



## Judicial Council of California

Tribal Court–State Court Forum

[www.courts.ca.gov/forum.htm](http://www.courts.ca.gov/forum.htm)  
[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

Request for ADA accommodations  
should be made at least three business days  
before the meeting and directed to:  
[JCCAccessCoordinator@jud.ca.gov](mailto:JCCAccessCoordinator@jud.ca.gov)

### 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:** June 12, 2025  
**Time:** 12:15-1:15 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/4008>; (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 April 10, 2025, 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), attention: Ann Gilmour. Only written comments received by 12:15 p.m. on June 11, 2025 will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–3)**

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**Item 1**

**Implementation of AB 2108 (No Action Required)**

Discussion of court role in implementing new requirements around action and notification when children go missing from foster care.

Presenter(s)/Facilitator(s): Michelle Castagne, Co-Executive Director, California Tribal Families Coalition, Blair Kreuzer, Co-Executive Director, California Tribal Families Coalition

**Item 2**

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding Rules and Forms Proposal Post Comment Period (Action Required)**

Review of comments and proposed responses to rules and forms proposal circulated during the spring cycle.

Presenter: Ann Gilmour, Attorney, Judicial Council of California, Center for Families, Children, and the Courts.

**Item 3**

**Forum In-Person Meeting and Event September 2025 (No Action Required)**

Members to set priority topics for discussion and presentation at the Forum In-person meeting on September 18, 2025 and the recognition and enforcement event taking place on September 19, 2025.

Presenter(s)/Facilitator(s): All

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**IV. ADJOURNMENT**

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**Adjourn**



# Judicial Council of California

Tribal Court–State Court Forum

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[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

## TRIBAL COURT–STATE COURT FORUM

### MINUTES OF OPEN MEETING WITH CLOSED SESSION

April 10, 2025

12:15-1:15 p.m.

Virtual

**Advisory Body Members Present:** Hon. Abby Abinanti, Cochair, Hon. Joyce Hinrichs, Cochair, Hon. Lucy Armendariz, Hon. Yvette Ayala Henderson, Hon. Leonard Edwards, Hon. Michele Fahley, Hon. Lawrence King, Hon. Patricia Lenzi, Hon. Kristina Lindquist, Hon. Nicholas Mazanec, Hon. Mark Ralphs, Hon. Victorio Shaw, Ms. Christina Snider-Ashtari, Hon. Dean Stout, Hon. Alison Tucher, Hon. Juan Ulloa, Hon. Christine Williams.

**Advisory Body Members Absent:** Hon. Richard Blake, Ms. Laila DeRouen, Hon. Ana España, Hon. Devin Flesher, Hon. Christopher Haug, Hon. Winston Keh, Hon. Dorothy McLaughlin, Hon. April Olson, Ms. Andrea Pella, Hon. Stephen Place, Hon. Zeke Zeidler.

**Others Present:** Ms. Vida Castaneda, Ms. Ann Gilmour, Ms. Tracy Kenny, Ms. Amanda Morris, Ms. Christy Simons.

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 12:17 p.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the February 13, 2025, Tribal Court–State Court Forum meeting. Motion to approve by Judge Lucy Armendariz, seconded by Justice Alison Tucher,

#### DISCUSSION AND ACTION ITEMS (ITEMS 1–3)

##### Item 1

##### Government Accountability Office Public Law 280 Study

Presenter: Judge Abby Abinanti, Chief Judge of the Yurok Tribal Court, Cochair of the Tribal Court – State Court Forum

Judge Abinanti briefed committee members on the status of the pending GAO study on Public Law 280 and its impact on public safety in tribal nations and Alaska native villages. She is concerned that the law causes a large resource gap in California and would like it to ensure this issue is reviewed to possibly provide tribes and the state additional resources.

##### Item 2

##### Agenda Items for the September 18 Forum In-person meeting

Presenter: Ann Gilmour, Attorney, Judicial Council of California, Center for Families Children and the Courts

Ms. Gilmour updated the committee on items of interest and requested members to send any ideas for topics for discussion at the in-person Tribal Court-State Court Forum meeting on September 18, 2025, held at the Judicial Council's Sacramento office.

### **Item 3**

#### **September 19 Event Recognition and Enforcement of Tribal Court Orders**

Presenter: Ann Gilmour

Ms. Ann Gilmour informed committee members of an event on September 19, 2025, that immediately follows the in-person Forum committee meeting. It will be an all-day symposium discussing a number of items that have been previously addressed in past Forum meetings. All tribal court judges, administrative staff, and those working in the system that work in recognition and enforcement, as well as state judges from counties with Tribal Courts within them are invited. She also requested input from committee members and volunteers to assist in creating content or facilitating sessions.

The Center for Families, Children & the Courts will be having Beyond the Bench in November 2025 in Los Angeles.

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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 12.33 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**

The Forum received a briefing in closed session on bills that are currently moving in the 2025 Legislative session that impact tribal courts. The bills that were presented were: AB 31, AB 32, AB 562, AB 1097, AB 1378, ACR 39, and SB 4.

Adjourned closed session at 12:41 p.m.

Approved by the advisory body on enter date.



# CALIFORNIA TRIBAL FAMILIES COALITION





# CALIFORNIA TRIBAL FAMILIES COALITION

CTFC is a successor organization  
to the California ICWA Compliance  
Task Force Report which can be  
found at: [www.caltribalfamilies.org](http://www.caltribalfamilies.org)



## CALIFORNIA ICWA COMPLIANCE TASK FORCE

REPORT TO THE  
CALIFORNIA ATTORNEY GENERAL'S  
BUREAU OF CHILDREN'S JUSTICE  
2017

# MISSION



The mission of the California Tribal Families Coalition is to promote and protect the health, safety and welfare of tribal children and families, which are inherent tribal governmental functions and are at the core of tribal sovereignty and tribal governance.





# THANK YOU CTFC BOARD FOR YOUR LEADERSHIP!



**Maryann McGovran**

**CTFC Chairperson**

North Fork Rancheria,  
Treasurer/Secretary



**Catalina Chacon**

**CTFC Vice-Chairperson**

Pechanga Band of Luiseño  
Indians, Council Member



**Glenda Nelson**

**CTFC Treasurer** Estom

Yumeka Maidu Tribe of the  
Enterprise Rancheria,  
Chairperson



**Tina Meza**

**CTFC Board Secretary**

Jamul Indian Village  
Councilmember



**Joseph Linton**

**CTFC Board Member**

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Indians,  
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**CTFC Board Member**

Soboba Band of Luiseño  
Indians, Sergeant of Arms



**Danielle Pirelli**

**CTFC Board Member**

Habematolel Pomo of Upper  
Lake, Chairperson



**Elena Loya**

**CTFC Board Member**

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Cahuilla, Treasurer



**Meryl Picard**

**CTFC Board Member**

Bishop Paiute Tribe,  
Councilmember



# MISSING CHILDREN IN FOSTER CARE

- Native children enter the child welfare system at a rate that is 2.7 times their representation in the population, the highest of any racial group.
- 68% of all missing Native children between 2009 and 2018 were children in the foster care system.
- When any child is missing, they are at higher risk for experiencing violence, substance abuse, and exploitation.



# POLICIES ADDRESSING THE CRISIS

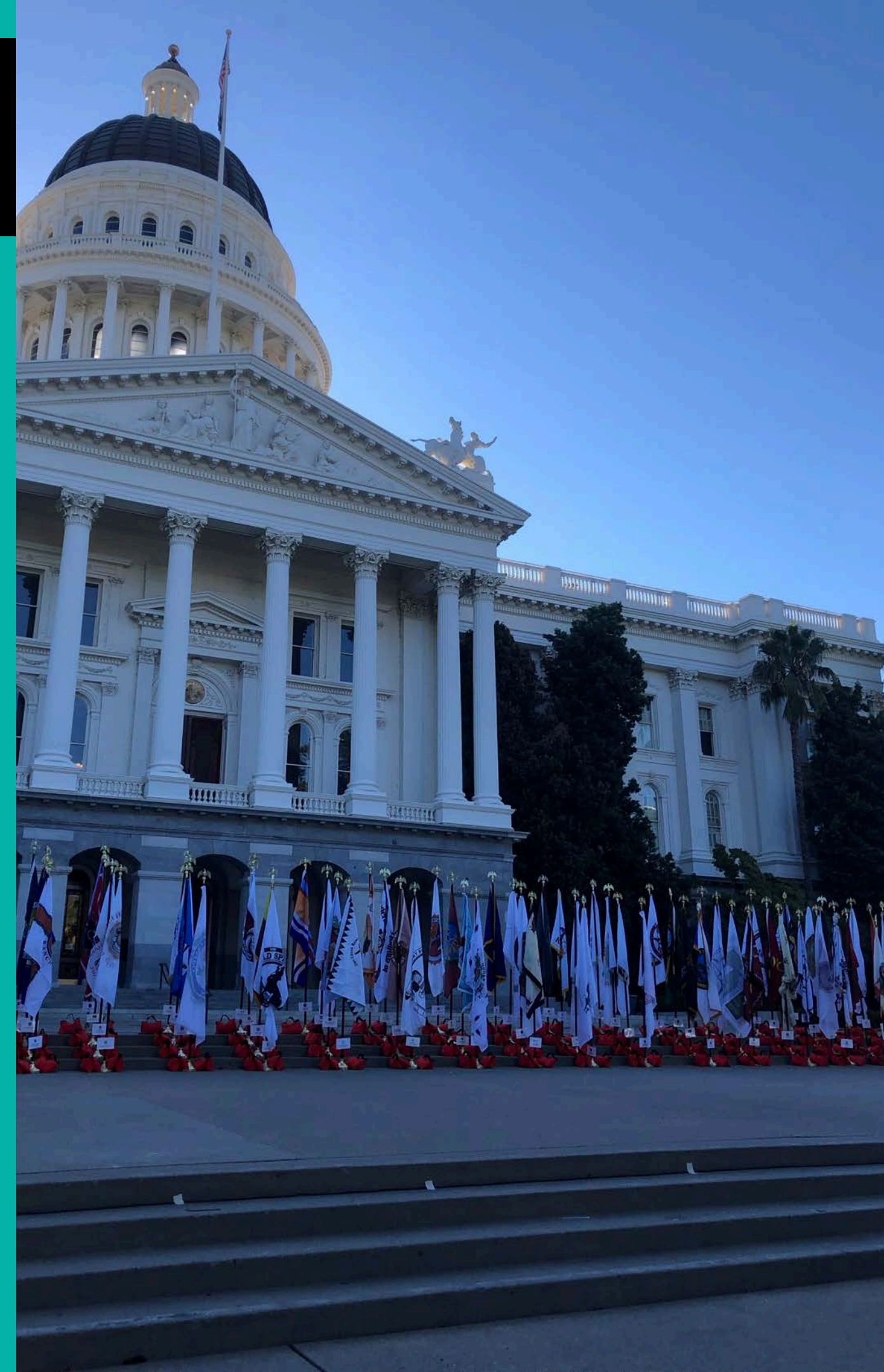
- Preventing Sex Trafficking and Strengthening Families Act (PL 113-183) 2014
- CA Implementation-SB 794 2015
- Neither federal law or CA law explicitly required notification to tribes when tribal children went missing
- CA implementation of policies and procedures to locate and serve missing foster youth has been inconsistent and ineffective





# AB 273 (RAMOS) - VETOED IN 2023

- Proposed:
  - notice within 24 hours of going missing from care to tribes and other parties
  - an initial court hearing within 10 days of going missing from care
  - status review hearings to be held every 30 days until a child was found
  - documentation of due diligence in search and stabilization efforts





# **AB 2108 (RAMOS) LUKE MADRIGAL ACT CO-SPONSORS: YUROK TRIBE, CTFC AND ALLIANCE FOR CHILDREN'S RIGHTS**





# AB 2108 PROVISIONS

- Requires counties to revise missing children protocols to include notification to tribes, parents, legal guardians, Indian custodians, the court, CASA, siblings and law enforcement within 24 hours.
- Revised definition of missing from foster care: *“when a child in foster care whereabouts are unknown or when a child is in a location not approved by the court that may pose a risk to the child.”*

# AB 2108 IMPLEMENTATION

- Law became effective January 1, 2025 but no guidance has yet to be issued to counties to begin implementation.
- Tribes should be included in the county process of protocol revision.



# **NEXT STEPS IN SUPPORTING LOCATING & STABLIZING MISSING FOSTER YOUTH?**





Insert Date

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. XX-XX**

The purpose of this All-County Letter (ACL) is to announce the passage of Assembly Bill 2108 and its impact on reporting requirements regarding youth missing from care including the requirement for each county placing agency to submit updated protocols for review and approval. Assembly Bill 2108 (Chapter 660, Statutes of 2024) amends section 16501.35 of the Welfare and Institutions Code and added noticing requirements when social workers and probation officers have a youth missing from care. This ACL impacts County placing agencies and Tribes. This ACL also describes changes made by Assembly Bill 161 to Penal Code section 11166, which added additional reporting and communication requirements with law enforcement agencies and the National Center for Missing and Exploited Children regarding children missing from care.





JENNIFER TROIA  
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

Insert DATE

ALL COUNTY LETTER NO. XX-XX

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS  
ALL EMERGENCY RESPONSE STAFF  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL FOSTER CARE MANAGERS  
ALL FOSTER FAMILY AGENCIES  
ALL ADMINISTRATIVE LAW JUDGES  
ALL PLACEMENT WORKERS

SUBJECT: **YOUTH WHO ARE MISSING / RUN AWAY FROM CARE AND  
PROTOCOL DEVELOPMENT**

REFERENCE: [PUBLIC LAW \(PL\) 113-183 AND PL 117-348;](#)  
[34 UNITED STATES CODE SECTION 11292;](#)  
[ASSEMBLY BILL \(AB\) 2108 \(CHAPTER 660, STATUTES OF 2024\);](#)  
[AB 161 \(CHAPTER 46, STATUTES OF 2024\),](#) [AB 107](#) AND  
[AB 3176 \(CHAPTER 833, STATUTES OF 2018\);](#)  
[BUDGET ACT \(2024\);](#) [PENAL CODE \(PEN\) SECTION 11166;](#)  
[SENATE BILL \(SB\) 794;](#) [CALIFORNIA DEPARTMENT OF SOCIAL](#)  
[SERVICES, MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#)  
[31-075](#) AND [MPP 31-320;](#) [WELFARE AND INSTITUTIONS CODE](#)  
[\(WIC\) SECTION 16501.35,](#) [WIC 16501.45,](#) [WIC 16524.6,](#)  
[WIC 224.1\(f\)\(3\),](#) [WIC 361.31\(m\)](#) AND [WIC 391;](#)  
[ALL COUNTY LETTER \(ACL\) 16-15,](#) [ACL 16-49,](#) [ACL 16-85,](#)  
[ACL 19-26,](#) [ACL 19-87,](#) [ACL 22-100,](#) [ACL 23-32](#) (Webinar on 23-  
32) AND [ACL 24-18;](#) [ALL COUNTY INFORMATIONAL NOTICE](#)  
[\(ACIN\) NO. I-23-15,](#) [ACIN I-13-17,](#) [ACIN I-50-19,](#) [ACIN I-28-29,](#)  
[ACIN I-14-19,](#) [ACIN I-59-18,](#) [ACIN I-36-21,](#) [ACIN I-31-22,](#) [ACIN I-](#)  
[51-23](#) AND [ACIN I-28-19.](#)

## **PURPOSE**

The purpose of this All County Letter (ACL) is to inform counties of the changes made by [AB 2108 \(Chapter 660, Statutes of 2024\)](#) and [AB 161 \(Chapter 46, Statutes of 2024\)](#) as related to children that are missing from foster care. [AB 2108](#) amended [WIC 16501.35](#) which now requires the social worker or probation officer, when they receive information that a child receiving child welfare services is missing from foster care, to immediately, but in no case later than 24 hours from the receipt of that information, notify specified entities or persons, including the local law enforcement agency and the child's or nonminor dependent's parents/guardians/Indian Custodians, and the child's Tribe in the case of an Indian child. AB 161 amended [PEN 11166\(j\)\(3\)](#) to require additional communication with and reporting to the National Center for Missing and Exploited Children (NCMEC) and law enforcement agencies regarding missing children receiving child welfare services who are reasonably believed to be, or are at risk of being, victims of Commercial Sexual Exploitation (CSE). AB 161 also added [WIC 827.14](#) to provide for the authority to share this information from the juvenile case file with NCMEC as necessary to carry out the duties required by [PEN 11166\(j\)\(3\)](#). Additionally this letter requires each county placing agency to submit updated protocols to CDSS for review and approval.

The intent of the ACL is to reiterate and provide additional guidance, information, and promising practices regarding noticing, locating, and responding to youth<sup>1</sup> who go missing from foster care. In 2016, as required by Preventing Sex Trafficking and Strengthening Families Act, [PL 113-183](#), [ACL 16-15](#) provided instructions regarding the policies and procedures counties shall develop. It must include actions taken to locate and respond to youth who run away or go missing from foster care, codified via [SB 794 \(Chapter 425, Statutes of 2015\)](#). This legislation required, in part, the Title IV-E agency to demonstrate it had developed protocols to locate and respond to youth who run away or go missing from foster care. [PL 113-183](#) requires the Title IV-E Agency, to provide guidance to county placing agencies, to demonstrate it has:

- Developed and implemented protocols (i.e. policies and procedures) to locate any youth who has gone missing from foster care.
- Specifically, the protocols must include provisions to:
  - Locate any child/NMD missing from foster care and.
  - Determine the youth's experiences while absent from care, including whether the youth is a sex trafficking victim. For any youth who has been determined to be at risk of, or has been a victim of, sex trafficking, the agency must provide appropriate services.

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<sup>1</sup> For the purposes of this ACL, "youth" means both minor and NMD's.



## **BACKGROUND**

According to the [California Child Welfare Indicators Project](#), there are approximately 500 active missing youth in the state. As Black and Indigenous children are disproportionately in the care of child welfare and/or probation systems, they are at greater risk of experiencing exploitation and or violence if they go missing from care. While prior existing law required county welfare departments to adopt policies that required several actions when a social worker or probation officer determines that a child is missing from foster care, the policies did not detail the parties to be noticed or the timelines for doing so.

The United States Department of Health and Human Services Office of the Inspector General (OIG) conducts audits and evaluations to assess the effectiveness of state Health and Human Service programs and their grantees and contractors. These audit reports identify risks to the people served and taxpayers and recommend necessary improvements. In 2022, the OIG released the [National Snapshot of State Agency Approaches to Reporting and Locating Children Missing from Foster Care](#), to examine protocols adopted by state agencies to report and locate missing children. Key findings of the report related to the existing protocols to expeditiously locate a youth absent from foster care found that there was inconsistent oversight from agencies and sporadic engagement from family members, Tribes, and other supportive adults.

## **DEFINITION OF MISSING FROM CARE**

AB 2108 defined missing from foster care as “when the whereabouts of a child subject to an order of foster care placement are unknown to the county child welfare agency or probation department, or when the county child welfare agency or probation department has located a child subject to an order of foster care placement in a location not approved by the court that may pose a risk to the child, taking into account the age, intelligence, mental functioning, and physical condition of the child” ([WIC 16501.35\(c\)\(1\)](#)). In the case of a NMD, this definition shall only apply if based on the totality of the circumstances, the county child welfare agency or probation department suspects that the nonminor dependent did not voluntarily leave foster care or is at risk of substantial harm. ([WIC 16501.35\(c\)\(2\)](#))

There are many reasons why a youth might be considered missing from foster care. Youth missing from foster care may have been abducted by a non-family member, been wrongfully taken or detained by a person related to them, wandered away from a safe environment and become lost, run away from a placement, or are otherwise missing from care for any number of reasons. In determining whether a youth or child is missing from care, counties should consider the following factors: if either their whereabouts are unknown to the agency, or the agency has located them, but they are in a location not approved by the court that may pose a risk to them, taking into account age, intelligence, mental functioning and physical condition. For NMDs, because they are

adults, the first part of the determination is whether they are missing or in a location that could pose a risk to them, but the second part of the determination limits the circumstances in which an NMD would be considered missing to only those where the social worker suspects, based on the totality of the circumstances, that the NMD did not leave foster care voluntarily or is at risk of substantial harm. While there may be instances in which a youth leaves but their whereabouts are known to the caseworker, they may still be considered missing from foster care.

### **NEW NOTIFICATION REQUIREMENTS**

[AB 2108](#) amended [WIC 16501.35](#) to mandate notification to specific entities and persons, immediately, but in no case later than 24 hours, from receipt of information that the minor or non-minor dependent (NMD) is missing from foster care. The parties that **must** be notified within 24 hours are:

- The child's or NMD's parents or Indian custodians, unless parental notification has been limited or terminated by the court.
- The child's or NMD's legal guardians, unless guardian notification has been limited or terminated by the court.
- The attorneys for the parents, legal guardians, or Indian custodians unless notification of the parents, guardians or Indian custodians has been limited or terminated by the court.
- The child's or nonminor dependent's attorney appointed pursuant to WIC 317(c) or WIC 634.
- The child's or nonminor dependent's Court-Appointed Special Advocate, if one has been appointed.
- The court of jurisdiction.
- The child's or nonminor dependent's Tribe or tribal representative, if the child or nonminor dependent is, or may be, an Indian child.
- Any known sibling of the child or nonminor dependent who is 10 years of age or older and adjudged to be a dependent child of the juvenile court, if such notice would not be contrary to the safety and well-being of that sibling. Notice to siblings shall be provided in a trauma-informed manner.
- The local law enforcement agency, including, if applicable, any tribal law enforcement agency for the child's Tribe in the case of an Indian child.

These notices shall include contact information for an appropriate social worker or probation officer within the agency issuing the notice.

### **NEW COMMUNICATION AND REPORTING REQUIREMENTS**

AB 161 amended PEN 11166 to codify into state law new Federal communication and reporting requirements added by the federal Trafficking Victims Prevention and Protection Reauthorization Act of 2022, [PL 117-348](#). The amendments to



PEN 11166(j)(3) add to the existing reporting requirements for when a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of or is at-risk of being the victim of commercial sexual exploitation (CSE) is discovered to be missing from care. PEN 11166(j)(3)(B) now requires that when child welfare or probation reports a child missing from care to NCMEC and to law enforcement, including applicable tribal law enforcement, as required by PEN 11166(j)(3)(A), they must now also include in the report, where reasonably possible:

1. A photo of the missing or abducted child or youth.
2. A description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.
3. Endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors, to the extent such information is released in compliance with other applicable laws.
4. Information about whether the child or youth is or may be an Indian child, as defined in WIC section 224.1, including the name of the child's Tribe.

For details on existing NCMEC and law enforcement reporting requirements in place prior to AB 161, please see ACL 16-15 and ACL 16-85. A child that is missing from care can be reported to NCMEC by phone or by making an online report:

- Phone: 1-800-THE-LOST (1-800-843-5678)
- [NCMEC Online Report](#)

AB 161 also added PEN 11166(j)(3)(C), which requires probation and child welfare to maintain regular communication with NCMEC and applicable law enforcement agencies, including tribal law enforcement, for all reported children missing from care. The purpose of this communication is in efforts to provide safe recovery of the missing child or youth, including by sharing any information related to the child's or youth's recovery and circumstances related to the recovery. This information may also include but is not limited to:

- The location of the child or youth, or a previous recent location
- Names of persons recently in contact with the child or youth
- New social media handles of the child or youth or recently uploaded information on existing handles
- Any new photos obtained from persons in contact with the child or youth or from social media

Although PEN 11166(j)(3) requires reporting to NCMEC only children receiving child welfare services who are missing from care and have also experienced or are at risk of CSE, California Department of Social Services (CDSS) recommends county placing agencies report **all** foster children missing from care to NCMEC. For more information

on best practices when reporting children that are missing from care to NCMEC, please see the following NCMEC website links:

- [NCMEC Information](#)
- [NCMEC “Sound Policy and Practice Recommendations”](#)
- [NCMEC “Case Worker Guide to Reporting Missing Children”](#)

Additionally, AB 161 added WIC 827.14, which permits probation and child welfare departments to disseminate information from the juvenile case file to NCMEC as necessary to carry out the duties required by PEN 11166(j)(3).

Funding for the above new requirements in AB 161 was allocated to counties in [AB 107, Budget Act \(2024\)](#). Additional funding and allocation methodology can be found in a forthcoming county fiscal letter (CFL) and in [ACL 25-06](#). Tribes with Title IV-E Agreements can utilize their CWS allocation for CSEC program related activities.

### **ACTIVE EFFORTS FOR INDIAN CHILDREN**

[ACL 24-18](#), released in March 2024, is the third letter in a series devoted to the implementation of [AB 3176 \(Chapter 833, Statutes of 2018\)](#) and provides guidance to county placing agencies regarding the requirements to make affirmative, active, thorough, and timely efforts (“active efforts”) intended to maintain or reunite an Indian child with their family in Indian child custody proceedings. Active efforts include the provision of remedial services and rehabilitative programs designed to prevent the break-up of Indian families and to connect Indian children and their families to culturally relevant and appropriate services, including identifying, notifying, and inviting representatives of the Indian child’s Tribe to participate in Child and Family Team meetings (CFT) and placement meetings intended to support the Indian child’s family for, among other activities, the *resolution of placement issues*. ACL 24-18 sets forth current requirements and best practices.

Active efforts are efforts and services that exceed reasonable efforts. These efforts must be integrated into child welfare practice by engaging the Indian child, the Indian child’s parents and/or Indian custodian, extended family members, and the child’s Tribe(s). These efforts must be made in a manner consistent with the prevailing social and cultural standards and way of life of the child’s Tribe and should be conducted in partnership with the Indian child’s Tribe(s).

### **ACTIVE EFFORTS WHEN AN INDIAN CHILD IS MISSING FROM CARE**

As noted in [WIC 224.1\(f\)\(3\)](#), “identifying, notifying, and inviting representatives of the Indian child’s Tribe to participate in providing support and services to the Indian child’s family and in family team meetings, permanency planning, and resolution of placement issues,” is a requirement. When a child is missing from care, it is the placing agency



caseworker's responsibility to notify and work collaboratively with the child's Tribe. This includes notifying the Tribe immediately, or no later than 24 hours after the agency has received information that the child is missing from placement, collaborating with the tribal representative on efforts to locate the child, and ensuring that the Tribe is regularly updated regarding the child's status, particularly when the child has been located, to determine the most appropriate placement, if a placement change is necessary. Engagement with the Tribe may provide additional information to assist in locating the youth. The active efforts to meet such requirements must also be documented in the child's case record.

### **DOCUMENTING YOUTH MISSING FROM CARE IN CWS/CMS**

#### **(Please See Attachment A)**

Caseworkers are accountable for visiting or attempting to visit youth if they are missing from care or not in their court approved placement. In accordance with the [ACL 16-15](#) and [ACIN NO. I-13-17](#), the assigned caseworker must attempt to locate a youth whose whereabouts are unknown and document location efforts in CMS/CWS in the contact notes. Location efforts should also be documented in each status review report filed during a youth's absence. Efforts to locate a missing youth should include, but are not limited to:

- Contacting significant persons in a youth's life including, parent(s), Indian custodians, relatives, extended family members, teachers, therapist(s), Court Appointed Special Advocate (CASA), attorney, Tribal representative, and anyone the youth is close to such as friends.
- Physically check all places the youth is likely to be.
- Follow up on leads received regarding the youth's whereabouts.
- Conduct visits to relevant addresses or request a welfare check by a law enforcement agency, when possible.
- Consult with or refer to internal Runaway/Missing Children Liaisons.
- Search social media websites (if authorized) and search public locator databases.

When a youth is located, it is the responsibility of the caseworker to arrange for the return of the youth to care. When a youth returns to placement, the assigned caseworker should utilize engagement and assessment strategies to identify what prompted the youth's absence, assess for and address any additional trauma that occurred while missing from care, and identify opportunities to enhance the youth's well-being and resilience. It is important to notify the CFT of the youth's return to care and coordinate any changes to the case plan or a placement change with the input of the team, including the Tribe in the case of an Indian child. In addition, the county placing agency must determine the youth's experiences while absent from care, including whether the youth is a victim of commercial sexual exploitation per [WIC 16501.35\(b\)\(2\)](#).

For any youth who has been determined to be at risk of or has been a victim of sexual exploitation, the agency must provide appropriate services, per [WIC 16524.6](#).

If a youth is located but unwilling to immediately return to care, the caseworker should consider holding a CFT meeting to discuss ways to support the youth during their absence and create a plan for return when the youth is ready. In this circumstance, the caseworker should consistently try to have a face-to-face with the youth to ensure they are, at the very least, physically doing well, and to continue to support their needs the best they can.

A helpful tool to use when a youth is located and returned to care is the Missing/Runaway Youth Debriefing Form [ACIN I-13-17](#). While the caseworker visit should happen as soon as possible, and no more than three business days after the youth returns to care, the caseworker should be mindful of allowing the youth time and space to decompress and stabilize following their time away. A debriefing interview should ideally be conducted by an adult of the youth's choosing, whenever possible. However, when the interview is not conducted by the caseworker, all information obtained should be shared with the caseworker, to ensure that information collected is consistent with the guidance provided in ACIN I-13-17. It is also highly recommended the caseworker consider a placement preservation strategy and incorporate the CFT to avoid any possible further disruptions. Additionally, if the youth experienced any new or additional trauma or their needs have increased while away from care the caseworker must update the Integrated Practice Child Adolescent Needs and Strengths (IP-CANS) within 30 calendar days of determining that a changed condition exists [ACL 25-10](#). Please refer to [ACL 19-26](#) and [ACL 22-100](#) for more information regarding placement preservation strategies.

## **HARM REDUCTION**

A harm reduction approach can be utilized in both preventing and mitigating risks associated when a youth is missing from care. Honest discussion is important and should include legitimate reasons why the youth should stay in their placement, as well as the understanding and acknowledgment that a youth may decide to leave regardless. These discussions should include how a youth can maintain their own safety while missing from care. This does not mean that leaving placement is encouraged or condoned, but instead meets the youth where they are, encourages openness, and builds trust. This will go a long way in terms of engagement, their progress in healing, and helping build safe behavior.

Creating harm reduction informed safety plans with every youth, but especially those at risk for leaving placement, is essential and should include resources that are youth specific and based on the individual youth's needs. The safety plan should consider where the youth is at and include their preferences, as a youth is much more likely to utilize a safety plan that they had a part in developing. Safety plans should include identified alternatives to the youth leaving care, emergency contact information, social



media contact information, what persons the youth agree to check-in with while away from care, and safe ways to get basic needs and services while away from care. If local resources for basic needs are limited, consider providing the youth an emergency bag including items such as hygiene products, reproductive and sexual health products, a first aid kit, bus passes, and contact information to assist in returning to care.

Harm reduction should also be applied to all attempts to engage with a youth while they are missing from care:

- Attempt often to contact the youth via text, phone, email and/or social media. Coordinate communication with the youth's CFT members, including the youth's Tribe in the case of an Indian youth, and/or network of support to ensure the youth does not become overwhelmed by too many attempts to communicate.
- If contact is made, remain neutral and focused on their well-being. Be honest, express concern, but refrain from language that is punitive or condescending. Allow youth to have voice and choice in their return, exploring what the youth feels is in their best interest.
- Try to create a safe plan for return, broken down by achievable steps, with the youth leading the plan when ready. Also consider input by the CFT in developing this plan. If the youth's whereabouts are known, discuss with the youth the possibility of convening a CFT meeting with the youth identifying who they want to participate in the meeting.
- Continuously assess the situation for increased risk. Should there be suspicion that the youth is in danger, or at risk for danger, contact law enforcement immediately.

For reference, please see:

- [ACIN I-59-18](#) Introduction to the Harm Reduction Strategies Series Regarding Commercially Sexually Exploited Children
- [ACIN I-28-19](#) Harm Reduction Series - Social Worker
- [ACIN I-50-19](#) Harm Reduction Series - Probation Officer
- [ACIN I-36-21](#) Harm Reduction Series - Law Enforcement
- [ACIN I-31-22](#) Harm Reduction Series - Caregiver
- [ACIN I-51-23](#) Harm Reduction Series - Juvenile Courts

## **PROTOCOL REVIEW AND UPDATE**

[AB 2108](#) requires notice to specified entities and persons as noted above, building on the protocol development of SB 794 (Chapter 425, Statutes of 2015) which added sections 16501.35 and 16501.45 to the WIC. Per [WIC 16501.35](#), since January 1, 2016 county placing agencies have been required to develop and implement specific protocols related to youth who are missing from care, have left, or are otherwise absent from care. Pursuant to [WIC 16501.35\(b\)\(1\)](#) county placing agencies are required to

update, develop and implement protocols used in practice to expeditiously locate any youth missing from care. Protocols must include a description of the efforts, including active efforts in the case of an Indian child to:

- The time frame for reporting the youth missing,
- The individuals or entities entitled to notification that the youth is missing,
- A description of initial and ongoing efforts the county will take to locate the youth, and
- The plan to return youth to placement.

These elements constitute the statewide minimum standards necessary to comply with federal law. **Counties may add additional local requirements to their protocols to meet their local needs, including reporting the missing youth to the CHP for Ebony Alerts and Feather Alerts.**

Currently some counties have existing policies that may differ in reporting requirements by case service component (e.g., Family Maintenance (FM) vs. Family Reunification (FR)) or placement type (Non-Related Extended Family Member (NREFM) vs. Congregate care setting) or counties may have one policy regardless of the case service component or placement type.

The CDSS encourages the child placing agencies to consult and include runaway and homeless youth providers in the revision and subsequent implementation of these protocols, as these providers are uniquely positioned to understand the youth's needs and identify effective strategies to engage them. It is critical that counties engage with local Tribes on the revision and implementation of these protocols to ensure the protocol addresses the cultural needs of Indian children and families.

## **PROTOCOL DEVELOPMENT**

Pursuant to WIC 16501.35, these policies shall, at a minimum, do all the following:

1. Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from foster care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.
2. Require the social worker or probation officer to do all of the following:
  - a. Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.
  - b. Respond to those factors identified in subsequent placements, to the extent possible.
  - c. Determine the child's or nonminor dependent's experiences while absent from care.



- d. Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.
- e. Document the activities and information described in (A) to (D), inclusive, for federal reporting purposes, consistent with instructions from the department.
- f. Provide notice immediately, but in no case later than 24 hours from receipt of information that the child or nonminor dependent is missing from foster care to all of the following parties:
  - i. The child's or NMD's legal guardians, unless guardian notification has been limited or terminated by the court.
  - ii. The attorneys for the parents, legal guardians, or Indian custodians unless notification of the parents, guardians or Indian custodians has been limited or terminated by the court.
  - iii. The child's or NMD's attorney appointed pursuant to subdivision (c) of Section 317, or Section 634.
  - iv. The child's or NMD's Court-Appointed Special Advocate, if one has been appointed.
  - v. The court of jurisdiction.
  - vi. The child's or NMD's Tribe or tribal representative, if the child or NMD is, or may be, an Indian child, as defined in Section 224.1.
  - vii. Any known sibling of the child or NMD who is 10 years of age or older and adjudged to be a dependent child of the juvenile court, if such notice would not be contrary to the safety and well-being of that sibling. Notice to siblings shall be provided in a trauma-informed manner.
  - viii. The local law enforcement agency, including, if applicable, any tribal law enforcement agency for the child's Tribe in the case of an Indian child, as defined in Section 224.1.

All notices issued for these purposes shall include contact information for an appropriate social worker or probation officer within the agency issuing the notice.

Additionally, protocols must also include for youth who have experienced CSE or at-risk of experiencing CSE policies and procedures that require social workers and probation officers to do all the following:

1. Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.
2. Document individuals identified pursuant to paragraph (1) in the statewide child welfare information system and any other agency record as determined by the county.
3. Determine appropriate services for the child or youth identified pursuant to paragraph (1).

4. Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).
5. NCMEC, as required by PEN 11166, if the missing child is reasonably believed to have experienced or is at risk of experiencing CSE. Ensure NCMEC reporting requirements added by AB 161 are included.

### **PROTOCOL SUBMISSION**

Due to the importance of this topic, the CDSS is requiring each county placing agency (i.e., child welfare and probation) to submit their updated protocols for review and approval. **(Please See Attachment B)**

- Within 60 days of the issuance of this letter, (date inserted prior to finalization), Using Attachment A, updated protocols shall be submitted to CDSS at [Reunification-Permanency@dss.ca.gov](mailto:Reunification-Permanency@dss.ca.gov).
- Protocols will be reviewed by CDSS to ensure they meet the above requirements. If they do not, the child placing agency will be notified and asked to make the necessary changes to bring the protocol into compliance.
- Once these protocols are approved by CDSS, the county child welfare agency will be notified. Protocols will then be posted to the CDSS website for easy access of the constituency.

If you have any questions or need additional guidance regarding youth missing from care information in this letter, contact the Family Reunification and Pathways to Permanency Unit at [Reunification-Permanency@dss.ca.gov](mailto:Reunification-Permanency@dss.ca.gov). If you have questions or need additional guidance regarding CSEC information in this letter, contact the Child Trafficking Response Team within the Safety and Early Intervention Bureau at [CSECProgram@dss.ca.gov](mailto:CSECProgram@dss.ca.gov)

Sincerely,

### ***Original Document Signed By***

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division

Attachments

cc: ALL FEDERALLY RECOGNIZED TRIBES



There are two types of alerts within CWS/CMS that can be triggered, a Safety Alert and a Case Alert.

Safety Alert in the Client notebook: the warnings of violence or other conditions in which child welfare staff may be at risk of physical harm. The values of reasons of this type of alert include:

- Dangerous Animal on Premises
- Dangerous Environment
- Firearms in Home
- Gang Affiliation or Gang Activity
- Hostile, Aggressive Client
- Remote or Isolated Location
- Severe Mental Health Status
- Threat or Assault on Staff
- Other

Attachment A  
Page Two

Safety Alert

Client Services - Case [L, Pauline] - [Client (Case Focus Child) (Pauline L)]

File Edit Search Action Associated Attach/Detach Window Help Tools

Summary ID Demog Address Names Related Clients ID Num Juv Cit# Search Log AFDC-FC Attorneys Service Providers LCWA Contributing Factors Spec Pj Adoption Info AAP Eligibility

**Name and Identification**  
\*\*Active Safety Alert Exists - See Below\*\*

Client Information

Prefix First Middle Last Suffix Name Type Client Index Number (CIN)  
[Pauline] [L] [Legal] [ ]

Sex at Birth [Female] Marital Status [ ] SSN [000-00-0055] Client Is/Was Adjudicated Delinquent [ ]  
[ ] Yes [ ] No

Driver's License - State/Number [ ] Date of Birth or Age and Age Unit [07/04/2011] [12] [Years] Military Status [ ]  
[ ] Dependent [ ] Active [ ] Veteran [ ] No Involvement [ ] Unknown

Previously Adopted [ ]  
Adoption Age [ ]

Client is a Minor/NMD Parent [ ] Client Number [0122.0346-4525.2000018] Outstanding Warrant Exists [ ]

**SOGIE Data**  
Sexual Orientation [Unable to Determine] Reason Unable to Determine [Did Not Ask] Description [ ]  
Gender Identity [Did Not Ask] Description [ ]  
Gender Expression [Did Not Ask] Description [ ]

**Language**  
Primary Language [Spanish] Secondary Language [English] Literate [ ]  
[ ] Yes [ ] No [ ] Unknown [ ] Not Applicable

**Race/Ethnicity**  
Specify Race if known [ ] Declines to State [ ]  
Unable to Determine - Reason [ ]  
Other Ethnicity [ ]  
[1] Mexican

**Hispanic or Latino Origin**  
[ ] Yes [ ] No [ ] Declines to State [ ] Unable to Determine  
Unable to Determine - Reason [ ]

**Dual Status Information**  
Dual Status Type [ ] Start Date [ ] End Date [ ] Creation County [ ]  
Dual Status Type [ ] Start Date [ ] End Date [ ]

**Drug/Mental Health Issues Affecting this Client**  
Drug Use [ ] Yes [ ] No Alcohol Use [ ] Yes [ ] No Mental Health Issues [ ] Yes [ ] No  
Other Drug [ ]

**Other Client Information**  
ICWA Eligible [ ] Yes [ ] No [ ] Not Asked [ ] Pending [ ] Child has Indian Ancestry [ ]  
Incapacitated Parent [ ] Yes [ ] No [ ] Unknown [ ] Not Applicable

**Indian Ancestry Notification**  
County [ ] Date [ ] County [ ] Date Informed [ ]

**Safety Alert Information**  
Activation Date [05/10/2024] Reason [Other] Deactivation Date [ ]  
1 | 05/10/2024 | Other | [ ]

**Safety Alert Activation**  
Activation Date [05/10/2024] County [Sacramento] Reason [Other] Explanation [ ]

**Safety Alert Deactivation**  
Deactivation Date [ ] County [ ] Explanation [ ]

Ready [Case [L, Pauline] > Client (Case Focus Child) (Pauline L)]

Type here to search

In a Case Notebook, there is a Case Alert field where a caseworker may enter “a narrative description in which the user may put critical alert information regarding a client that is associated to that case”.

## Case Alert

Client Services - [Case [L, Pauline]]

File Edit Search Action Associated Attach/Detach Window Help Toolz

ID Svc Comp Assignment Trans Req ICPC-100A ICPC-100B Doc Tracking Spec Proj Closure Summary

**Identification**  
**\*\*Active Safety Alert Exists - See Client Notebooks\*\***


**Case Info**  
Case Name: L, Pauline  
Case Number: 1361-4514-7735-2000018  
Start Date: 09/03/2004 End Date: Projected End Date:  
County: Sacramento State: California  
Country: United States

**Case Status**  
+ Status Effective Date End Date  
1 Court Involvement 09/13/2004  
Status: ☒ Court Involvement ☐ Voluntary  
Effective Date: 09/13/2004  
End Date:

**Associated Referral Information**  
Referral Name: Pedro L  
Referral ID: 1152-1435-0141-6000018  
Received Date: 09/03/2004

**Intervention**  
+ Reason  
1 Parent Alcohol Use  
2 Parent Drug Use  
3 Substantial Risk - Abuse of Sibling  
Primary Agency Responsible: County Welfare Department

**Case Alerts**





CWS/CMS Instructions – Runaway or Missing – Absent from Care or Left Placement without Permission Screenshots

Instructions	Screenshot
<p>5. Go to the “Child Removal Info” Page/Tab and complete all mandatory fields and enter information about when the child/youth or NMD became missing or left without permission (“ran away”).</p>	
<p>6. Go to Client Management (blue section) and open existing client (first icon).</p>	
<p>7. Select the client notebook of the child/youth or NMD. Click OK.</p>	

## Instructions

8. Go to the "Address" Page/Tab. If the child/youth or NMD is missing or left without permission ("ran away"), select "AWOL" in the "AWOL/Abducted" frame (this should already be selected if the user created a new Non-FC Notebook). Please note that selecting "AWOL" will not automatically end date the placement.

Note: AWOL means that the child/youth or NMD is missing or left without permission.

If the child/youth or NMD was abducted, select "Abducted".

Specify the circumstances in the contact notes. Provide any known information (date and time, where the child/youth was last seen, etc.).

9. Click File and Save to Database.

If the child/youth or NMD is missing or left without permission ("ran away") **before** placement, then this is the last step.

If the child/youth or NMD is missing or left without permission ("ran away") **after** placement, continue to the next step.

## Screenshot

Client [Pauline L]

Summary | ID | Demog. | Address | Names | Related Clients | ID Num | Juv Crt# | Search Log | AFDC-FC | Attorneys | Service Providers | I.C.W.A. | Contrib.

	Type	Number	Street Name	City	State	Zip	County	Phone
1			Unknown	Unknown	California		Sacramento	
2	Residence	821	No Way	Sacramento	California	95819	Sacramento	

Common Address Referral:  History Information Displayed: Active

Placement Facility Type:  E-mail Address:

Address Type:  Street No.:  Street Name:

City:  State:  ZIP:  ZIP Ext:

AWOL/Abducted

- ☒ AWOL
- ☐ Abducted
- ☐ Not Applicable

Client [Pauline L]

Summary | ID | Demog. | Address | Names | Related Clients | ID Num | Juv Crt# | Search Log | AFDC-FC | Attorneys | Service Providers | I.C.W.A. | Contrib.

	Type	Number	Street Name	City	State	Zip	County	Phone
1			Unknown	Unknown	California		Sacramento	
2	Residence	821	No Way	Sacramento	California	95819	Sacramento	

Common Address Referral:  History Information Displayed: Active

Placement Facility Type:  E-mail Address:

Address Type:  Street No.:  Street Name:

City:  State:  ZIP:  ZIP Ext:

AWOL/Abducted

- ☐ AWOL
- ☒ Abducted
- ☐ Not Applicable

Client Services - Case [L, Pedro]

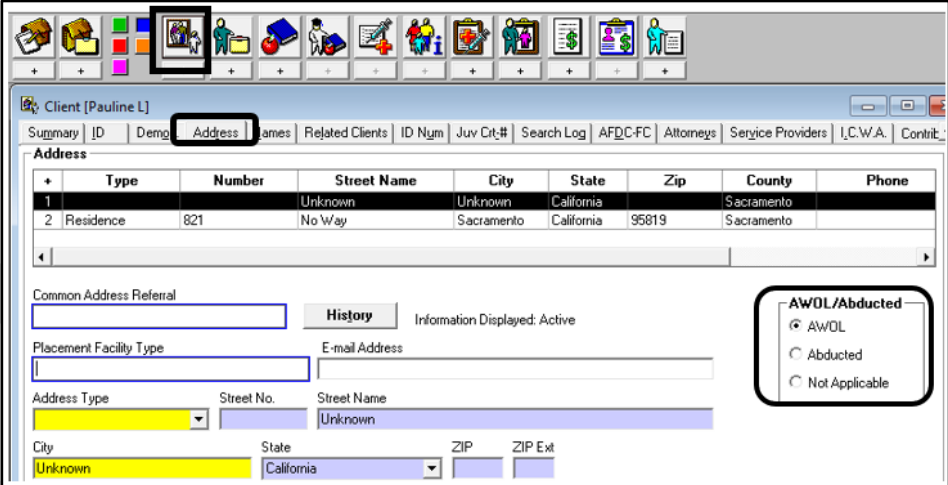
File Edit Search Action Associated

- New Referral Ctrl+R
- New Case...
- Open Folder... Ctrl+O
- Find Folder...
- New Notebook... Ctrl+B
- Open Notebook... Ctrl+N
- Print... Ctrl+P
- Print Report...
- Print Setup...
- Save to Database Ctrl+S

Instructions	Screenshot
--------------	------------

14. Verify that  
“AWOL” is selected  
in the  
“AWOL/Abducted”  
frame (follow steps 6  
through 8)

Click “File” to save to  
database.



Client [Pauline L]

Summary | ID | Demo | **Address** | Names | Related Clients | ID Num | Juv Cit;# | Search Log | AFDC-FC | Attorneys | Service Providers | I.C.W.A. | Contrib...

	Type	Number	Street Name	City	State	Zip	County	Phone
1			Unknown	Unknown	California		Sacramento	
2	Residence	821	No Way	Sacramento	California	95819	Sacramento	

Common Address Referral:

Placement Facility Type:

Address Type:  Street No.:  Street Name:

City:  State:  ZIP:  ZIP Ext:

History Information Displayed: Active

**AWOL/Abducted**

- ☒ AWOL
- ☐ Abducted
- ☐ Not Applicable



**County Youth Missing from Placement Protocol AB2108 Reporting Notice**

Please Submit this form to the CDSS' Family Reunification and Pathways to Permanency Policy Unit at [reunification-permanency@dss.ca.gov](mailto:reunification-permanency@dss.ca.gov)

California Department of Social Services

Attention: Resource Family Support and Permanency Branch

Director Troia:

The purpose of this notice is to inform the California Department of Social Services (CDSS) that County [Child Welfare Agency/Probation Department] has reviewed the information provided in the attached All County Letter (ACL) and has updated their protocols as mandated.

\_\_\_\_\_ County [Child Welfare Agency/Probation Department] agrees to the conditions set forth in the ACL, including but not limited to, adhering to mandated reporting and notification requirements.

\_\_\_\_\_ County [Child Welfare Agency/Probation Department] certifies that the county [Child Welfare Agency/Probation Department] currently utilizes protocols or policies that contain all required notification and reporting requirements.

\_\_\_\_\_  
Signature(s) of Child Welfare Director/Chief Probation Officer  
or Authorized Representatives

\_\_\_\_\_  
Date

CDSS will accept electronic signatures in lieu of traditional manual signatures.

Please submit completed plans to: [reunification-permanency@dss.ca.gov](mailto:reunification-permanency@dss.ca.gov)



## Judicial Council of California

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

Telephone 415-865-4200 · Fax 415-865-4205

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# M E M O R A N D U M

---

**Date**

June 6, 2025

**Action Requested**

Please Review

**To**

Tribal Court–State Court Forum

**Deadline**

N/A

**From**

Ann Gilmour

**Contact**

Ann Gilmour

415-865-4207 phone

[ann.gilmour@jud.ca.gov](mailto:ann.gilmour@jud.ca.gov)

**Subject**

Post Comment Indian Child Welfare Act  
Inquiry and Family Finding Rules and forms  
proposal

---

This proposal received 11 comments. All commenters agreed with the proposal either as written or with suggested modifications.

All the proposed responses are set out in the attached draft comment chart. Also attached are draft updated versions of the proposed revised rules and amended forms. For ease of committee review, the attached rules show the suggested changes in track changes mode, and the post-comment proposed changes to the forms are highlighted in blue (with yellow highlighting denoting proposed changes that were circulated).

Note that the comment chart states that the comments from the California Department of Social Services are not verbatim, and that the comment itself is attached. Staff needs to consult with staff to the rules committee for permission to do this. Otherwise, the verbatim comments may need to be incorporated into the comment chart. The recommended responses remain the same.

The California Department of Social Services had many thoughtful comments on how to comprehensively revise rules and forms to better implement the Indian Child Welfare Act in California. Unfortunately, many of these were outside the scope of the current proposal as

circulated for public comment. We recommend that these suggestions be considered for a future proposal as they would need to have an opportunity to circulate for public comment. A number of the more targeted comments for forms revisions that were within the scope of the current proposal have been incorporated.

### **Pose Comment Rules Revisions**

Rules 5.481, 5.668 and 5.708 has been revised to more accurately reflect the required inquiry language in the statute. In addition, subsection (4) of rule 5.708 was revised in response to a comment from the Sacramento County Counsel's Office to add a requirement that any prior findings with respect to ICWA applicability would need to be revised if there was new information available.

Rule 5.725 (and several of the forms) was revised to remove the language "throughout the life of the case" in response to a comment from the Sacramento County Counsel's Office which noted that this language is not in the statute. There could have been earlier lapses in ICWA inquiry, but appellate cases have consistently held that failures can be cured by later proper inquiry (*In re. S.H.* 1st DCA Div. 1, 82 Cal.App.5th 166; *In re Baby Girl M.* 2nd DCA Div. 5, 83 Cal.App.5th 635; *In re H.B.*, 2nd DCA, Div. 8, 92 Cal.App.5th 711.; *J.J. v. Superior Court* 3rd DCA, 81 Cal.App.5th 447; *In re Dominick D.* 4th DCA Div. 2, 82 Cal.App.5th 560; *In re T.R.* 4th DCA Div. 2, 87 Cal.App.5th 1140) and that whether or not ICWA inquiry is sufficient is to be assessed on a case by case basis.

### **Post Comment Forms Amendments**

Many of the comments and revisions were corrections to code references, updating plural/singular language, updating gender neutral language, etc. as well as suggestions to update language to align with statute.

With respect to the JV-410 form, we want to note that the form was revised during the 2024 spring cycle and a new version was approved for use effective January 1, 2025. Unfortunately, the wrong version of the form was used when this circulated for public comment and some of the comments related to item 16 (g) reflected the language in the older outdated version of the form. The problem has now been corrected.



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:

**Rule 5.481. Inquiry and notice**

**(a) Inquiry**

\* \* \*

(1) \* \* \*

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

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

(B) Instruct the parties and other interested persons to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child; and

(C) \* \* \*

(3) \* \* \*

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

(A) Interviewing the parents, Indian custodian, and “extended family members” as defined in 25 United States Code section 1903, to gather

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the information listed in Welfare and Institutions Code section 224.3(a)(5), Family Code section 180(b)(5), or Probate Code section 1460.2(b)(5);

(B) Based on the information gathered under (a)(4)(A), contacting the Bureau of Indian Affairs and the California Department of Social Services for assistance in identifying the names and contact information of the tribes in which the child may be a member or eligible for membership if the agency has been unable to make contact with such tribes; and

(C) Contacting the tribes and any other person who reasonably can be expected to have information regarding the child's membership status or eligibility. These contacts must at a minimum include the contacts and sharing of information listed in Welfare and Institutions Code section 224.2(e)(3)(2)(C).

(5) \* \* \*

(b)–(c) \* \* \*

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

(a)–(b) \* \* \*

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

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

(A)–(D) \* \* \*

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

(3)–(4) \* \* \*

(d) \* \* \*

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  
9 (1) The report must include:

10  
11 (A)–(B) \* \* \*

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

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

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

25  
26 (2) \* \* \*

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

32  
33 (4) The court must make a finding as to whether the agency has fulfilled its  
34 affirmative and continuing duty to inquire whether the child is or may be an  
35 Indian child. If the court previously found that ICWA does not apply to the  
36 proceedings pursuant to section 224.2(i)(2), the court must determine whether  
37 there is any additional information that was not previously available to the  
38 agency or the court, when making a finding as to whether the agency has  
39 fulfilled its affirmative and continuing duty to inquire whether the child is or  
40 may be an Indian child.

41  
42 (c)–(k) \* \* \*

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

2  
3 **(a)–(b) \* \* \***

4  
5 **(c) Report**

6  
7 Before the hearing, petitioner must prepare an assessment under section 366.21(i)  
8 including evidence that the agency has, ~~throughout the life of the case,~~ fulfilled its  
9 affirmative and continuing duty to inquire whether the child is or may be an Indian  
10 child. At least 10 calendar days before the hearing, the petitioner must file the  
11 assessment, provide copies to each parent or guardian and all counsel of record, and  
12 provide a summary of the recommendations to the present custodians of the child,  
13 to any CASA volunteer, and to the tribe of an Indian child.  
14

15 **(d) Conduct of hearing**

16  
17 At the hearing, the court must state on the record that the court has read and  
18 considered the report of petitioner, the report of any CASA volunteer, the case plan  
19 submitted for this hearing, any report submitted by the child's caregiver under  
20 section 366.21(d), and any other evidence, and must proceed under section 366.26  
21 and as follows:  
22

23 **(1) Make a finding as to whether:**

24  
25 **(A) The court and the agency have fulfilled their affirmative and continuing**  
26 **duty throughout the life of the case to inquire whether the child is or**  
27 **may be an Indian child;**

28  
29 **(B) The record contains evidence of such inquiry, including evidence of**  
30 **inquiry of the parents, guardians, Indian custodian, and other available**  
31 **extended family members contacted by the court or the agency**  
32 **throughout the life of the case; and**

33  
34 **(C) Based on that inquiry and evidence, there is reason to believe or know**  
35 **the child may be an Indian child.**

36  
37 **(+)(2) \* \* \***

38  
39 **(-)(3) \* \* \***

40  
41 **(3)(4) \* \* \***

42  
43 **(4)(5) \* \* \***

1  
2 **(e)-(f) \* \* \***

3  
4 **(g) Advisement of appeal rights**

5  
6 The court must advise all parties of their appeal rights as provided in rule 5.585590  
7 and section 366.26(1).

## 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 **or citizen** of a tribe or eligible for tribal membership **or citizenship**, and if they think the child might be, then which tribe or tribes?
  - b. Are the parents or other members or citizens of the extended family members **or citizens** 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 at any time**, ask them the same questions **and let the court know whom 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 citizen or eligible to become a tribal member or citizen**, 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 citizenship** or eligibility for membership **or citizenship**, 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** 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)**

Page 1 of 2



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 [bia.gov/bia/ois/dhs/icwa](http://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 were asked whether they had any information that the child is or may be an Indian child; whether the parents or child are/were domiciled or lived on tribal lands or a reservation, 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. *(If no, continue to signature page at end of form.)*

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 citizen or eligible for membership or citizenship 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 or citizen or eligible for membership or citizenship in a tribe.

Name of tribe(s):

Location of tribe(s):

b. ☐ the child's parents, grandparents, or great-grandparents are or were members or citizens 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):		<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</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 or citizen of, or eligible for membership or citizenship 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 or citizen of, or eligible for membership or citizenship in, a federally recognized Indian tribe because (state why you think the child is or may be a member or citizen or eligible for membership or citizenship in 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 or citizen 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, lives, or has lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.

CHILD'S NAME:

CASE NUMBER:

3. 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 and state law.**

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 whether the child is or may be a member <span style="background-color: #e0f7fa;">or citizen</span> of an Indian tribe or eligible for membership <span style="background-color: #e0f7fa;">or citizenship</span> and the biological child of a member <span style="background-color: #e0f7fa;">or citizen</span> , 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 <span style="background-color: #e0f7fa;">or citizen</span> of an Indian tribe or eligible for membership <span style="background-color: #e0f7fa;">or citizenship</span> and the biological child of a member <span style="background-color: #e0f7fa;">or citizen</span> 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. Petitioner on information and belief alleges the following:**

<p>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>):</p> <p> <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)         </p>		
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> )		
<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 (<i>check all that apply</i>):</p> <p> <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 (<i>check all that apply</i>):</p> <p> <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 (<i>check all that apply</i>):</p> <p> <input type="checkbox"/> legal   <input type="checkbox"/> biological   <input type="checkbox"/> presumed   <input type="checkbox"/> alleged         </p>	<p>h. Other (<i>state name, address, and relationship to child</i>):</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 (<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>):         </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 (<i>address</i>):       </p> <p> <input type="checkbox"/> Relative   <input type="checkbox"/> Shelter/foster care   <input type="checkbox"/> Other       </p>	
<p>k. Indian Child Welfare Act Inquiry (<i>check one</i>)</p> <p>(1) <input type="checkbox"/> I have asked as to whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen, and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached.</p> <p>(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.</p> <p>(3) <input type="checkbox"/> Inquiry about whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen 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.</p>		

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  STATE:      ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>Not approved by</b> <b>the Judicial Council</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: Parent's name (if known): Parent's name (if known): Parent's name (if known):	Date of birth:	Age:
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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 *Parental Notification of Indian Status* (form ICWA-020), evidence taken at earlier hearings, and reports and evidence filed by the agency. The court 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, including interviewing available extended family members, and that there is no reason to believe or know that the child is or 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,
- ☐ 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.
  - ☐ 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
    - ☐ 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.
    - ☐ 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 **an order** 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
- ☐ the court has heard and considered all relevant, admissible evidence, including
    - ☐ qualified expert witness testimony provided by (name of witnesses) and
    - ☐ evidence regarding the prevailing social and cultural practices of the child's tribe; and
  - ☐ 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
- ☐ parent (name):
  - ☐ parent (name):
  - ☐ parent (name):
  - ☐ alleged fathers (names):
  - ☐ 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
- ☐ parent (name):
  - ☐ parent (name):
  - ☐ parent (name):
  - ☐ Indian custodians (names):
  - ☐ alleged fathers (names):
  - ☐ 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.)*

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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)*:



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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 (check one):

- (1) ☐ returning home.  
(2) ☐ adoption.  
(3) ☐ tribal customary adoption.  
(4) ☐ legal guardianship.  
(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):

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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 (*check 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 (*check 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

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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(m) 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
- ☐ 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:
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):

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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



- | Party (name):                    | Present                  | Attorney (name): | Present                  | 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"/> |
- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
- (2) Other (name):
- (3) Other (name):

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.

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

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

- |   |  |   |                                |
|---|--|---|--------------------------------|
| <input type="checkbox"/> mother           | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian   | <input type="checkbox"/> child |
| <input type="checkbox"/> presumed father  | <input type="checkbox"/> alleged father    | <input type="checkbox"/> Indian custodian |                                |
| <input type="checkbox"/> 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 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

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

9. ☐ A motion for continuance was made by the

- |   |  |   |                                |
|---|--|---|--------------------------------|
| <input type="checkbox"/> mother           | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian   | <input type="checkbox"/> child |
| <input type="checkbox"/> presumed father  | <input type="checkbox"/> alleged father    | <input type="checkbox"/> Indian custodian |                                |
| <input type="checkbox"/> 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 their right to attend the hearing.
- c. ☐ other (specify):

The motion for the continuance is granted.

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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**

- a. On the record, the court has
- (1) ☐ asked each participant present at the hearing
    - whether the participant is aware of any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
    - whether the residence or domicile of the child, either of the child's parents, or the 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.
  - (2) ☐ 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.
- b. 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 has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
  - (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; or
    - (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.
  - (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 the Indian Child Welfare Act applies. The child is a member or citizen of, or eligible for membership or citizenship and a biological child of a member or citizen, of the tribe.

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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 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



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

a. Date:

b. Court reporter (*name*):

c. Department:

d. Bailiff (*name*):

e. Judicial officer (*name*):

f. Interpreter (*name and language*):

g. Court clerk (*name*):

h. Party (*name*)

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

i. Others present in courtroom

(1) Court Appointed Special Advocate (CASA) volunteer (*name*):

(2) Other (*name*):

(3) Other (*name*):

a. ☐ Report of social worker dated:

b. ☐ Report of CASA volunteer dated:

c. ☐ Other (*specify*):

d. ☐ Other (*specify*):

CHILD'S NAME:

CASE NUMBER:

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

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For a child 10 years of age or older who is not present**
- (1) ☐ The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
5. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a. ☐ The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate volunteer is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. ☐ A Court Appointed Special Advocate volunteer is appointed for the child.
8. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

**9. 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.

**10. Indian Child Welfare Act (ICWA) inquiry**

On the record, the court has

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

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10. b. ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen of or eligible for membership or citizenship in a tribe or Alaska Native village.

**11. ICWA status (check one):**

- a. ☐ The court finds there is no reason to believe or reason to know the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts; or
- b. ☐ The court finds there is reason to believe the child is an Indian child; and
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child. ICWA does not apply; or
- (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. ☐ The court finds that there is reason to know that the child is an Indian child, and
- (1) ☐ the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship 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 citizen or eligible for membership or citizenship 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 (check 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;

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13. b. ☐ 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 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 (check at least one):
- ☐ 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.
  - ☐ 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.
  - ☐ the child has left a placement in which they were placed by the juvenile court.
  - ☐ the child has been physically abused by a person residing in the home and is unwilling to return home.
  - ☐ 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 welfare department pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated here or on the record:
- f. The facts on which the court bases its decision to order the child detained are stated here or were stated on the record:

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16. g. The child is temporarily placed in

- (1) ☐ the home of a relative; an extended family member, as defined in Welf. & Inst. Code, § 224.1 and section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.); or a nonrelative extended family member, as defined in Welf. & Inst. Code, § 362.7, that has been assessed under Welf. & Inst. Code, § 361.4;
- (2) ☐ the approved home of a resource family, as described in Welf. & Inst. Code, § 16519.5, or a home licensed or approved by the Indian child's tribe;
- (3) ☐ an emergency shelter or other suitable licensed place; if a short-term residential therapeutic program or community treatment facility, a hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for (date):
- (4) ☐ a place exempt from licensure designated by the juvenile court.
- h. Services, including those stated in item 17, are to be provided to the family as soon as possible to reunify the child with their family.
- i. ☐ Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. ☐ Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. ☐ There is a relative who is able, approved, and willing to care for the child.
- l. ☐ A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.
- m. ☐ Less disruptive alternatives to removal were considered by the agency.
- n. ☐ The impact of removal on the child was considered by the agency, including
  - (1) ☐ the relationship between the child and their parents, guardians, or Indian custodians, based on the child's perspective.
  - (2) ☐ the child's response to removal and, where developmentally appropriate, their perspective on removal.
  - (3) ☐ the relationship between the child and any siblings.
  - (4) ☐ the relationship between the child and other members of the household.
  - (5) ☐ any disruption to the child's schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, any impact on the child's connection to their tribe, extended family members, and tribal community.
  - (6) ☐ Other (specify):
- o. ☐ Orders necessary to alleviate any disruption or harm to the child resulting from removal were stated on the record or are stated here:

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

- a. ☐ The evidence includes all the requirements of Welf. & Inst. Code, § 319(b).
- b. The agency (select (1) or (2))
  - (1) ☐ has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family as detailed in the record, and these efforts have proved ☐ successful or ☐ unsuccessful;
  - or
  - (2) ☐ has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c. ☐ For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d. Either (select (1) or (2))
  - (1) ☐ The child's placement complies with the placement preferences stated in Welf. & Inst. Code, § 361.31 and less disruptive alternatives. The child is placed
    - (a) ☐ with a member of the child's extended family;
    - (b) ☐ in a foster home licensed, approved, or specified by the child's tribe;
    - (c) ☐ in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
    - (d) ☐ in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or



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17. d. (2) ☐ For the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

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.

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.

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

- |  | Present                  | Attorney ( <i>name</i> ): | Present                  | Appointed today          |
|--|--------------------------|---------------------------|--------------------------|--------------------------|
| h. <u>Party (<i>name</i>):</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 ( <i>name</i> ): |                          |                           |                          |                          |
| (2) Other ( <i>name</i> ):   |                          |                           |                          |                          |
| (3) Other ( <i>name</i> ):   |                          |                           |                          |                          |

**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. ☐ 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:**

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 **their** 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 (check 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. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and report to the court on its inquiry efforts.
- 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.
- 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.

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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 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:

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17. <input type="checkbox"/> Party	Admits	Submits	Pleads no contest	To petition as amended on (specify date):
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"/> Other (specify):	<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):

☐ 300(a) ☐ 300(c) ☐ 300(e) ☐ 300(g) ☐ 300(i)  
☐ 300(b) ☐ 300(d) ☐ 300(f) ☐ 300(h) ☐ 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

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

25. ☐ The child and the

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

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.

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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.: 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>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):      |                                     |

h. <u>Party (name):</u>	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"/>

- 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 the following:**

- 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; **and**
- (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.

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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 **their** 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 **their** 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 **their** 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 has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.**
- ☐ 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 citizen** or eligible for membership **or citizenship** 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 the Indian Child Welfare Act applies. The child is a member of, or eligible for membership and a biological child of a tribal member, of the \_\_\_\_\_ tribe.**

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**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.

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)



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13. ☐ **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).
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.**
16. ☐ **Other findings and orders**
- a. ☐ See attached.
- b. ☐ (Specify):
17. ☐ **The next hearing is scheduled as follows:**
- |               |       |        |       |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
- 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: |
|---------------|-------|-------|-------|
- 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: \_\_\_\_\_

\_\_\_\_\_  
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#### 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.

**ICWA 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 of 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 agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.

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

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6. 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; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

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.
- (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. ☐ in 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).

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11. 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.

### Placement of an Indian child

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
- 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 17 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(m) 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.

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20. b. (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.
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)
- 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.



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24. 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*):

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

#### 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
<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 ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other ( <i>specify</i> ):	<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.

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**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 29 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.  
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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
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 31:  
a. ☐ Social worker  
b. ☐ Parent (*name*):  
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:

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37. a. (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:
- 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.

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40. 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.**

<b>Twelve-month permanency hearing date:</b>
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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(f)(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):

a. Date:

b. Department:

c. Judicial Officer (*name*):

d. Court clerk (*name*):

e. Court reporter (*name*):

f. Bailiff (*name*):

g. Interpreter (*name and language*):

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

a.  report of social worker dated:

b.  report of CASA volunteer dated:

c.  case plan dated:

d.  Other (*specify*):

e.  Other (*specify*):

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



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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 of 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 (*check one*):

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- 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 if required, the California Department of Social Services if required, 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 citizen or eligible for membership or citizenship 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 citizen or eligible for membership or citizenship 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 the Indian Child Welfare Act applies. The child is a member of, or eligible for membership and a biological child of a tribal 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 caregivers; 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 (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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
- 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
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:

- a. ☐ Social worker
- b. ☐ Parent (name):
- c. ☐ Surrogate parent (name):
- d. ☐ Educational representative (name):
- e. ☐ Other (name):

20. ☐ 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.

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),

(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.

23. ☐ **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:

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

- 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 **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)

**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



CHILD'S NAME:

CASE NUMBER:

**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(m) 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):

CHILD'S NAME:

CASE NUMBER:

**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,
- ☐ 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<sup>s</sup>; and
  - ☐ 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**
- ☐ The child was under the age of three years on the date of the initial removal from the home.
  - ☐ 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):
  - ☐ Services are continued as described in item 12; or
  - ☐ 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
      - ☐ whether there has been significant progress in resolving the problems that led to the removal;
      - ☐ 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
      - ☐ 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):
- ☐ as previously ordered.

CHILD'S NAME:

CASE NUMBER:

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.

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 whom 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(m) 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

CHILD'S NAME:	CASE NUMBER:
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9. b. (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. ☐ 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 caregivers; and
  - 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
- ☐ qualified expert witness testimony was provided by: ; 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> ):		
12. ☐ **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**
- ☐ The child was under the age of three years on the date of the initial removal from the home.
  - ☐ 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.
    - (*name*):
    - (*name*):
    - (*name*):
    - (*name*):
    - (*name*):
    - (*name*):
  - By clear and convincing evidence 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> ):		

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.



CHILD'S NAME:	CASE NUMBER:
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12. 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.

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

a. ☐ Reunification services are terminated for the

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

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

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

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

c. ☐ Reunification services are terminated for the

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

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.

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:

CHILD'S NAME:

CASE NUMBER:

**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 in the case of an Indian child, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and those have proven unsuccessful.
- 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 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):

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

☐ return home.
 ☐ establish legal guardianship.

☐ place for adoption.
 ☐ place with a relative.

☐ Other (*specify*):

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

a. the court asked the child where the child wants to live, and the child provided the following information (*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 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>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> <b>(Welf. &amp; Inst. Code, § 366.21(f))</b>	CASE NUMBER:

### 1. Twelve-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): |
|---|--|

	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 the

- 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:

**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 of 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 agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- 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 citizen or eligible for membership or citizenship 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 citizen or eligible for membership or citizenship 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:

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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;

CHILD'S NAME:

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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 caregivers; 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 (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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
- 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
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:

<b>CHILD'S NAME:</b>	CASE NUMBER:
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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:
- a. ☐ Social worker
  - b. ☐ Parent (*name*):
  - c. ☐ Surrogate parent (*name*):
  - d. ☐ Educational representative (*name*):
  - e. ☐ Other (*name*):
20. ☐ 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.
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),
- (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: \_\_\_\_\_, and the 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.
23. ☐ **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:

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

- 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 **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).

**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:

**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(m) 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:

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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**

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

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

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

## 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.

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.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:

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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:**

CHILD'S NAME:

CASE NUMBER:

**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 caregivers; 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:
 

☐ Mother

☐ Biological father

☐ Legal guardian

☐ Presumed father

☐ Indian custodian

☐ Other (specify): \_\_\_\_\_

☐ 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(m) 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): \_\_\_\_\_

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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, (*check 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*):

**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.
- 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.
- c. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

**Important individuals**

14. ☐ **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.

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14. 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 ☐ 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

16. ☐ **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): \_\_\_\_\_

17. ☐ **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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17. 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)*:

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 in the case of an Indian child, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
- 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 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>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:                    | e. Court reporter (name):           |
| b. Department:              | f. Bailiff (name):                  |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name):      |                                     |

- |   | Present                  | <u>Attorney (name):</u> | 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 the

- 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:

**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 of 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 (*check one*):

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- 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 *if required*, and the California Department of Social Services *if required*.
- 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 court finds that the child is an Indian child and the Indian Child Welfare Act applies. The child is a member of, or eligible for membership and a biological child of a tribal member, of the \_\_\_\_\_ tribe.

CHILD'S NAME:

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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 caregivers; 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
- 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
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 **box** and attach indicated **form**)

- 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 **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).

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

CHILD'S NAME:

CASE NUMBER:

**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 caregivers; 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(m) 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 (*check 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-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*):

13. **Family finding and engagement**

- 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.
  - (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.
- c. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

**Important individuals**

14. ☐ **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.

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14. 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.

### Selection of permanent plan

16. ☐ **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): \_\_\_\_\_

17. ☐ **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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17. 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)*:

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, § 366.22(c). The county agency report must include evidence of all inquiry done 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(m) 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.
- 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>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: _____<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): _____ |
|---|--|

	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 know** the child is an Indian child, 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**

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

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(m) 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 46 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 46 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. ☐ inadequate.

#### 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.
- 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 29 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 30:
- ☐ Social worker
  - ☐ Parent (*name*):
  - ☐ Surrogate parent (*name*):
  - ☐ Educational representative (*name*):
  - ☐ Other (*name*):
32. ☐ 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.
33. 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.
34. ☐ **Child 12 years of age or older**
- ☐ The child was given the opportunity to review the case plan, sign it, and receive a copy.
  - ☐ The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
    - ☐ 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.
    - ☐ 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. a. ☐ It is ordered that
- (1) ☐ the child's permanent plan is legal guardianship. **The likely date** by which the child's permanent plan will be achieved is (date):
- (2) ☐ 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):
- b. ☐ 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.
- 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 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 37 is appropriate and continues as the permanent plan.

42. ☐ a. The child's permanent plan identified in item 37 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 (Cal. 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 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).

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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 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>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> <b>(Welf. &amp; Inst. Code, § 366.25)</b>	CASE NUMBER:

### 1. Twenty-four-month permanency 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. <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:
- 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 of 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 (*check one*)

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- 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 if required, the California Department of Social Services if required, 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 citizen or eligible for membership or citizenship 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 citizen or eligible for membership or citizenship 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 the Indian Child Welfare Act applies. The child is a member or citizen of, or eligible for membership or citizenship and a biological child of a tribal member or citizen, 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; 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:**

	<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 (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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
- 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) can be obtained from the California Courts website at [courts.ca.gov/cms/rules/index/five/rule5\\_650](https://courts.ca.gov/cms/rules/index/five/rule5_650), or from the court's self-help center.
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:
- a. ☐ Social worker
  - b. ☐ Parent (name):
  - c. ☐ Surrogate parent (name):
  - d. ☐ Educational representative (name):
  - e. ☐ Other (name):
20. ☐ 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.
21. ☐ **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:
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),
- (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.

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

- 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 **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).

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

CHILD'S NAME:

CASE NUMBER:

**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,
  - 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.
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 (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:
 

☐ mother

☐ Biological father

☐ Legal guardian

☐ Presumed father

☐ Indian custodian

☐ Other (specify): \_\_\_\_\_

☐ Other (specify): \_\_\_\_\_
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 (**check one**):
  - a. ☐ 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
  - 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

CHILD'S NAME:	CASE NUMBER:
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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(m) 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.

CHILD'S NAME:	CASE NUMBER:
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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. ☐ 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*):

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 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.



CHILD'S NAME:	CASE NUMBER:
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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.
- 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.



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

Item No.: XXX

For business meeting on October 24, 2025

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**Title**

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

**Report Type**

Action Required

**Effective Date**

January 1, 2026

**Date of Report**

June 6, 2025

**Contact**

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

**Rules, Forms, Standards, or Statutes Affected**

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-101(A), 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

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Tari L. Cody, Cochair  
Hon. Stephanie E. Hulse, Cochair

Tribal Court–State Court Forum

Hon. Abby Abinanti, Cochair  
Hon. Joyce D. Hinrichs, Cochair

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### Executive Summary

To implement new legislation and recent case law regarding the Indian Child Welfare Act and foster-care placement in juvenile cases, the Family and Juvenile Law Advisory Committee and the Tribal Court–State Court Forum recommend amending four rules of court and revising 22 forms. This proposal responds to Assembly Bill 81 (Stats. 2024, ch. 656 (Ramos)), which addressed the implementation of the Indian Child Welfare Act (25 U.S.C. §§ 1901 et. seq.), including ICWA inquiry, and Assembly Bill 2929 (Stats. 2024, ch. 845 (Carillo)), which addressed family finding in juvenile dependency cases. The proposal also responds to two recent

decisions from the Supreme Court of California—*In re. Kenneth D.*, 16 Cal.5th 1087, 324 Cal.Rptr.3d 259 and *In re. Dezi C.* 16 Cal.5 1112—concerning ICWA inquiry. The proposal would also correct several technical issues in the rules and forms.

## Recommendation

The Tribal Court–State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2025:

1. Amend California Rules of Court, rule 5.481(a)(2) regarding who must be asked about a child’s possible Indian status to conform to the language of the statute;
2. Amend rule 5.668(c) to make the language regarding ICWA inquiry consistent with the new language in section 224.2 of the Welfare and Institutions Code;
3. Amend rule 5.708(b)(1) to require that the report discuss all efforts the agency has made to comply with its ICWA inquiry duty;
4. Amend rule 5.725 to require agency reports to include evidence of the affirmative and continuing duty to inquire whether the child is or may be an Indian child;
5. Revise *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO) to clarify and explain the ongoing duty of inquiry;
6. Revise *Indian Child Inquiry Attachment* (form ICWA-010(A)) to clarify what must be asked of the individuals questioned and clarify steps of the inquiry process;
7. Revise *Parental Notification of Indian Status* (form ICWA-020) to clarify that the inquiry is related to relatives and lineal ancestors of the *child*;
8. Revise *Additional Children Attachment* (form JV-101(A)) by reformatting it to ensure that ICWA inquiry is documented for each individual child;
9. Revise *Orders Under Welfare and Institutions Code Sections 366.24, 266.26, 727.3, 727.31* (form JV-320), to add a required finding as to the sufficiency of ICWA inquiry;
10. Revise *Continuance—Dependency Detention Hearing* (form JV-405) to revise the ICWA inquiry findings and make technical corrections;
11. Revise *Findings and Orders After Detention Hearing* (form JV-410) to include ICWA inquiry and family finding requirements;
12. Revise *Findings and Orders After Jurisdictional Hearing* (form JV-412) to update the language in item 5 regarding ICWA inquiry and status;

13. Revise *Findings and Orders After Dispositional Hearing* (form JV-415) to update the requirements around continuing ICWA inquiry;
14. Revise *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421) to enhance the language regarding ICWA inquiry;
15. Revise *Findings and Orders After Six-Month Status Review Hearing* (form JV-430) to include language about continuing ICWA inquiry;
16. Revise *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432) to add language concerning family finding and engagement;
17. Revise *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433) require agency reports to include evidence of family finding and engagement and ICWA inquiry efforts;
18. Revise *Findings and Orders After 12-Month Permanency Hearing* (form JV-435) to include language about continuing ICWA inquiry;
19. Revise *Twelve-Month Permanency Attachment: Reunification Services Continued* (form JV-437) to add language concerning family finding and engagement;
20. Revise *Twelve-Month Permanency Attachment: Reunification Services Terminated* (form JV-438) to require agency reports to include evidence of family finding and engagement and ICWA inquiry
21. Revise *Findings and Orders After 18-Month Permanency Hearing* (form JV-440) to update the language on ICWA inquiry and status;
22. Revise *Eighteen-Month Permanency Attachment: Reunification Services Terminated* (form JV-442) require agency reports to include evidence of family finding and engagement and ICWA inquiry;
23. Revise *Eighteen-Month Permanency Attachment: Reunification Services Continued* (form JV-443) to add language concerning family finding and engagement;
24. Revise *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (form JV-446) to add language about family finding and engagement;
25. Revise *Findings and Orders After 24-Month Permanency Hearing* (form JV-455) to update the findings and orders related to ICWA inquiry; and
26. Revise *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated* (form JV-457) 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.

The recommended amended rules are attached at pages 10-14. The recommended revised forms are attached at pages 15- 113.

### **Relevant Previous Council Action**

The federal Indian Child Welfare Act (25 U.S.C. § 1901 et seq.; ICWA) was enacted in 1978 and establishes minimum federal standards that apply in all state court proceedings involving an Indian child where the child could be involuntarily placed in the custody of a nonparent, or where the parental rights of a parent could be terminated. The Judicial Council has acted numerous times to implement and improve compliance with the Indian Child Welfare Act, including:

- 1995 amendments to former rules 1431, 1432, and 1463 to assure proper notice consistent with ICWA and adopted former rule 1439;
- 1998 amendments to former rule 1439 and forms JV-100 and JV-110 to better identify Indian children and comply with ICWA; and
- 2000 and 2005 amendments to former rule 1439 and revisions to various juvenile and family law forms to clarify when and how notice should be given under ICWA.

In 2006, California enacted Senate Bill 678 to substantially incorporate provisions of ICWA into the Family Code, Probate Code, and Welfare and Institutions Code. Following enactment of SB 678, the Judicial Council adopted implementing rules of court and forms.<sup>1</sup> Following the enactment of Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833), in 2019 the Judicial Council updated various ICWA and Juvenile rules and forms effective January 1, 2020.<sup>2</sup>

### **Analysis/Rationale**

When a child and family encounter the child welfare system, the court and the agency must follow specific obligations and requirements. These include the requirement under state and federal statutes to identify kin who can provide family support and potential placement should children need to be removed from their homes, and to identify Indian children so their tribes can be notified and the requirements of ICWA and implementing state law can be fulfilled. Recent legislative changes to both these “family finding” and ICWA inquiry requirements as well as recent case law regarding ICWA inquiry require changes to various Judicial Council forms.

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<sup>1</sup> That rules and forms proposal was adopted by the Judicial Council at a meeting on October 26, 2007 (agenda item A27) and is available at [www.courts.ca.gov/documents/102607ItemA27.pdf](http://www.courts.ca.gov/documents/102607ItemA27.pdf).

<sup>2</sup> That rules and forms proposal was adopted by the Judicial Council at a meeting on September 24, 2019 (agenda item 19-195) and is available at <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>

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.

To fulfill the requirement to identify Indian children, California law imposes on local agencies and courts an affirmative and continuing duty to inquire of 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>3</sup> The nature and extent of ICWA inquiry was revised by the Legislature effective 2019 by Assembly Bill 3176.<sup>4</sup> The Judicial Council implemented AB 3176 by adopting a new rule of court, amending several other rules, adopting several new forms, and revising several other forms.<sup>5</sup>

Following the implementation of AB 3176, appeals related to ICWA inquiry increased substantially based on claims that the inquiry of available extended family members throughout the life of a case was inadequate. 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.* and *In re Dezi C.* 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.

In AB 81, the Legislature recently made further changes to the ICWA inquiry requirements in section 224.2 of the Welfare and Institutions Code.<sup>6</sup> AB 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. The recommended changes are required to conform the rules and forms with the new legislation and to help minimize ICWA inquiry appeals.

### **Policy implications**

No significant policy implications were noted. The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee reviewed the proposal and provided an "Agree" position with several suggested revisions to two of the forms. These revisions were accepted and are reflected in the current proposal. The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and the Superior Courts which provided comments on the

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<sup>3</sup> See Welfare and Institutions Code section 224.2.

<sup>4</sup> Assem. Bill 3176 (Waldron); Stats. 2018, ch. 833,  
[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB3176](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176).

<sup>5</sup> Judicial Council of Cal., Advisory Com. Rep., *Indian Child Welfare Act (ICWA): Implementation of AB 3176 for Indian Children* (Sept. 5, 2019), item 19-195,  
<https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>.

<sup>6</sup> All further code references are to the California Welfare and Institutions Code unless otherwise stated.



proposal did note that there would be some operational impacts including potential updating of case management systems and tracking, training for juvenile judges and clerks, increase of court staff workload, and updating of self-help resources. Nevertheless, all court commenters agreed with the proposal or agreed subject to suggested modifications discussed below in the comment section and attached comment chart.

## **Comments**

The proposal circulated for public comment from April 15 through May 17, 2025, as part of the spring 2025 invitation-to-comment cycle. It was sent to the standard mailing list for family and juvenile law proposals that includes appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other juvenile and family law professionals. It was also sent to tribal leaders, tribal advocates, and tribal attorneys and distributed through the California Department of Social Services Office of Tribal Affairs list serve to reach those with an interest in the Indian Child Welfare Act and tribal issues.

The proposal received eleven comments from three superior courts, a superior court judge, two county counsel's offices, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, a County Bar Association, a statewide tribal advocacy organization, a committee of the California Lawyers Association, and the California Department of Social Services.

All the commenters either agreed with the proposal as circulated or agreed with modifications. None opposed the proposal.

Many of the comments were technical in nature such as updating code and section references in many of the forms, updating for gender neutral language, changing plurals to singulars and singulars to plurals where they had been mistakenly reversed, adding "citizen" and "citizenship" when tribal "member" and "membership" is used throughout the proposal, adding code and rule references to the footnotes of the forms, adding space for responding to questions, and correcting spelling and grammatical errors. All those corrections were made.

There were also more substantive comments related to the wording of both the rules and the forms where commenters suggested refinement of language to provide greater clarity and more closely align the language in the rules and forms with statutory language and intent. These include refinements in the language of rule 5.481(a)(2) and rule 5.668(c) to more closely follow the language of the statute, 5.708(b)(1)(E) to include a more complete list of the individuals of whom inquiry should be made, adding to rule 5.708(b)(4) language requiring the court to revisit any previous findings of ICWA applicability in light of new information, and removing the language "throughout the life of the case" in rule 5.725 discussing reporting requirements of ICWA inquiry and throughout the forms in response to a comment that the language is not used

in the statute and further may be inconsistent with case law that says a failure of inquiry at an early stage of the case can be remedied by later inquiry.

The California Department of Social Services suggested several further revisions to the ICWA rules and forms, such as including findings and orders respecting which of multiple tribes should be recognized as the child's tribe, revising rule 5.534 to reflect the right of an indigent Indian custodian to appointed counsel, revising rules 5.708 through 5.720 to include findings with respect to reunification services, and including more robust ICWA findings in juvenile justice cases. These suggestions are beyond the scope of the proposal as circulated for public comment, and were therefore not incorporated, but will be considered for future proposals.

### **Alternatives considered**

The forum and the committee considered whether the proposal should be delayed to address the broader scope of comments from the California Department of Social Services but determined that it was important to give the courts and parties guidance on the updated requirements concerning ICWA inquiry and family finding.

The forum and the committee did not consider taking no action because changes to rules and forms are necessary to implement the legislation and case law.

### **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 because of fewer ICWA inquiry appeals.

### **Attachments and Links**

1. Cal. Rules of Court, rules 5.481, 5.668, 5.708, and 5.725, at pages 10–14
2. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), 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, at pages 15–113
3. Comment Chart, at pages 114–162

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
1.	California Department of Social Services*  This chart contains a summary of recommended changes. The full text of the comments is attached.	NI	Include findings in rule 5.481 consistent with Welfare and Institutions Code section 224.2(g)	Adding additional language regarding the nature of further inquiry is outside the scope of the current proposal and would be a substantive change requiring recirculation for public comment. (See Cal. Rules of Court, rule 10.22(d)(2).) The forum and committee will consider this change in a future cycle.
			Include findings under Welfare and Institutions Code section 224.1(e) respecting which of multiple tribes is the child's tribe in rule 5.481.	This is outside the scope of the current proposal. Addressing the issue of determining which of several tribes should be recognized as the child's tribe for a specific case would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.
			Revise rule 5.534 to reflect the right of an indigent Indian custodian to appointed counsel.	This is outside the scope of the current proposal. Any changes to rule 5.534 would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.
			Update rules 5.708 – 5.720 to reflect that reunification services must be extended to the next review hearing if the court determines that active efforts were not made.	This is outside the scope of the current proposal. This would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			Update rules of court and forms governing juvenile justice proceedings to incorporate changes made by AB 81.	This is outside the scope of the current proposal. This would involve substantive changes that should circulate for public comment. The forum and committee will consider this change in a future cycle.
			Update rules and forms to reflect that inquiry must occur at the inception of all juvenile justice cases regardless of whether the minor is in foster care or at risk of entering foster care as currently described in rules 5.480 and 5.481.	This is outside the scope of the current proposal. This would involve substantive changes that should circulate for public comment. The forum and committee will consider this change in a future cycle.
			ICWA-005-INFO Form	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and would need to circulate for public comment. These comments will be considered by the forum and committee for a future cycle.
			ICWA-10(A) Form	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and would need to circulate for public comment. The comments will be considered by the forum and committee for a future cycle.
			ICWA-020 Form	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
			would need to circulate for public comment. The comments will be considered by the forum and committee for a future cycle.
		JV-101(A) Form Section 5.k.(3) Consider adding space for the petitioner to identify the reasons why specific persons were not questioned and/or what inquiry remains to be completed.	The forum and committee considered this request but determined that the kind of narrative that would be required is not appropriate for this form which is not intended to contain all evidence of inquiry, but only whether the initial inquiry has been completed.
		JV-405 section 12.b.(4) Consider replacing the statement “the ICWA applies” with the more accurate description used in other forms "The court finds that the child is an Indian child and a member of the ____ Tribe.”	Section 12.b.(4) was revised consistent with this suggestion and similar suggestions from other commenters.
		JV-421 Section 13 Consider adding a heading to identify these findings as related to “Placement of an Indian child”	The proposal was revised in response to this comment.
		JV-430 section 6.b.(2) Contact with the BIA and/or CDSS is not required for every case. Moreover, the BIA and CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. §	The proposal was revised in response to this comment.

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		224.2, subd. (b)(2)(B). Consider revising consistent with the statutory requirements.	
		JV-440 Section 6.b.(2) Contact with the BIA and/or CDSS is not required in every case. Moreover, the BIA and CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. Code § 224.2, subd. (b)(2)(B). Consider revising consistent with the statutory requirements.	The form was revised in response to this comment.
		JV-446 Section 4.6. There is no longer a requirement to provide notice to the BIA when there is reason to believe a child is an Indian child. A copy of notice to the BIA is required only when it is known or there is reason to know a child is an Indian child. (25 C.F.R. § 23.11, subd. (b)(12)) & Welf. & Inst. Code § 224.3, subd. (a)(4). Consider adding an Inquiry section consistent with the forms for other review hearings.	The form was revised in response to this comment.  The forum and committee declined to add an ICWA inquiry section for the post-permanency phase.
		JV-455 Section 6.b.(2) Contact with the BIA and/or CDSS is not required in every case. Moreover, the BIA and	The form was revised in response to this comment.



**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. Code § 224.2, subd. (b)(2)(B)). Consider revising consistent with the statutory requirements.	
2.	California Lawyers Association, Family Law Section Executive Forum and committee	A	FLEXCOM agrees with this proposal.	No response required.
3.	California Tribal Families Coalition*  This chart does not include introductory and conclusory statements. It includes only the substantive suggestions for revisions to the rules and forms in the proposal.	AM	<u>Rule 5.481</u> Yes, the proposed changes in (a)(2) adequately bring the Rule of Court in alignment with the statute following the passage of AB 81 in 2024. We are aware of the challenges described in the proposal narrative on Page 3 that representatives of the Bureau of Indian Affairs (BIA) and California Department of Social Services (CDSS) are often contacted with little to no information about a child’s family and connection to a Tribe. This can delay court proceedings and overburden BIA and CDSS representatives whose duties often include responding to state inquiries as well as providing technical assistance and training to tribal child welfare programs. The proposed changes in (a)(4)(B) offer a reasonable clarification that	No response required. The forum and committees appreciate the feedback.

# SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		interviewing family members should happen before contacting BIA or CDSS in the process of further inquiry.	
		<u>Rule 5.668</u> Yes, the proposed changes adequately bring the Rule of Court in alignment with the statute following the passage of AB 81 in 2024.	No response required. The forum and committees appreciate the feedback.
		<u>Rule 5.708</u> Partially, we recommend the following additional changes to (b)(1)(E): <u>(E) A <a href="#">factual</a> discussion of all efforts the agency has made to comply with the affirmative and continuing duty to inquire whether the child is or may be an Indian child, including evidence that inquiry in accordance with section 224.2 has been made of <a href="#">the child</a>, <a href="#">any parent</a>, <a href="#">legal guardian</a>, <a href="#">Indian custodian</a>, <del>or</del> extended family members, <a href="#">or other interested persons</a> contacted by the agency.</u>	The proposal was revised in response to this comment.
		The proposal seems limited to enumerating only parent and extended family members as that is the language in the case law cited in the proposal narrative, however, enumerating the full list from 224.2 in the Rule of Court may eliminate confusion around what inquiry	The suggested revisions have been incorporated.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		efforts need to be documented and, hopefully, limit further appeals.	
		<u>Rule 5.725</u> Yes, requiring documentation of inquiry in the agency report and in court findings seems to adequately address the stated purpose to limit appeals related to inquiry when the record is left unclear as to inquiry efforts made.	No response required. The forum and committees appreciate the feedback.
		<b>Is the information sought in the forms ICWA-010(A) and ICWA-020 helpful and complete?</b> 1. We recommend anywhere the forms or instructions cite or refer to the federal Indian Child Welfare Act, that they also cite or refer to the corresponding California state law. For example, the “Note” on the bottom of Page 1 of 1 of the ICWA-020 could be updated to state, “Additional inquiry may be required by the Indian Child Welfare Act and/or California state law.” One of the goals of AB 81, a catalyst for this proposal, was to reduce reliance on federal law and to differentiated where state law differs from the federal requirements. Including state law references wherever ICWA is cited or referenced, will lessen the reliance on only the federal protections and provide a guide to	The ICWA-020 form was updated in response to this comment.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		practitioners on where to find Cal-ICWA provisions throughout the state code.	
		2. We recommend updating the language of Finding #12(b)(4) on page 3 of 4 of the JV-405 to clarify that ICWA does not only apply once a child is a member of a tribe: (4) the court finds that the child is an Indian child and <a href="#">the Indian Child Welfare Act applies. The child is a member of, or eligible for membership and a biological child of an enrolled tribal member, of the</a> _____ tribe.	The proposal was revised in response to this comment, with the exception of the mention of “enrollment”. Neither federal nor state law require enrollment as a prerequisite to the application of ICWA.
		3. We recommend the same language change above in 2 be applied to Finding #7(e) on Page 2 of 4 of the JV-415.	The proposal was revised in response to this comment.
		4. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-430.	The proposal was revised in response to this comment.
		5. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-440.	The proposal was revised in response to this comment.
		6. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-455.	The proposal was revised in response to this comment.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
4.	Hon. Steven Ipson, Judge of the Superior Court of California, County of Los Angeles	A	No further comments provided.	No response required.
5.	Office of the County Counsel, County of Sacramento	NI	<p>-Regarding proposed rule 5.708(b)(1)(E), recommend removing reference to WIC section 224.2, so the second half of the sentence reads "...including evidence that inquiry has been made of any parent or extended family members contacted by the agency." WIC section 224.2(a) requires that the county agency inquire of the child and each family member "at the first contact" and referencing this section here may limit agencies/courts from considering additional information the agency has discovered after the first contact with the parents/family or during its further inquiry pursuant to WIC section 224.2(e)(2)(A).</p> <p>-Regarding proposed rule 5.708(b), recommending adding a subdivision, at or after subsection 5.708(b)(4), addressing WIC section 224.2(i)(2). Recommend adding the sentence: "If the court previously found that ICWA does not apply to the proceedings pursuant to section 224.2(i)(2), the court must determine whether there is any additional</p>	<p>The proposal was revised in response to this comment.</p> <p>The proposal was revised in response to this comment.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			<p>information that was not previously available to the agency or the court, when making a finding as to whether the agency has fulfilled its affirmative and continuing duty to inquire whether the child is or may be an Indian child.” If the rule does not address WIC section 224.2(i)(2) or any prior court order that ICWA does not apply to the proceedings (particularly pre-AB 81 orders), it will not be clear whether the agency and court have a continued obligation to inquire. This will also encourage practitioners to review the record for new or additional extended family members that may have come forward since the court’s prior order.</p> <p>-Regarding proposed rule 5.725 and all relevant proposed JV-Forms, recommend removing the “throughout the life of the case” term. That term is not used in the relevant cases and for purposes of the court’s findings at the section 366.26 hearing and other status review hearings, it may complicate the legal requirement from section 224.2. The court and agency do have an affirmative and continuing duty to inquire, however, the law does not create a requirement for the court to reflect on that inquiry summarily at the later</p>	<p>The rule has been revised in response to this comment.</p>



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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			stages of the case. Instead of requiring the court to reflect on whether that inquiry was consistent throughout the life of the case, the court should continue to review whether the agency was duly diligent for the relevant review period.	
6.	Office of County Counsel, County of San Diego	AM	The proposal appropriately addresses the stated purpose. Changes to Rule 5.481 regarding when to contact the BIA and CDSS are particularly helpful, as there is some confusion in our county regarding the entities' roles (some courtrooms are treating the BIA and CDSS like they can make membership determinations and continuing cases to await a response from the BIA/CDSS before proceeding.)	No response required. The forum and committees appreciate the feedback.
			For the ICWA-010(a) item 2 contains the language "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. . . ". Proposal to change this to "Each of these persons were asked whether they had any information that the child is or may be an Indian child; whether the parents or child are/were domiciled or lived on tribal lands or a reservation, or had ancestors who	The proposal was revised in response to this comment.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			were members of an Indian tribe" to be consistent with the language in § 224.2(c)	
			For the ICWA-020 Item 3(b) "(state why you think the child is affiliated with the tribe)" there is no room on the form to record the individual's answer to why they think the child is member or eligible for membership. Also, the term "affiliated with" is broader/more nebulous than the standard for "reason to believe" and "reason to know" – suggestion to change it to "state why you think the child is or may be a member or eligible for membership. . . " Lastly, there is a typo on item 3(d) – should say "have lived" instead of "has lived."	The proposal was revised in response to these comments.
7.	Orange County Bar Association	AM	The language between Rules 5.481(a)(2), (a)(2)(A), and 5.668(c)(1) can be standardized. We suggest that the first sentence on Rule 5.481(a)(2) read: “At the first appearance in court of each party or other interested person; or in juvenile wardship proceedings...”	The proposal was revised in response to this comment.
			The proposed changes in report requirements suggested for Rules 5.708(b)(1)(E) and 5.725(c) are not technically required based on	No response required. The forum and committees appreciate the feedback.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		the recent case authority and statutes, but align with best practices and are well-taken.	
		The change proposed for JV-405, item 12b1 [p.29] could be read to mean that there has not been sufficient inquiry given the specific facts of the case, rather than noting the generally-applicable continuing duty of inquiry. We suggest modifying the language from “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” to “The agency is under an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child.”	The proposal was revised in response to this comment.
		For the same reason, this sentence can also replace the suggested second sentence in JV-410, item 11a [p. 32], the suggested second sentence in JV-415, item 7d [p.43]; the last suggested sentence in JV-421, item 4 [p.45]; the suggested second sentence in JV-430, item 6a [p.55]; the suggested second sentence in JV-435, item 6a [p. 69]; the suggested second sentence in JV-440, item 6a [p.82]; and the suggested second sentence in JV-455, item 6a [p.104].	The proposal was revised in response to this comment.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
8.	Superior Court of California, County of Los Angeles	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	
			In response to the Judicial Council of California’s ITC, “Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding,” the Court agrees with the proposal and its ability to appropriately address its stated purpose. Additionally, the Court agrees that the information sought in the forms ICWA-010(A) and ICWA-020 are helpful and complete.	No response required. The forum and committee appreciate the feedback.
			Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff Updating policies and procedures Updating macros, event codes, and forms in the case management system	No response required. The forum and committee appreciate the feedback.
			Lastly, the Court agrees that three to six months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that	No response required. The forum and committee appreciate the feedback.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			this proposal would work well in courts of different sizes.	
9.	Superior Court of California, County of Orange	NI	<p><i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal appropriately addresses the stated purpose.</p>	No response required. The forum and committee appreciate the feedback.
			<p><i>Is the information sought in the forms ICWA-010(A) and ICWA-020 helpful and complete?</i> Yes, the information in the forms ICWA-010(A) and ICWA-020 is helpful and complete.</p>	No response required. The forum and committee appreciate the feedback.
			<p><i>Would the proposal provide cost savings? If so, please quantify.</i> No, the proposal does not appear to provide cost savings.</p>	No response required. The forum and committee appreciate the feedback.
			<p><i>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?</i> Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system.</p>	No response required. The forum and committee appreciate the feedback.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			<i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, three months would provide sufficient time for implementation in Orange County.	No response required. The forum and committee appreciate the feedback.
			<i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.	No response required. The forum and committee appreciate the feedback.
10.	Superior Court of California, County of San Diego, Mike Roddy, Executive Officer	AM	Does the proposal appropriately address the stated purpose? Yes.	No response required. The forum and committee appreciate the feedback.
			Is the information sought in forms ICWA-010(A) and ICWA-020 helpful and complete? Yes.	No response required. The forum and committee appreciate the feedback.
			Would the proposal provide cost savings? If so, please quantify. No.	No response required. The forum and committee appreciate the feedback.
			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	No response required. The forum and committee appreciate the feedback.



**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			case management systems, or modifying case management systems? Replacing old forms, revising case management systems, training staff, and notifying judicial officers.	
			Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required. The forum and committee appreciate the feedback.
			How well would this proposal work in courts of different sizes? It appears the proposal would work for courts of all sizes.	No response required. The forum and committee appreciate the feedback.
			<b>Rule 5.481</b> (a)(2)(A) – Delete “other” (match “party or interested person” earlier in the sentence): Ask each party or interested person present whether the party or other interested person knows or has reason to know the child is or may be an Indian child;	The proposal was revised to add “other” in the earlier sentence as this is more consistent with the statutory language.
			(a)(2)(B) – Insert “other persons present” per WIC § 224.2(c), last sentence:	This change was made.  This change was made.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		Instruct the parties <b>and other persons present</b> to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child; and	
		<p><b>Rule 5.668</b> (c)(2) – Insert “other persons present” per WIC § 224.2(c), last sentence:</p> <p>The court must also instruct all parties <b>and other persons present</b> to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child and order ...</p>	This change was made.
		<p><b>Rule 5.708</b> (b)(1)(E) – Edit as follows per WIC § 224.2(b)(2) [“Inquiry includes, but is not limited to ...”] A discussion of all efforts the agency has made to comply with the affirmative and continuing duty to inquire whether the child is or may be an Indian child, including evidence that inquiry in accordance with section 224.2 has been made of any parent, <b>legal guardian, Indian custodian, or</b> extended family members, <b>others who have an interest in the</b></p>	This change was made.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		child, or reporting party contacted by the agency.	
		<p><b>ICWA-005-INFO</b></p> <p><u>Right footer on page 1 – Query:</u> Should citations to WIC §§ 224.2, 224.3, et al. and Cal. Rules of Court, rule 5.481 be added above “courts.ca.gov”?</p>	This change was made.
		<p><u>Form ICWA-010(A), 2a &amp; 2b – Queries</u> (see WIC § 224.2(e):</p> <p>Should “or citizen” be added after “a member”?</p> <p>Should “or citizenship” be added after “a membership”?</p> <p>Should “or may be eligible for membership or citizenship” be added after “of a tribe”?</p> <p><u>3<sup>rd</sup> par. after item 3:</u></p> <p>... Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or citizen or eligible to become a tribal member or citizen, and can then decide whether to get involved in the case or assume tribal jurisdiction.</p> <p><u>6<sup>th</sup> par. after item 3:</u></p>	Although the comment references the ICWA-10(A) form, the comments seem to relate to the ICWA-020 form, and the ICWA-020 form has been revised in response to the suggestions to add reference to tribal “citizen” and “citizenship”.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		(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 <b>or citizenship</b> or eligibility for membership <b>or citizenship</b> , as well as information on the current status of the child and the case.	
		<p><b><i>Form ICWA-030, Notice of Child Custody Proceeding for Indian Child</i></b></p> <p><u>1<sup>st</sup> numbered par.</u>, per WIC § 224.3(d)(1) &amp; (d)(3):</p> <p>1. If the child, <b>an officer of the court</b>, 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;</p> <p><u>4<sup>th</sup> numbered par.</u>, per WIC § 224.3(d)(6):</p> <p>4. If <b>the child or</b> the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.</p>	Revisions to the ICWA-030 were not part of the proposal that circulated for public comment and are therefore outside the scope of this current proposal, but the forum and committee will consider these suggestions for a future proposal.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Item 3a:</u> Insert close parenthesis. a. The original signed Notice (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A));</p>	
		<p><b>ICWA-010(A)</b> <u>Right footer on page 1 – Query:</u> Should citations to WIC §§ 224.2, 224.3, et al. and Cal. Rules of Court, rule 5.481 be added above “courts.ca.gov”?</p> <p><u>Item 4: Query</u> – Should “a citizen or” and “or citizenship” be inserted as shown? 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 a <u>citizen or</u> eligible for membership <u>or citizenship</u> in the tribe(s).</p> <p><u>Item 5a:</u> Insert “or citizen” and “or citizenship” as shown.</p> <p>the child is or may be a member <u>or citizen</u> of or eligible for membership <u>or citizenship</u> in a tribe.</p> <p><u>Item 5b:</u> Insert “or citizens” as shown.</p>	<p>The proposal was revised in response to this comment.</p> <p>Yes. The terms citizen and citizenship were added.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>The child's parents, grandparents, or great-grandparents are or were members <b>or citizens</b> of a tribe.</p> <p><u>Item 6:</u> Change “delinquency” to “juvenile justice.”</p> <p>If this is a <b>delinquency juvenile justice</b> proceeding under ...</p>	<p>We use the term “delinquency” in rules and forms to be consistent with statutes and would consider this change if the Legislature updates the statutory language.</p>
		<p><b>ICWA-020</b></p> <p><u>Item 3a, 3b &amp; 3c:</u> Insert “or citizen” and “or citizenship” as shown.</p> <p>I am or may be a member <b>or citizen</b> of, or eligible for membership <b>or citizenship</b> in, a federally ...</p> <p>The child is or may be a member <b>or citizen</b> of, or eligible for membership <b>or citizenship</b> in, a federally ...</p> <p>One or more of the child’s ... is or was a member <b>or citizen</b> of a federally ...</p> <p><u>Item 3d:</u> Change “has” to “have.”</p> <p>I am a resident of or am domiciled, live, or <b>has</b> <b>have</b> lived on a reservation, rancheria ...</p>	<p>The proposal was revised in response to this comment.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><b>JV-101(A)</b></p> <p><u>Page 1, right footer:</u> Add WIC § 224.2 and CRC rule 5.481 to citations.</p> <p><u>Pages 1 &amp; 2, item 4k(1):</u></p> <p>I have asked <del>as to</del> whether the child is or may be a member <u>or citizen</u> of an Indian tribe or eligible for membership <u>or citizenship</u> and the biological child of a member <u>or citizen</u>, and the Indian Child Inquiry Attachment (form ICWA-010(A)) is attached.</p> <p><u>Pages 1 &amp; 2, item 4k(3):</u></p> <p>Inquiry about whether the child is or may be a member <u>or citizen</u> of an Indian tribe or eligible for membership <u>or citizenship</u> and the biological child of a member <u>or citizen</u> has not yet been completed for the reasons set out below. ...</p> <p><u>Page 2, item 5a:</u> Query – Should line 5 be separated and above sub-item a., followed by “Petitioner on information and belief alleges the following:”? (See page 1, item 4.)</p>	<p>The proposal was revised in response to these comments. This change was made.</p> <p>This change was made.</p> <p>This change was made.</p> <p>This change was made.</p>



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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><b>JV-320</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations.</p> <p><u>Page 1, item 4b(1)</u>: Replace “filed” with “the” because sentence ends with “filed by the agency.”</p> <p>The court has reviewed <b>filed the</b> <i>Parental Notification of Indian Status</i> ... filed by the agency. The court finds ... interviewing available extended family members, and that there is no reason to believe or know that the child <b>is or</b> may be an Indian child.</p> <p><u>Page 2, item 7</u>: Replace “finding” with “order.”</p> <p>The court previously made a <b>finding order</b> denying or terminating reunification services ...</p> <p><u>Page 3, item 14b(4), page 4, item 15a(4), and page 5, item 18a(4)</u>: Insert space between “Other” and “(name).”</p> <p><u>Page 6, item 22</u>: Change § 366.1(l) to § 366.1(m).</p>	<p>The proposal was revised in response to these comments.</p> <p>This change was made.</p> <p>This change has been made.</p> <p>This change has been made.</p> <p>This change has been made.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><b>JV-405</b></p> <p><u>Page 1, right footer:</u> Add WIC § 224.2 and CRC rule 5.481 to citations.</p> <p><u>Page 2, item 9b:</u> Change “his or her” to “their.”</p> <p>the child did not receive proper notice of <b>his</b> <del>or her</del> <b>their</b> right to attend the hearing.</p> <p><u>Page 4, item 16:</u> Delete “of the” after “§ 224.3.”</p>	<p>The proposal was revised in response to these comments. This change was made</p> <p>This change has been made.</p> <p>This change has been made.</p>
		<p><b>JV-410</b></p> <p><u>Page 1, right footer:</u> Add WIC §§ 224.2, 224.3, 361.31 and CRC rules 5.481, 5.482, 5.484 to citations.</p> <p><u>Page 3, item c(1):</u></p> <p>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 <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify the child's status; or</p>	<p>The proposal was revised in response to this comment.</p> <p>This change has been made.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 3, item c(2):</u></p> <p>the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member <u>or citizen</u> eligible for membership <u>or citizenship</u></p> <p>...</p> <p><u>Page 4, item 16d:</u> Replace “and family services agency” with “welfare department” per WIC § 319(g).</p> <p>The child is detained, and temporary placement and care of the child is vested with the county child <u>and family services agency welfare department</u> pending the hearing under Welf. &amp; Inst. Code, § 355 or further order of the court.</p> <p><u>Page 4, item 16g:</u> Edit as shown below per WIC § 319(h)(1)(A).</p> <p>g. The child is <u>temporarily</u> placed in (1) the <u>approved</u> home of a relative <u>that has been assessed pursuant to Welf. &amp; Inst. Code § 361.4.</u></p>	<p>This change has been made.</p> <p>This change has been made to reflect the language of the statute.</p> <p>The proposal was revised to better reflect the language of the statute, though not in the precise way suggested by the commenter. Specifically, forum and committee were concerned that if the additional placement options for Indian children were pulled out in the way suggested by the commenter, it might suggest that those were the exclusive options</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>(2) an emergency shelter <u>or other suitable licensed place.</u></p> <p><del>(3) other suitable licensed place.</del></p> <p><del>(4)</del>(3) a place exempt from licensure designated by the juvenile court.</p> <p><del>(5)</del>(4) the approved home of a nonrelative extended family member as defined in Welf. &amp; Inst. Code, § 362.7 <u>that has been assessed pursuant to Welf. &amp; Inst. Code § 361.4.</u></p> <p><u>(5) in the case of an Indian child, the home of an extended family member as defined in Welf. &amp; Inst. Code § 224.1(c)(1) that has been assessed pursuant to Welf. &amp; Inst. Code § 361.4.</u></p> <p><u>(6) the approved home of a resource family as described in Welf. &amp; Inst. Code § 16519.5, or a home licensed or approved by the Indian child's tribe.</u></p> <p><del>(6)</del>(7) a short-term residential therapeutic program or community treatment facility. ...</p>	<p>available for placement of an Indian child, and not additional options available in those cases.</p>
		<p><b>JV-412</b></p> <p><u>Page 1, right footer:</u> Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations.</p> <p><u>Page 2, item 4b:</u> Replace “his or her” with “their.”</p>	<p>The proposal has been revised in response to these comments.</p> <p>This change has been made.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>... The child was properly notified ... of <del>his or her</del> <b>their</b> right to attend the hearing, ....</p> <p>Page 4, item 17g: Insert “Other” before “(<del>Specify</del>):”</p>	This change has been made.
		<p><b>JV-415</b></p> <p>Page 1, right footer: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations.</p> <p>Page 2, item 4b: Replace “his or her” with “their.”</p> <p>... The child was properly notified ... of <del>his or her</del> <b>their</b> right to attend the hearing, ....</p> <p>Page 2, items 7a &amp; 7b: Replace “his or her” with “the child’s.”</p> <p>... has asked the child, if old enough, and <del>his or her</del> <b>the child’s</b> parents or legal guardians ...</p> <p>Page 2, items 7d(1): Insert “or citizen” and “or citizenship.”</p> <p>... of which the child may be a member <del>or citizen</del> <b>or citizenship</b> to verify the child’s status;</p>	The proposal was revised in response to these comments, and all of the suggested changes were made.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 3, item 13</u>: Change “box” to “boxes” and change “form” to “forms.”</p> <p><b>JV-421</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations.</p> <p><u>Page 3, item 16</u>: <i>Query</i> – Should text be added ordering the county agency to report back to the court on the progress made toward locating the child (e.g., items 18.a. and 20.b.)?</p> <p><u>Page 3, items 18a &amp; 20b</u>: Change “item 18” to “item 17” after “JV-415.”</p> <p><u>Page 3, item 19</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).” Alternatively, delete the subdivision (i.e., “§ 366.1”) so that future amendments to the statute do not require further revisions to the form.</p> <p><u>Page 6, item 31</u>: Change “item 28” to “item <b>29</b>.”</p>	<p>The proposal has been revised in response to this comment.</p> <p>The forum and committee appreciate this comment, but this is not required by statute and would create a burden on the agency and was not part of the proposal as circulated for comment. The forum and committee declined to revise the form at this time.</p> <p>This correction has been made.</p> <p>This correction has been made.</p> <p>This correction has been made.</p> <p>The forum and committee considered this comment but declined to make the revision.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			<p><u>Page 6, item 34:</u> Query – Should “and developmental services” be inserted after “educational”? See suggested edits below.</p> <p>a. A limitation on the right of the parents to make educational <u>and developmental-services</u> decisions for the child is not necessary. The parents hold <u>educational decision making</u> rights and responsibilities in regard to the child's education <u>and developmental services</u>, including those described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p>b. b. A limitation on the right of the parents to make educational <u>and developmental-services</u> decisions for the child is necessary, and those rights are limited .... The <u>educational decision making</u> rights and responsibilities of the educational <u>representative rights holder</u> are described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p><u>Page 6, item 35:</u> Change “item 30” to “item 31.”</p>	<p>The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.</p> <p>This correction has been made.</p>



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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 6, item 35d</u>: Change “representative” to “rights holder.”</p> <p><u>Page 8, item 42d, last sentence</u>: Change “rule 5.695(g)(10)” to “rule 5.695(f)(10).” Alternatively, delete “rule 5.695(g)(10) of” – i.e., “as stated in the California Rules of Court” so that future revisions to the CRCs do not necessitate further revisions to this form.</p>	<p>The forum and committee decline to make this change as the statute uses the term representative rather than rights holder.</p> <p>This correction has been made.</p>
		<p><b>JV-430</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations.</p> <p><u>Page 2, item 6c(1)</u>: Add “or citizen” and “or citizenship.”</p> <p>the agency ... work with all of the tribes where the child may be a member <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify the child's status; or</p> <p><u>Page 2, item 6c(2)</u>: Add “or citizen” and “or citizenship.” the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member <b>or</b></p>	<p>The proposal was revised in response to these comments. This change was made.</p> <p>This change was made.</p> <p>This change was made.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>citizen</u> or eligible for membership <u>or citizenship</u> to verify ...</p> <p><u>Page 2, item 6c(2):</u> Change “an” to “and.”</p> <p>... the child’s status <u>an and</u> provide notice in accordance ...</p> <p><u>Page 4, item 11d:</u> Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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 caregivers <u>s service providers</u>; and</p> <p><u>Page 4, items 15a &amp; 15b:</u> <i>Query</i> – Should “and developmental services” be inserted after “educational”? See suggested edits below.</p> <p>a. A limitation on the right of the parents to make educational <u>and developmental-services</u> decisions for the child is <b>not</b> necessary. The parents hold <u>educational decision making</u></p>	<p>This change was made.</p> <p>These changes were made.</p> <p>The forum and committee decline to make this revision. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>rights and responsibilities in regard to the child's education <b>and developmental services</b>, including those described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p>b. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is necessary, and those rights are limited .... The <b>educational decision making</b> rights and responsibilities of the educational <b>representative rights holder</b> are described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p><u>Page 5, item 19d</u>: Change “representative” to “rights holder.”</p> <p><u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.”</p> <p><u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”</p> <p><u>Page 6, left footer</u>: Change “2023” to “202<b>6</b>.”</p>	<p>The forum and committee decline to make this revision as the statute uses the term representative rather than rights holder.</p> <p>This change has been made.</p> <p>This change was made.</p> <p>This change was made.</p>
		<b>JV-432</b>	The proposal was revised in response to these comments.

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485</p> <p><u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<i>m</i>).”</p> <p><u>Page 2, item 10</u>: This item duplicates item 11 on the JV-430. Should it be deleted from the JV-432?</p> <p><u>Page 2, item 10d</u>: Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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 caregivers <i>service providers</i>; and</p> <p><u>Page 3, item 14b(1)</u>: Change “who” to “whom”</p> <p>... except with respect to individuals whom <i>m</i> the agency has determined to be ...</p>	<p>This change was made.</p> <p>This change was made.</p> <p>The forum and committee have considered this comment but declines to make the revision. There is value in having the finding in both places.</p> <p>This change was made.</p> <p>This change was made.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>Or</p> <p>edit to match item 15.b.(1) on the JV-433.</p> <p>... except for individuals the agency has determined to be ...</p>	
		<p><b>JV-433</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485</p> <p><u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p> <p><u>Page 2, item 10</u>: This item duplicates item 11 on the JV-430. Should it be deleted from the JV-433?</p> <p><u>Page 2, item 10d</u>: Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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</p>	<p>The proposal was revised in response to this comment. This edit has been made.</p> <p>This change has been made.</p> <p>The forum and committee have considered this document but declines to make the revision as there is value in having the finding on both forms.</p> <p>This change has been made.</p>

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers <b>s service providers</b>; and</p> <p><u>Page 4, item 18b: Query</u> – Should this item also have an ICWA version of this finding (see WIC § 366.21(e)(8)), e.g.:</p> <p>By clear and convincing evidence, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.</p>	This change has been made.
		<p><b>JV-435</b></p> <p><u>Page 1, right footer:</u> Add WIC § 224.2 and CRC 5.481.</p> <p><u>Page 2, item 6c(1):</u> Add “or citizen” and “or citizenship.”</p> <p>the agency ... work with all of the tribes where the child may be a member <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify the child's status; or</p> <p><u>Page 2, item 6c(2):</u> Add “or citizen” and “or citizenship.”</p>	<p>The proposal has been revised in response to these comments. This has been done.</p> <p>This has been done.</p> <p>This has been done.</p>

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify ...</p> <p><u>Page 2, item 6c(2):</u> Change “an” to “and.”</p> <p>... the child’s status <b>an and</b> provide notice in accordance ...</p> <p><u>Page 4, item 11d:</u> Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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 caregivers <b>s service providers</b>; and</p> <p><u>Page 4, items 15a &amp; 15b:</u> <i>Query</i> – Should “and developmental services” be inserted after “educational”? See suggested edits below.</p>	<p>This has been done.</p> <p>This has been done.</p> <p>The forum and committee decline to make this edit. The forum and committee note the form references rule 5.650(e) and (f), which already</p>



**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>a. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is <b>not</b> necessary. The parents hold <b>educational decision making</b> rights and responsibilities in regard to the child's education <b>and developmental services</b>, including those described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p>b. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is necessary, and those rights are limited .... The <b>educational decision making</b> rights and responsibilities of the educational <b>representative rights holder</b> are described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p><u>Page 5, item 19d</u>: Change “representative” to “rights holder.”</p> <p><u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.”</p> <p><u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”</p>	<p>includes “developmental services” as vesting with the educational rights holder.</p> <p>The forum and committee decline to make this revision as the statute uses the term representative rather than rights holder.</p> <p>This change has been made.</p> <p>This change has been made.</p>
		<b>JV-437</b>	The proposal has been revised in response to these comments.

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485.</p> <p><u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p>	<p>This has been done.</p> <p>This has been done.</p>
		<p><b>JV-438</b></p> <p><u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485.</p> <p><u>Page 1, item 3d</u>: Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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 caregivers <b>service providers</b>; and</p> <p><u>Page 1, item 7</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p> <p><u>Page 2, item 13</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 14, though with less detail.</p>	<p>The proposal has been revised in response to these comments.</p> <p>This has been done.</p> <p>This has been done.</p> <p>This has been done.</p> <p>This change has been made.</p>

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 4, item 19b:</u> <i>Query</i> – Should this item also have an ICWA version of this finding (see WIC § 366.21(f)(1)(A)), e.g.:</p> <p>By clear and convincing evidence, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.</p> <p><u>Page 4, item 19c:</u> Insert “be” before “an Indian child.” ... is or may <b>be</b> an Indian child ...</p>	<p>This has been done.</p> <p>This has been done.</p>
		<p><b>JV-440</b></p> <p><u>Page 1, right footer:</u> Add WIC § 224.2 and CRC 5.481, 5.485.</p> <p><u>Page 2, item 6c(2):</u> Change “an” to “and.” ... the child’s status <b>an and</b> provide notice in accordance ...</p> <p><u>Page 4, item 11d:</u> Suggested changes (see CRC 5.485(c)(3)):</p>	<p>The proposal has been revised in response to these comments. This has been done.</p> <p>This has been done.</p> <p>This has been done.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			<p>... 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 caregivers <b>service providers</b>; and</p> <p><u>Page 4, items 15a &amp; 15b: Query</u> – Should “and developmental services” be inserted after “educational”? See suggested edits below.</p> <p>a. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is <b>not</b> necessary. The parents hold <b>educational decision making</b> rights and responsibilities in regard to the child's education <b>and developmental services</b>, including those described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p>b. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is necessary, and those rights are limited .... The <b>educational decision making</b> rights and responsibilities of the educational <b>representative rights holder</b> are</p>	<p>The forum and committee decline to make this edit. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p><u>Page 5, item 19d</u>: Change “representative” to “rights holder.”</p> <p><u>Page 6, item 24</u>: Change “boxes” to “box” and change “forms” to “form.”</p> <p><u>Page 6, item 25</u>: Change “box” to “boxes” and change “form ” to “forms.”</p>	<p>The forum and committee decline to make this change as the statute uses the term representative rather than rights holder. This change has been made.</p> <p>This change has been made.</p>
		<p><b>JV-442</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485.</p> <p><u>Page 1, item 3d</u>: Suggested changes (see CRC 5.485(c)(3)):</p> <p>... 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 caregivers <b>s service providers</b>; and</p>	<p>The proposal has been revised in response to these comments. This has been done.</p> <p>This has been done.</p>

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 1, item 7</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p> <p><u>Page 2, item 13</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 14, though with less detail.</p> <p><u>Page 4, item 19c</u>: Insert “be” before “an Indian child.”</p> <p>... is or may <b>be</b> an Indian child ...</p>	<p>This has been done.</p> <p>This has been done.</p> <p>This has been done.</p>
		<p><b>JV-443</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.3, 361.31 and CRC 5.481, 5.485.</p> <p><u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p>	<p>The proposal has been revised in response to these comments.</p> <p>This has been done.</p> <p>This has been done.</p>
		<p><b>JV-446</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485.</p> <p><u>Page 3, item 13</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p> <p><u>Page 3, items 16a &amp; 17b</u>: Change “item 45” to “item 46.”</p>	<p>The proposal has been revised in response to these comments.</p> <p>This has been done.</p> <p>This has been done.</p> <p>This has been done.</p>

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**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p><u>Page 4, item 18</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 24, though with less detail.</p> <p><u>Page 5, item 30</u>: Change “item 28” to “item 29.”</p> <p><u>Page 6, item 31</u>: Change “item 29” to “item 30.”</p> <p><u>Page 6, item 33a(2)</u>: Change “supportperson’s” to “support person’s.”</p> <p><u>Page 8, items 41 &amp; 42a</u>: Change “item 36” to item “37.”</p> <p><u>Page 8, item 43</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”</p>	<p>This has been done.</p> <p>This has been done.</p> <p>This has been done.</p> <p>The has been done.</p> <p>This has been done.</p> <p>This has been done.</p>
		<p><b>JV-455</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485.</p> <p><u>Page 2, item 6c(1)</u>: Add “or citizen” and “or citizenship.”</p>	<p>The proposal has been revised in response to these comments. This has been done.</p> <p>This has been done.</p>



**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>the agency ... work with all of the tribes where the child may be a member <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify the child's status; or</p> <p>Page 2, item 6.c.(2): Add “or citizen” and “or citizenship.”</p> <p>the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member <b>or citizen</b> or eligible for membership <b>or citizenship</b> to verify ...</p> <p>Page 2, item 6c(2): Change “an” to “and.”</p> <p>... the child’s status <b>an and</b> provide notice in accordance ...</p> <p>Page 4, items 15a &amp; 15b: <i>Query</i> – Should “and developmental services” be inserted after “educational”? See suggested edits below.</p> <p>a. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is <b>not</b> necessary. The parents hold <b>educational decision making</b> rights and responsibilities in regard to the child's education <b>and developmental services</b>,</p>	<p>This has been done.</p> <p>This has been done.</p> <p>The forum and committee decline to make this edit. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.</p>

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

Commenter	Position	Comment	Forum and committee Response
		<p>including those described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p>b. A limitation on the right of the parents to make educational <b>and developmental-services</b> decisions for the child is necessary, and those rights are limited .... The <b>educational decision making</b> rights and responsibilities of the educational <b>representative rights holder</b> are described in rule 5.650(e) and (f) of the California Rules of Court. ...</p> <p><u>Page 5, item 19d</u>: Change “representative” to “rights holder.”</p> <p><u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.”</p> <p><u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”</p>	<p>The forum and committee decline to make this change as the statute uses the term representative rather than rights holder.</p> <p>This change has been made.</p> <p>This change has been made.</p>
		<p><b>JV-457</b></p> <p><u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.6, 361.31 and CRC 5.481, 5.485.</p> <p><u>Page 2, item 8</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<b>m</b>).”</p>	<p>The proposal has been revised in response to these comments.</p> <p>This has been done.</p> <p>This has been done.</p>

SPR 25-30

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			<p><u>Page 3, item 16c</u>: Insert “be” before “an Indian child.”</p> <p>... is or may <b>be</b> an Indian child ...</p>	This has been done.
			No additional Comments.	
11.	Trial Court Presiding Judges Advisory Forum and committee/Court Executives Advisory Forum and committee - Joint Rules Subforum and committee	AM	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> <li>• Impact on existing automated systems. <ul style="list-style-type: none"> <li>○ May require updating case management system and tracking.</li> </ul> </li> <li>• Results in additional training, which requires the commitment of staff time and court resources. <ul style="list-style-type: none"> <li>○ Will require training for juvenile judges &amp; clerks. Increases court staff workload.</li> <li>○ Will require updating self-help centers and presiding judge of juvenile court ensuring that self-help resources are updated and supplied.</li> </ul> </li> </ul>	<p>No response required.</p> <p>The forum and committees appreciate the feedback.</p>
			<b>Suggested modification(s):</b>	

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Commenter	Position	Comment	Forum and committee Response
		Form JV-412 Sec.5a; Form ICWA-020 section 3.b	
		JV-412 sec 5 a.. Suggest add sentence: “The county agency is ordered to continue to inquire about child’s possible Indian status and report inquiry efforts to the court.” This advisement is included in all other forms and although may not be necessary at jurisdictional hearing, would be a consistent reminder at all proceedings that the ICWA inquiry is continuous and ongoing.	The proposal was revised in response to this comment, but with slightly revised language to conform to the language in other forms suggested by the San Diego County Counsel’s Office.
		Form ICWA Form ICWA-020 section 3. b. asks why a person believes a child may be a member of a tribe but does into provide a space for an answer. Allowing a space may result in leads the agency may consider in following up on possible tribal membership. For example, a person may say that a friend, relative, letter, family history once said something that led to the belief that a child had tribal membership.	The proposal has been revised in response to this comment.
		Another possible source of inquiry could for the identity of a family historian. Some families have relatives who have interest in family ancestry, scrapbooking, etc., and may	The forum and committee considered whether this should be added to the form but concluded that as this question is not required by statute, it is best added into training for social workers and judicial officers.

**Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding** (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-101(A), 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) All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	Forum and committee Response
			be sources of information about Indian heritage of the child.	