

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

LEG16-08

Title	Action Requested
Juvenile Law: Electronic Filing and Service in Juvenile Proceedings	Review and submit comments by June 14, 2016
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Enact section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 of the Welfare and Institutions Code	January 1, 2018
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Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	
Information Technology Advisory Committee	
Hon. Terence L. Bruiniers, Chair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee (ITAC) recommend amending the Welfare and Institutions Code to authorize electronic filing and service under Code of Civil Procedure section 1010.6 in juvenile proceedings. This legislative proposal would add a new section 212.5 to the Welfare and Institutions Code that would incorporate by reference Code of Civil Procedure section 1010.6, subject to appropriate conditions and limitations on electronic service for juvenile proceedings. The proposal would also amend various Welfare and Institutions Code provisions to implement new section 212.5 consistently throughout the code.

Background

Code of Civil Procedure section 1010.6 and trial court rules 2.250–2.261 of the California Rules of Court authorize electronic filing and electronic service in civil matters. Effective July 1, 2014, the Judicial Council amended rule 5.522 to enable the electronic filing of juvenile court

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 These proposals are circulated for comment purposes only.

documents in accordance with the trial court rules, specifically rules 2.252 et seq. However, the council expressly excluded the application of trial court rule 2.251 to juvenile proceedings. (See Cal. Rules of Court, rule 5.522(b)(4) [“This rule does not incorporate the electronic service provisions in rule 2.251”].) Rule 2.251 authorizes electronic service 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 e-mail. While this legislative proposal circulates for public comment, the Judicial Council will consider whether to adopt rule amendments and a new form to implement AB 879 (Stats. 2015, ch. 219).

The Proposal

The provisions of AB 879 apply 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 electronic service in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing.

This proposal seeks to apply the electronic filing and service provisions contained in section 1010.6 of the Code of Civil Procedure to juvenile dependency and delinquency proceedings, while preserving—and in some cases expanding upon—the conditions and limitations on electronic service set forth in AB 879.

New proposed section 212.5

Specifically, the proposal would add a new section 212.5 to the Welfare and Institutions Code, which would expressly apply the provisions of section 1010.6 of the Code of Civil Procedure to all juvenile proceedings, while setting limitations and conditions on the electronic service of parties and other persons. The limitations on electronic service include the following:

- Electronic service is authorized only if the county and the court choose to permit electronic service.
- Electronic service on a party or other person is permitted only upon consent to receive electronic service by the party or other person.
- A party or other person may withdraw prior consent to electronic service.
- Consent or withdrawal of prior consent to receive electronic service may be filed with the court only by a party or other person, or that person’s attorney.
- Electronic service is not permitted on minors who are under the age of 16.
- If the party or other person to be served is a minor who is 16 years old or older, electronic service is permitted only upon consent by both the minor and the minor’s attorney.

- The party or other person must be served by both electronic means and by other means specified in the statute if (1) the document to be served is the notice of hearing at which the social worker will recommend the termination of parental rights, or the appellate advisements required pursuant to Welfare and Institutions Code section 366.26(l)(3)(A); or (2) there is a citation issued pursuant to section 661, or a hearing is noticed under section 777(d).
- If the minor is an Indian child, or the court has reason to know that an Indian child is involved, service shall be provided exclusively in accordance with Welfare and Institutions Code section 224.2.

In addition, the proposed new section 212.5 codifies paragraph (3) of subdivision (b) of rule 5.522 of the California Rules of Court, which provides that the confidentiality of juvenile records shall be preserved through encryption when these records are transmitted electronically. The requirement to apply encryption to ensure the confidentiality of records would apply to both electronic filing and electronic service. The committees explored the issue of encryption of documents and determined that the term “encryption” is unlikely to become obsolete in the near to midterm future because it does not denote a specific technological application; rather, it applies broadly to technology that preserves the confidentiality of documents.

Lastly, proposed new section 212.5 would prohibit the electronic service of a psychological or medical report pertaining to a minor.

Proposed amendments to sections 248 and 248.5

These sections describe service of the written findings and court orders when a referee hears a juvenile case. This proposal would add references to the new section 212.5 to authorize electronic service of these written findings and orders.

Proposed amendments to sections 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1

These sections govern notice in the following types of juvenile dependency hearings: detention, jurisdiction, disposition, review, and termination of jurisdiction hearings. They were amended by AB 879 to authorize e-mail notices of hearings. This proposal would amend sections 291, 292, 293, 294, 295, and 316.1 to replace the language added by AB 879 with a cross-reference to the proposed new section 212.5. These proposed amendments are intended to implement electronic service in juvenile proceedings and to streamline the notice provisions in the Welfare and Institutions Code.

In addition, in implementing AB 879, the committees determined that from an operational perspective, it is unlikely that a person entitled to notice would have the opportunity to be fully informed of his or her right to notice and the advisability of consenting to electronic notice of hearings before the initial petition hearing. Therefore, the authorization for electronic notice of an initial petition hearing in sections 290.1 and 290.2 would be removed from the code. The proposal would clarify that electronic service of these notices is not permitted.

Proposed amendments to section 297

This section contains notice provisions for subsequent and supplemental petitions, as well as petitions for modification. The proposal would allow for electronic service of these types of petition hearings, pursuant to proposed new section 212.5.

Proposed amendments to section 302

This section requires a social worker who provides a parent or guardian with notice of a proceeding at which the social worker intends to present a report, to provide a copy of the report to the parents or guardians and to their attorneys. This proposal would authorize electronic service of this report under the proposed new section 212.5.

Proposed amendments to section 342

This section currently provides that procedures for initial hearings also apply to subsequent petitions. This proposal would allow for other procedures as provided by law. Section 297 contains greater detail on the notice requirements for subsequent petitions and also authorizes electronic service.

Proposed amendments to section 362.4

This section requires that upon the termination of jurisdiction over a minor, and if there is a juvenile court custody order filed, the clerk of the receiving court must mail a copy of the order with the case number to the juvenile court and mail a copy to the parents. This proposal would add a cross-reference to new proposed section 212.5 to allow the court to send the order to the receiving court by electronic means and to electronically serve a copy of the order on the parents.

Proposed amendments to sections 364.05 and 366.05

These sections apply to social workers in counties of the first class; they are required to mail a copy of specified reports to certain parties. The proposal would authorize electronic service of these reports subject to the requirements of proposed new section 212.5.

Proposed amendments to section 366.21

This section provides for regular status review hearings for dependent children. There are several social worker reports referenced in this section. The proposal would add a specific reference to proposed new section 212.5 authorizing electronic service of the social worker report required to be provided to parents and others at least 10 calendar days prior to the hearing. The proposal would also authorize electronic service of the report containing a summary of the social worker's recommendation for disposition that must be provided to foster parents, relative caregivers, and certified foster parents.

Proposed amendments to section 366.26

This section applies to permanency hearings for dependent children and requires that a notice of hearing pursuant to this section must contain an advisement regarding the appellate rights and responsibilities of litigants. Currently, the appellate advisements may be given orally, if the party

is present in court, or by first-class mail. In keeping with the approach of AB 879, this proposal would allow for electronic service of the notice of appellate advisements, subject to one exception: if the social worker will recommend the termination of parental rights at the hearing, electronic service may only be in addition to service by first-class mail. This exception is also stated in the proposed new section 212.5.

Proposed amendment to section 387

This section contains a notice provision for supplemental petitions to modify a previous order of placement. The proposal would authorize electronic service of supplemental petitions under proposed new section 212.5.

Proposed amendment to section 607.2

This section requires the court to hold a hearing prior to termination of jurisdiction over a ward under specified circumstances. The proposal would authorize electronic service of the notice of hearing under this section.

Proposed amendment to section 630

This section sets forth the requirements for notice of an initial detention hearing in juvenile delinquency. Mirroring the approach with initial petition hearings in juvenile dependency, the proposal would prohibit the electronic service of notice of initial detention hearings under this section.

Proposed amendments to section 658

This section describes the notice required for jurisdictional hearings on initial and supplemental petitions. The proposal would prohibit electronic service of notice for a jurisdictional hearing on an initial petition when the child was detained and those persons entitled to notice were not present at the initial detention hearing. The proposal would authorize electronic service of notice of a jurisdictional hearing on a supplemental petition.

Proposed amendments to section 660

This section provides different notice requirements for a jurisdictional hearing depending on whether the minor was detained in custody and whether the parties and persons entitled to notice were present at the detention hearing. The proposal would authorize electronic service for these hearings, except for hearings where the child is detained and those persons entitled to service were not present at the detention hearing.

Proposed amendment to section 661

This section provides for a citation to appear to be issued by the juvenile court to parents of wards. The proposal would authorize electronic service of the citation only in addition to other forms of service required by law.

Proposed amendment to section 727.4

This section contains notice provisions for several types of juvenile delinquency hearings that occur after the initial petition hearing. These include wardship probation hearings and six-month and 12-month hearings for dependents who are subsequently adjudged to be wards of the court. The proposal would allow for electronic service of notices of these hearings under proposed new section 212.5.

Proposed amendments to section 777

This section provides for service of notice of hearing on a violation of probation. The proposal authorizes service of a notice of hearing issued pursuant to subdivision (b) to be electronic service according to new proposed section 212.5. The proposal would authorize electronic service of a notice of hearing held pursuant to subdivision (d), in which there is an order to detain the minor pending adjudication of the alleged violation, only in addition to other legally-required forms of service.

Proposed amendment to section 778

This section provides for a hearing on a petition to modify an order of the court. The proposal would authorize electronic service of the notice of this hearing.

Proposed amendments to section 779

Section 779 requires that courts serve notice on the Director of the Youth Authority by U.S. mail when the court decides to change, modify, or set aside an order of commitment. This proposal would eliminate the requirement that service must be by U.S. mail.

Proposed amendment to section 785

This section provides for a hearing on a petition to terminate jurisdiction or modify an order of the court for a ward who has not been committed to the Youth Authority. The proposal would authorize electronic service of the notice of this hearing.

Proposed amendments to section 903.45

This section describes the process by which a county financial evaluation officer determines whether a parent must pay for the costs of care for a minor who is in the custody of the juvenile court. The statute provides that if a parent or guardian agrees to assume responsibility for certain costs, the order to pay those costs may be granted as long as a copy of the order is served on the person by mail. This proposal would authorize electronic service of this order under proposed new section 212.5.

Alternatives Considered

As an alternative, the committees considered extending AB 879's authorization of e-mail notices of hearings to juvenile delinquency hearings, without adopting electronic service in the juvenile context.

Implementation Requirements, Costs, and Operational Impacts

Implementation may require additional training and changes in court procedures in those courts that choose to allow for electronic service of notices of hearing and other documents. Because AB 879's authorization for e-mailing notices of hearings will be in place for two years before this proposal could go into effect, it is foreseeable that some courts may implement electronic notice in the interim; implementing this proposal should result in minimal implementation costs for these courts.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Are there other sections in the Welfare and Institutions Code that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there any juvenile dependency or delinquency proceedings for which this proposal recommends extending electronic service of the notice of the hearing that should remain limited to first-class mail or personal delivery?
- Should this proposal limit the persons who are authorized to obtain the consent to electronic service and file the consent with the court to parties and other persons and their attorneys? Should the legislation provide more specificity on encryption? Or should it be left for the rules?
- Is the provision requiring the use of encryption to preserve the confidentiality of electronic documents sufficient to ensure that juvenile records will be protected?
- Is the prohibition on electronic service of psychological and medical evaluations sufficient to protect these documents from unwarranted disclosure? Are there other documents that should be included?
- Is it appropriate to limit electronic service to adults and minors who are at least 16 years old?

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

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

Attachments and Link

1. Proposed amendments to the Welfare and Institutions Code, at pages 8–28
2. Link A: Assembly Bill 879 (Stats. 2015, ch. 219),
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB879

Section 212.5 of the Welfare and Institutions Code would be enacted and sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.21, 366.26, 387, 607.2, 630, 658, 660, 661, 727.4, 777, 778, 779, 785, and 903.45 would be amended, effective January 1, 2018, to read:

1 **§ 212.5.**

2
3 Unless otherwise provided by law, Section 1010.6 of the Code of Civil Procedure shall apply to
4 juvenile matters, with the following exceptions and conditions:

5 (a) Electronic service is authorized only if the county and the court choose to permit electronic
6 service.

7 (b) Electronic service on a party or other person shall be permitted only upon consent to receive
8 electronic service by the party or other person. A party or other person may withdraw prior
9 consent to electronic service. The Judicial Council shall create a form designed to implement this
10 section.

11 (c) Consent or withdrawal of prior consent to receive electronic service may be filed with the
12 court only by a party or other person entitled to service, or that person's attorney.

13 (d) If the party or other person to be served is a minor, electronic service shall be permitted only
14 upon consent by the minor and by the minor's attorney.

15 (e) Electronic service is not permitted:

16 (1) On any party or other person who is under the age of 16 years old; or

17 (2) Of a psychological or medical report of a minor.

18 (f) The party or other person shall be served both by electronic means and by other means
19 specified in the relevant statute if:

20 (1) The document to be served is the notice of hearing, or the appellate advisements required
21 pursuant to subparagraph (A) of paragraph (3) of subdivision (l) of Section 366.26, for a hearing
22 at which the social worker will recommend the termination of parental rights; or

23 (2) The document to be served is a citation pursuant to Section 661, or a notice of hearing
24 pursuant to subdivision (d) of Section 777.

25 (g) If the minor is an Indian child, or the court has reason to know that an Indian child is
26 involved, service shall be provided exclusively in accordance with Section 224.2.

27 (h) Electronic service and electronic filing must be conducted in a manner that preserves and
28 ensures the confidentiality of records by encryption.

29
30 **§ 248.**

31
32 (a) * * *

33 (b) Service, as provided in this section, shall be made as follows:

34 (1) * * *

35 (2) If paragraph (1) is not applicable, service shall be made by mail or by electronic service
36 pursuant to Section 212.5, within the time period specified in Section 248.5, to the last known
37 address of those persons or to the address designated by those persons appearing at the hearing
38 before the referee and the ~~mailing~~ documents served shall include, if applicable, the written
39 explanation of the right to seek review of the order. If the parent or guardian does not have a last

1 known address or electronic service address designated, then service ~~by mail~~ shall be to that
2 party in care of his or her counsel.

3
4 **§ 248.5.**

5
6 All written findings and orders of the court shall be served by the clerk of the court personally, ~~or~~
7 by first-class mail, or by electronic service pursuant to Section 212.5, within three judicial days
8 of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's
9 counsel, and the guardian or the guardian's counsel.

10
11 **§ 290.1.**

12
13 If the probation officer or social worker determines that the child shall be retained in custody, he
14 or she shall immediately file a petition pursuant to Section 332 with the clerk of the juvenile
15 court, who shall set the matter for hearing on the detention hearing calendar. The probation
16 officer or social worker shall serve notice as prescribed in this section.

17 (a)-(d) * * *

18 (e) Service of the notice shall be written or oral. If the person being served cannot read, notice
19 shall be given orally. ~~Except as provided in subdivisions (f), (g), and (h), written notice may be~~
20 ~~served by electronic mail if the county, or city and county, and the court choose to permit service~~
21 ~~by electronic mail and the person to be served has consented to service by electronic mail by~~
22 ~~signing Judicial Council Form EFS-005. Notice shall not be served electronically under this~~
23 ~~section.~~

24 (f) * * *

25 (g) ~~Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~
26 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
27 ~~mail only if all of the following requirements are satisfied:~~

28 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

29 (2) ~~The child is 16 years of age or older.~~

30 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
31 ~~005.~~

32 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
33 ~~Judicial Council Form EFS-005.~~

34 (h) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
35 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
36 ~~of the following requirements are satisfied:~~

37 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

38 (2) ~~The child is 14 or 15 years of age.~~

39 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
40 ~~005.~~

41 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
42 ~~Judicial Council Form EFS-005.~~

1 (i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,
2 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.
3

4 **§ 290.2.**
5

6 Upon the filing of a petition by a probation officer or social worker, the clerk of the juvenile
7 court shall issue notice, to which shall be attached a copy of the petition, and he or she shall
8 cause the same to be served as prescribed in this section.

9 (a)-(b) * * *

10 (c) Notice shall be served as follows:

11 (1) * * *

12 (3) ~~Except as provided in subdivisions (e), (f), and (g), notice may be served by electronic mail~~
13 ~~in lieu of notice by first class mail if the county, or city and county, and the court choose to~~
14 ~~permit service by electronic mail and the person to be served has consented to service by~~
15 ~~electronic mail by signing Judicial Council Form EFS-005. Notice shall not be served~~
16 ~~electronically under this section.~~

17 (d)-(e) * * *

18 (f) ~~Except as provided in subdivision (g), if notice is required to be provided to a child pursuant~~
19 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
20 ~~mail only if all of the following requirements are satisfied:~~

21 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

22 (2) ~~The child is 16 years of age or older.~~

23 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
24 ~~005.~~

25 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
26 ~~Judicial Council Form EFS-005.~~

27 (g) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
28 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
29 ~~of the following requirements are satisfied:~~

30 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

31 (2) ~~The child is 14 or 15 years of age.~~

32 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
33 ~~005.~~

34 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
35 ~~Judicial Council Form EFS-005.~~

36 (h) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,
37 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.
38

39 **§ 291.**
40

41 After the initial petition hearing, the clerk of the court shall cause the notice to be served in the
42 following manner:

1 (a)-(d) * * *

2 (e) Service of the notice of the hearing shall be given in the following manner:

3 (1) If the child is detained and the persons required to be noticed are not present at the initial
4 petition hearing, they shall be noticed by personal service or by certified mail, return receipt
5 requested.

6 (2) If the child is detained and the persons required to be noticed are present at the initial petition
7 hearing, they shall be noticed by personal service, ~~or by first-class mail,~~ or by electronic service
8 pursuant to Section 212.5.

9 (3) If the child is not detained, the persons required to be noticed shall be noticed by personal
10 service, ~~or by first-class mail,~~ or by electronic service pursuant to Section 212.5, unless the
11 person to be served is known to reside outside the county, in which case service shall be by first-
12 class mail or by electronic service pursuant to Section 212.5.

13 ~~Except as provided in subdivisions (g), (h), and (i), notice may be served by electronic mail in~~
14 ~~lieu of notice by first class mail if the county, or city and county, and the court choose to permit~~
15 ~~service by electronic mail and the person to be served has consented to service by electronic mail~~
16 ~~by signing Judicial Council Form EFS-005.~~

17 (f)-(g) * * *

18 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~
19 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
20 ~~mail only if all of the following requirements are satisfied:~~

21 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

22 ~~(2) The child is 16 years of age or older.~~

23 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
24 ~~005.~~

25 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
26 ~~Judicial Council Form EFS-005.~~

27 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
28 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
29 ~~of the following requirements are satisfied:~~

30 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

31 ~~(2) The child is 14 or 15 years of age.~~

32 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
33 ~~005.~~

34 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
35 ~~Judicial Council Form EFS-005.~~

36 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
37 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

38
39 **§ 292.**

40
41 The social worker or probation officer shall give notice of the review hearing held pursuant to
42 Section 364 in the following manner:

1 (a)-(d) * * *

2 (e) Service of the notice shall be by personal service, by first-class mail, ~~or~~ by certified mail,
3 return receipt requested, addressed to the last known address of the person to be noticed, or by
4 electronic service pursuant to Section 212.5. Except as provided in subdivisions (f), (g), and (h),
5 notice may be served by electronic mail if the county, or city and county, and the court choose to
6 permit service by electronic mail and the person to be served has consented to service by
7 electronic mail by signing Judicial Council Form EFS-005.

8 (f) * * *

9 (g) ~~Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~
10 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
11 ~~mail only if all of the following requirements are satisfied:~~

12 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

13 (2) ~~The child is 16 years of age or older.~~

14 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
15 ~~005.~~

16 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
17 ~~Judicial Council Form EFS-005.~~

18 (h) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
19 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
20 ~~of the following requirements are satisfied:~~

21 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

22 (2) ~~The child is 14 or 15 years of age.~~

23 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
24 ~~005.~~

25 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
26 ~~Judicial Council Form EFS-005.~~

27 (i) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
28 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

29
30 **§ 293.**

31
32 The social worker or probation officer shall give notice of the review hearings held pursuant to
33 Section 366.21, 366.22, or 366.25 in the following manner:

34 (a)-(d) * * *

35 (e) Service of the notice shall be by first-class mail addressed to the last known address of the
36 person to be noticed, ~~or~~ by personal service on the person, or by electronic service pursuant to
37 Section 212.5. Service of a copy of the notice shall be by personal service, ~~or~~ by certified mail,
38 return receipt requested, by electronic service under Section 212.5, or any other form of notice
39 that is equivalent to service by first-class mail. Except as provided in subdivisions (g), (h), and
40 (i), notice may be served by electronic mail in lieu of notice by first class mail if the county, or
41 city and county, and the court choose to permit service by electronic mail and the person to be
42 served has consented to service by electronic mail by signing Judicial Council Form EFS-005.

1 (f) * * *

2 (g) * * *

3 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~
4 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
5 ~~mail only if all of the following requirements are satisfied:~~

6 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

7 ~~(2) The child is 16 years of age or older.~~

8 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
9 ~~005.~~

10 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
11 ~~Judicial Council Form EFS-005.~~

12 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
13 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
14 ~~of the following requirements are satisfied:~~

15 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

16 ~~(2) The child is 14 or 15 years of age.~~

17 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
18 ~~005.~~

19 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~
20 ~~Judicial Council Form EFS-005.~~

21 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
22 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

23

24 **§ 294.**

25

26 The social worker or probation officer shall give notice of a selection and implementation
27 hearing held pursuant to Section 366.26 in the following manner:

28 (a)-(d) * * *

29 (d) Regardless of the type of notice required, or the manner in which it is served, once the court
30 has made the initial finding that notice has properly been given to the parent, or to any person
31 entitled to receive notice pursuant to this section, subsequent notice for any continuation of a
32 Section 366.26 hearing may be by first-class mail to any last known address, by an order made
33 pursuant to Section 296, by electronic service pursuant to Section 212.5, except as provided in
34 paragraphs (2) and (3) of subdivision (h) and subdivision (i), by electronic mail if the county, or
35 city and county, and the court choose to permit service by electronic mail and the person to be
36 served has consented to service by electronic mail by signing Judicial Council Form EFS-005, or
37 by any other means that the court determines is reasonably calculated, under any circumstance,
38 to provide notice of the continued hearing. However, if the recommendation changes from the
39 recommendation contained in the notice previously found to be proper, notice shall be provided
40 to the parent, and to any person entitled to receive notice pursuant to this section, regarding that
41 subsequent hearing.

42 (e) * * *

1 (f) Notice to the parents may be given in any one of the following manners:

2 (1) If the parent is present at the hearing at which the court schedules a hearing pursuant to
3 Section 366.26, the court shall advise the parent of the date, time, and place of the proceedings,
4 their right to counsel, the nature of the proceedings, and the requirement that at the proceedings
5 the court shall select and implement a plan of adoption, legal guardianship, or long-term foster
6 care for the child. The court shall direct the parent to appear for the proceedings and then direct
7 that the parent be notified thereafter only by first-class mail to the parent's usual place of
8 residence or business ~~only or by electronic service pursuant to Section 212.5. In lieu of notice by~~
9 ~~first class mail, notice may be served by electronic mail if the county, or city and county, and the~~
10 ~~court choose to permit service by electronic mail and the person to be served has consented to~~
11 ~~service by electronic mail by signing Judicial Council Form EFS-005.~~

12 (2)-(3) * * *

13 (4) Delivery to a competent person who is at least 18 years of age at the parent's usual place of
14 residence or business, and thereafter ~~mailed to~~ served on the parent named in the notice by first-
15 class mail at the place where the notice was delivered or by electronic service pursuant to Section
16 212.5.

17 (5) If the residence of the parent is outside the state, service may be made as described in
18 paragraph (1), (3), or (4) or by certified mail, return receipt requested.

19 (6) If the recommendation of the probation officer or social worker is legal guardianship or long-
20 term foster care, service may be made by first-class mail to the parent's usual place of residence
21 or business or by electronic service pursuant to Section 212.5. ~~or, i~~ In the case of an Indian child,
22 tribal customary adoption, service may be made by first-class mail to the parent's usual place of
23 residence or business. ~~In lieu of notice by first class mail, notice may be serviced by electronic~~
24 ~~mail if the county, or city and county, and the court choose to permit service by electronic mail~~
25 ~~and the person to be served has consented to service by electronic mail by signing Judicial~~
26 ~~Council Form EFS-005.~~

27 (7) If a parent's identity is known but his or her whereabouts are unknown and the parent cannot,
28 with reasonable diligence, be served in any manner specified in paragraphs (1) to (6), inclusive,
29 the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating
30 the name of the parent and describing the efforts made to locate and serve the parent.

31 (A) If the court determines that there has been due diligence in attempting to locate and serve the
32 parent and the probation officer or social worker recommends adoption, service shall be to that
33 parent's attorney of record, if any, by certified mail, return receipt requested. If the parent does
34 not have an attorney of record, the court shall order that service be made by publication of
35 citation requiring the parent to appear at the date, time, and place stated in the citation, and that
36 the citation be published in a newspaper designated as most likely to give notice to the parent.
37 Publication shall be made once a week for four consecutive weeks. Whether notice is to the
38 attorney of record or by publication, the court shall also order that notice be given to the
39 grandparents of the child, if their identities and addresses are known, by first-class mail or by
40 electronic service pursuant to Section 212.5.

41 (B) If the court determines that there has been due diligence in attempting to locate and serve the
42 parent and the probation officer or social worker recommends legal guardianship or long-term

1 foster care, no further notice is required to the parent, but the court shall order that notice be
2 given to the grandparents of the child, if their identities and addresses are known, by first-class
3 mail or by electronic service pursuant to Section 212.5.

4 (C) * * *

5 (g)(1) * * *

6 (h) (1) Notice to all counsel of record shall be by first-class mail, or by electronic service
7 pursuant to Section 212.5. ~~by electronic mail if the county, or city and county, and the court~~
8 ~~choose to permit service by electronic mail and the person to be served has consented to service~~
9 ~~by electronic mail by signing Judicial Council Form EFS-005.~~

10 ~~(2) Except as provided in paragraph (3), if notice is required to be provided to a child, written~~
11 ~~notice may be served on the child by electronic mail only if all of the following requirements are~~
12 ~~satisfied:~~

13 ~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

14 ~~(B) The child is 16 years of age or older.~~

15 ~~(C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
16 ~~005.~~

17 ~~(D) The attorney for the child has consented to service of the minor by electronic mail by signing~~
18 ~~Judicial Council Form EFS-005.~~

19 ~~(3) If notice is required to be provided to a child, written notice may be served on the child by~~
20 ~~electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

21 ~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

22 ~~(B) The child is 14 or 15 years of age.~~

23 ~~(C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
24 ~~005.~~

25 ~~(D) The attorney for the child has consented to service of the minor by electronic mail by signing~~
26 ~~Judicial Council Form EFS-005.~~

27 (i)-(l) * * *

28 (m) ~~Notwithstanding any choice by a county, or city and county, and the court to permit service~~
29 ~~of written notice of court proceedings by electronic mail, or consent by any person to service of~~
30 ~~written notice by electronic mail by signing Judicial Council Form EFS-005, notice of any~~
31 ~~hearing at which the county welfare department is recommending the termination of parental~~
32 ~~rights may only be served electronically by electronic mail only if notice is also given by another~~
33 ~~means of service provided for in this section.~~

34 (n) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
35 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

36
37 **§ 295.**

38
39 The social worker or probation officer shall give notice of review hearings held pursuant to
40 Sections 366.3 and 366.31 and for termination of jurisdiction hearings held pursuant to Section
41 391 in the following manner:

42 (a)-(d) * * *

1 (e) Service of notice shall be by first-class mail addressed to the last known address of the person
2 to be provided notice or by electronic service pursuant to Section 212.5. ~~Except as provided in~~
3 ~~subdivisions (g), (h), and (i), notice may be served by electronic mail in lieu of notice by first-~~
4 ~~class mail if the county, or city and county, and the court choose to permit service by electronic~~
5 ~~mail and the person to be served has consented to service by electronic mail by signing Judicial~~
6 ~~Council Form EFS-005.~~ In the case of an Indian child, notice shall be by registered mail, return
7 receipt requested.

8 (f)-(g) * * *

9 (h) ~~Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~
10 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~
11 ~~mail only if all of the following requirements are satisfied:~~

12 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

13 (2) ~~The child is 16 years of age or older.~~

14 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
15 ~~005.~~

16 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
17 ~~Judicial Council Form EFS-005.~~

18 (i) ~~If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~
19 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~
20 ~~of the following requirements are satisfied:~~

21 (1) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

22 (2) ~~The child is 14 or 15 years of age.~~

23 (3) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
24 ~~005.~~

25 (4) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
26 ~~Judicial Council Form EFS-005.~~

27 (j) ~~This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
28 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

29
30 **§ 297.**

31
32 (a) ~~Notice required for an initial petition filed pursuant to Section 300 is applicable to a~~
33 ~~subsequent petition filed pursuant to Section 342. A subsequent petition filed pursuant to Section~~
34 ~~342 shall be noticed pursuant to Sections 290.1 and 290.2, except that service may be electronic~~
35 ~~service pursuant to Section 212.5.~~

36 (b) Upon the filing of a supplemental petition pursuant to Section 387, the clerk of the juvenile
37 court shall immediately set the matter for hearing within 30 days of the date of the filing, and the
38 social worker or probation officer shall cause notice thereof to be served upon the persons
39 required by, and in the manner prescribed by, Sections 290.1, 290.2, and 291, except that service
40 may be electronic service pursuant to Section 212.5.

41 (c)-(d) * * *

1 § 302.

2
3 (a) * * *

4 (b) Unless their parental rights have been terminated, both parents shall be notified of all
5 proceedings involving the child. In any case where the social worker is required to provide a
6 parent or guardian with notice of a proceeding at which the social worker intends to present a
7 report, the social worker shall also provide both parents, whether custodial or noncustodial, or
8 any guardian, or the counsel for the parent or guardian a copy of the report prior to the hearing,
9 ~~either personally by personal service, or by first-class mail, or by electronic service pursuant to~~
10 Section 212.5. The social worker shall not charge any fee for providing a copy of a report
11 required by this subdivision. The social worker shall keep confidential the address of any parent
12 who is known to be the victim of domestic violence.

13 (c)-(d) * * *

14
15 § 316.1.

16
17 (a)(1) * * *

18 (2) ~~Except as provided in subdivisions (b) and (c), in addition to providing his or her permanent~~
19 ~~mailing address, the court may, if the county, or city and county, and the court choose to permit~~
20 ~~service by electronic mail, permit any party who is entitled to notice of court proceedings, upon~~
21 ~~his or her consent to service by electronic mail by signing Judicial Council Form EFS-005, to~~
22 ~~voluntarily provide the court with a designated electronic mail address for the purpose of~~
23 ~~receiving notice by electronic mail.~~ Upon his or her appearance before the court, each party who
24 consents to electronic service pursuant to Section 212.5 ~~by electronic mail~~ shall designate for the
25 court his or her electronic mail service address. The court shall advise each party that the
26 electronic mail service address will be used by the court and the social services agency for
27 purposes of providing notice pursuant to Sections ~~290.1, 290.2, 291, 292, 293, 294, 295, 297,~~
28 and 342, unless and until the party notifies the court or the social services agency of a new
29 electronic mail service address in writing or unless the party withdraws consent to electronic
30 service.

31 (b) ~~Except as provided in subdivision (c), the court may permit a child who appears before the~~
32 ~~court and who is entitled to notice of court proceedings to voluntarily provide the court with a~~
33 ~~designated electronic mail address for the purpose of receiving notice by electronic mail only~~
34 ~~under the following circumstances:~~

35 (1) ~~If the child is 16 years of age or older, notice shall be served by first class mail, or if all of the~~
36 ~~following requirements are satisfied, by electronic mail:~~

37 (A) ~~The county, or city and county, and the court choose to permit service by electronic mail.~~

38 (B) ~~The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
39 ~~005.~~

40 (C) ~~The attorney for the child has consented to service of the minor by electronic mail by signing~~
41 ~~Judicial Council Form EFS-005.~~

1 ~~(2) If the child is 14 or 15 years of age, written notice may be served on the child by electronic~~
2 ~~mail as well as by regular mail if all of the following requirements are satisfied:~~
3 ~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~
4 ~~(B) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~
5 ~~005.~~
6 ~~(C) The attorney for the child has consented to service of the minor by electronic mail by signing~~
7 ~~Judicial Council Form EFS-005.~~
8 ~~(e) Notice of court proceedings by electronic mail is not permitted in any of the following~~
9 ~~circumstances:~~
10 ~~(1) For notice of any hearing at which the county welfare department is recommending~~
11 ~~termination of parental rights, in which case notice may only be served by electronic mail if~~
12 ~~supplemental and in addition to first class mail.~~
13 ~~(2) If the social worker or probation officer knows or has reason to know that an Indian child is~~
14 ~~involved, in which case notice shall be given in accordance with Section 224.2.~~
15 ~~(3) If the person entitled to notice is a child under 14 years of age.~~
16 ~~(d) The Judicial Council may develop a form for the designation of a permanent mailing address~~
17 ~~by parents and guardians for use by the courts and social services agencies.~~
18 ~~(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~
19 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

20
21 **§ 342.**

22
23 In any case in which a minor has been found to be a person described by Section 300 and the
24 petitioner alleges new facts or circumstances, other than those under which the original petition
25 was sustained, sufficient to state that the minor is a person described in Section 300, the
26 petitioner shall file a subsequent petition. This section does not apply if the jurisdiction of the
27 juvenile court has been terminated prior to the new allegations.
28 Unless otherwise provided by law, ~~a~~All procedures and hearings required for an original petition
29 are applicable to a subsequent petition filed under this section.
30

31 **§ 362.4.**

32
33 When the juvenile court terminates its jurisdiction over a minor who has been adjudged a
34 dependent child of the juvenile court prior to the minor's attainment of the age of 18 years, and
35 proceedings for dissolution of marriage, for nullity of marriage, or for legal separation, of the
36 minor's parents, or proceedings to establish the paternity of the minor child brought under the
37 Uniform Parentage Act, Part 3 (commencing with Section 7600) of Division 12 of the Family
38 Code, are pending in the superior court of any county, or an order has been entered with regard
39 to the custody of that minor, the juvenile court on its own motion, may issue a protective order as
40 provided for in Section 213.5 or as defined in Section 6218 of the Family Code, and an order
41 determining the custody of, or visitation with, the child.

1 Any order issued pursuant to this section shall continue until modified or terminated by a
2 subsequent order of the superior court. The order of the juvenile court shall be filed in the
3 proceeding for nullity, dissolution, or legal separation, or in the proceeding to establish paternity,
4 at the time the juvenile court terminates its jurisdiction over the minor, and shall become a part
5 thereof.

6 If no action is filed or pending relating to the custody of the minor in the superior court of any
7 county, the juvenile court order may be used as the sole basis for opening a file in the superior
8 court of the county in which the parent, who has been given custody, resides. The court may
9 direct the parent or the clerk of the juvenile court to transmit the order to the clerk of the superior
10 court of the county in which the order is to be filed. The clerk of the superior court shall,
11 immediately upon receipt, open a file, without a filing fee, and assign a case number.

12 The clerk of the superior court shall, upon the filing of any juvenile court custody order, send a
13 copy of the order with the case number by first-class mail or by electronic means pursuant to
14 Section 212.5 ~~a copy of the order with the case number~~ to the juvenile court and to the parents at
15 the address listed on the order. The Judicial Council shall adopt forms for any custody or
16 restraining order issued under this section. These form orders shall not be confidential.

17
18 **§ 364.05.**

19
20 Notwithstanding Section 364, in a county of the first class, a copy of the report required pursuant
21 to subdivision (b) of Section 364 shall be provided to all parties at least 10 calendar days prior to
22 the hearing. This may be accomplished by mailing or electronically serving pursuant to Section
23 212.5 the report at least 15 calendar days prior to the hearing to a party whose address is within
24 the State of California, or at least 20 calendar days prior to the hearing to a party whose address
25 is outside the State of California. The court shall grant a reasonable continuance, not to exceed
26 10 calendar days, upon request by any party or his or her counsel on the ground that the report
27 was not provided at least 10 calendar days prior to the hearing as required by this section, unless
28 the party or his or her counsel has expressly waived the requirement that the report be provided
29 within the 10-day period or the court finds that the party's ability to proceed at the hearing is not
30 prejudiced by the lack of timely service of the report. In making this determination, the court
31 shall presume that a party is prejudiced by the lack of timely service of the report, and may find
32 that the party is not prejudiced only by clear and convincing evidence to the contrary.

33
34 **§ 366.05.**

35
36 Notwithstanding subdivision (c) of Section 366.21, in a county of the first class, any
37 supplemental report filed in connection with a status review hearing held pursuant to subdivision
38 (a) of Section 366 shall be provided to the parent or legal guardian and to counsel for the child at
39 least 10 calendar days prior to the hearing. This may be accomplished by mailing or
40 electronically serving pursuant to Section 212.5 the report at least 15 calendar days prior to the
41 hearing to a party whose address is within the State of California, or at least 20 calendar days
42 prior to the hearing to a party whose address is outside the State of California. The court shall

1 grant a reasonable continuance, not to exceed 10 calendar days, upon request by any party or his
2 or her counsel on the ground that the report was not provided at least 10 calendar days prior to
3 the hearing as required by this section, unless the party or his or her counsel has expressly
4 waived the requirement that the report be provided within the 10-day period or the court finds
5 that the party's ability to proceed at the hearing is not prejudiced by the lack of timely service of
6 the report. In making this determination, the court shall presume that a party is prejudiced by the
7 lack of timely service of the report, and may find that the party is not prejudiced only by clear
8 and convincing evidence to the contrary.

9
10 **§ 366.21.**

11
12 (a)–(b) * * *

13 (c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental
14 report with the court regarding the services provided or offered to the parent or legal guardian to
15 enable him or her to assume custody and the efforts made to achieve legal permanence for the
16 child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships
17 between a child who is 10 years of age or older and has been in out-of-home placement for six
18 months or longer and individuals who are important to the child, consistent with the child's best
19 interests; the progress made; and, where relevant, the prognosis for return of the child to the
20 physical custody of his or her parent or legal guardian; and shall make his or her
21 recommendation for disposition. If the child is a member of a sibling group described in
22 subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, the report and
23 recommendation may also take into account those factors described in subdivision (e) relating to
24 the child's sibling group. If the recommendation is not to return the child to a parent or legal
25 guardian, the report shall specify why the return of the child would be detrimental to the child.
26 The social worker shall provide the parent or legal guardian, counsel for the child, and any court-
27 appointed child advocate with a copy of the report, including his or her recommendation for
28 disposition, at least 10 calendar days prior to the hearing. The report may be served
29 electronically pursuant to Section 212.5. In the case of a child removed from the physical
30 custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days
31 prior to the hearing, provide a summary of his or her recommendation for disposition to any
32 foster parents, relative caregivers, and certified foster parents who have been approved for
33 adoption by the State Department of Social Services when it is acting as an adoption agency or
34 by a county adoption agency, community care facility, or foster family agency having the
35 physical custody of the child. The social worker shall include a copy of the Judicial Council
36 Caregiver Information Form (JV-290) with the summary of recommendations to the child's
37 foster parents, relative caregivers, or foster parents approved for adoption, in the caregiver's
38 primary language when available, along with information on how to file the form with the court.
39 The summary of the recommendation may be served electronically pursuant to Section 212.5.

40 (d)–(l) * * *

1 **§ 366.26.**

2
3 (a)–(k) * * *

4 (l)(1)–(2) * * *

5 (3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the
6 following:

7 (A) A trial court, after issuance of an order directing a hearing pursuant to this section be held,
8 shall advise all parties of the requirement of filing a petition for extraordinary writ review as set
9 forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall
10 be made orally to a party if the party is present at the time of the making of the order. ~~or~~ If the
11 party is not present at the time of making the order, this notice shall be made by the clerk of the
12 court by first-class mail by the clerk of the court to the last known address of a party not present
13 at the time of making the order or by electronic service pursuant to Section 212.5. If the notice is
14 for a hearing at which the social worker will recommend the termination of parental rights,
15 service may be electronic service only in addition to service by first-class mail.

16 (B)–(D) * * *

17 (4) * * *

18 (5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this
19 section is issued on or after January 1, 1995.

20 (m)–(n) * * *

21
22 **§ 387.**

23
24 (a)–(c) * * *

25 (d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately
26 set the same for hearing within 30 days, and the social worker shall cause notice thereof to be
27 served upon the persons and in the manner prescribed by Sections 290.1 and 291, except that
28 service under this subdivision may be electronic service pursuant to Section 212.5.

29 (e) * * *

30
31 **§ 607.2.**

32
33 (a) On and after January 1, 2012, the court shall hold a hearing prior to terminating jurisdiction
34 over a ward who satisfies any of the following criteria:

35 (1)–(3) * * *

36 (4) Service of the notice of hearing may be electronic service pursuant to Section 212.5

37 (b) At a hearing during which termination of jurisdiction over a ward described in subdivision (a)
38 is being considered, the court shall take one of the following actions:

39 (1) * * *

40 (2)(A) * * *

41 (B) The court shall set a hearing within 20 judicial days of the date of the order described in
42 subparagraph (A) to review the child welfare services department's decision and may either

1 affirm its decision not to file a petition pursuant to Section 300 or order the child welfare
2 services department to file a petition pursuant to Section 300. Service of the notice of hearing
3 may be electronic service pursuant to Section 212.5

4 (3)–(6) * * *

5 (c)–(d) * * *

6
7 **§ 630.**

8
9 (a) If the probation officer determines that the minor shall be retained in custody, he shall
10 immediately proceed in accordance with Article 16 (commencing with Section 650) to cause the
11 filing of a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the
12 matter for hearing on the detention calendar. Immediately upon filing the petition with the clerk
13 of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the
14 probation officer or the prosecuting attorney, as the case may be, shall serve such minor with a
15 copy of the petition and notify him of the time and place of the detention hearing. The probation
16 officer, or the prosecuting attorney, as the case may be, shall thereupon notify each parent or
17 each guardian of the minor of the time and place of such hearing if the whereabouts of each
18 parent or guardian can be ascertained by due diligence. Such notice may be given orally. Service
19 under this subdivision shall not be made electronically.

20 (b) * * *

21
22 **§ 658.**

23
24 (a) Except as provided in subdivision (b), upon the filing of the petition, the clerk of the juvenile
25 court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall
26 cause the same to be served upon the minor, if the minor is eight or more years of age, and upon
27 each of the persons described in subdivision (e) of Section 656 whose residence addresses are set
28 forth in the petition and thereafter before the hearing upon all persons whose residence addresses
29 become known to the clerk. If the court has ordered the care, custody, and control of the minor to
30 be under the supervision of the probation officer for foster care placement pursuant to
31 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster
32 parents, preadoptive parents, legal guardians or relatives providing care to the minor. The clerk
33 shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district
34 attorney has notified the clerk of the court that he or she wishes to receive the petition,
35 containing the time, date, and place of the hearing. Service under this subdivision may be
36 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the
37 minor is detained and those persons entitled to notice are not present at the initial detention
38 hearing.

39 (b) Upon the filing of a supplemental petition where the minor has been declared a ward of the
40 court or a probationer under Section 602 in the original matter, the clerk of the juvenile court
41 shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause
42 the notice to be served upon the minor, if the minor is eight or more years of age, and upon each

1 of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth
2 in the supplemental petition and thereafter known to the clerk. The clerk shall issue a copy of the
3 supplemental petition to the minor's attorney, and to the district attorney if the probation officer
4 is the petitioner, or, to the probation officer if the district attorney is the petitioner, containing the
5 time, date, and place of the hearing. If the court has ordered the care, custody, and control of the
6 minor to be under the supervision of the probation officer for foster care placement pursuant to
7 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster
8 parents, preadoptive parents, legal guardians, or relatives providing care to the minor. Service
9 under this subdivision may be electronic service pursuant to Section 212.5.

10
11 **§ 660.**

12
13 (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court
14 shall cause the notice and copy of the petition to be served on all persons required to receive that
15 notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either
16 personally or by certified mail with request for return receipt, as soon as possible after filing of
17 the petition and at least five days prior to the time set for hearing, unless the hearing is set less
18 than five days from the filing of the petition, in which case, the notice and copy of the petition
19 shall be served at least 24 hours prior to the time set for hearing. Service under this subdivision
20 shall not be made electronically.

21 (b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of
22 Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court
23 shall cause the notice and copy of the petition to be served on all persons required to receive the
24 notice and copy of the petition, ~~either personally by personal service, or~~ by first-class mail, or by
25 electronic service pursuant to Section 212.5, as soon as possible after the filing of the petition
26 and at least five days prior to the time set for hearing, unless the hearing is set less than five days
27 from the filing of the petition, in which case the notice and copy of the petition shall be served at
28 least 24 hours prior to the time set for the hearing. Service under this subdivision may be
29 electronic service pursuant to Section 212.5 except that electronic service is not authorized if the
30 minor is detained and those persons entitled to notice are not present at the detention hearing.

31 (c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of
32 the petition to be served on all persons required to receive the notice and copy of the petition,
33 ~~either personally by personal service, or~~ by first-class mail, or by electronic service pursuant to
34 Section 212.5, at least 10 days prior to the time set for hearing. If that person is known to reside
35 outside of the county, the clerk of the juvenile court shall ~~mail-serve~~ the notice and copy of the
36 petition, by first-class mail or by electronic service pursuant to Section 212.5, to that person, as
37 soon as possible after the filing of the petition and at least 10 days before the time set for hearing.
38 Failure to respond to the notice shall in no way result in arrest or detention. In the instance of
39 failure to appear after notice by first-class mail or electronic service, the court shall direct that
40 the notice and copy of the petition is to be personally served on all persons required to receive
41 the notice and a copy of the petition. However, if the whereabouts of the minor are unknown,
42 personal service of the notice and a copy of the petition is not required and a warrant for the

1 arrest of the minor may be issued pursuant to Section 663. Personal service of the notice and
2 copy of the petition outside of the county at least 10 days before the time set for hearing is
3 equivalent to service by first-class mail or electronic service. Service may be waived by any
4 person by a voluntary appearance entered in the minutes of the court or by a written waiver of
5 service filed with the clerk of the court at or prior to the hearing.

6 (d) * * *

7
8 **§ 661.**

9
10 In addition to the notice provided in Sections 658 and 659, the juvenile court may issue its
11 citation directing any parent, guardian, or foster parent of the person concerning whom a petition
12 has been filed to appear at the time and place set for any hearing or financial evaluation under the
13 provisions of this chapter, including a hearing under the provisions of Section 257, and directing
14 any person having custody or control of the minor concerning whom the petition has been filed
15 to bring the minor with him or her. The notice shall in addition state that a parent, guardian, or
16 foster parent may be required to participate in a counseling or education program with the minor
17 concerning whom the petition has been filed. If the proceeding is one alleging that the minor
18 comes within the provisions of Section 601, the notice shall in addition contain notice to the
19 parent, guardian, or other person having control or charge of the minor that failure to comply
20 with the compulsory school attendance laws is an infraction, which may be charged and
21 prosecuted before the juvenile court judge sitting as a superior court judge. In those cases, the
22 notice shall also include notice that the parent, guardian, or other person having control or charge
23 of the minor has the right to a hearing on the infraction before a judge different than the judge
24 who has heard or is to hear the proceeding pursuant to Section 601. The notice shall explain the
25 provisions of Section 170.6 of the Code of Civil Procedure. Personal service of the citation shall
26 be made at least 24 hours before the time stated therein for the appearance. Service under this
27 section may be electronic service only in addition to other forms of service required by law.

28
29 **§ 727.4.**

30
31 (a)(1) Notice of any hearing pursuant to Section 727, 727.2, or 727.3 shall be ~~mailed~~ served by
32 the probation officer to the minor, the minor's parent or guardian, any adult provider of care to
33 the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents,
34 community care facility, or foster family agency, and to the counsel of record if the counsel of
35 record was not present at the time that the hearing was set by the court, by first-class
36 mail addressed to the last known address of the person to be notified, ~~or shall be personally~~
37 served by personal service on those persons, or by electronic service pursuant to Section 212.5,
38 not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall
39 contain a statement regarding the nature of the status review or permanency planning hearing and
40 any change in the custody or status of the minor being recommended by the probation
41 department. The notice shall also include a statement informing the foster parents, relative
42 caregivers, or preadoptive parents that he or she may attend all hearings or may submit any

1 information he or she deems relevant to the court in writing. The foster parents, relative
2 caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not
3 be made parties to the proceedings. Proof of notice shall be filed with the court.

4 (2) * * *

5 (b)–(d) * * *

6
7 **§ 777.**

8
9 An order changing or modifying a previous order by removing a minor from the physical
10 custody of a parent, guardian, relative, or friend and directing placement in a foster home, or
11 commitment to a private institution or commitment to a county institution, or an order changing
12 or modifying a previous order by directing commitment to the Youth Authority shall be made
13 only after a noticed hearing.

14 (a) * * *

15 (b) Upon the filing of such notice, the clerk of the juvenile court shall immediately set the same
16 for hearing within 30 days, and the probation officer shall cause notice of it to be served upon the
17 persons and in the manner prescribed by Sections 658 and 660. Service under this subdivision
18 may be electronic service pursuant to Section 212.5.

19 (c) * * *

20 (d) An order for the detention of the minor pending adjudication of the alleged violation may be
21 made only after a hearing is conducted pursuant to Article 15 (commencing with Section 625) of
22 this chapter. Service under this subdivision may be electronic service only in addition to other
23 forms of service required by law.

24
25 **§ 778.**

26
27 (a)(1) * * *

28 (2) If it appears that the best interests of the child may be promoted by the proposed change of
29 order or termination of jurisdiction, the court shall order that a hearing be held and shall give
30 prior notice, or cause prior notice to be given, to such persons and by such means as prescribed
31 by Sections 776 and 779, by electronic service pursuant to Section 212.5, and, in such instances
32 as the means of giving notice is not prescribed by such sections, then by such means as the court
33 prescribes.

34 (b)(1)–(4) * * *

35
36 **§ 779.**

37
38 The court committing a ward to the Youth Authority may thereafter change, modify, or set aside
39 the order of commitment. Ten days' notice of the hearing of the application therefor shall be
40 served ~~by United States mail~~ upon the Director of the Youth Authority. In changing, modifying,
41 or setting aside the order of commitment, the court shall give due consideration to the effect

1 thereof upon the discipline and parole system of the Youth Authority or of the correctional
2 school in which the ward may have been placed by the Youth Authority. Except as provided in
3 this section, nothing in this chapter shall be deemed to interfere with the system of parole and
4 discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole
5 and discharge of wards of the juvenile court committed to the Youth Authority, or with the
6 management of any school, institution, or facility under the jurisdiction of the Youth Authority.
7 Except as provided in this section, this chapter does not interfere with the system of transfer
8 between institutions and facilities under the jurisdiction of the Youth Authority. This section
9 does not limit the authority of the court to change, modify, or set aside an order of commitment
10 after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to,
11 or failing to, provide treatment consistent with Section 734.
12 However, before any inmate of a correctional school may be transferred to a state hospital, he or
13 she shall first be returned to a court of competent jurisdiction and, after hearing, may be
14 committed to a state hospital for the insane in accordance with law.

15
16 **§ 785.**

17
18 (a) Where a minor is a ward of the juvenile court, the wardship did not result in the minor's
19 commitment to the Youth Authority, and the minor is found not to be a fit and proper subject to
20 be dealt with under the juvenile court law with respect to a subsequent allegation of criminal
21 conduct, any parent or other person having an interest in the minor, or the minor, through a
22 properly appointed guardian, the prosecuting attorney, or probation officer, may petition the
23 court in the same action in which the minor was found to be a ward of the juvenile court for a
24 hearing for an order to terminate or modify the jurisdiction of the juvenile court. The court shall
25 order that a hearing be held and shall give prior notice, or cause prior notice to be given, to those
26 persons and by the means prescribed by Sections 776 and 779, by electronic service pursuant to
27 Section 212.5, or where the means of giving notice is not prescribed by those sections, then by
28 such means as the court prescribes.

29 (b)-(d) * * *

30
31 **§ 903.45.**

32
33 (a) * * *

34 (b) In a county where a board of supervisors has designated a county financial evaluation officer,
35 the juvenile court shall, at the close of the disposition hearing, order any person liable for the
36 cost of support, pursuant to Section 903, the cost of legal services as provided for in Section
37 903.1, probation costs as provided for in Section 903.2, or any other reimbursable costs allowed
38 under this code, to appear before the county financial evaluation officer for a financial evaluation
39 of his or her ability to pay those costs. If the responsible person is not present at the disposition
40 hearing, the court shall cite him or her to appear for a financial evaluation. In the case of a
41 parent, guardian, or other person assessed for the costs of transport, food, shelter, or care of a
42 minor under Section 207.2 or 903.25, the juvenile court shall, upon request of the county

1 probation department, order the appearance of the parent, guardian, or other person before the
2 county financial evaluation officer for a financial evaluation of his or her ability to pay the costs
3 assessed.

4 If the county financial evaluation officer determines that a person so responsible has the ability
5 to pay all or part of the costs, the county financial evaluation officer shall petition the court for
6 an order requiring the person to pay that sum to the county or court, depending on which entity
7 incurred the expense. If the parent or guardian is liable for costs for legal services pursuant to
8 Section 903.1, the parent or guardian has been reunified with the child pursuant to a court order,
9 and the county financial evaluation officer determines that repayment of the costs would harm
10 the ability of the parent or guardian to support the child, then the county financial evaluation
11 officer shall not petition the court for an order of repayment, and the court shall not make that
12 order. In addition, if the parent or guardian is currently receiving reunification services, and the
13 court finds, or the county financial officer determines, that repayment by the parent or guardian
14 will pose a barrier to reunification with the child because it will limit the ability of the parent or
15 guardian to comply with the requirements of the reunification plan or compromise the parent's or
16 guardian's current or future ability to meet the financial needs of the child, or in any case in
17 which the court finds that the repayment would be unjust under the circumstances of the case,
18 then the county financial evaluation officer shall not petition the court for an order of repayment,
19 and the court shall not order repayment by the parent or guardian. In evaluating a person's ability
20 to pay under this section, the county financial evaluation officer and the court shall take into
21 consideration the family's income, the necessary obligations of the family, and the number of
22 persons dependent upon this income. A person appearing for a financial evaluation has the right
23 to dispute the county financial evaluation officer's determination, in which case he or she is
24 entitled to a hearing before the juvenile court. The county financial evaluation officer, at the time
25 of the financial evaluation, shall advise the person of his or her right to a hearing and of his or
26 her rights pursuant to subdivision (c).

27 At the hearing, a person responsible for costs is entitled to have, but shall not be limited to, the
28 opportunity to be heard in person, to present witnesses and other documentary evidence, to
29 confront and cross-examine adverse witnesses, to disclosure of the evidence against him or her,
30 and to receive a written statement of the findings of the court. The person has the right to be
31 represented by counsel, and, if the person is unable to afford counsel, the right to appointed
32 counsel. If the court determines that the person has the ability to pay all or part of the costs,
33 including the costs of any counsel appointed to represent the person at the hearing, the court shall
34 set the amount to be reimbursed and order him or her to pay that sum to the county or court,
35 depending on which entity incurred the expense, in a manner in which the court believes
36 reasonable and compatible with the person's financial ability.

37 If the person, after having been ordered to appear before the county financial evaluation officer,
38 has been given proper notice and fails to appear as ordered, the county financial evaluation
39 officer shall recommend to the court that the person be ordered to pay the full amount of the
40 costs. Proper notice to the person shall contain all of the following:

41 (1)-(3) * * *

1 (4) A warning that if the person fails to appear before the county financial evaluation officer, the
2 officer will recommend that the court order the person to pay the costs in full.
3 If the county financial evaluation officer determines that the person has the ability to pay all or a
4 portion of these costs, with or without terms, and the person concurs in this determination and
5 agrees to the terms of payment, the county financial evaluation officer, upon his or her written
6 evaluation and the person's written agreement, shall petition the court for an order requiring the
7 person to pay that sum to the county or the court in a manner that is reasonable and compatible
8 with the person's financial ability. This order may be granted without further notice to the
9 person, provided a copy of the order is served on the person by mail or by electronic means
10 pursuant to section 212.5.
11 However, if the county financial evaluation officer cannot reach an agreement with the person
12 with respect to either the liability for the costs, the amount of the costs, the person's ability to
13 pay the costs, or the terms of payment, the matter shall be deemed in dispute and referred by the
14 county financial evaluation officer back to the court for a hearing.
15 (c)-(d) * * *