



# JUDICIAL COUNCIL OF CALIFORNIA

RULES AND PROJECTS  
COMMITTEE

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

## RULES AND PROJECTS COMMITTEE

### OPEN MEETING AGENDA

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

THIS MEETING IS BEING RECORDED

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**Date:** Friday, October 12, 2018  
**Time:** 12:10 – 1:00 p.m.  
**Location:** Conference Call  
**Public Call-In Number** 1-877-820-7831/Public Access Code: 8254930 (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.

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

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#### II. DISCUSSION AND POSSIBLE ACTION ITEMS

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##### APPELLATE

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###### Item 01

**Appellate Advisory Committee: Request to Appoint Outside Member to Subcommittee** (Action required – RUPRO action only)

Presenter: Christy Simons

##### CRIMINAL

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###### Item 02

**Criminal Procedure: Multicounty Incarceration and Supervision** (amend rule 4.452) (Action required – approval for circulation)

Presenter: Sarah Fleischer-Ihn

**FAMILY AND JUVENILE**

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**Item 03**

**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (amend rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-217-INFO, JV-221, JV-282, JV-310, JV-326, JV-326- INFO, and JV-510; and approve form JV-510(A)) (Action required – recommend Judicial Council action)

Presenter: Diana Glick

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**III. ADJOURNMENT**

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**Adjourn**



## JUDICIAL COUNCIL OF CALIFORNIA

### Request for Appointment to a Subcommittee

To request the appointment of a non-advisory committee member to a standing subcommittee, lead committee staff, on behalf of the committee chair, should complete a copy of this form for each prospective member, explaining the rationale for the request, and submit it to the Judicial Council internal committee that oversees the advisory committee(s). Once approval is granted by the Judicial Council internal committee, the advisory committee chair can then make an informal appointment to the subcommittee.

Requesting appointment as a member to:

Subcommittee: Appellate Division

Subcommittee chair: Hon. Kent M. Kellegrew

### Advisory Committee Information

Committee name: Appellate Advisory Committee  
Mauro

Committee chair: Hon. Louis R.

Lead staff: Christy Simons

Committee name: \_\_\_\_\_

Committee chair: \_\_\_\_\_

Lead staff: \_\_\_\_\_

### Prospective Member Information

Candidate's name:  Hon.  Mr.  Ms. Helen E. Williams

Title: Judge

Court/entity/business name: Superior Court, County of Santa Clara

Particular area of expertise that is relevant to the work of subcommittee: Extensive experience in, and knowledge of, appellate division cases and procedure

Recommended term of service on the subcommittee:

Check one:  one year  two years  three years  other \_\_\_\_\_

### Rationale for Appointment

Please use this section to provide the rationale for this appointment, any budgeting or cost implications, and additional information that is relevant to the Judicial Council internal committee's response to this appointment request.

The Appellate Advisory Committee requests that the Hon. Helen E. Williams, Judge of the Superior Court of Santa Clara County, be appointed to fill the vacancy on the subcommittee created by the

retirement from the bench of Judge Jeffrey Prevost. For the past five years, Judge Williams has served as one of four judges in the appellate division of her court, and was appointed presiding judge for of the appellate division for 2015, 2016, and 2017.

In addition, Judge Williams has demonstrated her interest in improving the administration of justice in appellate division matters. She has submitted suggestions to the committee for improving procedures in the appellate division. The subcommittee and full committee have found these suggestions insightful and worthy of being pursued as projects on the annual agenda.

The Appellate Advisory Committee has few members with appellate division experience, and thus the subcommittee continues to need members with this experience from outside the committee. Judge Prevost was one of three subcommittee members appointed in order to provide this expertise. Judge Williams' extensive experience and expertise in appellate division matters would be an asset to the subcommittee.

There are no budget or cost implications for this appointment. All subcommittee meetings are held by telephone.

## Internal Committee Approval

Internal committee name: \_\_\_\_\_

Internal committee chair: \_\_\_\_\_

On behalf of the internal committee, request for appointment is:

Check one:  approved     disapproved     will be forwarded to the Chief Justice for further consideration

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

**HELEN E. WILLIAMS**  
**Judge of the Superior Court, County of Santa Clara**  
**191 North First Street**  
**San Jose, California 95113**  
**(408) 892-3284 (cell);**  
**HWilliams@scscourt.org**

## **EXPERIENCE**

### **Judge of the Superior Court, County of Santa Clara,**

Appointed to the Superior Court, County of Santa Clara, by Governor Brown on November 21, 2012, sworn in December 12, 2012.

Since January 2017, assigned to general civil trials and designated as the court's sole CEQA judge, handling a direct calendar of these writ cases arising in the administrative mandate context. From January 2015 to January 2017, sole judge assigned to felony law & motion, which involved presiding over a large majority of the court's post-preliminary hearing or indictment felony law & motion matters and a significant portion of court's habeas and post-conviction writ petitions. January 2013 to January 2015, assigned to a misdemeanor direct calendar, which included arraignments, pre-trials, law & motion, jury and court trials (combined 20 completed in this assignment); duties also included presiding as magistrate over preliminary examinations in felony cases, as needed; also volunteered to decide petitions for writ of habeas corpus involving review of parole denials by the Board of Parole Hearings or the Governor.

Appointed January 2015, 2016, and 2017 as the Presiding Judge of the Superior Court Appellate Division, which involved the additional duties of judicial administration of the Division and deciding motions and applications. January 2014 to January 2015, and beginning January 2018, Judge of the Superior Court Appellate Division, one of four judges in this appellate assignment involving appeals and writ petitions arising from limited civil cases, criminal misdemeanors, and traffic infractions.

Court Committee assignments have included Executive Committee, Strategic Planning Committee, Supervising Judges' Committee, Calendar Committee, Legislative Liaison Committee, Personnel Committee, & Amicus Committee.

**California Court of Appeal, Sixth Appellate District, San Jose, CA,** October 2004 to December 2012.

Lead Attorney in the chambers of Associate Justice Miguel Márquez from August to December 2012. Duties included reviewing appellate briefs and records, conducting legal research, and preparing draft opinions for the Justice. Duties also included reviewing petitions for writs, preparing memoranda pertaining to writ disposition, and drafting writ opinions. Previously served from May 2005 to October 2011 as Senior Appellate Court Attorney for Associate Justice Wendy Clark Duffy, acting as Lead Attorney for the chambers from February 2009-March 2011. Over eight years, I prepared approximately 175 civil and criminal draft opinions (40%/60%, respectively), of which 17 resulted in published opinions of the court. Appellate court experience also included working under and preparing draft opinions for Presiding Justice Conrad L. Rushing and Associate Justice Richard J. McAdams, as well as Justice Wendy C. Duffy (ret.),

Judge Brian C. Walsh, and Judge Katherine L. Lucero, while these latter three served as justices pro tempore.

**Robinson & Wood, Inc., San Jose, California**, August 2001 to October 2004.

Law practice included all aspects of civil appeals and writs, advising trial counsel concerning jury instructions and preservation of the record for appeal, as well as handling complex law and motion matters in the trial court such as summary judgment, anti-SLAPP, and post-trial motions.

**Olimpia, Whelan & Lively, San Jose, California**, July 1999 to July 2001.

Practice focused on conducting all aspects of civil litigation with emphasis on legal research and drafting of appellate briefs and law and motion memoranda.

**Williams & Williams, San Jose, California**, January 1987 to July 1999

Principal attorney of this small private practice; with Robert J. Williams, my father, I co-managed approximately 200 ongoing files, the bulk of which involved construction and real estate litigation and appeals, with the balance of the practice encompassing all aspects of business transactions, involving primarily commercial and residential real estate and construction. Chosen focus resided in appellate aspects of litigation.

**EDUCATION**

**Santa Clara University School of Law, Santa Clara, California** – Juris Doctor, 1986

- Articles Editor, *Santa Clara Law Review*, Board of Editors, Volume 26
- Author, “Legislative Guidelines to Govern *In Vitro* Fertilization and Embryo Transfer,” published in the *Santa Clara Law Review*, Volume 26, Number 2 (1986)
- Winner, Best Brief, Santa Clara University School of Law Intramural Moot Court Competition, 1985
- Participated in Santa Clara University’s Institute of International and Comparative Law, Summer Program – Hong Kong, 1985

**University of California at Santa Cruz, Santa Cruz, California** – Bachelor of Arts, French Literature, 1984 (with secondary emphasis in Philosophy)

- Completed semester program in French language and civilization at Université de Paris, Sorbonne, France, 1981

**AFFILIATIONS AND OTHER CREDENTIALS**

- Admitted to the State Bar of California, December 1986, #127020
- Certified as an appellate specialist January 2005 by the State Bar of California, Board of Legal Specialization
- Seminar Leader, B.E. Witkin Judicial College of California, 2015 & 2016
- 2015-present appointed Appellate Division superior court member of the CJER (California Judicial Education & Research) Appellate Practice Curriculum Committee
- 2010-2011 appointed Chair of the Appellate Law Advisory Commission to the California State Bar Board of Legal Specialization; 2009-2010 appointed Vice-Chair; 2007-2009 appointed Commissioner

- 2010-2012, appointed appellate judicial research attorney member of the CJER Appellate Practice Curriculum Committee; 2007-2009 appointed member of CJER Appellate Judicial Attorneys Education Committee; member of 2010 & 2012 working groups responsible for organizing the Appellate Judicial Attorneys Institutes
- 2009-2010 Chair of the Bar Assn. of San Francisco Appellate Practice Section; 2007-2008 Vice-Chair
- 2006-2007 appointed Chair of the California State Bar Committee on Appellate Courts; 2005-2006 appointed Vice-Chair of same Committee; 2002-2005 appointed member
- 2004-2005 Co-Chair of the Santa Clara County Bar Assn. Appellate Courts Committee
- 2005-2009 member of the Santa Clara County Bar Association Judiciary Committee; 2007 member of Finance Committee
- 2007-present Member of the Executive Committee of the William A. Ingram Inn of the American Inns of Court
- 2013-2017 member, Board of Editors, California Litigation Journal, a State Bar publication; as of January 2018, a publication of the California Lawyers Assn.
- 2015-present Member of the Advisory Board, West Valley College Paralegal Program
- Served approx. 10 years as judicially appointed Arbitrator for Santa Clara County Superior Court, handling approximately two civil cases per month
- Appointed by the Santa Clara County Superior Court as a Referee under CCP § 639
- Admitted to practice before all Courts of the State of California, the United States Supreme Court, the Ninth Circuit Court of Appeals, the Federal Circuit Court of Appeals, and the United States District Courts for the Northern and Central Districts of California
- Past Attorney Member of the Santa Clara, San Francisco, and Santa Cruz County Bar Associations
- Member of the American Bar Association and its Judicial Division (as Judge and previously as part of its Council of Appellate Staff Attorneys)
- Member of California Women Lawyers
- 2009-2012 Member of the Bd. of Directors of the Friends of the UCSC Farm & Garden
- Frequent educational speaker on appellate topics & law school moot court and high school mock trial judge

**REPORTED CASES AS AUTHORIZING APPELLATE DIVISION JUDGE OR MEMBER OF PER CURIAM APPELLATE DIVISION PANEL**

- *Boyd v. Carter* (2014) 227 Cal.App.4th Supp. 1
- *Kruger v. Reyes* (2014) 232 Cal.App.4th Supp. 10
- *People v. Mason* (2016) 8 Cal.App.5th Supp. 11
- *Saunders v. Superior Court* (2017) 12 Cal.App.5th Supp. 1

**REPORTED CASES AS COUNSEL OF RECORD**

- *Le Francois v. Goel* (2005) 35 Cal.4th 1094
- *Collins v. State of California* (2004) 121 Cal.App.4th 1112
- *Mejia v. Reed* (2003) 31 Cal.4th 657
- *Andre v. City of West Sacramento* (2001) 92 Cal.App.4th 532
- *Imperial Bank v. Pim Electric, Inc.* (1995) 33 Cal.App.4th 540
- *Schwenke v. J & P Scott, Inc.* (1988) 205 Cal.App.3d 71
- *Pacific Valley Bank v. Schwenke* (1987) 189 Cal.App.3d 134

## RUPRO ACTION REQUEST FORM

**RUPRO action requested:**        **Circulate for comment (out of cycle)**

**RUPRO Meeting:** October 11, 2018

**Title of proposal** (*include amend/revise/adopt/approve + form/rule numbers*):

Criminal Procedure: Multicounty Incarceration and Supervision  
Amend Cal. Rules of Court, rule 4.452

*Committee or other entity submitting the proposal:*

Criminal Law Advisory Committee

*Staff contact (name, phone and e-mail): Sarah Fleischer-Ihn, 415-865-7702*

*Sarah.Fleischer-Ihn@jud.ca.gov*

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Approved by RUPRO: October 24, 2017

Project description from annual agenda: Recently enacted legislation: Review enacted legislation that may have an impact on criminal court administration and propose, for the council's consideration, rules and forms as may be appropriate for implementation of these initiatives and legislation.

*If requesting July 1 or out of cycle, explain:*

This proposal is being recirculated after the Criminal Law Advisory Committee decided to adopt substantive changes suggested by commentators in the prior circulation period.

**Additional Information:** (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)



# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**SP18-19**

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Title	Action Requested
Criminal Procedure: Multicounty Incarceration and Supervision	Review and submit comments by November 9, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 4.452	April 26, 2019
Proposed by	Contact
Criminal Law Advisory Committee Hon. Tricia Ann Bigelow, Chair	Sarah Fleischer-Ihn, 415-865-7702 <a href="mailto:Sarah.Fleischer-Ihn@jud.ca.gov">Sarah.Fleischer-Ihn@jud.ca.gov</a>

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### **Executive Summary and Origin**

Senate Bill 670 (Jackson; Stats. 2017, ch. 287) amended Penal Code section 1170(h),<sup>1</sup> effective January 1, 2018, to require courts to determine the county or counties of incarceration and supervision for defendants when imposing judgments concurrent or consecutive to another judgment or judgments previously imposed under section 1170(h) in another county or counties. SB 670 also amended section 1170.3, to require the Judicial Council to adopt rules of court providing criteria for trial judges to consider at the time of sentencing when determining the county or counties of incarceration and supervision. This proposal would implement section 1170.3 by amending California Rules of Court, rule 4.452, to guide the second or subsequent court when determining the county or counties of supervision. The Criminal Law Advisory Committee proposes amendments to rule 4.452 to make it consistent with statutory changes and to incorporate further substantive changes suggested by commenters when this proposal circulated previously.

### **Background**

Under the 2011 Realignment Legislation (Realignment; Assem. Bill 109, Stats. 2011, ch. 15), when sentencing defendants eligible for county jail under section 1170(h), judges must suspend execution of a concluding portion of the term and order the defendant to be supervised by the county probation department unless the court finds, in the interests of justice, that suspension is not appropriate in a particular case. (§ 1170(h)(5)(A).) This term of supervision is referred to as

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<sup>1</sup> All further statutory references are to the Penal Code.

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

“mandatory supervision.” (§ 1170(h)(5)(B).) Realignment also created “postrelease community supervision,” whereby certain offenders being released from state prison are supervised by a local county supervision agency. (§§ 3450–3465.)

In 2017, the Judicial Council sponsored SB 670, requiring courts to determine the county or counties of incarceration and supervision for defendants when imposing judgments concurrent or consecutive to another judgment or judgments previously imposed pursuant to section 1170(h) in another county or counties. Although counties carry the cost and burdens of local incarceration and supervision, until SB 670, Realignment was silent on the issue of sentences from multiple jurisdictions. Section 1170.1, which governs multiple-count and multiple-case sentencing for commitments to state prison and county jail, and rule 4.452 require courts rendering second or subsequent judgments under section 1170(h) to “resentence” the defendant to a single aggregate term.

SB 670 amended section 1170 by adding subdivision (h)(6), which requires the following:

When the court is imposing a judgment pursuant to this subdivision concurrent or consecutive to a judgment or judgments previously imposed pursuant to this subdivision in another county or counties, *the court rendering the second or other subsequent judgment shall determine the county or counties of incarceration and supervision* of the defendant.

(Pen. Code, § 1170(h)(6), italics added.)

The Judicial Council must adopt rules of court to implement the new law. The rules must provide criteria for the second or subsequent court to consider when determining the counties of incarceration and supervision. (§ 1170.3(a)(7).)

## **The Proposal**

This proposal would implement section 1170.3 by amending rule 4.452 to instruct courts on multiple-county sentencing under section 1170(h) by adding the following:

1. Clarification that the second or subsequent court has the discretion to specify whether a previous sentence is to be served in custody or on mandatory supervision and the terms of such supervision, but may not:
  - a. Increase the total length of the sentence imposed by the previous court,
  - b. Increase the total length of the actual custody time imposed by the previous court,
  - c. Increase the total length of mandatory supervision imposed by the previous court, or
  - d. Impose additional, more onerous, or more restrictive conditions of release for any previously imposed period of mandatory supervision;
2. A requirement that the second or subsequent court determine the county or counties of incarceration or supervision, including the order of service of incarceration or supervision;

3. A requirement that to the extent reasonably possible, the period of mandatory supervision be served in one county and after completion of any period of incarceration;
4. A requirement that the second or subsequent court calculate the defendant's remaining custody and supervision time in accordance with rule 4.472;
5. Specific factors for the court to consider when making its sentencing determination, including factors relevant to the appropriateness of supervision and incarceration in each respective county;
6. A requirement that if the defendant is ordered to serve only a custody term without supervision in another county, the defendant must be transported at such time and under such circumstances as the court must direct to the county where the custody term is to be served;
7. A requirement that the defendant be transported with an abstract of the court's judgment as required by section 1213(a), or other suitable documentation showing the term imposed by the court and any custody credits against the sentence;
8. Discretion for the court to order the custody term to be served in another county without also transferring jurisdiction of the case in accordance with rule 4.530; and
9. A requirement that if the defendant is ordered to serve a period of supervision in another county, whether with or without a term of custody, the matter must be transferred for the period of supervision in accordance with provisions of rule 4.530.

### **Alternatives Considered**

This proposal previously circulated for comment from April 9 through June 8, 2018. The Orange County Public Defender raised concerns that the circulated proposal gave too much discretion to the second or subsequent judge, undermining the finality of judgments, and that it potentially violated defendants' constitutional rights and plea agreements and likely would result in plea withdrawals or requests for specific enforcement of previously imposed dispositions. To avoid those potential violations, the Orange County Public Defender proposed a modification to proposed paragraph (4) of rule 4.452. The committee agreed with the modification and is recirculating the proposal to allow for public comment on this proposed change, with minor editorial changes by the committee:

~~Notwithstanding paragraph (3),~~ The second or subsequent judge has the discretion to specify whether a previous sentence is to be served in custody or on mandatory supervision and the terms of such supervision, but may not without express consent of the defendant, modify the sentence on the earlier sentenced charges in any manner that will: (i) increase the total length of the sentence imposed by the previous court; (ii) increase the total length of the actual custody time imposed by the previous court; (iii) increase the total length of mandatory supervision imposed by the previous court; or (iv) impose additional, more onerous, or more restrictive conditions of release for any previously imposed period of mandatory supervision.

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

As a result of SB 670, some training of judges will be necessary to implement the new requirement that courts determine the county or counties of incarceration and supervision for defendants when imposing judgments concurrent or consecutive to another judgment or judgments previously imposed pursuant to section 1170(h) in another county or counties. No additional training is anticipated as a result of amending rule 4.452.

### **Request for Specific Comments**

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

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would 1 month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## **Attachments and Links**

1. Cal. Rules of Court, rule 4.452, at pages 6–7
2. Cal. Rules of Court, rule 4.530,  
[www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4\\_530](http://www.courts.ca.gov/cms/rules/index.cfm?title=four&linkid=rule4_530)
3. Penal Code section 1170,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1170.&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1170.&lawCode=PEN)
4. Penal Code section 1170.3,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1170.3.&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1170.3.&lawCode=PEN)
5. SB 670 (Stats. 2017, ch. 287),  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB670](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB670)

Rule 4.452 of the California Rules of Court would be amended, effective April 26, 2019, to read:

1 **Rule 4.452. Determinate sentence consecutive to prior determinate sentence**

2  
3 If a determinate sentence is imposed under section 1170.1(a) consecutive to one or more  
4 determinate sentences imposed previously in the same court or in other courts, the court  
5 in the current case must pronounce a single aggregate term, as defined in section  
6 1170.1(a), stating the result of combining the previous and current sentences. In those  
7 situations:

- 8  
9 (1) The sentences on all determinately sentenced counts in all of the cases on which a  
10 sentence was or is being imposed must be combined as though they were all counts  
11 in the current case.  
12  
13 (2) The judge in the current case must make a new determination of which count, in  
14 the combined cases, represents the principal term, as defined in section 1170.1(a).  
15 The principal term is the term with the greatest punishment imposed including  
16 conduct enhancements. If two terms of imprisonment have the same punishment,  
17 either term may be selected as the principal term.  
18  
19 (3) Discretionary decisions of the judges in the previous cases may not be changed by  
20 the judge in the current case. Such decisions include the decision to impose one of  
21 the three authorized terms of imprisonment referred to in section 1170(b), making  
22 counts in prior cases concurrent with or consecutive to each other, or the decision  
23 that circumstances in mitigation or in the furtherance of justice justified striking the  
24 punishment for an enhancement. However, if a previously designated principal  
25 term becomes a subordinate term after the resentencing, the subordinate term will  
26 be limited to one-third the middle base term as provided in section 1170.1(a).  
27  
28 (4) The second or subsequent judge has the discretion to specify whether a previous  
29 sentence is to be served in custody or on mandatory supervision and the terms of  
30 such supervision, but may not, without express consent of the defendant, modify  
31 the sentence on the earlier sentenced charges in any manner that will (i) increase  
32 the total length of the sentence imposed by the previous court; (ii) increase the total  
33 length of the actual custody time imposed by the previous court; (iii) increase the  
34 total length of mandatory supervision imposed by the previous court; or (iv) impose  
35 additional, more onerous, or more restrictive conditions of release for any  
36 previously imposed period of mandatory supervision.  
37  
38 (5) In cases in which a sentence is imposed under the provisions of section 1170(h) and  
39 the sentence has been imposed by courts in two or more counties, the second or  
40 subsequent court shall determine the county or counties of incarceration or  
41 supervision, including the order of service of such incarceration or supervision. To  
42 the extent reasonably possible, the period of mandatory supervision shall be served

1 in one county and after completion of any period of incarceration. In accordance  
2 with rule 4.472, the second or subsequent court shall calculate the defendant's  
3 remaining custody and supervision time.  
4

5 (6) In making the determination under paragraph (5), the court shall exercise its  
6 discretion after consideration of the following factors:

7  
8 (A) The relative length of custody or supervision required for each case;

9  
10 (B) Whether the cases in each county are to be served concurrently or  
11 consecutively;

12  
13 (C) The nature and quality of treatment programs available in each county;

14  
15 (D) The nature and extent of the defendant's current enrollment and participation  
16 in any treatment program;

17  
18 (E) The nature and extent of the defendant's ties to the community, including  
19 employment, duration of residence, family attachments, and property  
20 holdings;

21  
22 (F) The nature and extent of supervision available in each county;

23  
24 (G) The factors listed in rule 4.530(f), (g), and (h); and

25  
26 (H) Any other factor relevant to such determination.

27  
28 (7) If after the court's determination in accordance with paragraph (5) the defendant is  
29 ordered to serve only a custody term without supervision in another county, the  
30 defendant shall be transported at such time and under such circumstances as the  
31 court shall direct to the county where the custody term is to be served. The  
32 defendant shall be transported with an abstract of the court's judgment as required  
33 by section 1213(a), or other suitable documentation showing the term imposed by  
34 the court and any custody credits against the sentence. The court may order the  
35 custody term to be served in another county without also transferring jurisdiction of  
36 the case in accordance with rule 4.530.

37  
38 (8) If after the court's determination in accordance with paragraph (5) the defendant is  
39 ordered to serve a period of supervision in another county, whether with or without  
40 a term of custody, the matter shall be transferred for the period of supervision in  
41 accordance with provisions of rule 4.530.  
42  
43

## RUPRO ACTION REQUEST FORM

**RUPRO action requested:**        **Recommend JC approval (has circulated for comment)**

**RUPRO Meeting:** October 12, 2018

**Title of proposal** (*include amend/revise/adopt/approve + form/rule numbers*):

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

*Committee or other entity submitting the proposal:*

Family & Juvenile Law Advisory Committee

*Staff contact (name, phone and e-mail):* Diana Glick, 916-643-7012, [diana.glick@jud.ca.gov](mailto:diana.glick@jud.ca.gov)

*Identify project(s) on the committee's annual agenda that is the basis for this item:*

Approved by RUPRO: October 24, 2017

Project description from annual agenda:

Rules Modernization Project and Implementation of AB 976

Each advisory committee was asked to include in their annual agendas for 2015 and 2016 an item providing for the drafting of proposed amendments to modernize the California Rules of Court related to their subject matter areas. This effort was undertaken in coordination with ITAC, which is responsible for developing and completing the overall rules modernization project. Implementation of council sponsored legislation (AB 976 (Berman) Electronic filing and service) that emerged from this project will require rule and form changes.

*If requesting July 1 or out of cycle, explain:*

N/A

**Additional Information:** (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

This proposal was held back from the August RUPRO meeting/September JCC meeting because of pending statutory changes contemplated in the Judiciary Committee's omnibus bill, AB 3250 (Ch. 776, Stats. 2018). The governor signed the bill on September 26 and its provisions will take effect on January 1, concurrently with this rule and forms proposal. The legislation requires a change to the proofs of service included in the proposal. Where before, an electronic server needed to attest that they live in or work in the county where the case filing occurred, now both electronic and mail servers must attest that they live in or work in the county where the service occurs. This change was made to the attestations on the EFS-005-JV, JV-282, JV-310, JV-326 and JV-510. While these are substantive changes, they are "a minor substantive change that is unlikely to create controversy" and therefore the committee recommends moving forward without comment under rule 10.33(d)(3).





## JUDICIAL COUNCIL OF CALIFORNIA

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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: November 29-30, 2018

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Title

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

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-217-INFO, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510; and approve form JV-510(A)

Recommended by

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark A. Juhas, Cochair

Agenda Item Type

Action Required

Effective Date

January 1, 2019

Date of Report

October 2, 2018

Contact

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

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending 15 of the California Rules of Court, adopting one new rule, revising eight Judicial Council forms, and approving one new optional form. Assembly Bill 976 authorizes electronic filing and service in juvenile matters, pursuant to Code of Civil Procedure section 1010.6. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service as

of January 1, 2019. These statutory changes require the modifications to rules and forms recommended in this report.

## **Recommendation**

The Family and Juvenile Law Advisory Committee recommends the following amendments to California Rules of Court and revisions to Judicial Council forms, in addition to the adoption of a new rule of court and the approval of a new optional form, to be effective January 1, 2019:

1. Amend California Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906;
2. Adopt rule 5.523;
3. Revise forms EFS-005-JV/JV-141, JV-217-INFO, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510; and
4. Approve form JV-510(A).

The text of the rules and copies of the forms are attached at pages 16-55.

## **Relevant Previous Council Action**

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

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

In order to implement the process for electronic mail notice set forth in AB 879, effective July 1, 2016, the Judicial Council approved amendments to five rules of court and the development of a new form, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change* (form EFS-005-JV/JV-141).

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

On September 21, 2018, the Judicial Council approved changes to California Rules of Court rule 5.906 *Request by nonminor for the juvenile court to resume jurisdiction*. The changes made through this rule proposal are italicized in the attached mock-up of rule 5.906 and will go into effect on January 1, 2019. None of the amendments to the rule affect the electronic filing and services provisions addressed in the current rule proposal.

### **Analysis/Rationale**

The adoption of a new rule of court, the approval of a new form, and the amendment of existing rules and forms is recommended to ensure that Judicial Council rules and forms will facilitate—and not impede—the statutory provisions of AB 976, a Judicial Council–sponsored bill.

Particularly with respect to juvenile matters, which are currently exempted from existing electronic service provisions in title 2, it is important to ensure that the limitations set forth in statute are accurately reflected in Judicial Council rules and forms.

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

The sunset date contained in subdivision (c) would be removed for flexibility in local court formatting of Judicial Council forms.

### **Rule 5.522. Remote filing**

Subdivision (b) would be streamlined to authorize electronic filing under Welfare and Institutions Code section 212.5 and the remaining subparagraphs, which are no longer applicable, would be removed.

### **Recommended New Rule: 5.523. Electronic service (§ 212.5)**

A new rule would be adopted to establish general authorization for electronic service in juvenile matters under section 212.5, and set forth requirements for attorney consultation prior to consent to electronic service by minors, age 16 or 17. Subdivision (a) would contain a general authorization and reference to section 212.5. It would also contain a requirement of service by first-class mail when a noticing entity knows or should know that a child or nonminor who has consented to electronic service is in custody. Subdivision (b) would describe the requirement of express consent to electronic service by the child and the child’s attorney for minors age 10–15. Subdivision (c) would describe the requirement of attorney consultation before a minor age 16 or 17 can expressly consent to receiving electronic service. Subdivision (d) would contain the

elements for consideration in the attorney consultation. Subdivision (e) would contain specific information that must be provided to the minor by the minor's attorney during the consultation.

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

A sentence would be added to rule 5.524(e)(1) to indicate that hearings noticed under sections 290.1 and 290.2 may not be served electronically. The reference in (e)(2) would be changed from "electronic mail" to "electronic service." The reference to section 290.1 would be removed, and a reference to obtaining consent to electronic service under section 212.5 would be added. Subdivision (f)(3) would be corrected to include counsel representing a parent or guardian, in accordance with section 630.1 of the Welfare and Institutions Code.

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

The title of subdivision (i) would be changed from "Address of parent or guardian—notice" to "Mailing address of parent or guardian." Subdivision (i)(4) referencing e-mail notice of dependency hearings would be deleted. New subdivision (j) titled "Electronic service address (§ 316.1)" with information on providing an electronic service address and consent to electronic service in juvenile matters would be added. Subdivision (j)(1) would describe the required notice on form EFS-005-JV/JV-141 that the electronic service address provided on the form will be used to serve notice and documents in the case, unless and until the party withdraws their consent or changes their electronic service address. Subdivision (j)(2) would note the existence of the EFS-005-JV/JV-141 to indicate consent or withdraw consent to electronic service and to notify the court and other parties of a change in electronic service address. Subdivision (j)(3) would indicate that a minor who wishes to file and serve form EFS-005-JV/JV-141 must ask their attorney or another person over the age of 18 to serve the form on their behalf. Subdivision (j)(4) would define the persons "required to be served" with form EFS-005-JV/JV-141 and include a caveat that any Indian custodian or tribe must be served pursuant to section 224.2, since electronic service does not yet extend to tribes. This subparagraph would also contain a statement that the judge may order service to be made on additional parties or persons.

Finally, the subdivision currently titled "(i) Caregiver notice and right to be heard (§§ 290.1–297, 366.21)" was supposed to have been relettered as subdivision (j) as of January 1, 2017, but was not; therefore, there are currently two subdivisions with the letter (i). The committee recommends inserting a new subparagraph (j) as described above, underneath the first subdivision (i), and relettering the second subdivision (i) to subdivision (k) to follow the new subdivision.

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

Because AB 976 added references to electronic service under section 212.5 to sections 248 and 248.5, the committee recommends removing the detailed instructions with regard to service in the rule and referring the reader to sections 248 and 248.5 for service requirements.

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

Subdivision (c) would be amended to create two subparagraphs to indicate the different notice and service requirements for subsequent and supplemental petitions.

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

Subdivision (g) would be rewritten, creating two subparagraphs to indicate the different notice and service requirements for petitions to terminate juvenile court jurisdiction over a nonminor and all other types of petitions brought under these sections. A petition to terminate juvenile court jurisdiction over a nonminor is required to be noticed under section 295. Petitions brought under section 388 will be noticed pursuant to section 297. Petitions brought under section 778 will be noticed pursuant to sections 776 and 779.

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

Subdivision (b)(2) would be amended to provide service requirements for the advisement and notice of hearing under section 366.26 if a party is not present in court when the hearing is ordered. The amendment would authorize electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights, in which case notice may be served electronically, but only in addition to service of notice by first-class mail. Subdivision (b)(4) would be amended to include the possibility of electronic service of notice and ensure delivery of blank forms for writ petitions.

**Rule 5.640. Psychotropic medications**

Subdivision (c)(10)(A) would be amended to change “short-term residential therapeutic center” to “short-term residential therapeutic program” in accordance with this term as it appears in statute, and more clearly describe the facility administrator, with reference to California Code of Regulations. Subdivision (c)(10)(B) would be amended to affirmatively state that psychological or medical documentation related to a minor may not be served electronically. Subdivisions (g)(3) and (4) would be amended to include a prohibition on electronic service of psychological or medical documentation related to a minor. The language in (h)(2) indicating that a copy of the court order must be provided in person or mailed to the caregiver within two court days of when the order is signed would be retained. Subdivision (h)(4) would be amended to change “short-term residential therapeutic center” to “short-term residential therapeutic program” in accordance with this term as it appears in statute, and to more clearly describe the facility administrator, with reference to the California Code of Regulations.

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

Subdivision (g)(10) would be amended to provide service requirements for advisement and notice of hearing under section 366.26 if a party is not present in court when the hearing is

ordered. The amended subparagraphs would authorize electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights. In this case, notice would be served electronically but only in addition to service of notice by first-class mail. Finally, the committee recommends italicizing official form titles.

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

Subdivision (d), related to the clerk’s responsibility to send an endorsed filed copy of the order, would be amended to include service by electronic means in accordance with section 212.5. The term “mailing” would be replaced with “service.”

**Rule 5.726. Prospective adoptive parent designation**

The service requirements in (d)(3)(A) would be amended to include a reference to electronic service in accordance with section 212.5. The name of form JV-326 in subdivision (d)(3)(E) would be updated, based on amendments that are part of the current proposal.

**Rule 5.727. Proposed removal**

Subdivision (b) would be amended to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, in accordance with AB 743 (2009). Subdivision (d)(1) would be amended to include a reference to electronic service in accordance with section 212.5 for the notice of removal issued by the Department of Social Services, and subparagraph (3) would be added to subdivision (d) with a reference to Code of Civil Procedure section 1010.6 for statutory language regarding when electronic service is considered complete and any extensions on time to respond after electronic service. The remaining subparagraphs would be renumbered. The reference to form JV-326 in a new subparagraph (5) would be updated with the amended title. In subdivision (e)(2) a reference would be added to Code of Civil Procedure section 1010.6 for statutory language regarding extensions on time to respond to notification of the proposed removal. The personal or telephone service requirement in (f) for a notice of hearing on the proposed removal would be retained. The reference in subdivision (f)(4) to form JV-326 would be updated with the amended title.

**Rule 5.728. Emergency removal**

Subdivision (b) would be updated to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, pursuant to AB 743 (2009). The committee recommends retaining the personal or telephone service requirement in (c) and (e) for a notice of hearing on emergency removal. The reference in subdivision (c)(5) to form JV-326 would be updated with the amended title.

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

Subdivision (d)(2)(C) would be amended to include a reference to electronic service in accordance with section 212.5. Subdivisions (g)(3) and (i)(3)(B) would be amended to include a reference to electronic service in accordance with section 212.5.

The language of this rule also reflects changes effectuated through a separate but simultaneous rule proposal. On September 21, 2018, the Judicial Council approved changes related to the assumption of dependency jurisdiction in subdivision (d)(1) and included a prohibition in subdivision (g)(1)(A) on service to the prosecuting attorney if delinquency jurisdiction has been dismissed. Neither of these changes affect the electronic filing and services provisions of the rule that are recommended for amendment in the current proposal. The changes made through this simultaneous rule proposal are italicized in the attached mock-up of rule 5.906.

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

The statutes amended by AB 879 specifically mandated that consent to receive notice of hearing by e-mail be provided on form EFS-005. Prior to July 1, 2016, form EFS-005 allowed litigants and attorneys in civil litigation to provide an “electronic service address,” which can be, but is not necessarily, an electronic *mail* address. The “electronic service” referenced on the form and authorized through the more recent AB 976 is a broader concept than notice of a hearing, which was the sole focus of AB 879.

In response to the language of AB 879, form EFS-005 was restyled as EFS-005-CV and its content was preserved; a new form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)* was created. This form enables persons entitled to notice in juvenile court proceedings to give consent to receive notice by e-mail and provide the court with a current e-mail address. The form also allows persons entitled to notice in juvenile court proceedings to notify the court of a change in the e-mail address for receiving electronic notices of hearings and allows those who have previously provided consent to receive notices of hearing by e-mail to withdraw that consent.

Given the broadening of authorization for electronic filing and service in juvenile matters achieved through AB 976, the committee now recommends changing the name of the form from “E-mail Notice” to “Electronic Service,” and amending the language of the form to refer to the provision of consent for “receiving notices and documents electronically” instead of receiving notices of hearing by e-mail. In response to comments from courts, the committee also recommends removal of the checkbox in item 3 that allows for a form user to indicate a desire to keep their electronic service address confidential. One court expressed that they do not have the capability in their case management systems to maintain the confidentiality of an electronic service address used for e-filing and e-service. Further, when this form was originally drafted, its sole purpose was to provide information to the court and county agencies; now that this form will

be filed into the case, is not a confidential form, and is required to be served on other parties, there is little ability to offer confidentiality of an electronic service or electronic mail address.

Finally, a Proof of Service has been added to page 2 to facilitate compliance with Code of Civil Procedure section 1010.6(a)(2)(A)(ii), which requires express consent to electronic service by “serving a notice on all the parties and filing the notice with the court.” The proof of service contains options for both electronic and mail service. Instructions were added to page 2 regarding the proof of service requirements and indicate that if the filer needs to serve the form on more than four persons, they should use form JV-510, *Proof of Service–Juvenile* for this purpose. This section also indicates that a minor who wishes to have this document served on other parties to the case may ask their attorney or another person over the age of 18 to execute service on their behalf.

#### ***Guide to Psychotropic Medication Forms (form JV-217-INFO)***

This form was added to the proposal based on a comment that it contains a reference to electronic service where it is clearly prohibited pursuant to section 212.5 of the Welfare and Institutions Code. Because other forms in this series were proposed for amendment to comport with the prohibition on electronic service of medical or psychological documentation related to a minor, this form was added and is recommended for amendment on page 2, end of item 4. The sentence that reads, “E-notice can be used only if the person or people to be e-served agree to it. (Code Civ. Proc., § 1010.6)” is recommended to be replaced with the following: “Electronic service of these forms is not permitted. (Welf. & Inst. Code, § 212.5)”

#### ***Proof of Notice of Application (form JV-221)***

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

#### ***Proof of Service–Nonminor (form JV-282)***

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



***Proof of Service Under Section 366.26 of the Welfare and Institutions Code (form JV-310)***

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

***Proof of Notice (form JV-326)***

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

This proposal would amend rule 5.726 of the California Rules of Court regarding prospective adoptive parent designation, and rule 5.727 regarding proposed removal to allow for electronic service of the notices under those sections, but would preserve the language in rules 5.727 and 5.728 mandating personal or telephone notice of the hearing on a proposed removal or an emergency removal. Therefore, the committee proposes that this form be modified to account for the possibility of electronic notice in every section that allows for service by mail. This would require additions to items 1a. through 1g. The notification of the court in item 1h. provides for only oral notification to the court (in person or by telephone). The committee also recommends renaming the form to add a statutory cross-reference to section 366.26(n), such that the form name would be “Proof of Notice Under Section 366.26(n),” in order to clearly indicate the relevant proceedings and to match the names of the pertinent title 5 rules. In response to a comment, a programmed field that previously appeared on the fillable version of the form in item 1 has been removed. The statement “was given to:” is meant to serve as a heading to the lettered sections that follow it below and is not meant to be a fillable line of text.

***Instructions for Notice of Prospective Adoptive Parent Hearing (form JV-326-INFO)***

This information sheet describes the notice requirements for three types of hearings: (1) a hearing on prospective adoptive parent designation, (2) a hearing on a notice of proposed removal, and (3) a hearing regarding an emergency removal. It should be noted that the

instructions do not address the notice requirements for the intent to remove or the emergency removal. The committee recommends that the name of the form be changed to “Instructions for Notice of Hearings Under Section 366.26(n)” to more clearly reflect the content of the INFO sheet and to align with the new name of form JV-326 and the pertinent title 5 rules. The committee further recommends amendments to the instructions to reflect the possibility of electronic notice of the hearing regarding a prospective adoptive parent designation.

### ***Proof of Service–Juvenile (form JV-510)***

This optional form can be used to provide proof of service of a variety of documents related to a juvenile court matter. Because AB 976 enacted a general authorization for electronic service, with specified exceptions, the committee recommends describing the ability to electronically serve documents in the first paragraph of the form and splitting out the section titled “Name and address” into two sections: “Name” and “Mailing or Electronic Service Address.” In addition, this form was shortened from three pages to two, with additional fields for service placed on the new form JV-510(A), *Attachment to Proof of Service–Juvenile (Additional Persons Served)*.

### ***Attachment to Proof of Service–Juvenile (Additional Persons Served) (form JV-510(A))***

This new, optional form may be attached to a JV-510, *Proof of Service–Juvenile*, if there are additional parties or persons served a document in a juvenile matter who do not fit in the categories and spaces allotted on the JV-510. The attachment allows for the reporting of 14 additional persons served.

### **Policy implications**

The specific statutory provisions that establish the parameters for electronic filing and service in juvenile matters are indicative of the unique circumstances of juvenile law, in which service and notice are provided in some cases by public agencies that are charged with ensuring the welfare of children, the existence of “dependent” status and “ward” status of minors vis-à-vis the courts, which are also charged with ensuring the welfare of minors, the involvement of “nonminor dependents” (essentially adults age 18–20), who are able to petition the court to retain dependency status, and the plethora of relatives, caregivers, and other interested parties who are entitled to notice of specified hearings in the dependency process.

Most of the policy implications extant in this area were debated during the process of obtaining Judicial Council sponsorship of the authorizing legislation. At that time, the committee, in collaboration with other committees and stakeholders, grappled with the challenges of striking the right balance between preserving confidentiality of documents in an era of social media, and the growing pressure and interest in digitizing court communications and filings. The committee crafted language that requires the courts and counties that establish processes for electronic filing and service to use encryption technology to preserve confidentiality. The committee also drew a bright line around documents that contain medical or psychological information about a minor, allowing those documents to be electronically served only as part of a report developed pursuant to Welfare and Institutions Code section 16010.

Another significant area of concern was the development of new rule 5.523, which is designed to facilitate a conversation between a minor dependent, age 16 or 17 and their attorney, with the goal of providing information and guidance to minors who may wish to consent to electronic service. The committee had various discussions about the content of these advisements and also incorporated a suggestion by a commenter to enhance and strengthen this rule.

## Comments

The proposal was circulated for comment from April 8, 2018 through June 8, 2018. Comments were received from 10 entities: Children’s Law Center, Inland Juvenile Panel Attorneys, Office of County Counsel, County of Los Angeles, five courts (the Superior Courts of Orange, Riverside, San Bernardino, San Diego, and Ventura Counties), the Orange County Bar Association, and the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, through their joint rules subcommittee (JRS).

Commenters were asked the following specific questions about the proposal:

- Does the proposal appropriately address the stated purpose?
- Are there other California Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Is the proposed language in rule 5.570 sufficient to encompass the variety in local practice of notice requirements for petitions filed pursuant to sections 388 and 778?
- Is the proposed rule containing specific points for consideration—when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service—sufficient to ensure that the minor is making an informed decision?
- How should the requirement of express consent to electronic service be effectuated? Should the use of form EFS-005-JV/JV-141 (as proposed to be amended) be mandatory to provide express consent? Should the express consent be written?

Most comments were favorable, with a variety of valuable suggestions offered to improve the clarity of rules and forms language. The advisory committee accepted many of the suggestions made, modifying the rules and forms to address the points made in the comments. The substantive comments are discussed below.

***Suggestions to clarify the use and content of the EFS-005-JV.*** Because one of the questions posed in the Invitation to Comment was whether the use of the Judicial Council form, *Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141), should be mandatory or optional, several commenters weighed in on this issue. Most believed that the form should be mandatory to manifest express consent, pursuant to section 1010.6 of the Code of Civil Procedure. One commenter expressed concern that attorneys in juvenile dependency might have a number of cases, and it would not be practical to require attorneys to file a paper expressing consent to electronic service in each individual case. The committee responded that the requirement to provide express consent is currently assigned to a

“party or other person” entitled to notice in the case, which would not include attorneys of record in the case.

Another commenter reminded the committee that the EFS-005-JV/JV-141 would need to be served on other parties, in conformity with section 1010.6(a)(2)(A)(ii) of the Code of Civil Procedure. Therefore, the committee added a Proof of Service to this document and additional instructions in the related rules of court for service on behalf of a minor. This resulted in additional changes to the existing *Proof of Service–Juvenile* (form JV-510), and the development of an attachment to this form to streamline the central form and allow for additional persons served to be listed on the attachment, form JV-510(A).

A commenter also indicated that, although the EFS-005-JV/JV-141 had a check box that a user could check to request that their electronic service address remain confidential, this was not something that could be accommodated by the local case management system. This check box was a vestige of the prior iteration of this form, which was designed to allow a party or person entitled to notice in a juvenile dependency case to request e-mail notice of specified hearings. When this form was developed, it was not contemplated that it would be served on other parties to the action. Because the form will now be served on other parties in the juvenile matter, this will defeat any desire to retain confidentiality of an electronic mail or electronic service address. Accordingly, this option was removed.

***Proposals to add rules.*** A commenter suggested the incorporation of 25 additional rules to the proposal. Each of these was studied and responses were made as follows:

- Eighteen rules did not contain any text that contradicts the provisions of AB 976, nor would the language impede electronic filing and service. Therefore, these rules are not proposed to be amended.
- Four rules would benefit from information about the possibility of electronic service and have been held for discussion in a future rule proposal.
- One rule specifies personal service; therefore, references to the possibility of electronic service would not be appropriate.
- One rule specifies service by certified mail; therefore, references to the possibility of electronic service would not be appropriate.
- One rule required amendment to an additional subdivision, not previously contemplated. The committee gratefully accepted this recommendation.

***Proposals to add forms.*** A commenter suggested the incorporation of 30 additional forms to the proposal. Each of these was studied and responses were made as follows:

- Fifteen forms did not contain any text that contradicts the provisions of AB 976, nor would the language impede electronic filing and service. Therefore, these forms are not proposed to be amended.
- Ten forms would benefit from information about the possibility of electronic service, particularly to clarify proof of service language, and have been held for discussion in a future rule proposal.
- Four forms contained typographical errors that will be corrected in a separate clean-up proposal for technical amendments.
- One form was added to the proposal, the *Guide to Psychotropic Medication Forms* (form JV-217-INFO), to ensure consistency across forms in the prohibition on electronic service of documents containing psychological or medical information about a minor.

A chart with the full text of the comments and the committee's responses is attached, beginning at page 56.

### **Post-Comment Legislative Changes**

On August 24, 2018, the Legislature amended Code of Civil Procedure section 1013b with respect to the required elements of a proof of electronic service. The amendments were made in Assembly Bill 3250 (Ch. 776, Stats. 2018), the Judiciary Committee's omnibus bill. The revised language deletes the requirement that the person effectuating electronic service be a resident of or employed in the county where the *filing* occurs, and instead requires an attestation that the person effectuating electronic service is a resident of or is employed in the county where the *service* occurs. This amendment brings the electronic service provisions into line with proof of service requirements for mail service. The bill was signed by the governor on September 26, 2018 and its provisions will go into effect on January 1, 2019.

The legislative change requires a change to the proofs of service included in the proposal. Where before, an electronic server needed to attest that they live in or work in the county where the case *filing* occurred, now both electronic and mail servers must attest that they live in or work in the county where the *service* occurs. This change was made to the attestations on the EFS-005-JV, JV-282, JV-310, JV-326 and JV-510. While these are substantive changes, they are "a minor substantive change that is unlikely to create controversy" and therefore the committee recommends moving forward without comment under rule 10.33(d)(3).

### **Alternatives considered**

The committee considered the retention of electronic service language for hearings on the administration of psychotropic medication and the retention of current rules of court limiting notice of a hearing on a proposed removal. The prohibition on electronic service of medical and psychological documentation related to a minor requires changes to a number of rules and forms that were recently developed through rule proposals that established parameters for the prescription of psychotropic medications. However, because the retention of the current language

in these rules would be in direct conflict with the new statutory provisions, it was determined that the changes needed to be made.

Another alternative to this proposal would have been to establish in rules of court specific processes for electronic filing and electronic service in juvenile matters. With the exception of a handful of statutorily based, broad specifications regarding the eligibility of minors to consent to electronic service and the requirement of encryption technology to preserve confidentiality, the bulk of processes and procedures will be developed by courts and local agencies, in conformity with local technologies and policies. This was a deliberate policy choice based on an understanding that many local courts already have existing processes for electronic filing and service, and that many details will need to be worked out with public agencies that are also charged with service on litigants and others entitled to notice in juvenile matters. In addition, local case management systems will dictate many of the parameters of electronic filing.

Finally, an issue that was the subject of significant deliberation by the committee was whether to make the use of *Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141) mandatory for parties and others entitled to notice in a juvenile case. An alternative option would be to allow litigants and other interested parties to manifest consent through an Electronic Filing and Service Provider's interface pursuant to California Rules of Court, rule 2.251(b)(1)(B). This would save the time involved in filing a specific form into the case to manifest consent. However, it was ultimately determined that because of the unique nature of juvenile cases and those persons who are parties and/or entitled to notice in the case, the most appropriate approach would be to require express consent on the Judicial Council form.

### **Fiscal and Operational Impacts**

The establishment of a process for electronic filing in juvenile matters is fully optional for the court and must be agreed upon by both the court and the serving county agencies before implementation. In addition, electronic service on a party or other person who is entitled to notice in the case is fully voluntary. Therefore, the possibility exists that this proposal will have no fiscal or operational impacts in any given court.

To the extent that the court and the county agree to establish a local process for electronic filing, several commenters have provided helpful descriptions of the various steps involved in the development of local processes. There would appear to be significant, one-time personnel obligations to develop requirements and coordinate systems between the court and local agencies. There may be costs involved with onboarding Electronic Filing Service Providers, to the extent that these relationships do not already exist because of electronic filing in other areas of law. Ongoing costs would include maintenance of case management systems and interfaces with electronic filing manager systems.

Once these one-time costs have been overcome, electronic filing and service has the potential to produce significant savings in paper, printing, mailing, and preservation of written records over the long term.

## Attachments and Links

1. Cal. Rules of Court, rules 5.504, 5.522, 5.523, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906, at pages 16–38
2. Forms EFS-005-JV/JV-141, JV-217-INFO, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, JV-510, and JV-510(A), at pages 39–55
3. Chart of comments, at pages 56–101
4. Link A: Assembly Bill 976 (Stats. 2017, ch. 319),  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB976](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB976)

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Rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906 of the California Rules of Court are amended, and rule 5.523 is adopted, effective January 1, 2019, to read:

1 **Rule 5.504. Judicial Council forms**

2  
3 **(a) Explanation of Judicial Council legal forms**

4  
5 Rules 1.30–1.37 and 2.131–2.134 apply to Judicial Council legal forms,  
6 including forms applicable to the juvenile court.

7  
8 **(b) Electronically produced forms**

9  
10 The forms applicable to juvenile court may be produced entirely by computer,  
11 word-processor printer, or similar process, or may be produced by the  
12 California State Department of Social Services Child Welfare Systems Case  
13 Management System.

14  
15 **(c) Implementation of new and revised mandatory forms**

16  
17 To help implement mandatory Judicial Council juvenile forms:

18  
19 (1) New and revised mandatory forms produced by computer, word-processor  
20 printer, or similar process must be implemented within one year of the  
21 effective date of the form. During that one-year period the court may  
22 authorize the use of a legally accurate alternative form, including any  
23 existing local form or the immediate prior version of the Judicial Council  
24 form.

25  
26 (2) ~~Until January 1, 2019, a~~ A court may produce court orders in any  
27 form or format as long as:

28  
29 (A) The document is substantively identical to the mandatory Judicial  
30 Council form it is modifying;

31  
32 (B) Any electronically generated form is identical in both language and  
33 legally mandated elements, including all notices and advisements, to  
34 the mandatory Judicial Council form it is modifying;

35  
36 (C) The order is an otherwise legally sufficient court order, as provided in  
37 rule 1.31(g), concerning orders not on Judicial Council mandatory  
38 forms; and

39  
40 (D) The court sends written notice of its election to change the form or  
41 format of the mandatory form to the Family and Juvenile Law  
42 Advisory Committee and submits additional informational reports as  
43 requested by the committee.



1 **Rule 5.522. Remote filing**

2  
3 **(a) Applicability and definitions**

- 4  
5 (1) This rule applies to juvenile court proceedings in courts that permit fax  
6 or electronic filing by local rule.  
7  
8 (2) As used in this rule, “fax,” “fax transmission,” “fax machine,” and “fax  
9 filing” are defined in rule 2.301. A fax machine also includes any  
10 electronic device capable of receiving a fax transmission, as defined in rule  
11 2.301.  
12  
13 (3) As used in this rule, “electronic filing” is defined in rule 2.250. Rule 2.250  
14 also defines other terms used in this rule related to electronic filing, such as  
15 “document,” “electronic filer,” and “electronic filing service provider;”  
16 “regular filing hours;” and “close of business.”  
17

18 **(b) Electronic filing**

19  
20 A court may allow for the electronic filing of documents in juvenile proceedings  
21 in accordance with section 212.5.

22  
23 ~~(1) A court may allow for the electronic filing of documents in juvenile~~  
24 ~~dependency and delinquency proceedings as provided under, and consistent~~  
25 ~~with, rule 2.252 et seq.~~

26  
27 ~~(2) A court may allow for the electronic filing of documents directly with the~~  
28 ~~court or may provide by local rule for indirect filing through an electronic~~  
29 ~~filing service provider that has in place systems to ensure the integrity and~~  
30 ~~confidentiality of transmission of records and adheres to the requirements~~  
31 ~~of rule 2.256(a)(1).~~

32  
33 ~~(3) Electronic filing must be conducted in a manner that preserves and~~  
34 ~~ensures the confidentiality of records by encryption or other secure~~  
35 ~~methods.~~

36  
37 ~~(4) This rule does not incorporate the electronic service provisions in rule 2.251.~~  
38

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

40  
41 **5.523. Electronic service (§ 212.5)**

42  
43 **(a) Electronic service—General provisions**

44

1           (1) Electronic service is authorized only if the court and county agencies required  
2           to serve in juvenile court permit electronic service.

3  
4           (2) Unless otherwise provided by law, a document in a juvenile court matter may  
5           be served electronically as prescribed by section 1010.6 of the Code of Civil  
6           Procedure and in accordance with section 212.5 of the Welfare and  
7           Institutions Code.

8  
9           (3) If the noticing entity knows or should know that a child or nonminor who has  
10          consented to electronic service is in custody at the time that a notice will  
11          issue, the entity must also provide service of the notice by first-class mail.

12  
13  
14       **(b) Consent to electronic service by a child, age 10 to 15**

15  
16       Electronic service is permitted on a child who is 10 to 15 years of age only upon  
17       express consent of the child and the child's attorney by completing the appropriate  
18       Judicial Council form.

19  
20       **(c) Consent to electronic service by a child, age 16 or 17**

21  
22       Electronic service is permitted on a child who is 16 or 17 years of age only if the  
23       child, after consultation with his or her attorney, expressly consents by completing  
24       the appropriate Judicial Council form.

25  
26       **(d) Required consultation with attorney for child, age 16 or 17**

27  
28       In a consultation with a child who is 16 or 17 years old and who seeks to consent to  
29       electronic service in a juvenile matter, the child's attorney must discuss and  
30       encourage the child to consider the following:

31  
32       (1) Whether the child has regular and reliable access to a means of electronic  
33       communication for purposes of communication regarding their case;

34  
35       (2) The importance of maintaining confidentiality and what means of electronic  
36       communication the child intends to use to communicate about their case and  
37       whether it is private and secure; and

38  
39       (3) Whether the child understands their rights with respect to the provision and  
40       withdrawal of consent to electronic service.

41  
42  
43       **(e) Required notification to child, age 16 or 17**

44  
45       In addition to the required factors for consideration in consultation described in (c),  
46       the child's attorney must also notify the child who seeks to provide consent to  
47       electronic service of the following:

- 1
- 2       (1) Electronic service of medical or psychological documentation related to a
- 3       child is prohibited, with the exception of the summary required under section
- 4       16010 when included as part of a required report to the court.
- 5
- 6       (2) Electronic service on a party or other person is permitted only if the party or
- 7       other person has expressly consented, as provided in section 1010.6 of the
- 8       Code of Civil Procedure.
- 9
- 10       (3) A party or other person may subsequently withdraw their consent to electronic
- 11       service by completing the appropriate Judicial Council form.

12

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

14

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

16

17       The petition to declare a child a dependent of the court must be verified and may

18       be dismissed without prejudice if not verified. The petition must contain the

19       information stated in section 332.

20

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

22

23       The petition to declare a child a ward of the court must be verified and may be

24       dismissed without prejudice if not verified. The petition must contain the

25       information stated in sections 656, 656.1, 656.5, 661, and, if applicable, the

26       intent to aggregate other offenses under section 726.

27

28 **(c) Use of forms**

29

30       Dependency petitions must be filed on a Judicial Council form. The filing party

31       must use *Juvenile Dependency Petition (Version One)* (form JV-100) with the

32       *Additional Children Attachment (Juvenile Dependency Petition)* (form JV-101)

33       when appropriate, or *Juvenile Dependency Petition (Version Two)* (form JV-

34       110) as prescribed by local rule or practice. Rules 1.31 and 1.35 govern the use

35       of mandatory and optional forms, respectively.

36

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

38

39       Chapter 8 of title 6 of part 2 of the Code of Civil Procedure, beginning at

40       section 469, applies to variances and amendments of petitions and proceedings

41       in the juvenile court.

42

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

- 44
- 45       (1) When the petition is filed, the probation officer or social worker must serve a

1 notice of hearing under section 290.1, with a copy of the petition attached.  
2 On filing of the petition, the clerk must issue and serve notice as prescribed  
3 in section 290.2, along with a copy of the petition. CASA volunteers are  
4 entitled to the same notice as stated in sections 290.1 and 290.2. Notice under  
5 sections 290.1 and 290.2 may not be served electronically.  
6

- 7 (2) If the county and the court choose to allow notice by electronic ~~mail~~ service  
8 of hearings under sections ~~290.1~~ 291–295, the court must develop a process  
9 for obtaining consent from persons entitled to notice that complies with ~~the~~  
10 ~~notice statute~~ Welfare and Institutions Code section 212.5 and ensures that  
11 notice can be effectuated according to statutory timelines.  
12

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

- 14 (1) Immediately after the filing of a petition to detain a child, the probation  
15 officer or the prosecuting attorney must issue and serve notice as  
16 prescribed in section 630.  
17  
18 (2) When a petition is filed, the clerk must issue and serve a notice of hearing  
19 in accordance with sections 658, 659, and 660 with a copy of the petition  
20 attached.  
21  
22 ~~(3) After reasonable notification by minor’s counsel or his or her parent or~~  
23 ~~guardian, the clerk must provide notice to the minor’s attorney as stated~~  
24 ~~in section 630.1.~~  
25  
26 (3) After reasonable notification by counsel representing the child, or  
27 representing the child’s parents or guardian, the clerk must notify such  
28 counsel of the hearings as prescribed in section 630.1.  
29  
30

31 **(g)–(h) \* \* \***

32  
33 **Rule 5.534. General provisions—all proceedings**

34  
35 **(a)–(h) \* \* \***

36  
37 **(i) Mailing Address of parent or guardian (§ 316.1)**

38  
39 At the first appearance by a parent or guardian in proceedings under section 300  
40 et seq., the court must order each parent or guardian to provide a mailing address.

- 41  
42 (1) The court must advise that the mailing address provided will be used by  
43 the court, the clerk, and the social services agency for the purposes of  
44 notice of hearings and the mailing of all documents related to the

1 proceedings.

2  
3 (2) The court must advise that until and unless the parent or guardian, or the  
4 attorney of record for the parent or guardian, submits written notification of  
5 a change of mailing address, the address provided will be used, and notice  
6 requirements will be satisfied by appropriate service at that address.

7  
8 (3) *Notification of Mailing Address* (form JV-140) is the preferred method of  
9 informing the court and the social services agency of the mailing address of  
10 the parent or guardian and change of mailing address.

11  
12 (A) The form must be delivered to the parent or guardian, or both, with the  
13 petition.

14  
15 (B) The form must be available in the courtroom, in the office of the clerk,  
16 and in the offices of the social services agency.

17  
18 (C) The form must be printed and made available in both English and  
19 Spanish.

20  
21 ~~(4) If the county and the court allow notice of hearings under sections 290.1–~~  
22 ~~295 by electronic mail, persons who are entitled to notice and who want to~~  
23 ~~receive notice of hearings by electronic mail must indicate their consent by~~  
24 ~~filing E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address~~  
25 ~~Change (Juvenile Dependency) (form EFS-005 JV/JV-141).~~

26  
27 (j) **Electronic service address (§ 316.1)**

28  
29 At the first appearance by a party or person before the court, each party or person  
30 entitled to notice who consents to electronic service under section 212.5 must  
31 provide the court with an electronic service address by completing the appropriate  
32 Judicial Council form.

33  
34 (1) The court must advise the party or person entitled to notice that the electronic  
35 service address will be used to serve notices and documents in the case, unless  
36 and until the party or person notifies the court of a new electronic service  
37 address in writing or unless the party or person withdraws consent to  
38 electronic service.

39  
40 (2) A party or person entitled to notice may indicate their consent and provide  
41 their electronic service address or may withdraw their consent to electronic  
42 service or change their electronic service address by filing *Electronic Service:*  
43 *Consent, Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-  
44 JV/JV-141).

1 (3) If a person under 18 years old files *Electronic Service: Consent, Withdrawal*  
2 *of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141), they  
3 must ask their attorney or another adult to serve the document on the other  
4 parties and persons required to be served in the case.

5  
6 (4) The persons required to be served *Electronic Service: Consent, Withdrawal*  
7 *of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141) are all  
8 legal parties to the action and their attorneys of record, including, but not  
9 limited to, the social services agency, the child, any parent, a legal guardian,  
10 a Court Appointed Special Advocate, and a guardian ad litem. In the case of  
11 an Indian child, the Indian custodian, if any, and the child's tribe must be  
12 served pursuant to section 224.2. The judge may order service to be made on  
13 additional parties or persons.

14  
15 ~~(i) \_\_\_\_\_~~

16  
17 **(k) Caregiver notice and right to be heard (§§ 290.1–297, 366.21) \* \* \***

18  
19 **Rule 5.538. Conduct of proceedings held before a referee not acting as a**  
20 **temporary judge**

21  
22 **(a) \* \* \***

23  
24 **(b) Furnishing and serving findings and order; explanation of right to review**  
25 **(§§ 248, 248.5)**

26  
27 After each hearing before a referee, the referee must make findings and enter an  
28 order as provided elsewhere in these rules. In each case, the referee must furnish  
29 and serve the findings and order and provide an explanation of the right to review  
30 the order in accordance with sections 248 and 248.5. ~~cause all of the following to~~  
31 be done promptly:

32  
33 ~~(1) Furnish a copy of the findings and order to the presiding judge of the~~  
34 ~~juvenile court.~~

35  
36 ~~(2) Furnish to the child (if the child is 14 or more years of age or, if younger,~~  
37 ~~as requested) a copy of the findings and order, with a written explanation~~  
38 ~~of the right to seek review of the order by a juvenile court judge.~~

39  
40 ~~(3) Serve the parent and guardian—and counsel for the child, parent, and~~  
41 ~~guardian—a copy of the findings and order, with a written explanation of~~  
42 ~~the right to seek review of the order by a juvenile court judge.~~

43  
44 ~~(A) Service is deemed complete at the time of personal, in-court service~~  
45 ~~as provided in Welfare and Institutions Code section 248,~~

1 subdivision (b)(1).

2  
3 ~~(B) If personal, in-court service as in (A) is not possible, service must be~~  
4 ~~by mail to the last known address and is deemed complete at the time~~  
5 ~~of mailing as provided in subdivision (b)(2) of that section.~~  
6

7 **Rule 5.565. Hearing on subsequent and supplemental petitions (§§ 342, 364, 386,**  
8 **387)**

9  
10 **(a) Contents of subsequent and supplemental petitions (§§ 342, 364, 387)**

11  
12 A subsequent petition and a supplemental petition must be verified and, to the  
13 extent known to the petitioner, contain the information required in an original  
14 petition as described in rule 5.524. A supplemental petition must also contain a  
15 concise statement of facts sufficient to support the conclusion that the previous  
16 disposition has not been effective in the protection of the child or, in the case of a  
17 dependent child placed with a relative, that the placement is not appropriate in  
18 view of the criteria in section 361.3.

19  
20 **(b) Setting the hearing (§§ 334, 342, 364, 386, 387)**

21  
22 When a subsequent or supplemental petition is filed, the clerk must immediately  
23 set it for hearing within 30 days of the filing date. The hearing must begin within  
24 the time limits prescribed for jurisdiction hearings on original petitions under rule  
25 5.670.  
26

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

- 28  
29 (1) For petitions filed under section 342 or section 387, notice must be provided  
30 in accordance with section 297.  
31  
32 (2) For petitions filed under section 364, notice must be provided in accordance  
33 with section 292.  
34

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

36 ~~For petitions filed under sections 342 or 387, notice must be provided in~~  
37 ~~accordance with sections 290.1, 290.2, and 291. Notice for petitions filed~~  
38 ~~under section 364 must be provided as stated in section 292.~~  
39

40 ~~**(d)–(f) \* \* \***~~

41  
42 **Rule 5.570. Request to change court order (petition for modification)**

43  
44 ~~**(a)–(f) \* \* \***~~

1  
2 **(g) Notice of petition and hearing (§§ 388, 778)**  
3

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

- 10  
11 (1) If a petition is filed under section 388 or section 778 to terminate juvenile  
12 court jurisdiction over a nonminor, notice of the hearing must be given as  
13 required by section 295.  
14  
15 (2) For hearings on all other petitions filed under section 388 or section 778,  
16 notice of the hearing must be provided as required under section 297, or  
17 sections 776 and 779, except that notice to parents or former guardians of a  
18 nonminor must be provided only if the nonminor requests, in writing on the  
19 face of the petition, that such notice be provided, or if the parent or legal  
20 guardian is receiving court-ordered family reunification services.

21  
22 **(h)–(j) \* \* \***  
23

24 **Rule 5.590. Advisement of right to review in Welfare and Institutions Code section**  
25 **300, 601, or 602 cases**  
26

27 **(a) \* \* \***  
28

29 **(b) Advisement of requirement for writ petition to preserve appellate rights**  
30 **when court orders hearing under section 366.26**  
31

32 When the court orders a hearing under Welfare and Institutions Code section  
33 366.26, the court must advise all parties and, if present, the child's parent,  
34 guardian, or adult relative, that if the party wishes to preserve any right to review  
35 on appeal of the order setting the hearing under Welfare and Institutions Code  
36 section 366.26, the party is required to seek an extraordinary writ by filing a  
37 *Notice of Intent to File Writ Petition and Request for Record (California Rules of*  
38 *Court, Rule 8.450)* (form JV-820) or other notice of intent to file a writ petition  
39 and request for record and a *Petition for Extraordinary Writ (California Rules of*  
40 *Court, Rules 8.452, 8.456)* (form JV-825) or other petition for extraordinary writ.  
41

- 42 (1) The advisement must be given orally to those present when the court  
43 orders the hearing under Welfare and Institutions Code section 366.26.  
44



1 ~~(2) Within one day after the court orders the hearing under Welfare and~~  
2 ~~Institutions Code section 366.26, the advisement must be sent by first-class~~  
3 ~~mail by the clerk of the court to the last known address of any party who is~~  
4 ~~not present when the court orders the hearing under Welfare and~~  
5 ~~Institutions Code section 366.26.~~

6  
7 (2) If a party is not present when the court orders a hearing under section  
8 366.26, within 24 hours of the hearing, the advisement must be made by the  
9 clerk of the court by first-class mail to the last known address of the party  
10 or by electronic service in accordance with section 212.5. If the notice is for  
11 a hearing at which the social worker will recommend the termination of  
12 parental rights, the notice may be electronically served in accordance with  
13 section 212.5, but only in addition to service of the notice by first-class  
14 mail.

15  
16 (3) The advisement must include the time for filing a notice of intent to file  
17 a writ petition.

18  
19 (4) Copies of *Petition for Extraordinary Writ (California Rules of Court,*  
20 *Rules 8.452, 8.456)* (form JV-825) and *Notice of Intent to File Writ*  
21 *Petition and Request for Record (California Rules of Court, Rule 8.450)*  
22 (form JV-820) must be available in the courtroom and must accompany all  
23 mailed and electronically served notices informing the parties of their  
24 rights.

25  
26 (c) \* \* \*

27  
28 **Rule 5.640. Psychotropic medications**

29  
30 (a)–(b) \* \* \*

31  
32 (c) **Procedure to obtain authorization**

33  
34 (1)–(9) \* \* \*

35  
36 (10) Notice of the application must be provided to the parents or legal guardians,  
37 their attorneys of record, the child’s attorney of record, the child’s Child  
38 Abuse Prevention and Treatment Act guardian ad litem, the child’s current  
39 caregiver, the child’s Court Appointed Special Advocate, if any, and where a  
40 child has been determined to be an Indian child, the Indian child’s tribe (see  
41 also 25 U.S.C. § 1903(4)–(5); Welf. & Inst. Code, §§ 224.1(a) and (e) and  
42 224.3).

43  
44 (A) If the child is living in a group home or a short-term residential  
45 therapeutic center program, notice to the caregiver must be by notice to the

1 ~~group home facility administrator, or to the administrator's designee, as~~  
2 ~~defined in California Code of Regulations, title 22, section 84064, or to the~~  
3 ~~administrator's designee.~~

4  
5 (B) Local county practice and local rules of court determine the procedures  
6 for the provision of notice, except as otherwise provided in this rule and in  
7 section 212.5. Psychological or medical documentation related to a minor may  
8 not be served electronically. The person or persons responsible for providing  
9 notice as required by local court rules or local practice protocols are  
10 encouraged to use the most expeditious legally authorized manner of service  
11 possible to ensure timely notice.

12  
13 (C) \* \* \*

14  
15 (11)–(12) \* \* \*

16  
17 **(d)–(f)** \* \* \*

18  
19 **(g) Progress review**

- 20  
21 (1) After approving any application for authorization, regardless of whether the  
22 approval is made at a hearing, the court must set a progress review.  
23  
24 (2) A progress review must occur at every status review hearing and may occur at  
25 any other time at the court's discretion.  
26  
27 (3) If the progress review is held at the time of the status review hearing, notice  
28 must be provided as required under section 293 or 295, except that electronic  
29 service of psychological or medical documentation related to a child is not  
30 permitted. The notice must include a statement that the hearing will also be a  
31 progress review on previously ordered psychotropic medication, and must  
32 include a blank copy of *Child's Opinion About the Medicine* (form JV-218)  
33 and a blank copy of *Statement About Medicine Prescribed* (form JV-219).  
34  
35 (4) If the progress review is not held at the time of the status review hearing,  
36 notice must be provided as required under section 293 or 295, except that  
37 electronic service of psychological or medical documentation related to a  
38 child is not permitted. The notice; must include a statement that the hearing  
39 will be a progress review on previously ordered psychotropic medication; and  
40 must include a blank copy of *Child's Opinion About the Medicine* (form JV-  
41 218) and a blank copy of *Statement About Medicine Prescribed* (form JV-  
42 219).  
43  
44 (5) Before each progress review, the social worker or probation officer must file a  
45 completed *County Report About Psychotropic Medication* (form JV-224) at  
46 least 10 calendar days before the hearing. If the progress review is set at the

1 same time as a status review hearing, form JV-224 must be attached to and  
2 filed with the report.

- 3  
4 (6) The child, caregiver, parents or legal guardians, and Court Appointed Special  
5 Advocate, if any, may provide input at the progress review as stated in (c)(2).  
6  
7 (7) At the progress review, the procedures described in section 349 must be  
8 followed.  
9

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

- 11  
12 (1) Upon the approval or denial of the application, the county child welfare  
13 agency, probation department, or other person or entity who submitted the  
14 request must provide the child's caregiver with a copy of the court order  
15 approving or denying the request.  
16  
17 (2) The copy of the order must be provided in person or mailed within two court  
18 days of when the order is signed.  
19  
20 (3) If the court approves the request, the copy of the order must include the last  
21 two pages of form JV-220(A) or the last two pages of JV-220(B) and all  
22 medication information sheets (medication monographs) that were attached to  
23 form JV-220(A) or form JV-220(B).  
24  
25 (4) If the child resides in a group home or short-term residential therapeutic  
26 program, a copy of the order, the last two pages of form JV-220(A) or the last  
27 two pages of JV-220(B), and all medication information sheets (medication  
28 monographs) that were attached to the JV-220(A) or form JV-220(B) must be  
29 provided to the group home facility administrator, or to the administrator's  
30 designee, as defined in California Code of Regulations, title 22, section  
31 84064, or to the administrator's designee.  
32  
33 (5) If the child changes placement, the social worker or probation officer must  
34 provide the new caregiver with a copy of the order, the last two pages of form  
35 JV-220(A) or the last two pages of JV-220(B), and the medication information  
36 sheets (medication monographs) that were attached to form JV-220(A) or  
37 form JV-220(B).  
38

39 **(i)–(k) \* \* \***

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

41  
42 **(a)–(f) \* \* \***

43  
44 **(g) Provision of reunification services (§ 361.5)**

45  
46 **(1)–(9) \* \* \***  
47

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

11  
12 (A) Within 24 hours of the hearing, notice by first-class mail or by  
13 electronic service in accordance with section 212.5 must be provided  
14 by the clerk of the court to the last known address of any party who  
15 is not present when the court orders the hearing under section  
16 366.26.

17  
18 (B) Copies of *Petition for Extraordinary Writ (California Rules of Court,*  
19 *Rules 8.452, 8.456)* (form JV-825) and *Notice of Intent to File Writ*  
20 *Petition and Request for Record (California Rules of Court, Rule*  
21 *8.450)* (form JV-820) must be available in the courtroom and must  
22 accompany all mailed notices informing the parties of their rights.

23  
24 (C) If the notice is for a hearing at which the social worker will  
25 recommend the termination of parental rights, the notice may be  
26 electronically served in accordance with section 212.5, but only in  
27 addition to service of the notice by first-class mail.

28  
29 (h)–(i) \* \* \*

30  
31 **Rule 5.700. Termination of jurisdiction—custody and visitation orders (§§ 302, 304,**  
32 **361.2, 362.4, 726.5)**

33  
34 \* \* \*

35  
36 (a)–(c) \* \* \*

37  
38 (d) **Endorsed filed copy—clerk’s certificate of mailing service**

39  
40 Within 15 court days of receiving the order, the clerk of the receiving court must  
41 send an endorsed filed copy of the order showing the case number assigned by the  
42 receiving court by first-class mail or by electronic means in accordance with  
43 section 212.5 to the child’s parents and the originating juvenile court, with a  
44 completed clerk’s certificate of mailing service, for inclusion in the child’s file.

1  
2 **Rule 5.726. Prospective adoptive parent designation (§§ 366.26(n), 16010.6)**  
3

4 **(a)–(c) \* \* \***  
5

6 **(d) Notice of designation hearing**  
7

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

10  
11 (1) The following participants must be noticed:  
12

13 (A) The adoption agency;

14 (B) The current caregiver,

15 (C) The child’s attorney;

16 (D) The child, if the child is 10 years of age or older;

17 (E) The child’s identified Indian tribe if any;

18 (F) The child’s Indian custodian if any; and  
19

20 (G) The child’s CASA program if any.  
21

22  
23 (2) If the request for designation is made at the same time as a request for  
24 hearing on a proposed or emergency removal, notice of the designation  
25 hearing must be provided with notice of the hearing on proposed removal,  
26 as stated in rule 5.727(f).  
27

28  
29 (3) If the request for designation is made before the agency serves notice of a  
30 proposed removal or before an emergency removal occurred, notice must  
31 be as follows:

32 (A) Service of the notice must be either by first-class mail or electronic  
33 service in accordance with section 212.5 sent at least 15 calendar  
34 days before the hearing date to the last known address of the person  
35 to be noticed, or by personal service on the person at least 10  
36 calendar days before the hearing.  
37

38 (B) *Prospective Adoptive Parent Designation Order* (form JV-327) must be  
39 used to provide notice of a hearing on the request for prospective  
40 adoptive parent designation.  
41  
42  
43  
44

- (C) The clerk must provide notice of the hearing to the participants listed in (1) above, if the court, caregiver, or child requested the hearing.
- (D) The child’s attorney must provide notice of the hearing to the participants listed in (1) above, if the child’s attorney requested the hearing.
- (E) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the request for prospective adoptive parent designation.

(e)–(f) \* \* \*

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

**(a) Application of rule**

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

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

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

- (1) The court;
- (2) The current caregiver, if that caregiver either is a designated prospective adoptive parent or, on the date of service of the notice, meets the criteria in section 366.26(n)(1);
- (3) The child’s attorney;
- (4) The child, if the child is 10 years of age or older;
- (5) The child’s identified Indian tribe if any;

- 1  
2 (6) The child's Indian custodian if any; ~~and~~  
3  
4 (7) The child's CASA program if any; and  
5  
6 (8) The child's sibling's attorney, if the change in placement of a dependent  
7 child will result in the separation of siblings currently placed together. Notice  
8 must be made in accordance with section 1010.6 of the Code of Civil  
9 Procedure.

10  
11 **(c) Form of notice**

12  
13 DSS or the agency must provide notice on *Notice of Intent to Remove Child*  
14 (form JV-323). A blank copy of *Objection to Removal* (form JV-325) and  
15 *Request for Prospective Adoptive Parent Designation* (form JV-321) must also  
16 be provided to all participants listed in (b) except the court.  
17

18 **(d) Service of notice**

19  
20 DSS or the agency must serve notice of its intent to remove a child as follows:

- 21  
22 (1) DSS or the agency must serve notice either by first-class mail or by  
23 electronic service in accordance with section 212.5, sent to the last known  
24 address of the person to be noticed, or by personal service.  
25  
26 (2) If service is by first-class mail, service is completed and time to respond  
27 is extended by five calendar days.  
28  
29 (3) If service is made through electronic means, service is completed and  
30 time to respond is extended in accordance with section 1010.6 of the  
31 Code of Civil Procedure.  
32  
33 ~~(3)~~ (4) Notice to the child's identified Indian tribe and Indian custodian must  
34 comply with the requirements of section 224.2.  
35  
36 ~~(4)~~ (5) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed  
37 with the court before the hearing on the proposed removal.  
38

39 **(e) Objection to proposed removal**

40  
41 Each participant who receives notice under (b) may object to the proposed  
42 removal of the child and may request a hearing.  
43

- 44 (1) A request for hearing on the proposed removal must be made on *Objection*

1           to Removal (form JV-325).

- 2
- 3           (2) A request for hearing on the proposed removal must be made within five
- 4           court or seven calendar days from the date of notification, whichever is
- 5           longer. If service of the notification is by mail, time to request a hearing is
- 6           extended by five calendar days. If service of the notification is by
- 7           electronic means, time to request a hearing is extended in accordance
- 8           with section 1010.6 of the Code of Civil Procedure.
- 9
- 10          (3) The court must set a hearing as follows:
- 11
- 12           (A) The hearing must be set as soon as possible and not later than five court
- 13           days after the objection is filed with the court.
- 14
- 15           (B) If the court for good cause is unable to set the matter for hearing five
- 16           court days after the petition is filed, the court must set the matter for
- 17           hearing as soon as possible.
- 18
- 19           (C) The matter may be set for hearing more than five court days after the
- 20           objection is filed if this delay is necessary to allow participation by the
- 21           child's identified Indian tribe or the child's Indian custodian.

22

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

24

25       After the court has ordered a hearing on a proposed removal, notice of the

26       hearing must be as follows:

27

- 28       (1) The clerk must provide notice of the hearing to the agency and the
- 29       participants listed in (b) above, if the court, caregiver, or child requested the
- 30       hearing.
- 31
- 32       (2) The child's attorney must provide notice of the hearing to the agency and
- 33       the participants listed in (b) above, if the child's attorney requested the
- 34       hearing.
- 35
- 36       (3) Notice must be by personal service or by telephone. Notice by personal
- 37       service must include a copy of the completed forms *Notice of Intent to*
- 38       *Remove Child* (form JV-323) and *Objection to Removal* (form JV-325).
- 39       Telephone notice must include the reasons for and against the removal,
- 40       as indicated on forms JV-323 and JV-325.
- 41
- 42       (4) *Proof of Notice Under 366.26(n)* (form JV-326) must be filed with the court
- 43       before the hearing on the proposed removal.
- 44



1 (g)–(i) \* \* \*

2  
3 **Rule 5.728. Emergency removal (§ 366.26(n))**

4  
5 **(a) Application of rule**

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

15  
16 **(b) Participants to be noticed**

17  
18 After removing a child from the home of a prospective adoptive parent, or from  
19 the home of a caregiver who may meet the criteria of a prospective adoptive parent  
20 in section 366.26(n)(1), because of risk of physical or emotional harm, the agency  
21 must notify the following participants of the emergency removal:

- 22  
23 (1) The court;
- 24  
25 (2) The caregiver, who is a prospective adoptive parent or who, on the date of  
26 service of the notice, may meet the criteria in section 366.26(n)(1);
- 27  
28 (3) The child’s attorney;
- 29  
30 (4) The child if the child is 10 years of age or older;
- 31  
32 (5) The child’s identified Indian tribe if any;
- 33  
34 (6) The child’s Indian custodian if any; ~~and~~
- 35  
36 (7) The child’s CASA program if any; and
- 37  
38 (8) The child’s sibling’s attorney, if the change in placement of a dependent child  
39 will result in the separation of siblings currently placed together. Notice must  
40 be made in accordance with section 1010.6 of the Code of Civil Procedure.

41  
42 **(c) Form and service of notice**

43  
44 *Notice of Emergency Removal* (form JV-324) must be used to provide notice of an  
45 emergency removal, as described below.

- 1  
2 (1) The agency must provide notice of the emergency removal as soon  
3 as possible but no later than two court days after the removal.  
4  
5 (2) Notice must be either by telephone or by personal service of the form.  
6  
7 (3) Telephone notice must include the reasons for removal as indicated on  
8 the form, and notice of the right to object to the removal.  
9  
10 (4) Whenever possible, the agency, at the time of the removal, must give a  
11 blank copy of *Request for Prospective Adoptive Parent Designation* (form  
12 JV-321) and a blank copy of *Objection to Removal* (form JV-325) to the  
13 caregiver and, if the child is 10 years of age or older, to the child.  
14  
15 (5) Notice to the court must be served by filing *Notice of Emergency Removal*  
16 (form JV-324) and *Proof of Notice Under 366.26(n)* (form JV-326) with the  
17 court.  
18  
19 (6) *Proof of Notice* (form JV-326) must be filed with the court before the  
20 hearing on the proposed removal.  
21

22 **(d) Objection to emergency removal**

23  
24 Each participant who receives notice under (b) may object to the removal of  
25 the child and may request a hearing.  
26

- 27 (1) A request for hearing on the emergency removal must be made on  
28 *Objection to Removal* (form JV-325).  
29  
30 (2) The court must set a hearing as follows:  
31  
32 (A) The hearing must be set as soon as possible and not later than five court  
33 days after the petition objecting to removal is filed with the court.  
34  
35 (B) If the court for good cause cannot set the matter for hearing within five  
36 court days after the petition objecting to removal is filed, the court must  
37 set the matter for hearing as soon as possible.  
38  
39 (C) The matter may be set for hearing more than five court days after the  
40 petition objecting to removal is filed if this delay is necessary to allow  
41 participation by the child's identified Indian tribe or the child's Indian  
42 custodian.  
43

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

1  
2 After the court has ordered a hearing on an emergency removal, notice of  
3 the hearing must be as follows:

- 4  
5 (1) The clerk must provide notice of the hearing to the agency and the  
6 participants listed in (b) above, if the court, caregiver, or child requested the  
7 hearing.  
8  
9 (2) The child's attorney must provide notice of the hearing to the agency and  
10 the participants listed in (b) above, if the child's attorney requested the  
11 hearing.  
12  
13 (3) Notice must be by personal service or by telephone. Notice by personal  
14 service must include a copy of the completed *Notice of Emergency Removal*  
15 (form JV-324). Telephone notice must include the reasons for and against  
16 the removal, as indicated on forms JV-324 and JV-325.  
17  
18 (4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing  
19 on the emergency removal.  
20

21 **(f)–(g)** \* \* \*

22  
23 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**  
24 **(§§ 224.1(b), 303, 388(e), 388.1)**

25  
26 **(a)–(c)** \* \* \*

27  
28 **(d) Determination of prima facie showing**

- 29  
30 (1) Within three court days of the filing of form JV-466 with the clerk of the  
31 juvenile court of general jurisdiction, a juvenile court judicial officer  
32 must review the form JV-466 and determine whether a prima facie  
33 showing has been made that the nonminor meets all of the criteria set  
34 forth below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or  
35 (d)(3).

36  
37 *(A) — ~~The nonminor was previously under juvenile court jurisdiction subject~~*  
38 *to an order for foster care placement on the date he or she attained 18*  
39 *years of age, or the nonminor is eligible to seek assumption of*  
40 *dependency jurisdiction pursuant to the provisions of subdivision (c) of*  
41 *section 388.1; The nonminor is eligible to seek assumption of*  
42 *dependency jurisdiction under the provisions of subdivision (c) of*  
43 *section 388.1, or the nonminor was previously under juvenile court*  
44 *jurisdiction subject to an order for foster care placement on the date*

1 he or she attained 18 years of age, including a nonminor whose  
2 adjudication was vacated under Penal Code section 236.14.<sup>1</sup>  
3

- 4 (B) The nonminor has not attained 21 years of age;  
5  
6 (C) The nonminor wants assistance to maintain or secure an appropriate,  
7 supervised placement or is in need of immediate placement and agrees  
8 to a supervised placement under a voluntary reentry agreement; and  
9  
10 (D) The nonminor intends to satisfy at least one of the eligibility criteria in  
11 section 11403(b).  
12

- 13 (2) If the court determines that a prima facie showing has not been made, the  
14 court must enter a written order denying the request, listing the issues  
15 that resulted in the denial and informing the nonminor that a new form  
16 JV-466 may be filed when those issues are resolved.  
17

- 18 (A) The court clerk must serve on the nonminor:  
19  
20 (i) A copy of the written order;  
21  
22 (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction*  
23 *and Foster Care* (form JV-466) and *Confidential Information—*  
24 *Request to Return to Juvenile Court Jurisdiction and Foster Care*  
25 (form JV-468);  
26  
27 (iii) A copy of *How to Ask to Return to Juvenile Court Jurisdiction and*  
28 *Foster Care* (form JV-464-INFO); and  
29  
30 (iv) The names and contact information for those attorneys approved  
31 by the court to represent children in juvenile court proceedings  
32 who have agreed to provide a consultation to any nonminor whose  
33 request was denied due to the failure to make a prima facie  
34 showing.  
35  
36 (B) The court clerk must serve on the placing agency a copy of the  
37 written order.  
38  
39 (C) Service must be by personal service, ~~or by~~ by first-class mail, or by  
40 electronic service in accordance with section 212.5 within two court  
41 days of the issuance of the order.  
42

---

<sup>1</sup> On September 21, 2018 the Judicial Council approved this amendment through a rule proposal titled, Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility. This change will go into effect on January 1, 2019.

1 (D) A proof of service must be filed.

2  
3 (3) If the judicial officer determines that a prima facie showing has been  
4 made, the judicial officer must issue a written order:

5  
6 (A) Directing the court clerk to set the matter for a hearing, and

7  
8 (B) Appointing an attorney to represent the nonminor solely for the hearing  
9 on the request.

10  
11 (e)–(f) \* \* \*

12  
13 (g) **Notice of hearing**

14  
15 (1) The juvenile court clerk must serve notice as soon as possible, but no  
16 later than five court days before the date the hearing is set, as follows:

17  
18 (A) The notice of the date, time, place, and purpose of the hearing and a  
19 copy of the form JV-466 must be served on the nonminor, the  
20 nonminor’s attorney, the child welfare services agency, the probation  
21 department, or the Indian tribal agency that was supervising the  
22 nonminor when the juvenile court terminated its delinquency,  
23 dependency, or transition jurisdiction over the nonminor, and the  
24 attorney for the child welfare services agency, the probation  
25 department, or the Indian tribe. Notice must not be served on the  
26 prosecuting attorney if delinquency jurisdiction has been dismissed,  
27 and the nonminor’s petition is for the court to assume or resume  
28 transition jurisdiction under Welfare and Institutions Code section  
29 450.<sup>2</sup>

30  
31 (B) The notice of the date, time, place, and purpose of the hearing must be  
32 served on the nonminor’s parents only if the nonminor included in the  
33 form JV-466 a request that notice be provided to his or her parents.

34  
35 (C) The notice of the date, time, place, and purpose of the hearing must be  
36 served on the nonminor’s tribal representative if the nonminor is an  
37 Indian child and indicated on the form JV-466 his or her choice to have  
38 the Indian Child Welfare Act apply to him or her as a nonminor  
39 dependent.  
40

---

<sup>2</sup> On September 21, 2018 the Judicial Council approved this amendment through a rule proposal titled, Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility. This change will go into effect on January 1, 2019.

1 (D) The notice of the date, time, place, and purpose of the hearing must be  
2 served on the local CASA office if the nonminor had a CASA and  
3 included on the form JV-466 a request that notice be provided to his or  
4 her former CASA.

5  
6 (2) The written notice served on the nonminor dependent must include:

7  
8 (A) A statement that the nonminor may appear for the hearing by  
9 telephone; and

10  
11 (B) Instructions regarding the local juvenile court procedures for arranging  
12 to appear and appearing at the hearing by telephone.

13  
14 (3) Service of the notice must be by personal service, ~~or~~ by first-class mail,  
15 or by electronic service in accordance with section 212.5.

16  
17 (4) Proof of service of notice must be filed by the juvenile court clerk at least  
18 two court days prior to the hearing.

19  
20 (h) \* \* \*

21  
22 (i) **Findings and orders**

23  
24 The court must read and consider, and state on the record that it has read and  
25 considered, the report; the supporting documentation submitted by the social worker,  
26 probation officer, or tribal ~~case worker~~ caseworker; the evidence submitted by the  
27 nonminor; and any other evidence. The following judicial findings and orders must be  
28 made and included in the written court documentation of the hearing.

29  
30 (1)–(2) \* \* \*

31  
32 (3) *Findings and orders: service.*

33  
34 (A) The written findings and order must be served by the juvenile court  
35 clerk on all persons provided with notice of the hearing under  
36 (g)(1).

37  
38 (B) Service must be by personal service, ~~or~~ by first-class mail, or by  
39 electronic service in accordance with section 212.5.

40  
41 (C) A proof of service must be filed.  
42

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

*Clerk stamps date here when form is filed.*

**DRAFT  
Not Approved by  
the Judicial Council**

Use this form to tell the court and other parties in the case that you:

- **Agree to receive** notices and documents in your case electronically and give the court an electronic service address;
- **Want to change** your electronic service or e-mail address; or
- **Do not want to receive** notices and documents in your case electronically any more.

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

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

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

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

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

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

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

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

\_\_\_\_\_  
*Signature*

**If you are a child age 16 or 17 and you want to receive notices and documents in this case electronically, your lawyer must consult with you and provide you with information before you make your decision.**

Click here to confirm that you received a consultation and information from your attorney about electronic service.

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

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

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

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



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

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

This document must be served on the other parties. If the party has consented to electronic service, this form may be served electronically. Otherwise, mail service is required. If you need to serve additional parties, use the JV-510, *Proof of Service–Juvenile*.

**PROOF OF SERVICE**

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

1. I am at least 18 years old.  I served this form on behalf of a minor.

2. I am a resident of, or employed in the county where the service occurred. If service was made by mail, I am not a party to the matter, and the document was placed in a sealed envelope and deposited in the mail with postage prepaid.

My residence or business address is: \_\_\_\_\_

My electronic service address is: \_\_\_\_\_

3. I served a copy of *Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)* as follows:

**Name of person served:**

On behalf of (*name of party, if person served is attorney*): \_\_\_\_\_

Mailing or electronic service address: \_\_\_\_\_

Date of service: \_\_\_\_\_

Method of service: \_\_\_\_\_

**Name of person served:**

On behalf of (*name of party, if person served is attorney*): \_\_\_\_\_

Mailing or electronic service address: \_\_\_\_\_

Date of service: \_\_\_\_\_

Method of service: \_\_\_\_\_

**Name of person served:**

On behalf of (*name of party, if person served is attorney*): \_\_\_\_\_

Mailing or electronic service address: \_\_\_\_\_

Date of service: \_\_\_\_\_

Method of service: \_\_\_\_\_

**Name of person served:**

On behalf of (*name of party, if person served is attorney*): \_\_\_\_\_

Mailing or electronic service address: \_\_\_\_\_

Date of service: \_\_\_\_\_

Method of service: \_\_\_\_\_

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 of declarant*

  
\_\_\_\_\_  
*Signature of declarant*

**If your court and social services agency offer electronic service:**

- You can (but do not have to) **agree to receive** notices and documents electronically (electronic service). If you want to receive notices and documents electronically, fill out and sign this form, the EFS-005-JV/JV-141, and file it with the court. You may also use this form to **change** your electronic service address or tell the court and other parties that you **no longer want to receive** notices and documents electronically.
- You must file this form with the court and have it served on the other parties and their attorneys of record. The parties include the social services agency, the child, parents, guardians, and Court Appointed Special Advocates. The judge may require you to serve more parties.
- If you are under 18 years old, you can ask your attorney or another person who is older than 18 to serve the form for you. If you need to serve additional parties, use form JV-510, *Proof of Service–Juvenile*.
- The e-mail or electronic service address you provide will be used to serve notices and documents electronically in your case unless and until you tell the court that you have changed your e-mail or electronic service address or that you no longer want to receive electronic service of notices and documents.
- Electronic service of psychological and medical documentation related to a minor is not permitted, other than the summary required pursuant to section 16010 when included as a part of a required report to the court.
- **If a social worker will recommend terminating parental rights over a child** at the hearing, you will still receive the hearing notice by mail or in person. You will also receive the hearing notice electronically.



# JV-217-INFO Guide to Psychotropic Medication Forms

Use these Judicial Council forms to ask for an order to give (or to continue giving) psychotropic medication to a child who is a ward or a dependent of the juvenile court and living in an out-of-home placement or in foster care, as defined in Welfare and Institutions Code section 727.4. Local forms may be used to provide additional information to the court.

*Exception:* These forms are **not** required in these situations:

- If the child lives in an out-of-home facility **not** considered foster care, as defined by section 727.4, unless a local court rule requires it; or
- If there is a previous court order that gives the child’s parent(s) or guardian(s) the authority to approve or refuse the medication.

Required Forms	Optional Forms
JV-220 <i>Application for Psychotropic Medication</i>	The parent, guardian, child, caregiver, CASA, or Indian tribe wanting to give input to the court may use one of these forms:
JV-220(A) <i>Physician’s Statement—Attachment</i>	
JV-220(B) <i>Physician’s Request to Continue Medication—Attachment</i>	JV-218 <i>Child’s Opinion About the Medicine</i>
JV-221 <i>Proof of Notice of Application</i>	JV-219 <i>Statement About Medicine Prescribed</i>
JV-223 <i>Order on Application for Psychotropic Medication</i>	A person who opposes the proposed medication or who wants to give the court more information may fill out this form:
JV-224 <i>County Report on Psychotropic Medication</i>	JV-222 <i>Input on Application for Psychotropic Medication</i>

## Required Forms

### ① Form JV-220, Application for Psychotropic Medication

This *Application* gives the court basic information about the child and his/her living situation. It also provides contact information for the child’s social worker or probation officer.

This form is usually completed by the social worker or probation officer, but is sometimes completed by the prescribing physician or his/her staff, or the child’s caregiver.

Whoever completes the form must identify him/herself by name and by signing the form. If the prescribing physician completes this form, s/he must also complete and sign form JV-220(A) or form JV-220(B). (*See below.*)

### ② Form JV-220(A), Physician’s Statement—Attachment

This form must be used to ask the court for a *new* order. It can also be used to request to continue medication. The prescribing doctor fills out this form then gives it to the person who files the *Application* (form JV-220).

This form provides a record of the child’s medical history, diagnosis, previous treatments, and information about the child’s previous experience with psychotropic medications. The doctor will list his/her reasons for recommending the psychotropic medications.

**Emergencies:** A child may **not** receive psychotropic medication without a court order except in an emergency. A doctor may administer the medication on an emergency basis. For a case to qualify as an emergency, the doctor

must find that the child’s mental condition requires immediate medication to protect him/her or others from serious harm or significant suffering, and that waiting for the court’s authorization would put the child or others at risk. After a doctor administers emergency medication, s/he has two days at most to ask for the court’s authorization.

### ③ Form JV-220(B), Physician’s Request to Continue Medication—Attachment

This is a shorter version of form JV-220(A). It may be used only by the same doctor who filled out the most recent form JV-220(A) if s/he is prescribing the same medication with the same maximum dosage. The prescribing doctor fills out this form then gives it to the person who is filing the *Application* (form JV-220).

### ④ Form JV-221, Proof of Notice of Application

This form shows the court that all parties with a right to receive notice were served a copy of the *Application* and attachments, according to rule 5.640 of California Rules of Court.

The person(s) in charge of notice must fill out and sign this form. A separate signature line is provided on each page of the form to accommodate those courts in which the provision of notice is shared between agencies. This occurs when local practices or local court rules require the child welfare services agency to provide notice to the parent or legal guardian and the caregiver, and the juvenile court clerk’s office to provide notice to the attorneys and CASA



volunteer. If one agency does all the required noticing, only one signature is required on page 3 of the form. The person(s) in charge of service should use the fastest method of service available so that people can be served on time. Electronic service of these forms is not permitted. (Welf. & Inst. Code, § 212.5)

**⑤ Form JV-223, Order on Application for Psychotropic Medication**

This form lists the court's findings and orders about the child's psychotropic medications. The agency or person who filed the *Application* must provide the child's caregiver a copy of the court order approving or denying the *Application*.

The copy of the order must be provided (in person or by mail) within two days of when the order is made.

If the court approves the *Application*, the copy of the order must include the last two pages of form JV-220(A) or JV-220(B), and all of the medication information sheets (medication monographs) that were attached to form JV-220(A) or JV-220(B).

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

**⑥ Form JV-224, County Report on Psychotropic Medication**

The social worker or probation officer must complete and file this form before each progress review. It has information that the court must review, including the caregiver's and child's observations about the medicine's effectiveness and side effects, information on medication management appointments and other follow-up appointments with medical practitioners, and information on the delivery of other mental health treatments.

This form must be filed at least 10 calendar days before the progress review hearing. If the progress review is scheduled for the same time as a status review hearing, the form must be attached to and filed with the court report.

### Optional Forms

**⑦ Form JV-218, Child's Opinion About the Medicine**

The child may use this form to tell the judge about him/herself and his/her opinion about the medicine.

The child may ask someone s/he trusts for help with the form.

The child may also tell the judge how s/he feels in person at the hearing, by letter, or through his social worker, probation officer, lawyer, or CASA.

**⑧ Form JV-219, Statement About Medicine Prescribed**

The parent, guardian, caregiver, CASA, or Indian tribe may use this form to tell the court how they feel about the *Application*, and the effectiveness and side effects of the medicine.

This form must be filed within four court days of receipt of the notice of an *Application*, or before any status review hearing or medication progress review hearing.

This form is not the only way for the parent, guardian, caregiver, CASA, or tribe to provide information to the court. They can also provide input on the medication by letter; by talking to the judge at the court hearing; or through the social worker, probation officer, attorney of record, or CASA. A CASA can also file a report under local rule.

**⑨ Form JV-222, Input on Application for Psychotropic Medication**

This form may be used when the parent or guardian, attorney of record for a parent or guardian, child, child's attorney, child's CAPTA guardian ad litem, or Indian child's tribe does not agree that the child should take the recommended psychotropic medication. This form may also be used to provide input to the court.

Within four court days of service of notice of the pending application regarding psychotropic medication, the parent or guardian, his or her attorney, the child, the child's attorney, the child's CAPTA guardian ad litem, or the Indian child's tribe that disagrees must complete, sign, and file form JV-222 with the clerk of the juvenile court.

The court will make a decision about the child's psychotropic medication after reading the *Application*, its attachments, and all statements filed on time. The court is not required to set a hearing if a statement opposed to medication is filed.

If the court does set the matter for a hearing, the juvenile court clerk must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys, the child if 12 years of age or older, the child's attorney, the child's current caregiver, the child's social worker, the social worker's attorney, the child's CAPTA guardian ad litem, the child's CASA, if any, and the Indian child's tribe at least two court days before the hearing date. In delinquency matters, the clerk also must provide notice to the child regardless of his or her age, the child's probation officer, and the district attorney.

Clerk stamps date here when form is filed.

**DRAFT  
Not Approved by  
the Judicial Council**

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

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

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

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

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

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

Court fills in case number when form is filed.

**Case Number:**

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

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

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

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



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

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

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

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

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the following address

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

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

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

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

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

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

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

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

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

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

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

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

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

7  The following attorneys were notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with a copy of form JV-217-INFO, *Guide to Psychotropic Medication Forms*, a blank copy of form JV-219, *Statement About Medicine Prescribed*; and a blank copy of form JV-222, *Input on Application for Psychotropic Medication*, or with information on how to obtain a copy of each form as follows:

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

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

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

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

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

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

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

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



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

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

- 7 c. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_  
 Attorney for (name): \_\_\_\_\_  
 Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_  
 By depositing the required information and copies of forms JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

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

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

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Type or print name ▶ Sign your name  Signature follows on page 3.

- 8  The child's CASA volunteer was notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. The CASA volunteer was provided with form JV-217-INFO, *Guide to Psychotropic Medication Forms*; a blank copy of form JV-218, *Child's Opinion About the Medicine*; and a blank copy of form JV-219, *Statement About Medicine Prescribed*, as follows:

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

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

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

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

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

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Type or print name ▶ Sign your name

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

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

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

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

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

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

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

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME)  \_\_\_\_\_  
SIGNATURE

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

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

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

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

(TYPE OR PRINT NAME)

(SIGNATURE)



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

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

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

was given to:

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

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

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

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

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

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

or  Confidential address in court file

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



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

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

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

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

- or  Confidential address in court file
- (5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

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

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

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



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

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

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

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

*or*  Confidential address in court file

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

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

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

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

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

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

(1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_


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

**2** At the time of service I was at least 18 years of age. If service was made in person or by mail, I am not a party to this matter. I am a resident of or employed in the county where the service occurred. My residence or business mailing address, or my electronic service address is (specify): \_\_\_\_\_

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

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

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

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

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

### Notice of designation hearing

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

### Notice of proposed removal hearing

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

### Notice of emergency removal hearing

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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:          <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:	
CASE NAME:	
<b>PROOF OF SERVICE—JUVENILE</b>	CASE NUMBER:

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

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service:                       | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: |
| 2. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: |
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br><br>c. Date of service:<br>d. Method of service: |

CASE NAME:	CASE NUMBER:
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- |  |  |
|--|--|
| <p>5. <input type="checkbox"/> Child (if 10 years of age or older)</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>6. <input type="checkbox"/> Child (if 10 years of age or older)</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>7. <input type="checkbox"/> Child's sibling</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>8. <input type="checkbox"/> CASA volunteer</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>10. <input type="checkbox"/> Tribe/Bureau of Indian Affairs</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>12. <input type="checkbox"/> Indian custodian</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> | <p><input type="checkbox"/> Attorney</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p><input type="checkbox"/> Attorney</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p><input type="checkbox"/> Attorney</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>9. <input type="checkbox"/> Child's caregiver/De facto parent</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>11. <input type="checkbox"/> Grandparent</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> <p>13. <input type="checkbox"/> Other (specify):</p> <p>a. Name:</p> <p>b. Mailing or electronic service address:</p> <p>c. Date of service:</p> <p>d. Method of service:</p> |
|--|--|

Additional persons served are listed on form JV-510(A) *Attachment to Proof of Service—Juvenile (Additional Persons Served)*

14. At the time of service I was at least 18 years of age. If service was made in person or by mail, I am not a party to this matter. I am a resident of or employed in the county where the service occurred. My residence or business mailing address, or my electronic service address is (specify):

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

Date:

(TYPE OR PRINT NAME)	(SIGNATURE)
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CASE NAME: <b>DRAFT-Not Approved by the Judicial Council</b>	CASE NUMBER:
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**ATTACHMENT TO PROOF OF SERVICE—JUVENILE (ADDITIONAL PERSONS SERVED)**

This Attachment is for use with form JV-510, *Proof of Service—Juvenile*.

- |  |  |
|--|--|
| <p>1. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  | <p>2. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  |
| <p>3. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  | <p>4. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  |
| <p>5. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  | <p>6. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  |
| <p>7. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  | <p>8. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  |
| <p>9. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p>  | <p>10. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p> |
| <p>11. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p> | <p>12. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p> |
| <p>13. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p> | <p>14. <input type="checkbox"/> Other (<i>specify</i>):</p> <p style="margin-left: 20px;">a. Name:</p> <p style="margin-left: 20px;">b. Mailing or electronic service address:</p> <p style="margin-left: 20px;">c. Date of service:</p> <p style="margin-left: 20px;">d. Method of service:</p> |

**SPR18-25**

**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Children’s Law Center By Leslie Starr Heimov Executive Director	NI	<p><u>General Questions/Comments:</u></p> <ul style="list-style-type: none"> <li>• Under Rule 5.538, 5.570, 5.590, and 5.695 which require the clerk of the court to transmit notice and documentation - does the juvenile court clerk have the ability to send all of these documents electronically?</li> <li>• Welfare and Institutions Code section 212.5(4) states “Electronic service of psychological and medical documentation related to a minor shall not be permitted, other than the summary required pursuant to Section 16010 when included as part of a required report to the court.” Rule 5.640 which deals with notice and procedure for Psychotropic Medications allows for electronic service for the hearings related to psychotropic medication which although would allow for a more timely response there is a concern that all information contained in reports or notice form for these hearings would not be allowed to be transmitted due to 212.5(4) and it would not be in our client’s privacy interest to have these documents being sent electronically as human error could result in these very sensitive documents getting into the wrong hands.</li> <li>• Rules fail to address if a party may serve another party with documents electronically</li> </ul>	<p>The committee appreciates this question and believes that this will likely be one of the factors for consideration in setting up a local process for electronic filing and service in juvenile law matters.</p> <p>The committee appreciates this comment and to increase clarity, has added this sentence to rule 5.640: “Psychological or medical documentation related to a minor may not be served electronically.”</p> <p>The committee appreciates this comment. The provisions of Welfare &amp; Institutions Code section 212.5 authorize electronic filing and service in</p>



## SPR18-25

**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>with documentation such as a Temporary Restraining Order and if this will count as valid service between the parties.</p> <p><u>Suggestions to Changes in Language:</u></p> <p>Children’s Law Center of California will be using underlining to indicate language added to the proposed changes provided on the “Invitation to Comment SPR18-25” and strikethrough for language we are suggesting being deleted from the proposed language.</p> <p>Children’s Law Center of California would suggest the addition of language to California Rule of Court, Rule 5.523 subsections (b) and (c) as follows (underlining indicates additional language):</p> <p>(b) Consent to electronic service by a child, age 10 to 15</p> <p>Electronic service is permitted on a child who is 10 to 15 years of age only upon express consent of the child and the child’s attorney <u>by completing the appropriate Judicial Council form.</u></p>	<p>juvenile matters by cross-reference to Code of Civil Procedure section 1010.6, and set forth exceptions for the juvenile law context. The basic premise is that any document that can be served by U.S. Mail is eligible for electronic service. Form EFS-005-JV has been modified to more accurately reflect that electronic service can occur between the parties.</p> <p>The committee appreciates this suggestion and has amended the rule accordingly.</p>

**SPR18-25**

**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>(c) Consent to electronic service by a child, age 16 or 17</p> <p>Electronic service is permitted on a child who is 16 or 17 years of age only if the child, after consultation with his or her attorney, expressly consents by <u>completing the appropriate Judicial Council form.</u></p> <p>Children’s Law Center of California would suggest changing the language to California Rule of Court, Rule 5.534 subsection (j):</p> <p>(j) Electronic service address (§ 316.1)</p> <p>At the first appearance by a party or person before the court, each party entitled to notice who consents to electronic service under section 212.5 must provide the court with an electronic service address.</p> <p><del>Each party or person entitled to notice who consents to electronic service under section 212.5 must provide the court with an electronic service address.</del></p> <p>(1) The court must advise the party or person entitled to notice that the electronic service address will be used by the court and the social</p>	<p>The committee appreciates this suggestion and has amended the rule accordingly.</p> <p>The committee appreciates this suggestion and has amended the rule accordingly.</p>

**SPR18-25**

**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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	Commentator	Position	Comment	Committee Response
			<p>services agency for purposes of providing notice under sections 291, 292, 293, 294, 295, 297, and 342, unless and until the party or person notifies the court or the social services agency of a new electronic service address in writing or unless the party or person withdraws consent to electronic service.</p> <p>(2) A party or person entitled to notice may indicate their consent <u>or withdraw their consent to</u> electronic service <u>or change their electronic service address</u> by filing <i>Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)</i> (form EFS-0050JV/JV-141).</p> <p>Children’s Law Center of California would suggest changing the language to California Rule of Court, Rule 5.570 subsection (g)(2):</p> <p>(2) For hearings on all other petitions filed under section 388 or section 778, notice of the hearing must be provided as required under <del>statute</del> <u>section 297 or section 776 and 779</u>, except that notice to parents or</p>	<p>The committee appreciates this suggestion and has amended the rule accordingly.</p> <p>The committee appreciates this suggestion and has amended the rule accordingly.</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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			<p>former guardians of a nonminor must only be provided if the nonminor requests, in writing on the face of the petition, notice to the parents or former guardians, or the parent or legal guardian is receiving court-ordered family reunification services.</p> <p>Children’s Law Center of California would point out that Rule 5.590(b)(2) was modified to remove the language “within one day after the court orders the hearing under Welfare and Institutions Code section 366.26” but Rule 5.695(g)(10)(A) which is the same topic of the court’s duty regarding appellate/writ rights maintains the language of “within 24 hours of the hearing”. Children’s Law Center of California would request changing 5.590(b)(2) to conform with 5.695(g)(10)(A) to read:</p> <p>(2) <u>If the party is not present at the time of making the order</u><del>If a party was not present for the court ordering a hearing pursuant to Welfare and Institutions Code section 366.26 within 24 hours of the hearing,</del> the advisement must be made by the clerk of the court by first-class mail to the last known address of the party or by electronic service in accordance with section 212.5. If</p>	<p>The committee appreciates this suggestion and has amended the rule accordingly.</p>

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			<p>the notice is for a hearing at which the social worker will recommend the termination of parental rights, the notice may be electronically served in accordance with section 212.5, but only in addition to service of the notice by first-class mail.</p> <p>Children’s Law Center of California would change Rule 5.590(b)(4):</p> <p>(4) Copies of <i>Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)</i> (form JV-825) and <i>Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450)</i> (form JV-820) must be available in the courtroom and must accompany all mailed <u>and electronically served</u> notices informing the parties of their rights.</p> <p>Children’s Law Center of California would change Rule 5.700(d) and inquire if the Clerk’s Certificate of Mailing needs to be changed to reflect electronic service as well:</p> <p>(d) Endorsed filed copy – clerk’s certificate of <u>mailing</u> service</p>	<p>The committee appreciates this suggestion and has amended the rule accordingly.</p> <p>The committee appreciates this suggestion and has amended the rule accordingly.</p>

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			<p>Within 15 court days of receiving the order, the clerk of the receiving court must send an endorsed filed copy of the order showing the case number assigned by the receiving court by first-class mail or by electronic means in accordance with section 212.5 to the child's parents and the originating juvenile court, with a completed clerk's certificate of mailing service for inclusion in the child's file.</p> <p><u>Comments to Forms:</u></p> <p><u>EFS-005-JV/JV-141</u>            Under section #1 change the third box to read:  <input type="checkbox"/> I want to stop receiving notices and documents electronically, starting on _____ (date). I am attaching a copy of the Judicial Council form, Notification of Mailing Address (JV-140), with my current mailing address.            Remove the similar sounding section under #3</p>	<p>The committee appreciates this suggestion, but declines to accept it because of the form-drafting rule, which dictates that if there are a series of numbered sections in a plain language document, the user should have to answer or mark something in each section.</p>

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			<p>Under section #2 add “Biological” parent</p> <p>Include on the second page of the form:</p> <ul style="list-style-type: none"> <li>Electronic service of psychological and medical documentation related to a minor shall not be permitted, other than the summary required pursuant to Section 16010 when included as part of a required report to the court.</li> </ul> <p><u>JV-282</u> #10 change “mailing” to “service”</p> <p><u>JV-310</u> #3 change “mailing” to “service”</p> <p><u>JV-510</u> #16 change “mailing” to “service”</p>	<p>The committee appreciates this concern and has added categories that describe legal types of parents to the EFS-005-JV.</p> <p>The committee appreciates this suggestion and has amended the form accordingly.</p> <p>The committee appreciates this suggestion, but because making this change to the wording of the proof of service would make the language out of compliance with notice by mail statutory provisions, the committee declines to accept these suggestions.</p>
2.	Inland Juvenile Panel Attorneys By Stacey Wolcott Managing Attorney	NI	<p>Issues with confidentiality – Juvenile dependency matters are confidential in nature. Utilization of electronic filing and service in juvenile matters will definitely pose a risk to the confidentiality.</p> <p>Issues of ensuring notice was sent and received – There is no mechanism to ensure electronic service has actually been accomplished. There</p>	<p>This concern was acknowledged during the drafting of legislative language. Therefore, Welfare &amp; Institutions Code section 212.5 requires electronic filing and service to be “conducted in a manner that preserves and ensures the confidentiality of records by encryption.”</p> <p>The committee appreciates this concern. Any requirement to ensure that service has been effectuated would apply equally whether service</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			are also issues of undeliverability, if electronic notice is sent but a message is received back that indicates the email was undeliverable.	is made electronically or by mail. However, pursuant to Code of Civil Procedure section 1010.6(a)(2)(B), “If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.” In crafting the legislation, the Committee envisioned that the mechanisms for electronic service would be implemented on a local basis, upon agreement by both the county and court, and in accordance with the local court’s Case Management System and existing methods of electronic communication. The issue of undeliverability of electronic communications will likely be an important consideration in developing local standards for electronic filing and service.
3.	Office of the County Counsel, County of Los Angeles By Alyssa Skolnick Principal Deputy County Counsel	NI	We believe there should be a rule defining the date and time for valid service. For example, if a document is due to be filed 10 days prior to the hearing, what time of day is the cutoff to consider the electronic filing valid.	Code of Civil Procedure section 1010.6(a)(5) states: “Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.”  The statutory language inserted in the Welfare & Institutions Code incorporates by reference section 1010.6 of the Code of Civil Procedure, with the exceptions set forth in section 212.5 of the Welfare & Institutions Code.
4.	Superior Court of California, County of Orange Juvenile Court and Family Law	NI	<b>Does the proposal appropriately address the stated purpose?</b> <i>Yes</i>	No response required.



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Commentator	Position	Comment	Committee Response
<p>Divisions By Cynthia Beltran, Administrative Assistant</p>		<p><b>Is the proposed language in rule 5.570 sufficient to encompass the variety in local practice of notice requirements for petitions filed pursuant to section 388 and 778?</b> <i>Yes, but our case management system does not have functionality to send notices on specific hearings types. Staff would have to manually review cases and send notices. This would create a substantial increase in workload.</i></p> <p><b>Is the proposed rule containing specific points for consideration-when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service-sufficient to ensure that the minor is making an informed decision?</b> <i>Yes</i></p> <p><b>How should the requirements express consent to electronic service be effectuated? Should the use of form EFS-005-JV/JV-141 (as proposed to be amended be mandatory to provide express consent? Should the express consent be written?</b> <i>Yes, however, it is recommended the form ES-005-JV/JV-141 be modified to include an acknowledgement or verification that the consultation was performed.</i></p> <p><b>Would the proposal provide cost savings?</b></p>	<p>The committee appreciates this concern. The decision as to whether and how to allow for electronic filing and service is left to the local court in collaboration with their local agencies that provide notice in juvenile matters.</p> <p>No response required.</p> <p>The committee appreciates this feedback and has added an acknowledgement of the required consultation for minors on the EFS-005-JV.</p>

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			<p><i>Cost savings will be achieved if the case management system can be programmed to send the notices electronically without user intervention. If a user needs to annually evaluate service type to determine if notice will be mailed, emailed or both, then there would seemingly be no savings.</i></p> <p><i>Also, regarding the requirement to send notice by first class mail if a child or non-minor is in custody will be difficult to manage as this requires research. A person may not be in custody on the case in which notice is being provided. This occurs when a youth, who is now an adult is still under juvenile court jurisdiction or in custody on a case filed in the criminal jurisdiction.</i></p> <p><b>What would the implementation requirements be for courts?</b>  <i>Enhancements would be needed to our case management system in order to reap full benefits, including cost savings of electronic service. Justice partner notification and collaboration would be needed. Analysis of all WIC codes, rules and forms would be required to perform necessary training and procedure updates. This is a large scale project and would involve the following people to participate: judge (keep informed and provide consultation), legal research attorney or court analyst (provide research and consultation), project</i></p>	<p>The committee appreciates this perspective.</p> <p>The committee appreciates this concern but believes that the due diligence necessary to effectuate notice on a child or nonminor dependent will be important regardless of the type of service required.</p> <p>The committee appreciates this feedback and frank assessment of the work required to develop a process for electronic filing and service.</p>

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			<p><i>manager both from operations and court technology, supervisors, staff and trainers. In Orange County, this requires consultation and collaboration with our justice partners and our case management system (CMS) vendor (Tyler Technologies).</i></p> <p><b>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p><i>It depends if a court is already using eservice as an option. For Orange County, because we are not currently serving notices electronically, nor does this mandate us to, the proposed two-month time frame does not impact us.</i></p> <p><b>How well would this proposal work in courts of different sizes?</b></p> <p><i>Success and ease is dependent upon the sophistication and intelligence of the court's CMS. If a large size court does not have a CMS that can automate this process, noticing will consume much more time and potentially require additional resources to manage.</i></p> <p><b>Other Comments</b></p> <p><i>Our case management system does not have functionality to make an email address confidential.</i></p>	<p>No response required.</p> <p>No response required.</p> <p>The committee appreciates this information and has removed the checkbox allowing a form filer to indicate that they would like to keep their email address confidential.</p>

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			<i>The rule does not specify what actions a court or justice partner should take when an email address is invalid or when the email is returned undeliverable.</i>	The committee appreciates this concern and believes that this will likely be one of the factors for consideration in setting up a process for electronic filing and service in juvenile law matters.
5.	Orange County Bar Association By Nikki P. Miliband, President	AM	<p>The proposal appropriately addresses the implementation of electronic filing in juvenile court matters.</p> <p>The JV-326 should also list counsel for the caregiver (if the caregiver has counsel) as a person to be served.</p> <p>In proposed Rule 5.570, rather than referring to Rule 5.555(b)(3), state: “Notice of the hearing must be given as required by section 295.” This will eliminate one cross-reference.</p> <p>In proposed Rule 5.523, EFS-005-JV/JV-141 should be used for consent to be effectuated and express consent should be in writing. The form should require a minor to attest that they spoke with their counsel and are making an informed decision regarding accepting electronic service.</p>	<p>No response required.</p> <p>Because counsel for the caregiver is not listed in section 366.26 of the Welfare &amp; Institutions Code as a person entitled to notice, nor is counsel for the caregiver listed in California Rules of Court, rules 5.726, 5.727 or 5.728, it would be beyond the scope of this rule proposal to add counsel for the caregiver to this form.</p> <p>The committee agrees and accepts this change.</p> <p>The committee agrees and has added an attestation in the signature block, allowing a minor to indicate that they had the required consultation with their attorney.</p>
6.	Superior Court of California, County of Riverside By Susan D. Ryan	NI	Although we generally agree with the proposal, we remain concerned that it is far more likely that confidential information could be	The committee appreciates this concern, which was acknowledged during the drafting of legislative language. Therefore, Welfare &

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	Chief Deputy of Legal Services		<p>compromised because forwarding and printing emailed notices is much easier than it would be for snail-mailed copies.</p> <p><b>Does the proposal appropriately address the stated purpose?</b> For the purpose of instituting AB 976, yes.</p> <p><b>Are there other CA Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?</b> Not that we are aware of.</p> <p><b>Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?</b> Not that we are aware of.</p> <p><b>Is the proposed language in rule 5.570 sufficient to encompass the variety in local practice of notice requirements for petitions filed pursuant to sections 388 and 778?</b> Yes.</p> <p><b>Is the proposed rule containing specific points for consideration-when an attorney for a minor age 16 or 17 counsels that minor regarding the provision to consent to electronic service-sufficient to ensure that the minor is making an informed decision?</b></p>	<p>Institutions Code section 212.5 requires electronic filing and service to be “conducted in a manner that preserves and ensures the confidentiality of records by encryption.”</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>Rule 5.523 (d) seems sufficient. Perhaps it could also contain information about why the minor may want to keep these email notifications confidential and how they could potentially be harmed if these emails were compromised.</p> <p><b>How should the requirement of express consent to electronic service be effectuated? Should the use of form EFS-005-JV/JV-141 (as proposed to be amended) be mandatory to provide express consent? Should the express consent be written?</b>                      Yes, EFS-005-JV/JV-141 should be mandatory and it should be written. EFS-005/JV-141 seems sufficient.</p> <p><b>Would the proposal provide cost savings?</b>                      Yes. At this point potential savings is difficult to quantify, however, there will be costs savings in supplies, i.e. paper, toner, envelopes and postage, if a court decides to adopt all of these provisions and forms. We note that Welfare &amp; Institutions Code § 212.5(a) states that electronic service is authorized only if the county and court permit electronic service.</p> <p><b>What would the implementation requirements be for courts?</b>                      The electronic service component would require a considerable change for juvenile court and would affect numerous policies and procedures.</p>	<p>The committee appreciates this suggestion and has incorporated additional language into the rule to facilitate a conversation between minor and attorney about the importance of confidentiality.</p> <p>The committee appreciates this feedback.</p> <p>The committee appreciates this analysis.</p> <p>The committee appreciates this detailed description of necessary steps for courts and county agencies to be able to offer electronic</p>

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			<p>Clerk’s office and courtroom staff would need to be trained on what types of hearings and which parties can be noticed electronically. Procedures would need to be created for filing the JV-141 form and processing any electronic notices. Codes would need to be created in the case management system for processing the documents and recording service.</p> <p><b>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p>No. This will be a complete change to the way that we do business and would take considerable time to implement. Implementation could take up to one year if the court decides to adopt local rules to allow for electronic notice. We note that Welfare &amp; Institutions Code § 212.5(a) states that electronic service is authorized only if the county and court permit electronic service.</p> <p><b>How well would this proposal work in courts of different sizes?</b></p> <p>The same updates to procedures, codes and training would likely need to occur in any size court. The proposals should work for courts of any size and all would likely take considerable time to implement.</p>	<p>filing and service in juvenile matters.</p> <p>The timeframe in question relates to the implementation of rules to conform with Assembly Bill 976 and would only apply to those courts that already have an electronic filing and service process in place. There is not an expectation or any requirement that courts and agencies that opt to begin offering electronic filing and service would need to develop their local processes within two months.</p> <p>The committee appreciates this feedback.</p>
7.	Superior Court of California, County	NI	<i>(Comment appears verbatim, but has been</i>	

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	of San Bernardino		<p><i>organized into numbered sections to facilitate the committee response)</i></p> <ol style="list-style-type: none"> <li>1. In certain counties, the Department of Children &amp; Families Services provides “Notice” to all parties, and this is especially important when the minors or the parties are in confidential placement or homes. i.e. battered women or men shelters. The court does not have access to the confidential placement to provide notice. Due to the demographics in some counties, not all parties have mailing addresses nor the ability to receive reports or notices electronically.</li> <li>2. When providing “reports” to the parents or minors, attachments to the reports may not provided as they contain confidential information such as, drug testing results, confidential placement or schools that the children are attending if there is a domestic violence issue, etc. The attorneys review the attachments and determine if the party should receive those attachments.</li> <li>3. In addition, some counties have reports that contain information on all minors in one report, this would require CFS to modify their system to change the entire report process to ensure that the minor that is the</li> </ol>	<ol style="list-style-type: none"> <li>1. The committee appreciates this information.</li> <li>2. The committee appreciates this information.</li> <li>3. The legislation and corresponding rule authorize electronic filing and service, in those counties that opt into electronic filing and service. The proposal does not alter or expand the types of documents that are required to be served in a dependency case or the mandated recipients of</li> </ol>



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			<p>subject of the report only receives their information.</p> <p>4. This would require the court develop a website to allow encryption of reports, notices and orders after hearing using an encrypted website.</p> <p>5. A “do not reply” email account will need to be created, in addition to the new case management system having the ability to comply.</p> <p>6. Will a disclosure that the records were not obtained via WIC 827 be added to the documents?</p> <p>7. Will the court need to print any receipt that the email was delivered at the email address provided?</p> <p>8. What is the courts responsibility for</p>	<p>service.</p> <p>4. Welfare &amp; Institutions Code section 212.5(g) states: “Electronic service and electronic filing shall be conducted in a manner that preserves and ensures the confidentiality of records by encryption.” If the court and the county agency both agree to provide electronic filing and service in juvenile matters, they would be required to develop a process by which encryption is used to preserve the confidentiality of records.</p> <p>5. The committee appreciates this information and believes that this will likely be one of the factors for consideration in setting up a process for electronic filing and service in juvenile law matters.</p> <p>6. To the extent that records served by mail must currently carry such a statement, documents served electronically would be subject to the same requirements.</p> <p>7. The committee appreciates this question and believes that this will likely be one of the factors for consideration in setting up a process for electronic filing and service in juvenile law matters.</p> <p>8. The committee appreciates this concern and</p>

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			<p>determining the correct email address when it receives an email that the notice was rejected?</p> <p>9. Would minor’s counsel be the party to file the Request for Electronic Service? Or would the court be required to verify that the signature of the attorney on the document is valid?</p> <p>10. How will this affect the parties that are detained and/or in custody? What if the parent is not in custody, then becomes in custody? How will they be able to send the court notice to change their preference?</p> <p>11. We often receive correspondence from alleged/presumed fathers asking for counsel appointed or to appear at any stage of the proceeding, will they also be provided notice electronically?</p>	<p>believes that this will likely be one of the factors for consideration in setting up a process for electronic filing and service in juvenile law matters.</p> <p>9. Pursuant to Welfare &amp; Institutions Code section 212.5(c): “Consent, or the withdrawal of consent, to receive electronic service may be completed by a party or other person entitled to service, or that person’s attorney.” There are no restrictions on who may file the consent form. Whether the court is required to verify a signature will depend on local processes in that regard.</p> <p>10. The committee appreciates this concern. California Rule of Court, rule 5.523(a)(1) proposes to insert the following statement: “If the noticing entity knows or should know that a child or nonminor who has consented to electronic service is in custody at the time that a notice will issue, the entity must also provide service of the notice by first-class mail.” The purpose of this language is to relieve the in-custody minor or nonminor dependent of the responsibility for changing their preference.</p> <p>11. The provisions of Welfare &amp; Institutions Code relative to electronic service apply to all parties and other interested persons who are entitled to notice in the case, as described in sections 290.1-297. If the alleged/presumed father is a person</p>

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			<p>12. Would the caregivers for the minors allow them access to computers at that location or transport the minors to an area where they can receive their notices?</p> <p>13. When a minor is moved from a group home or short-term residential facility, there should be a method for ensuring that court receives notification that the minor/caregiver has a new address.</p> <p>14. Will each party need to submit a request for each case they are appointed or retained on to receive electronic service?</p>	<p>who is entitled to notice in the case and has provided affirmative consent to receive notices electronically, they will receive electronic notices.</p> <p>12. The committee appreciates and shares this concern. Proposed California Rule of Court, rule 5.523(d) contains a list of important factors for consideration by a minor, age 16 or 17 and their attorney, in determining whether consent to electronic filing and service is advisable for the minor. This list includes the consideration of “Whether the child has regular and reliable access to a means of electronic communication for purposes of communication regarding their case.”</p> <p>13. The committee appreciates this concern and agrees that the court should be notified of a change in placement for a minor. If the change in placement results in a change in electronic service address, the minor would need to update their electronic service address with the court in order to continue receiving notices.</p> <p>14. Yes. The authorization for electronic service applies to a particular case. The methods for consenting to electronic service are set forth in section 1010.6 of the Code of Civil Procedure.</p>

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			<p>15. When their email account changes due to “hacking”, a new notice will need to be filed, causing additional work.</p> <p>16. We often receive returned notices from the post office where the “person does not live here”, and the person has not submitted a notice of new address. The same issue would result if the person does not maintain their email account.</p> <p>17. In delinquency, the probation department serves notice to parties. The clerk issues a notice of hearing once the petition is filed, however, this is served with the petition by the probation department. The probation department then files the proof of service prior to the hearing. The electronic process for noticing would impact the courts in the same manner as for dependency, as noted below.</p> <p>18. The proposed form for Electronic Service: Consent, Withdrawal of Consent, Address Change has a box in line (3) that indicates “please keep this address confidential”.</p>	<p>15. If an email address changes, the party or person entitled to notice who has previously consented to receive electronic service in the case must notify the court of the change in electronic service address. This can be accomplished by using the EFS-005-JV. There is no requirement that the court or county agency must retroactively re-serve any documents prior to receiving notice of the change of electronic service address.</p> <p>16. The committee agrees and appreciates this concern.</p> <p>17. The committee appreciates this information.</p> <p>18. The JV-287 does not allow a participant in a juvenile court matter to request confidentiality of an email address. The checkbox on the EFS-005-JV/JV-141 applies solely to the electronic</p>

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			<p>Does this mean that the party will not need to file the judicial council form JV 287? Can this line indicate that they do not need to file the JV 287 form?</p> <p>19. If CFS determines that it will not go to the lengths outlined in the proposal for implementing an electronic process for sending notice, the court could be adversely affected.</p> <p>20. CFS currently notices for all parties, including sending notice to the tribes by certified mail for ICWA. The additional cost for the certified mail to the tribes and the tracking of the response from the tribe is a huge workload.</p> <p>21. The court does not currently have the staffing to support noticing either in paper format or electronic.</p> <p>22. The court would be required to develop an encrypted website, develop an email noticing component; develop a method for sending the reports, attachment to the reports, and notices to all parties as outlined in the proposal.</p>	<p>mail/electronic filing address entered on the form. Therefore, it would not be appropriate to excuse a participant from filing a JV-287, should they wish to request confidentiality of their contact information. Further to a separate comment, this checkbox has been removed from the EFS-005-JV.</p> <p>19. The committee appreciates this feedback.</p> <p>20. The committee appreciates this concern. Nothing in the legislation or rule alters any responsibilities for notice under the Indian Child Welfare Act existing in state or federal law.</p> <p>21. The committee appreciates this concern.</p> <p>22. The committee appreciates these concerns and agrees that they will be important considerations in setting up a process for electronic filing and service in juvenile law matters.</p>

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			<p>23. The time frame of two months is not sufficient for this proposal, this would require at the minimum, one year for these changes. The court would need to write procedures on noticing, hire staff, provide training, develop an encrypted website; develop an email notification process, develop a method to identify the email address is confidential, change the existing case management system to include a method to retain the email address for all the parties (including a date for the most recent email address and confidential email addresses); train staff on noticing (including ICWA noticing); and</p>	<p>23. The timeframe in question relates to the implementation of rules to conform with Assembly Bill 976 and would only apply to those courts that already have an electronic filing and service process in place. There is not an expectation or any requirement that courts and agencies that opt to begin offering electronic filing and service would need to develop their local processes within two months.</p>
8.	<p>Superior Court of California, County of San Diego By Mike Roddy, Court Executive Officer</p>	AM	<p><i>(Comment appears verbatim, but has been organized into numbered sections to facilitate the committee response)</i></p> <p><b>Does the proposal appropriately address the stated purpose?</b> Yes.</p> <p>1. Electronic service in juvenile cases is authorized only if the county and the court permit electronic service. (Welf. &amp; Inst. Code, § 212.5, subd. (a).) Our county/court does not yet permit electronic service.</p> <p>2. The proposed changes to the rules and forms are necessary to implement AB 976, but it should be more clearly stated (particularly in</p>	<p>1. The committee appreciates this information.</p> <p>2. The committee agrees and has added a statement to this effect to proposed California Rule of Court, rule 5.523(a).</p>

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			<p>CRC 5.523) that not all courts allow electronic service.</p> <p>3. Some of the references to section 1010.6 need to specify Code of Civil Procedure.</p> <p><b>Are there other California Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?</b></p> <p>4. California Rules of Court, rules 5.512(f);</p> <p>5. 5.552(d);</p> <p>6. 5.580(a);</p>	<p>3. The committee appreciates this feedback and references to the Code of Civil Procedure have been added in two places where they were missing.</p> <p>4. Rule 5.512(f) describes the notice procedure for a joint assessment report hearing. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>5. Rule 5.552(d) describes the procedure for reviewing a petition for disclosure under section 827 of the Welfare &amp; Institutions Code and includes a requirement of notice by the clerk if the court decides to set a hearing. This subdivision does not specify the type of notice or service required. The committee appreciates the potential need for a reference to electronic service in those subdivisions that directly reference personal or mail notice, including (c)(1) and (c)(3)(A) and will consider this suggestion in a future rule proposal.</p> <p>6. Rule 5.580 provides notice requirements for a variety of hearings held pursuant to sections 656, 658, 660 and 777. The service requirements differ</p>

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			<p>7. 5.605(g);</p> <p>8. 5.630(g);</p> <p>9. 5.650(d)(4), (g)(2), (h), (j);</p>	<p>within code sections, based on whether the minor is detained and whether certain persons are present at the initial detention hearing, but are congruent with existing rules. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>7. Rule 5.605 describes the process for emancipation of minors. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>8. Rule 5.630 specifies that when a Notice of Hearing and Temporary Restraining Order-Juvenile (form JV-250) is served, it must be accompanied by a blank proof form and an information sheet. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>9. Rule 5.650 sets forth procedures for appointing an education rights holder in juvenile court. The only reference to <i>mail</i> notice in this rule is in (d)(2), which contains procedures for notifying a non-party local education agency of the need for a surrogate parent. In the absence of pre-existing joinder, it is unlikely that a school district (LEA) would be part of a case or would have consented to receive electronic service. Because the</p>



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			<p>10. 5.651(e);</p> <p>11. 5.730(b);</p> <p>12. 5.740(c)(2);</p> <p>13. 5.766(b);</p>	<p>remaining subdivisions of the rule do not specify a form of service or any process that conflicts with the provisions of AB 976, the rule is not proposed to be amended.</p> <p>10. Rule 5.651 contains information regarding the rights to educational and developmental services and the requirements to consider placement and services at juvenile hearings. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>11. Rule 5.730 contains adoption procedures. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>12. Rule 5.740 sets forth procedures for hearings that occur after a permanent plan has been established for a minor. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>13. Rule 5.766 contains notice procedures and other rules for a hearing held to consider transfer for a minor to criminal court. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p>

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			<p>14. 5.800(c);</p> <p>15. 5.810(d);</p> <p>16. 5.830(a)(3) &amp; (6), (b), (d);</p> <p>17. 5.840(e);</p> <p>18. 5.906(i)(3);</p>	<p>14. Rule 5.800 describes procedures for finding a juvenile ward eligible for deferred entry of judgment. Subdivision (c) requires that a form be <i>personally</i> served on the custodial adult. Section 1010.6 of the Code of Civil Procedure authorizes electronic service except for documents that are required to be served personally, or by certified or registered mail.</p> <p>15. Rule 5.810 contains procedures for review hearings, including postpermanency status review hearings. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>16. Rule 5.830 sets forth procedures for the sealing of juvenile records. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>17. Rule 5.840 sets forth procedures for the sealing of records specifically for minors who are subject to section 786 of the Welfare &amp; Institutions Code. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>18. Rule 5.906 is proposed to be amended under the current proposal to add references to</p>

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			<p>19. 8.405(b);</p> <p>20. 8.411(c);</p> <p>21. 8.412(d)-(e);</p> <p>22. 8.416(d) &amp; (h);</p>	<p>electronic service pursuant to section 212.5 of the Welfare &amp; Institutions Code in subdivisions (d) and (g). The committee appreciates this suggestion and agrees that a reference should also be added to subdivision (i).</p> <p>19. Rule 8.405 describes the responsibilities of a superior court clerk upon the filing of an appeal from a decision of the juvenile court. The only reference to mail notice in this rule is in subdivision (b)(1), which states that “mailing of a notification is a sufficient performance of the clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death of the attorney.” The committee declines to include a reference to electronic notice in this subdivision.</p> <p>20. Rule 8.411 sets forth the duties of a superior court clerk in the event that a juvenile appeal is abandoned. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>21. Rule 8.412 contains procedures for the submission of briefs in a juvenile appeal. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>22. Rule 8.416 describes procedures for appeals from terminations of parental rights. The sole</p>

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			23. 8.450(g)(1) & (j);  24. 8.452(c), (e), (h)(2);  25. 8.454(e), (g)(1), (j)(2);	reference to mail is in subdivision (c)(2), which contains requirements for a clerk for the delivery of certified clerk and reporter’s transcripts. The mandate is to send copies of the transcript “by any method as fast as United States Postal Service express mail.” Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.  23. Rule 8.450 sets forth the requirements for petitioning the court to review an order setting a hearing pursuant to Welfare & Institutions Code section 366.26. The committee appreciates the potential need for reference to electronic notice in this rule, and will work with the Appellate Advisory Committee to address these concerns in a future rule proposal.  24. Rule 8.452 describes requirements for contents of a writ petition and procedural requirements for service and filing of the petition to review an order setting a hearing under section 366.26 of Welfare & Institutions Code. Because these mandates apply to the reviewing court and not the trial court, this rule is not proposed to be amended.  25. Rule 8.454 contains requirements for filing a notice of intent to file a writ petition to ask for a review of an order designating placement of a dependent child after the termination of parental rights. The committee appreciates the potential

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			<p>26. 8.456(c), (e), (h)(2).</p> <p>27. Perhaps also 5.620(e); and</p> <p>28. 5.635(f)-(g).</p>	<p>need for reference to electronic notice in this rule, and will work with the Appellate Advisory Committee to address these concerns in a future rule proposal.</p> <p>26. Rule 8.456 describes the requirements for contents of a writ petition and procedural requirement for service and filing of the petition to review an order designating or denying a placement of a dependent child after the termination of parental rights. The committee appreciates the potential need for reference to electronic notice in this rule, and will work with the Appellate Advisory Committee to address these concerns in a future rule proposal.</p> <p>27. Rule 5.620 sets forth procedures for orders after a case has been filed under section 300 of the Welfare &amp; Institutions Code. Because this rule does not specify a form of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>28. Rule 5.635 describes the procedures for making a parentage inquiry for a dependent or delinquent child. Subdivision (g) of this rule requires service to alleged parents by certified mail. Because section 1010.6 of the Code of Civil Procedure authorizes electronic service <i>except for</i> documents that are required to be served personally, or by certified or registered mail, the committee declines to amend this rule.</p>

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		<p><b>Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?</b></p> <p>29. Forms JV-050-INFO (“If your mailing address changes...”);</p> <p>30. JV-250 (rule 5.488 is cited in the footer on page 1, but there is no such rule);</p> <p>31. JV-255;</p> <p>32. JV-297 (footer should be changed to read “rule 5.534(a),” not 5.534(e));</p> <p>33. JV-299 (p. 2 should be changed to cite rule 5.534(a)),</p> <p>34. JV-535 (item 11);</p>	<p>29. The committee appreciates the potential need for a reference to electronic service on this form and will consider this suggestion in a future rule proposal.</p> <p>30. The committee agrees that the citation to CRC 5.488 is in error. The recommendation to correct this citation will be considered for a future technical clean-up proposal.</p> <p>31. The committee agrees that the citation to CRC 5.488 is in error. The recommendation to correct this citation will be considered for a future technical clean-up proposal.</p> <p>32. The committee agrees that the citation to CRC 5.534(e) is in error. The recommendation to correct this citation will be considered for a future technical clean-up proposal.</p> <p>33. The committee agrees that the citation to CRC 5.534(e) is in error. The recommendation to correct this citation will be considered for a future technical clean-up proposal.</p> <p>34. The committee appreciates this comment and agrees that a reference to electronic service could</p>

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			<p>35. JV-569;</p> <p>36. JV-580;</p> <p>37. JV-745.</p>	<p>be inserted in Item 11 and will consider this suggestion in a future rule proposal.</p> <p>35. The committee agrees that references to electronic service could be added to this form. and will consider this suggestion in a future rule proposal.</p> <p>36. The committee appreciates this suggestion and notes that the legislation authorizing electronic filing and service in juvenile matters does not amend section 827 of the Welfare &amp; Institutions Code, but provides a general authorization for electronic service when service by U.S. Mail is permitted. Because the notice of hearing pursuant to section 827 may be served by mail, presumably it may be served electronically, in accordance with section 212.5. However, the time periods for objections to the petition for disclosure set forth on this form only reference mail and personal service. The committee agrees that references to electronic service could be added to this form. and will consider this suggestion in a future rule proposal.</p> <p>37. Because this form will be served post adjudication, the committee does not anticipate that there will be an existing case open in which a litigant will have given express consent to receive electronic service. Therefore, the committee declines to make any changes to the Proof of Service included on this form.</p>

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			<p>38. Perhaps also JV-285;</p> <p>39. JV-290;</p> <p>40. JV-290-INFO;</p> <p>41. JV-295;</p> <p>42. JV-548;</p> <p>43. JV-575;</p>	<p>38. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>39. The committee agrees that the citation to CRC 5.534(m) is in error. The recommendation to correct this citation will be held for a future clean-up proposal. Further, the committee agrees that references to electronic service could be added to this form to the extent permitted by statute, and will consider this suggestion in a future rule proposal.</p> <p>40. The committee agrees that references to electronic service could be added to this form and will consider this suggestion in a future rule proposal.</p> <p>41. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>42. The committee agrees that references to electronic service could be added to this form and will consider this suggestion in a future rule proposal.</p> <p>43. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p>



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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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	Commentator	Position	Comment	Committee Response
			44. JV-590;  45. JV-595;  46. JV-595-INFO;  47. JV-596;  48. JV-615;  49. JV-744;  50. JV-746;  51. JV-751;	44. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  45. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  46. The committee agrees that references to electronic service could be added to this form. and will consider this suggestion in a future rule proposal.  47. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  48. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  49. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  50. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.  51. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.

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	Commentator	Position	Comment	Committee Response
			<p>52. JV-755;</p> <p>53. JV-760;</p> <p>54. JV-796;</p> <p>55. JV-800;</p> <p>56. JV-820;</p> <p>57. JV-822.</p> <p><b>Is the proposed language in rule 5.570 sufficient to encompass the variety in local practice of notice requirements for petitions filed pursuant to sections 388 and 778?</b></p> <p>58. Yes.</p>	<p>52. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>53. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>54. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>55. Because this form does not specify a type of service that contradicts the provisions of AB 976, it is not proposed to be amended.</p> <p>56. The committee agrees that references to electronic service could be added to this form. and will consider this suggestion in a future rule proposal.</p> <p>57. The committee agrees that references to electronic service could be added to this form. and will consider this suggestion in a future rule proposal.</p> <p>58. No response required.</p>

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			<p><b>Is the proposed rule containing specific points for consideration—when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service—sufficient to ensure that the minor is making an informed decision?</b> 59. Yes.</p> <p><b>How should the requirement of express consent to electronic service be effectuated? As proposed. Should the use of form EFS-005-JV/JV-141 (as proposed to be amended) be mandatory to provide express consent?</b> 60. Yes, because it is the most efficient way to (1) inform parties of their rights and responsibilities and (2) enable court staff to manage and keep track of the additional information.</p> <p><b>Should the express consent be written?</b> 61. Yes, definitely.</p> <p><b>Would the proposal provide cost savings?</b> 62. Unknown.</p> <p><b>What would the implementation requirements be for courts?</b> 63. Print and distribute revised forms to court staff, attorneys, child welfare agencies, probation departments, et al. Train court staff</p>	<p>59. No response required.</p> <p>60. The committee appreciates this feedback.</p> <p>61. The committee appreciates this feedback.</p> <p>62. No response required.</p> <p>63. The committee appreciates this information.</p>

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			<p>on how to use new forms. Create or revise any written internal procedures.</p> <p><b>Would six months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b> 64. Probably.</p> <p><b>How well would this proposal work in courts of different sizes?</b> 65. Unknown.</p> <p><b><u>Rule 5.523</u></b> <b>66. Subd. (d)(1)-(3) &amp; (e)(3):</b> Change “their” to “his or her.”</p> <p><b>67. Subd. (e)(2):</b> Delete “On or after January 1, 2019,” and capitalize “e” in “Electronic.”</p> <p><b><u>Rule 5.524</u></b> <b>68. Subd. (c):</b> Change “1.32” to “1.35” in third sentence.</p> <p><b>69. Subd. (e)(1):</b> Change “cannot” to “may not” (or “must not”) in fourth sentence.</p> <p>Notice under sections 290.1 and 290.2 <u>may</u> <del>cannot</del> be served electronically.</p>	<p>64. No response required.</p> <p>65. No response required.</p> <p>66. The committee is intentionally using the possessive pronoun “their” in this section to make progress toward gender neutrality and inclusiveness.</p> <p>67. The committee appreciates this comment and has made the change suggested.</p> <p>68. The committee appreciates this comment and has made the change suggested.</p> <p>69. The committee appreciates this comment and has made the change suggested.</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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	Commentator	Position	Comment	Committee Response
			<p><b>70. Subd. (f)(3):</b> Delete the first and second commas and insert “or his or her.”</p> <p>After reasonable notification by counsel representing the child, <del>or his or her parents,</del> or guardian, the clerk must notify such counsel of the hearings ....</p> <p><b><u>Rule 5.538</u></b>  <b>71. Subd. (b) title:</b> Add “§” and “, 248.5” to citation.</p> <p><b>Furnishing and serving findings and order; explanation of right to review (§§ 248, <u>248.5</u>)</b></p> <p><b><u>Rule 5.570</u></b>  <b>72. Subd. (g)(2):</b> Move “only” and insert “if.”</p> <p>For hearings on all other petitions filed under section 388 or section 778, notice of the hearing must be provided as required under statute, except that notice to parents or former guardians of a nonminor must <del>only</del> be provided <u>only</u> if the nonminor requests, in writing on the face of the petition, notice to the parents or former guardians, or <u>if</u> the parent or legal guardian is receiving court-ordered family reunification services.</p> <p><b><u>Rule 5.590</u></b>  <b>73. Subd. (b)(2):</b> Suggested edit.</p>	<p>70. In order to make progress towards gender neutrality and inclusiveness and to increase clarity, the committee has amended this sentence to read: “After reasonable notification by counsel representing the child, or representing the child’s parents or guardian, the clerk must notify such counsel of the hearings as prescribed in section 630.1.”</p> <p>71. The committee appreciates this comment and has made the change suggested.</p> <p>72. The committee appreciates this comment and has made the change suggested.</p> <p>73. The committee appreciates this comment and has made the change suggested.</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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			<p>If a party is not present <del>at the time of making</del> <u>when the court makes</u> the order, the advisement must be made by the clerk of the court by first-class mail to the last known address of the party or by electronic service in accordance with section 212.5. ...</p> <p><b>Rule 5.640</b>  <b>74. Subd. (c)(10)(A):</b> Change “center” to “program” for consistency with statutory scheme. Suggest changing second “group home” to “facility.” Change “defined” to “provided” (or described) because 22 CCR § 84064 does not provide a definition of “designee.”</p> <p>(A) If the child is living in a group home or a short-term residential therapeutic <del>center</del> <u>program</u>, notice to the caregiver must be by notice to the <del>group home</del> <u>facility</u> administrator, or to the administrator’s designee, as <del>defined</del> <u>provided</u> in California Code of Regulations, title 22, section 84064.</p> <p><b>75. Subd. (h)(4):</b> Insert “or short-term residential treatment program.” Suggest changing second “group home” to “facility.” Change “defined” to “provided” (or described); 22 CCR § 84064 does not provide a definition of “designee.” Replace “regulation” with “title 22, section.”</p>	<p>74. The committee appreciates this comment and has made the changes suggested, with a minor change to the portion referencing 22 CCR 84064, since this regulation also does not provide for notice to the administrator’s designee, but does provide a definition of administrator. The language of the rule has been amended to more accurately reflect the contents of 22 CCR 84064.</p> <p>75. The committee appreciates this comment and has made most of the changes suggested, with a minor change to the portion referencing 22 CCR 84064, since this regulation also does not provide for notice to the administrator’s designee, but does provide a definition of administrator. The language of the rule has been amended to more accurately reflect the contents of 22 CCR 84064.</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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	Commentator	Position	Comment	Committee Response
			<p>If the child resides in a group home or <u>short-term residential treatment program</u>, a copy of the order, the last two pages of form JV-220(A) or the last two pages of JV-220(B), and all medication information sheets (medication monographs) that were attached to the JV-220(A) or form JV-220(B) must be provided to the <del>group home</del> <u>facility</u> administrator, or to the administrator's designee, as <del>defined</del> <u>provided</u> in California Code of Regulations, <del>regulation</del> <u>title 22, section 84064</u>.</p> <p><b>76. Subd. (h)(5):</b> Suggest changing “changes“ to “moves to a new placement.”</p> <p>If the child <del>changes</del> <u>moves to a new</u> placement...</p> <p><b><u>Rule 5.695</u></b>  <b>77. Subd. (g)(10):</b> Italicize titles of forms.</p> <p>... the party must seek an extraordinary writ by filing a <i>Notice of Intent to File Writ Petition and Request for Record (California Rules of Court, Rule 8.450)</i> (form JV-820) or other notice of intent to file a writ petition and request for record and a <i>Petition for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)</i> (form JV-825) or other petition for extraordinary writ.</p> <p><b><u>Rule 5.727</u></b></p>	<p>76. The committee declines to make this change.</p> <p>77. The committee appreciates this comment and has made the change suggested.</p>

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			<p><b>78. Subd. (b)(8):</b> Insert “Code of Civil Procedure.”</p> <p>The child’s sibling’s attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with <u>Code of Civil Procedure</u> section 1010.6.</p> <p><b>79. Subd. (f)(4):</b> Insert “<i>Under 366.26(n)</i>” in title of form JV-326 (if proposal to change title of form is approved).</p> <p><i>Proof of Notice Under 366.26(n)</i> (form JV-326) must be filed with the court before the hearing on the proposed removal.</p> <p><b>Rule 5.728</b></p> <p><b>80. Subd. (b)(8):</b> Insert “Code of Civil Procedure.”</p> <p>The child’s sibling’s attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with <u>Code of Civil Procedure</u> section 1010.6.</p> <p><b>81. Subd. (c)(5) &amp; (6), and (e)(4):</b> Insert “<i>Under 366.26(n)</i>” in title of form JV-326 (if proposal to change title of form is approved).</p> <p><i>Proof of Notice Under 366.26(n)</i> (form JV-326)</p>	<p>78. The committee appreciates this comment and has made the change suggested.</p> <p>79. The committee appreciates this comment and has made the change suggested.</p> <p>80. The committee appreciates this comment and has made the change suggested.</p> <p>81. The committee appreciates this comment and has made the change suggested.</p>



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			<p>must be filed with the court before the hearing on the proposed removal.</p> <p><b>82. Rule 5.906</b> - No comments.</p> <p><b>Form EFS-005-JV/JV-141</b></p> <p>83. WIC 212.5 applies in both dependency and delinquency cases, but the JV-141 says it is to be used only in dependency cases. Why?</p> <p><b>84. Page 1, Item 2:</b> Typo - "My role <u>in</u> this juvenile case" (not is).</p> <p><b>85. Page 1, Item 3, second checkbox:</b> For consistency with the other two checkboxes in item 3, change "Please keep this address confidential" to "I want this address to be kept confidential."</p> <p><b>Form JV-221</b></p> <p><b>86. Page 2, Item 5:</b> Italicize "<i>Type or print name.</i>"</p> <p><b>87. Page 2, Item 5; Page 3, Items 7 &amp; 9:</b> Query – Above the sworn declaration line, shouldn't there be the statement, "At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. My residence or business mailing</p>	<p>82. No response required.</p> <p>83. The committee appreciates this comment and has made the change suggested.</p> <p>84. The committee appreciates this comment and has made the change suggested.</p> <p>85. The committee appreciates this comment and has made the change suggested.</p> <p>86. The committee appreciates this comment and has made the change suggested.</p> <p>87. The committee appreciates this comment and has made the change suggested.</p>

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	Commentator	Position	Comment	Committee Response
			<p>address or my electronic service address is (<i>specify</i>):”?</p> <p><b>88. Page 2, Item 7:</b> Query - The current version of JV-221 includes “a blank copy of Form JV-219, <i>Statement About Medicine Prescribed</i>” – was this intentionally omitted from the proposed revision? (Based on the guidance in JV-217-INFO, it <u>should</u> be omitted because item 7 pertains to notice to attorneys.)</p> <p>The following attorneys were notified of the physician’s request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with a copy of Form JV-217-INFO, <i>Guide to Psychotropic Medication Forms</i>, a blank copy of Form JV-219, <i>Statement About Medicine Prescribed</i>, and a blank copy of Form JV-222, <i>Input on Application for Psychotropic Medication</i>, or with information on how to obtain a copy of each form as follows:</p> <p><b>89. Page 3, Item 8:</b> Insert “that” (as in the current version of JV 221). Query – Shouldn’t the CASA be provided with at least a blank copy of Form JV-219? (The current version of JV-221 also states the CASA should receive JV-217-INFO and JV-218 as well.)</p>	<p>88. The committee appreciates this comment and has reinserted the missing text.</p> <p>89. The committee appreciates this comment and has reinserted the missing text.</p>

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**Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)** (Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510)

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Commentator	Position	Comment	Committee Response
		<p>The child’s CASA volunteer was notified of the physician’s request to begin and/or continue administering psychotropic medication, of the name of each medication, and <u>that an application is pending before the court. The CASA volunteer was provided with form JV-217-INFO, Guide to Psychotropic Medication Forms; a blank copy of JV-218, Child’s Opinion About the Medicine; and a blank copy of form JV-219, Statement About Medicine Prescribed, as follows:</u></p> <p><b>90. Page 3, Item 9, second sentence:</b> Suggest changing “They were” to “The tribe was.”</p> <p><del>They were</del> <u>The tribe was</u> also provided with form ...</p> <p><b>91. Note: JV-217-INFO, Guide to Psychotropic Medication Forms</b> (not part of SPR18-25), should be revised on page 2 (item 4) to delete: “E-notice can be used only if the person or people to be e-served agree to it. (Code Civ. Proc., § 1010.6)” (See proposed changes to CRC 5.640 and form JV-221.)</p> <p><b>92. Forms JV-282 &amp; JV-310</b> - No comments.</p> <p><b>Form JV-326</b></p> <p><b>93. Page 1, Item 1:</b> Query: Should the blank line after “was given to:” be deleted? Its</p>	<p>90. The committee appreciates this comment and has made the change suggested.</p> <p>91. The committee appreciates this comment, has added this form to the proposal, and has replaced this sentence with the following language: “Electronic service of these forms is not permitted. (Welf. &amp; Inst., § 212.5)”.</p> <p>92. No response required.</p> <p>93. The committee appreciates this comment and will remove the field, which was inadvertently</p>

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			<p>presence implies it should be filled in, but the requested information should be provided in the checkboxes below (a through h).</p> <p><b>94. Items 1.a.(3), 1.b.(3), 1.c.(3), 1.d.(3), 1.e.(3), 1.f.(3), 1.g.(3), 1.h.(3):</b> Delete second “on” before “(date).”</p> <p>By personally delivering copies to the person served on <del>on</del> (date): ____ at (time): ____</p> <p><b>95. Page 3, Item 1.g.:</b> Delete “tribe and” in parenthetical.</p> <p>The child’s Court Appointed Special Advocate (CASA) program, if any (<i>name of <del>tribe and</del> person notified</i>):</p> <p><b>96. Form JV-326-INFO</b> - No comments.</p> <p><b>Form JV-510</b></p> <p><b>97. Page 3, Item 16:</b> Suggestion for consistency with the other forms in this proposal – Change “cause” to “matter.”</p> <p>At the time of service I was at least 18 years of age and not a party to this <del>cause</del> <u>matter</u>.</p>	<p>programmed into the fillable version of the form.</p> <p>94. The committee appreciates this comment and has made the change suggested.</p> <p>95. The committee appreciates this comment and has made the change suggested.</p> <p>96. No response required.</p> <p>97. The committee appreciates this comment and has made the change suggested.</p>

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
9.	Superior Court of California, County of Ventura By Keri Griffith, Juvenile Court Manager	A	<p>On EFS-005JV-JV-141, note that for #2 on page 1 there is a typo. It should read: My role in this juvenile case is (choose one of the following):</p> <p>Comment about Rule 5.523 and whether the EFS-005-JV/JV-141 form should be mandatory: Need a mechanism for appointed counsel to do a blank consent to electronic service. Would not want them to be required to file this form on each and every case they are appointed.</p>	<p>Thank you for this comment. The typo has been corrected.</p> <p>The committee appreciates this concern. California Rules of Court, rule 5.523 and 5.534 both contemplate that in order for a “party or person entitled to notice” to manifest express consent to electronic service, they must fill out and file the EFS-005-JV/JV-141. However, this mandate would not necessarily apply to an attorney of record in the case, who might have a different way of interfacing with an Electronic Filing Service Provider based on local procedures.</p>
10.	TCPJAC/CEAC Joint Rules Subcommittee (JRS)	A	The JRS believes that there should be an information sheet created for judges and attorneys because there are both numerous exceptions to the rule and multiple times when both electronic filing and some other service is required.	The committee appreciates this suggestion and anticipates that as courts and counties work together to develop local electronic filing and service procedures, resources will be developed for attorneys and judges to provide guidance on statutory requirements and local practices.