placement has changed since the last review hearing.
- a.  The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
  - b.  The child is enrolled in school.
  - c.  The child is attending school.
33. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1)  an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - (2)  the name of the support person(s) to assist the child is:  
The supportperson's relationship(s) to the child is:
  - (3)  an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - (4)  to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
    - (a)  stated on the record.
    - (b)  as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

34.  **Child 12 years of age or older**
- a.  The child was given the opportunity to review the case plan, sign it, and receive a copy.
  - b.  The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
    - (1)  the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
    - (2)  the county agency is not required to give the child this opportunity because the child was unable, unavailable, or unwilling to participate.

**Health**

35. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):
36.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (*specify*):  
 Other (*specify*):
- is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

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**Permanent plan****37.** It is ordered that

- a.  the child's permanent plan is legal guardianship.  
**The likely date** by which the child's permanent plan will be achieved is *(date)*:
- b.  the child's permanent plan is permanent placement with a fit and willing relative.  
**The likely date** by which the child's permanent plan will be achieved is *(date)*:
- c.  It is ordered that the child remain in foster care with a permanent plan of
- (1)  return home.
  - (2)  adoption.
  - (3)  tribal customary adoption.
  - (4)  legal guardianship.
  - (5)  placement with a fit and willing relative.
- d.  The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- |   |  |
|---|--|
| <input type="checkbox"/> return home.             | <input type="checkbox"/> establish legal guardianship. |
| <input type="checkbox"/> place for adoption.      | <input type="checkbox"/> place with a relative.        |
| <input type="checkbox"/> Other <i>(specify)</i> : |  |
- The likely date** by which the child's permanent plan will be achieved is *(date)*:
- e. The court finds that the barriers to achieving the child's permanent plan are *(describe)*:

**38.**  For a child 16 years of age or older placed in another planned permanent living arrangement,

- a. the placing agency has made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:
- b. the court asked the child where the child wants to live, and the child provided the following information *(describe)*:
- c. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

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38. d. the compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

39.  The  mother  father  Other *(specify)*: \_\_\_\_\_ has proved by a preponderance of the evidence that further efforts at reunification are the best alternative for the child under Welf. & Inst. Code, § 366.3(f). Further reunification services to return the child to a safe home environment are ordered for the parent for a period of six months. The case plan dated \_\_\_\_\_ is appropriate, and the  mother  father  Other *(specify)*: \_\_\_\_\_ is ordered to participate in the case plan.
40.  **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
41.  The child's permanent plan identified in item 36 is appropriate and continues as the permanent plan.
42.  a. The child's permanent plan identified in item 36 may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.
- b. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).
- c. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- d. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- e.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) *(name)*:
- (2) *(name)*:
- (3) *(name)*:
- (4) *(name)*:

43.  **Contact with the child is ordered as stated in** *(check appropriate box and attach indicated form)*
- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b.  *Visitation Attachment: Sibling* (form JV-401).
- c.  *Visitation Attachment: Grandparent* (form JV-402).

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44. All prior orders not in conflict with this order remain in full force and effect.

45.  Other findings and orders

- a.  See attached.
- b.  (Specify):

46.  The next hearing is scheduled as follows:

Hearing date:	Time:	Dept:	Room:
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- a.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- b.  Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- c.  Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- d.  Other (specify):

47. Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</b> <b>JV-455.v5.112224.jh</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>FINDINGS AND ORDERS AFTER 24-MONTH PERMANENCY HEARING</b> (Welf. & Inst. Code, § 366.25)	CASE NUMBER:

**1. Twenty-four-month permanency hearing**

- |   |  |
|---|--|
| a. Date:<br>b. Department:<br>c. Judicial officer (name):<br>d. Court clerk (name): | e. Court reporter (name):<br>f. Bailiff (name):<br>g. Interpreter (name and language): |
|---|--|

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
  - (2) Other (name):
  - (3) Other (name):

**2. The court has read and considered and admits into evidence**

- a.  report of social worker dated:
- b.  report of CASA volunteer dated:
- c.  case plan dated:
- d.  Other (specify):
- e.  Other (specify):

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**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

3. a.  Notice of the date, time, and location of the hearing was given as required by law.
- b.  For a child 10 years of age or older who is not present,
- (1)  the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2)  the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a)  there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b)  it is in the best interest of the child not to continue the hearing.
4.  A Court Appointed Special Advocate is appointed for the child.

**5. Parentage**

- a.  The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b.  The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

**6. ICWA Inquiry**

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*select one*):

- a.  There is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court;
- b.  There is reason to believe the child is an Indian child; and
- (1)  the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2)  the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c.  There is reason to know that the child is an Indian child, and
- (1)  the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status : or
- (2)  the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status an provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3)  notice has been provided as required by law; and
- (4)  the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The child is an Indian child and a member of the \_\_\_\_\_ tribe.

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**Advisements and waivers**

**7. The court has informed and advised the**

- mother       biological father       legal guardian       child  
 presumed father       alleged father       Indian custodian  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

- 8. The**       mother       biological father       legal guardian       child  
 presumed father       alleged father       Indian custodian  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

**has knowingly and intelligently waived the right** to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

**Case plan development**

- 9. a.**       The following were actively involved in the case plan development, including the child's plan for permanent placement  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

- b.**       The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

- c.**       The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:  
 Child       Mother       Father       Representative of child's identified Indian tribe  
 Other (specify): \_\_\_\_\_       Other (specify): \_\_\_\_\_

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

**Efforts**

**10. The county agency**

- a.  has  
 b.  has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

- 11.**       The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,  
 a. affirmative, active, thorough, and timely efforts       have       have not      been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;

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- 11. b. these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
- d. these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved  successful  unsuccessful.

**12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	None	Minimal	Adequate	Substantial	Excellent
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Siblings**

- 13.  The child does not have siblings under the court's jurisdiction.
- 14.  The child has siblings under the court's jurisdiction. *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

**Health and education**

- 15. a.  A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b.  A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

- 16. a. The child's educational needs  are  are not being met.
- b. The child's physical needs  are  are not being met.
- c. The child's mental health needs  are  are not being met.
- d. The child's developmental needs  are  are not being met.

17. The child  does  does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

- 18.  The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
  - a.  stated in the social worker's report.
  - b.  specified here:

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19.  The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
  - Parent (*name*):
  - Surrogate parent (*name*):
  - Educational representative (*name*):
  - Other (*name*):
20.  The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
  - The child is enrolled in school.
  - The child is attending school.
21.  **Child 14 years of age or older**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
  - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
  - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:
22.  For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
23. a.  The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22).
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - the name of the support person(s) to assist the child is:  
The support person's relationship(s) to the child is:
  - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
  - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
    - stated on the record.
    - as follows:
- b.  The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

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**24. Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a.  *Twenty-Four-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.25)* (form JV-456), which is attached and incorporated by reference.
- b.  *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (form JV-457), which is attached and incorporated by reference.

**25.**  **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a.  *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b.  *Visitation Attachment: Sibling* (form JV-401).
- c.  *Visitation Attachment: Grandparent* (form JV-402).

**26. All prior orders not in conflict with this order remain in full force and effect.**

**27.**  **Other findings and orders**

- a.  See attached.
- b.  (Specify):

**28.**  **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a.  In-home status review hearing (Welf. & Inst. Code, § 364)
- b.  Selection and implementation hearing (Welf. & Inst. Code, § 366.26)  
*(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)*

Hearing date:	Time:	Dept.:	Room:
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- c.  Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- d.  Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e.  Other (specify):

**29.**  **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

**30.** Number of pages attached: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

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**TWENTY-FOUR-MONTH PERMANENCY ATTACHMENT:  
REUNIFICATION SERVICES TERMINATED  
(Welf. & Inst. Code, § 366.25)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4.  The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- affirmative, active, thorough, and timely efforts  have  have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
  - these efforts  did  did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
  - to the maximum extent possible, the efforts  were  were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe
  - these efforts and the case plan  have  have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
  - the active efforts have proved  successful.  unsuccessful.
5.  The child is an Indian child or  there is reason to know that the child is an Indian child, and
- qualified expert witness testimony was provided by (*name*): \_\_\_\_\_ ; and
  - evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
  - there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
 

<input type="checkbox"/> mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> Other ( <i>specify</i> ): _____	<input type="checkbox"/> Other ( <i>specify</i> ): _____	
6.  There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- the child is placed with a member of the child's extended family as defined by section 1903 of the title 25 of the United States Code; or
  - a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
  - a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  - a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
  - the child is placed in accordance with the preferences established by the tribe; or

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6. f.  the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7.  **The child's current placement is appropriate.**
8.  For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
9.  The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement  was  was not appropriate. The county agency  has  has not made reasonable efforts to locate the child.
10.  The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement  was  was not appropriate.
11.  **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a.  The matter is continued to the date and time indicated in form JV-455, item 28, for a  written  oral report by the county agency on the progress made in locating an appropriate placement.
- b.  Other (*specify*):
12.  **The child is placed outside the state of California, and that out-of-state placement**
- a.  continues to be the most appropriate placement for the child and is in the best interest of the child.
- b.  is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 28 for a  written  oral report by the county agency on the progress made toward
- (1)  returning the child to California and locating an appropriate placement within California.
- (2)  locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3)  Other (*specify*):

**Selection of permanent plan**

13. The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency  has  has not been evaluated.
14.  **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a.  The child's permanent plan is permanent placement with (*name*): \_\_\_\_\_ a fit and willing relative.  
**The likely date** by which the child's permanent plan will be achieved is (*date*): \_\_\_\_\_
- b.  The child is ordered to remain in foster care with a permanent plan of
- (1)  return home.
- (2)  adoption.
- (3)  tribal customary adoption.
- (4)  legal guardianship.
- (5)  placement with a fit and willing relative.



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14. c.  The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- return home.
  - place for adoption.
  - Other (*specify*):
  - establish legal guardianship.
  - place with a relative.
- The likely date by which the child's permanent plan will be achieved is (*date*):
- d.  The court finds that the barriers to achieving the child's permanent plans are (*describe*):

15.  **For a child 16 years of age or older placed in another planned permanent living arrangement:**
- a. The court asked the child where the child wants to live, and the child provided the following information (*describe*):
  
  - b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):
  
  - c. The compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

16.  a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
  - c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
  - d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
  - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.

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16. f.  The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (name):  
 (2) (name):  
 (3) (name):  
 (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):

**Family Finding and engagement**

17. a.  The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement and the names of the kin and results of the diligent efforts are documented; or
- b.  The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date): \_\_\_\_\_ detailing the diligent efforts made and the results of such efforts.

**Important individuals**

18.  **Child is 10 years of age or older**
- a.  The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b.  The county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c.  To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1)  as stated on the record.
- (2)  as follows:

**Health**

19.  The  mother  biological father  Indian custodian  
 presumed father  legal guardian  Other (specify):  
 Other (specify):
- is  unable  unwilling  unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

## **Family Wellness Court (FWC) Information**

### **Eligibility and Overview**

The Family Wellness Court ("FWC") is a joint project of the Inyo County Superior Court and the Bishop Paiute Tribe. It is available in dependency proceedings under Welf. & Inst. Code § 300 and Probate Guardianship cases under Probate Code § 1459.S(a), where any parent or child is an enrolled member of the Bishop Paiute Tribe, or eligible for enrollment in the Bishop Paiute Tribe. Because the FWC is unique to Inyo County, this document has been prepared by local justice partners and approved by both the Superior Court of California, County of Inyo ("Superior Court") and the Bishop Paiute Tribal Court ("Tribal Court") to provide you with information regarding the purpose, rules and procedures of the FWC.

### **Vision - Goals:**

- Ensure compliance with the procedural and substantive provisions of the Federal and State of California's Indian Child Welfare Act ("ICWA"), including, but not limited to inquiry, notice, active efforts, culturally appropriate case plans, Qualified Expert Witness ("QEW"), placement preferences, and Tribal Customary Adoption Orders ("TCAO").
- Reduce the removal of children from their homes.
- Increase the number of successful voluntary service plan cases.
- Increase the number of successful Family Maintenance plan ("FM") cases.
- When required, increase the number of successful and timely Family Reunification ("FRS") cases.
- When required, increase the number of timely permanency orders (e.g., guardianship or TCAO).
- Mitigate the trauma for the children involved in the FWC, by providing culturally appropriate services to the children.
- Reduce the number of ICWA dependency case filings.
- Mitigate the challenges prevalent in ICWA Probate Guardianship cases, arising from an inability to appoint legal counsel for petitioners (often grandparents), and petitioners' general lack of procedural and substantive knowledge of ICWA (e.g., meaning and requirements pertaining to "active efforts" and providing testimony from a QEW).
- Build the infrastructure necessary to ultimately transfer ICWA cases to the Tribal Court.

### **Mission - Objectives:**

- Obtain funding for Tribal Social Services Department to hire two qualified Tribal Social Workers ("ICWA Project Coordinator" and "ICWA Liaison") in addition to the ICWA Specialist/Representative.
- Inyo County Child Protective Services' ("CPS") social workers and Tribal social workers partnering, as possible, from the inception of the case (e.g., jointly responding to child abuse and neglect reports), or otherwise as early as possible, through the entire case.
- With active participation of the Tribal Court Judge as well as the Tribal social worker, and ICWA Representative, build increased trust and confidence in the Court and processes, to promote active and timely engagement by the parents. Given the reality of "historical" or "generational" trauma, overcoming the fear and belief that the government is not here to help, but to inappropriately remove children and break-up families is particularly important to achieve active and timely engagement by parents and better outcomes for the families.
- Recruit and train members of the Bishop Paiute Tribe to increase the number of Bishop Paiute Resource Families (Foster Homes), QEW's, Court Appointed Special Advocates (CASA) volunteers, parent coaches and other mentors.
- Utilize Bishop Paiute Tribal Court youth programs (Tribal Juvenile Healing to Wellness Court and Tribal Youth Attendance Achievement Program); Toiyabe Family Services; and other Tribal resources to assist the children involved in FWC, as well as their parents/guardians.
- Provide legal counsel for the Tribe in FWC Probate Guardianship cases, as well as Tribal social workers.

### **Courtroom Procedure and Consent**

At its core, the FWC is an effort to formalize the tribal voice in the dependency courtroom. To that end, the primary difference between the FWC and standard dependency court is that there will be two judges presiding over each hearing - a Tribal Court judge and a Superior Court judge. However, because participation in the FWC requires the Child Protective Services ("CPS") Agency and the Tribe to determine if the family meets the criteria outlined above, the FWC may not take effect at initial or early hearings (e.g. detention) if CPS and the Tribe are still working to determine eligibility.

Once it is determined that a case is eligible for the FWC, participation in the FWC is not automatic or mandatory. At the onset, all parents must affirmatively opt into the FWC by signing a Family Wellness Court Information and Consent to Participate form and any related Release of Information forms. All parents-regardless of their tribal affiliation or lack thereof-have veto power regarding participation in the FWC. Each parent's attorney will be his or her primary source of information and guidance regarding participation in the FWC. Because participation in the FWC may impact a parent's legal rights, it is not appropriate for a parent's attorney to expect that a CPS social worker or Tribal ICWA representative or social worker will provide the parent with guidance regarding the FWC.

In dependency cases, consent to participate must be obtained from all parents because dependency cases are strictly confidential pursuant to WIC section 827. Therefore, the Tribal Court judge may not be in the courtroom or access the casefile unless the parties consent.<sup>1</sup> Tribal Court staff (such as administrators and clerks) will also have access to the courtroom and casefile should they consent to participate in the FWC.

If a parent has not yet appeared in the case or is not available to sign the Consent to Participate, then the case will proceed in the FWC, unless and until a parent appears and objects, or otherwise withdraws consent.

Consent to participate in the FWC may be withdrawn by any party at any time in the case. Should a parent choose to withdraw their consent, there will be no delays in the case or other consequences. The only difference will be that the Tribal Court judge will no longer preside over your client's hearings. Additionally, the Tribe's Social Worker may no longer be involved in the case, and may not attend your court hearing unless the state court judge allows discretionary participation of the Tribal Social Worker under W&I Code § 346; Cal. Rule of Court 5.482 & 5.530. However, the Tribe's ICWA Representative and Tribal Attorney will continue to be involved in the case, attend, and participate in all proceedings. The only limitation on withdrawing FWC consent is that it may not be done in the middle of a hearing. Any withdrawal of consent must be done before a hearing commences. You may withdraw consent to participate by filing a Family Wellness Court Withdrawal of Consent to Participate form.

The Tribal Court judge and the Superior Court judge will both take active roles in all hearings. You should expect that both judges will ask questions, share their thoughts on intended rulings, and confer with each other before coming to a decision. The Tribal Court judge will likely focus on compliance with ICWA and the cultural practices and norms of the Bishop Paiute Tribe, but both judges have the discretion to explore any issue they see fit. Accordingly, by consenting to participate in the FWC, the parent is also consenting to have a Tribal Court judge actively involved in his or her dependency case. The Tribal Court judge will likely influence the decision-making of the Superior Court judge (and vice versa). However, if the two judges cannot agree on a ruling, the Superior Court judge's ruling will prevail.

Non-attorney "Advocates" will not be allowed to provide representation in the FWC. All attorneys must be admitted to practice by the California State Bar, are in good standing, and

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<sup>1</sup> Unless the Superior Court Judge were to allow the same under W&I Code section 346.

otherwise meet the qualifications set forth in state law and the California Rules of Court to provide representation in dependency cases. Though encouraged, attorneys do not need to be admitted to practice before the Bishop Paiute Tribal Court to appear in the FWC.

#### Rules of Evidence:

The rules of evidence in FWC are as provided by California law and the California Rules of Court, and as applicable the Federal ICWA (e.g., burdens of proof). Hearsay exceptions applicable to the reports of CPS workers shall apply equally to the joint or individual reports submitted by the Tribal social workers. (See W&I Code section 355) Traditions and customs of the Bishop Paiute Tribe may be taken into consideration by the FWC judges.

#### **Filing of Documents and Other Administrative Matters**

The filing of documents will occur only in the Superior Court until the case formally transitions into the FWC. After that point, the Superior Court will transmit to the Tribal Court the entire case file as it exists at that moment. The Tribal Court will then assign a FWC case number to the case.

For any documents filed after the case formally transitions to the FWC, parties must include both the Superior Court case number and the Tribal Court case number. Parties must also file with the Superior Court Clerk's Office duplicate original pleadings and documents. The Superior Court Clerk's Office will transmit one of the duplicate originals to the Tribal Court.

The Superior Court will maintain the official Minutes, Findings and Orders, etc., and will transmit copies to the Tribal Court. The Superior Court will also provide a certified Court Reporter, and as may be necessary, certified Interpreters.

For various logistical reasons, at this time FWC proceedings will be held in the Superior Court, though the Bishop Paiute Tribe's flag may also be displayed. Judges may from time to time appear remotely (e.g., Zoom, telephone).

#### **Out of Court Services**

The dependency court services the parents receive will not be impacted based on whether or not they participate in the FWC. Participation in the FWC does not provide parents with access to different or better reunification services; all Native American families who are involved with Inyo County CPS will receive the same active efforts to facilitate reunification. However, as stated above, a goal of the FWC is to enhance those services and provide appropriate services for the children involved in the case. By participating in the FWC, CPS is not delegating any of its obligations to the Tribe. Rather, the Tribe is supporting CPS and the families. Further, participation in the FWC does not impact the Bishop Paiute Tribe's involvement in the case pursuant to ICWA. Regardless of whether a parent chooses to participate in the FWC, a tribal ICWA Representative and the Tribe's attorney will continue to be involved in the case and will attend and participate in all hearings.

## **Peremptory Challenges / Disqualification of Judges**

In the FWC, a party may pursue a peremptory challenge to or seek to disqualify the Superior Court judge pursuant to the California Code of Civil Procedure and any other applicable state laws and rules of court. In other words, the procedure for the exercise of a peremptory challenge to or challenging a Superior Court judge for cause in the FWC is identical to the procedure that one would use to challenge or disqualify a judge outside of the FWC.

For the Tribal Court judge, a party may seek to disqualify that judge as provided in the Bishop Paiute Tribal Rules of Court (for cause). There is no peremptory challenge available for the Tribal Court judge. However, a party may, as detailed above, withdraw their consent to participate in the FWC. This withdrawal of consent functions in a similar manner to a peremptory challenge of the Tribal Court judge in that it will result in the removal of the Tribal Court judge from the proceedings without the party having to show cause for that removal.

## **Multiple Tribes**

The FWC is only available to families with a connection to the Bishop Paiute Tribe, as described above. However, the Inyo County dependency court sometimes handles cases where multiple tribes are involved - e.g., the mother is a member of the Big Pine Paiute Tribe, and the father is a member of the Bishop Paiute Tribe. In such cases, the FWC will be available only if the Bishop Paiute Tribe is determined to be the lead tribe and the other tribe consents to participation in the FWC, just as parents must consent to participate.

## **Transfer to Tribal Court & Sovereign Immunity**

The FWC is not a tribal court that can exercise exclusive jurisdiction over dependency cases per 25 USC § 1919. Accordingly, Rule of Court 5.483, regarding the dismissal and transfer of a dependency case to a tribal court, does not apply to the FWC.

The Bishop Paiute Tribe, the Bishop Paiute Tribe's Social Services, and Bishop Paiute Tribal Court's participation in the FWC, as well as any related Codes, Resolutions, agreements, rules, or procedures shall not in any way constitute a waiver of the Bishop Paiute Tribe's sovereign immunity.

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF INYO**

**BISHOP PAIUTE TRIBAL COURT  
FOR THE BISHOP PAIUTE TRIBE**

**Family Wellness Court (FWC)  
Consent to Participate**

**Child's Name:** \_\_\_\_\_

**Superior Court Case No.** \_\_\_\_\_ **Tribal Court Case No.** \_\_\_\_\_

Welcome to the Family Wellness Court. The Family Wellness Court is a joint project of the Superior Court of California, County of Inyo, the Bishop Paiute Tribe, and the Bishop Paiute Tribal Court.

This handout together with the "Family Wellness Court (FWC) - Information" document is intended to provide basic information about the Family Wellness Court, so that you can decide if you want to participate in this program. You should also talk to your lawyer

**What is the Family Wellness Court?** The Family Wellness Court is a joint effort by the Inyo County Superior Court and the Bishop Paiute Tribe to make the court process more culturally connected in ICWA Dependency and Probate Guardianship cases. The major difference from non-FWC dependency and probate guardianship proceedings is that there will be two judges presiding over your case. One judge will be from the Inyo County Superior Court and one judge will be from the Bishop Paiute Tribal Court. These judges will talk with each other before making any decisions, but if the judges disagree, the Inyo County judge will make the decision. Other than there being two judges, all the same laws, rules, and procedures apply in FWC.

**What are the benefits of participating in Family Wellness Court?** The Family Wellness Court benefits you because the court process will be more culturally aware and will make sure that your rights under the Indian Child Welfare Act (ICWA) are protected. For example, there will be a tribally focused and culturally competent judge in court. This judge is appointed by the Bishop Paiute Tribe and will see that your case is handled in a manner that reflects the unique customs and child-rearing practices of the Bishop Paiute Tribe. The goal of the Family Wellness Court is to have better outcomes for Native American families, such as fewer children being removed from their parents/guardians, and if removed, have more cases where the child/children are reunified (returned) to their parents/guardians in a timely manner.

**Am I giving up any rights by participating in Family Wellness Court?** If you are involved in a dependency case, you are giving up certain aspects of your right to confidentiality.



Dependency cases are confidential, which means that only specific people get to know the details of your case. However, when you participate in Family Wellness Court, you are allowing the Tribal Court to access information about your case and to attend your hearings. You are also consenting to the presence of a judge from the Tribal Court whose input will likely influence the court proceedings. A Tribal Social Worker may also be involved in your case. However, regardless of whether you choose to participate in the Family Wellness Court, the Tribe will still be involved in your case through the Tribe's ICWA Representative and the Tribe's attorneys.

**Can I change my mind about participating in the Family Wellness Court?** Yes. You can stop participating at any time. There will be no consequences if you choose to stop participating.

**I have received, read, and considered the "Family Wellness Court (FWC) - Information," and understand I am agreeing to the provisions in the "Family Wellness Court (FWC) - Information" document, and the information above in this Participant Consent form, and having consulted with my attorney, I consent to participating in the Family Wellness Court.**

**Case Participant**

**Attorney**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Child Name: \_\_\_\_\_

Inyo Superior Court Case Number: \_\_\_\_\_

Tribal Court Case No. \_\_\_\_\_

**Inyo County Family Wellness Court  
Withdrawal of Consent to Participate**

I previously consented to participating in the Inyo County Family Wellness Court. I no longer want to participate in the Inyo County Family Wellness Court and hereby withdraw my previously filed Consent to Participate Form.

Signature: \_\_\_\_\_

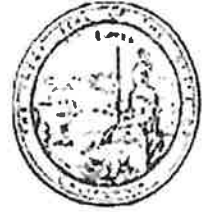
Name: \_\_\_\_\_

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



**The Bishop Paiute Tribe  
Tribal Court**

50 Tu Su Lane  
Bishop, CA 93514  
Tel: (760) 784-9581



**Superior Court of California  
County of Inyo**

301 W. Line Street  
Bishop, CA 93514  
Tel: (760) 872-3038

**Family Wellness Court Joint Powers Agreement**

**Bishop Tribal Court's Vision**

One strong, healthy community where children are protected, and families thrive because parents are provided a path to recover, heal and grow.

**Bishop Tribal Family Wellness Court's Mission**

Assure justice to all parties who come before the Court and to operate a joint jurisdictional court that empowers families to make healthy decisions and break the cycle of addiction and child abuse & neglect through:

- A coordinated team approach;
- Comprehensive, culturally appropriate services;
- All-encompassing case management; and,
- Building a support system for family recovery and child well-being.

**Bishop Tribal Court's Inherent Powers**

The Bishop Tribal court shall have, in addition to the powers which are inherent in courts established under the laws of sovereign Indian nations, the power to interpret, construe, and apply the laws of, or the laws applicable to the Tribe, to issue judgements, injunctions, attachments, execution, writs of mandamus, quo warranto, review certiorari, prohibition, and to establish by rule, Court procedures for the operation of the Bishop Paiute Tribal Courts.

**Joint Powers Agreement**

Be it known that we, the undersigned, agree to, where possible, jointly exercise the powers and authorities conferred upon us as judges of our respective jurisdictions in furtherance of the following common goals: (1) protecting the dignity of participants; (2)

providing participants meaningful access to culturally appropriate substance abuse treatment; (3) providing due process in a fair and equitable manner while restoring balance to families and to the community; (4) engaging tribal and non-tribal communities to break the cycle of addiction and child abuse & neglect; and (5) maximizing Court-connected services by sharing available tribal and county resources.

The Bishop Paiute Tribe will be the lead agency responsible for grant administration and financial management, tasked with ensuring that funds are disbursed in a fair and equitable manner to support the Family Wellness Court goals and objectives. The determination to have the Bishop Paiute Tribe serve as lead partner, is due to the fact that the grant funding will be utilized in support of the Tribal Social Services department.

Dated: June 4, 2024



Stephen Place  
Presiding Judge  
Superior Court of California, County of Inyo



Dean T. Stout  
Chief Judge  
Bishop Paiute Tribal Court