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INVITATION TO COMMENT SPR19-42

Title

Indian Child Welfare Act (ICWA):
Implementation of AB 3176 for Indian
Children

Proposed Rules, Forms, Standards, or Statutes
Adopt Cal. Rules of Court, rule 5.484; amend
rules 5.480, 5.481, 5.482, 5.483, 5.570, 5.668,
5.674, 5.676, 5.678, 5.690, and 5.725; amend
and renumber rules 5.484 and 5.485, renumber
5.486 and 5.487; adopt forms ICWA-070,
ICWA-080, and ICWA-90; revise forms
ICWA-005-INFO, ICWA-010(A), ICWA-
020, ICWA-030, ICWA-040, ICWA-060, JV-
100, JV-110, JV-320, JV-405, JV-410, JV-
412, JV-415, JV-418, JV-421, JV-430, JV-
432, JV-433, JV-435, JV-437, JV-438, JV-
440, JV-442, JV-443, JV-455, JV-457, and
JV-600

Proposed by

Tribal Court–State Court Forum
Hon. Abby Abinanti, Cochair
Hon. Suzanne N. Kingsbury, Cochair

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Action Requested

Review and submit comments by Monday
June 10, 2019

Proposed Effective Date

January 1, 2020

Contact

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Executive Summary and Origin

The Tribal Court–State Court Forum (forum) and the Family and Juvenile Law Advisory Committee recommend adopting a new rule of court, amending several other California Rules of Court, and revising several forms for Indian Child Welfare Act (ICWA) and juvenile court

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 It is circulated for comment purposes only.

dependency proceedings to comply with statutory changes in Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833) as well as changes to governing federal regulations and guidelines. The proposal also addresses technical amendments and corrections, and responds to several appellate court decisions regarding ICWA rules and forms.¹

Background

The federal Indian Child Welfare Act (25 U.S.C. §§ 1901 et seq.) was enacted in 1978 and establishes minimum federal standards that apply in all state court proceedings involving an Indian child where the child could be involuntarily placed in the custody of a nonparent, or where the parental rights of a parent could be terminated. In 2006, California enacted Senate Bill 678 (Ducheny; Stats. 2006, ch. 838) to substantially incorporate provisions of ICWA into the California Family Code, Probate Code, and Welfare and Institutions Code. Following enactment of SB 678, the Judicial Council adopted implementing rules of court and forms.² Those rules and forms have not been comprehensively amended or revised since that time. Some of the rules and forms have been updated, but only when necessary to comply with legislative changes or appellate court decisions. Other nonurgent suggestions for corrections or improvements to the rules and forms have been noted, following the practice that these nonurgent issues can be addressed when the rules and forms are being amended or revised.

In 2016, the federal government for the first time since 1979 finalized comprehensive regulations and issued updated guidelines implementing ICWA.³ In some areas, the regulations and guidelines were inconsistent with existing California law and practice. In addition, in 2017, the California ICWA Compliance Task Force presented its report to Attorney General Xavier Becerra.⁴ The report identified various concerns from tribes and tribal representatives about how ICWA was being interpreted and applied in California.

On September 27, 2018, Governor Brown signed AB 3176–Indian Children,⁵ to (1) address issues identified in the California ICWA Compliance Task Force Report, and (2) conform California law to the requirements of the new federal ICWA regulations and guidelines. The bill makes important revisions to California law including clarifying “... the specific steps a social worker, probation officer, or court is required to take in making an inquiry of a child’s possible status as an Indian child...” and revising “...the various notice requirements that are mandated during an Indian child custody proceeding, including a proceeding for an emergency removal of an Indian child from the custody of his or her parents or Indian custodian.” The bill directs the Judicial Council to adopt any forms or rules of court necessary to implement these provisions.

While the new federal ICWA regulations and guidelines apply to all proceedings governed by ICWA, including those that may arise under the California Family and Probate codes, AB 3176

¹ *In re. E.H.* (2018) 26 Cal.App.5th 1058; *In re. J.Y.* (2018) 30 Cal.App.5th 712.

² That rules and forms proposal was adopted by the Judicial Council at a meeting on October 26, 2007. The proposal was item A27 in Volume 1 of the materials and is available [here](#).

³ The regulations are available at [25 C.F.R. § 23](#), and the guidelines are available [here](#).

⁴ The report is available [here](#).

⁵ http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176

only amends the California Welfare and Institutions Code. In some instances, those provisions of the Welfare and Institutions Code are incorporated by reference in the Family and Probate codes. To avoid multiple rules amendments and forms revisions, this proposal includes changes to ICWA rules and forms that apply to all case types governed by ICWA required by the federal regulations and guidelines as well as revisions to juvenile rules and forms that are specifically required by AB 3176. The proposal also encompasses amendments to rules and revisions to forms required by appellate decisions and suggested by commentators since the rules and forms were last amended or revised.

Finally, while the identified rules and forms were being amended or revised, they were examined to determine whether amendments or revisions were appropriate in order to be more gender neutral consistent with the spirit of the Gender Recognition Act–SB 179 (Atkins; Stats. 2017, ch. 853). The questions about a child’s sex found at item 1e of the JV-100, *Juvenile Dependency Petition (Version One)*, and item 1b of the JV-110, *Juvenile Dependency Petition (Version Two)* were identified as being high priority to assess whether it would be possible to change the question from “sex” to “gender” and to add instructions that gender can include nonbinary.

The Proposal

The Tribal Court–State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rules 5.480 through 5.483, and rules 5.570, 5.668, 5.674, 5.676, 5.678, 5.690, and 5.725; amend and renumber rules 5.484 and 5.485; renumber rules 5.486 and 5.487; and adopt rule 5.484 to conform them to the statutory changes in AB 3176, and to clarify procedures and legal requirements.
2. Adopt Indian Child Welfare Act forms ICWA-70, ICWA-80, and ICWA-90; revise existing Indian Child Welfare Act and juvenile forms ICWA-005-INFO, ICWA-010(A), ICWA-020, ICWA-030, ICWA-040, ICWA-060, JV-100, JV-110, JV-320, JV-405, JV-410, JV-412, JV-415, JV-418, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-455, JV-457, and JV-600.

The text of the proposed changes to the California Rules of Court are attached at pages 14–34. Proposed forms for adoption or revision are found at pages 35–138.

The proposed changes are, for the most part, required by the passage of AB 3176 and the new federal regulations and guidelines, and are urgently needed to conform to these recent changes in the law. Those that are not directly required by these legal changes are either (1) in response to specific issues and recommendations in the California ICWA Compliance Task Force Report, (2) in response to issues identified in appellate decisions, or (3) changes that make minor or technical amendments identified by practitioners and justice partners.

The federal regulations and guidelines and AB 3176 make significant changes to prior law and practice reflected in the proposal in several key areas.

The proposal will benefit the judicial branch, justice partners, attorneys, and litigants by more clearly setting out the requirements of the Indian Child Welfare Act and conforming California practice to the requirements of federal and state law—thus reducing confusion and appeals.

Amendment to rule 5.480

This is a minor technical amendment intended to reflect the four distinct proceedings set out in the federal and state laws to which the ICWA requirements apply. As currently drafted, the rule does not include “preadoptive placements” that are specifically discussed in ICWA.

Amendment to rule 5.481

The proposed amendments implement changes to ICWA inquiry and notice requirements made by the federal ICWA regulations and AB 3176 amendments to Welfare and Institutions Code section 224.2. The proposed amendments:

- Add in paragraph (1) extended family members and others who have an interest in the child, including a party reporting child abuse or neglect, to those who must be asked whether or not the child may be an Indian child⁶;
- Add to paragraph (2) a question about whether the residence or domicile of the child, parents, or Indian custodian is on a reservation or Alaska Native Village;⁷
- Clarify that at the first appearance all participants to a case must be asked whether they know or have reason to know the child is an Indian child, and the court must instruct them to inform the court if they subsequently receive information that provides reason to know;
- Set out the obligation to conduct further inquiry when there is “reason to believe” the child is an Indian child;⁸
- Amend what gives the court “reason to know” the child is an Indian child;⁹
- Set out the evidence that must be provided concerning efforts to work with the child’s tribe(s) to determine the child’s status when the petitioner had reason to know the child is an Indian child;
- Authorize the court to find that the child is not an Indian child if—based on the evidence of the efforts to work with the child’s tribe(s)—the court is able to conclude that there is no “reason to know” the child is an Indian child;¹⁰ and

⁶ Welf. & Inst. Code, § 224.2(b), as amended by AB 3176.

⁷ *Id.*

⁸ Note that AB 3176 creates two different levels of knowledge about Indian status, with different obligations attaching to each of them. Section 224.2(e) of the Welf. & Inst. Code states that if there is “reason to believe” that an Indian child is involved, there is a duty of “further inquiry.” The specific steps of further inquiry include interviewing parents and extended family members and contacting the Bureau of Indians Affairs and potential tribes or others to gather information. Further inquiry must include sharing with tribes information identified by the tribe as necessary for the tribe to make a membership or eligibility determination. The level of information that provides “reason to believe” is not defined in the statute. “Reason to know” is defined at § 224.2(d) and essentially tracks the language in 25 C.F.R. § 23.107(c). Only when there is “reason to know” as set out in § 224.2(d) is formal ICWA notice required under § 224.2(f).

⁹ Welf. & Inst. Code, § 224.2(d), as amended by AB 3176.

¹⁰ Welf. & Inst. Code, § 224.2(i)(2).

- Clarify that notice by registered or certified mail (return receipt requested) is only required for specified hearings that may result in the foster care placement, termination of parental rights, preadoptive placement, or adoptive placement of the child when it is known or there is reason to know the child is an Indian child.¹¹

Amendment to rule 5.482

To implement the amendments to provisions governing ICWA notice in AB 3176 at section 7 (Welf. & Inst. Code, § 224.3):

- Clarify that formal ICWA notice, including the requirement to wait 10 days until after receipt of such notice, is only required for hearings, other than “emergency proceedings” that could result in an order for the foster care placement, termination of parental rights, preadoptive placement, or adoptive placement of the child;¹²
- Remove reference to the detention hearing in a dependency case, as this is now dealt with under rule 5.668; and
- Remove subdivision (c) authorizing a finding that the child is not an Indian child if proper notice has been given and no determinative response is received within 60 days, as the code provision that authorized this finding has been repealed by AB 3176.

Amendment to rule 5.483

The proposed amendments, which are required by the federal regulations and complementary changes in AB 3176 found in the amended section 305.5 of the Welfare and Institutions Code:

- Clarify that where a tribe has exclusive jurisdiction, the state court proceedings must be dismissed, rather than being transferred to the tribal court, subject only to the terms of any agreement that may have been reached between the state and the tribe under section 1919 of ICWA;
- Clarify the court’s duty to notify the tribe and tribal court of its intention to dismiss a case due to the tribe’s exclusive jurisdiction; and
- Amend what constitutes good cause to deny a request to transfer a case to tribal court when there is concurrent jurisdiction.

Adoption of rule 5.484

The new federal regulations, as set forth in 25 Code of Federal Regulations part 23.113 and implemented in AB 3176,¹³ necessitate adoption of a new rule that will replace rule 5.484 and require that current rules 5.484 through 5.487 be renumbered. The proposed new rule addresses the specific requirements related to emergency proceedings and emergency removals of an Indian child set out in the new federal regulations at 25 Code of Federal Regulations part 23.113

¹¹ Section 224.3(a) states that formal ICWA notice need be only for these specified hearings, rather than for every hearing, when it is known or there is reason to know the child is an Indian child.

¹² See amended § 224.3(a) and (d).

¹³ See amended Welf. & Inst. Code, § 224.1(l) defining “emergency proceeding” to include an initial hearing under § 319 as well as amended § 306(c), including temporary custody by an agency as an “emergency removal,” and the requirements contained in amended § 319(b)–(e).

and implemented in AB 3176 through various amendments to the Welfare and Institutions Code. Because the requirements of 25 Code of Federal Regulations part 23.113 apply generally to all cases governed by ICWA, the proposal is to add this to the ICWA rules, in addition to making specific changes (see below) to the juvenile rules governing detentions.

The proposed rule 5.484 addresses the requirements of the federal regulations and AB 3176, including:

- Clarifying the standards and required court findings for detention of a child when it is known or there is reason to know the child is an Indian child;
- Clarifying the specific evidence that must be presented to the court to support a removal or detention when it is known or there is reason to know the child is an Indian child;
- Establishing a process for requesting a hearing to seek return of the child when there is new information indicating that the emergency situation that justified initial removal has ended; and
- Addressing the limitations on how long an emergency proceeding can last.

Amendment and renumbering of former rule 5.484 to rule 5.485

In addition to renumbering, the following changes must be made for conformity with the updated federal guidelines:

- Amendments to how the court must analyze whether there has been compliance with the placement preferences and whether there is good cause, as defined in 25 Code of Federal Regulations parts 23.130–23.132, to deviate from those preferences; and
- Amendments to the requirements and analysis of “active efforts” to reflect the definition of active efforts contained in 25 Code of Federal Regulations part 23.2 and the requirements of documenting active efforts set out in 25 Code of Federal Regulations part 23.120.

Amendment and renumbering of former rule 5.485 to rule 5.486

In addition to renumbering, the proposed amendment to former rule 5.485 addresses comments from the California Department of Social Services and other practitioners suggesting that the existing rule was not consistent with ICWA and state law. The proposed amendments include:

- The requirement that evidence must show not only that active efforts were made but also that those active efforts were unsuccessful before parental rights can be terminated, consistent with the requirements of ICWA and state law; and
- Recognition of additional circumstances set out in state law that may constitute a compelling reason to determine that termination of parental rights is not in an Indian child’s best interest.

Renumbering of former rule 5.486 to rule 5.487 and former rule 5.487 to rule 5.488

The proposal would only renumber these rules and not make any substantive amendments.

Amendment to rule 5.570

After the most recent amendment to rule 5.570 in spring 2009, a commenter noted that the rule, as amended, was not consistent with the requirements of ICWA and California law, by failing to draw a distinction between the requirements for reasonable efforts generally and active efforts when the case involves an Indian child. The commenter was correct. However, the change was not made at the time because it was a substantive change that required the rule to circulate for comment.

Amendment to rule 5.668

The federal regulations and AB 3176 at amended section 224.2 of the Welfare and Institutions Code require certain specific steps to be taken to determine a child's Indian status at the commencement of each "proceeding." Rule 5.668 governs the commencement of the initial hearing, and the explanation of the proceedings. It includes requirements concerning inquiry about parentage. The proposal would add to the rule the specific requirements on ICWA inquiry language that sets forth what is required at an initial hearing on a juvenile petition.

Amendment to rule 5.674

This rule governs the conduct of the detention hearing and includes the findings and orders that must be made on the record. Welfare and Institutions Code section 309(a)(3), as amended by AB 3176, requires a modified detention finding on the record when the child is, or there is reason to know the child is, an Indian child. To implement this amendment to section 309(a)(3), it is proposed the rule be amended to require the court to find that detention is necessary to prevent imminent physical damage or harm to the child, and there are no reasonable means by which the child can be protected without detention. This reflects the new requirements enacted by the new federal ICWA regulations and AB 3176.

Amendment to rule 5.676

Rule 5.676 governs the requirements for the court to order a child detained. The proposed amendment adds to the requirements for detention when it is known, or there is reason to know, the child is an Indian child. These requirements are set out in Welfare and Institutions Code sections 309 and 319, as amended by AB 3176.

Amendment to rule 5.678

Rule 5.678 governs the findings that must be made to support a detention order, the factors the court must consider, whether or not the agency has made appropriate efforts, and any alternatives to detention that should be considered. To comply with the requirements of AB 3176, the following amendments are proposed:

- Include the additional findings now required by Welfare and Institutions Code section 319(c)(2) and (d) to support detention if the child is, or there is reason to know that the child is, an Indian child;
- Include the requirements for active efforts findings to support detention when it is known or there is reason to know the child is an Indian child, consistent with Welfare and Institutions Code sections 306(e)(4), 319(f)(2), and 361.7;

- Include reference to the placement preferences that must be followed when an Indian child is removed, even on an emergency basis, consistent with amended section 319(h)(C) of the Welfare and Institutions Code;
- Reference the time limitations that apply to a removal when it is known or there is reason to know the child is an Indian child, consistent with Welfare and Institutions Code section 319; and
- Include a provision for a hearing to return custody of the child if the emergency that supported initial removal has ended, as required by Welfare and Institutions Code section 319.4.

Amendment to rule 5.690

This rule governs the general conduct of a disposition hearing. The proposed amendments respond to changes in Welfare and Institutions Code section 309 resulting from AB 3176: specifically, the provision mandating evidence that efforts have been made to locate extended family as that term is specifically defined for an Indian child under Welfare and Institutions Code section 224.1; and to locate placements through the tribe as discussed in amended section 309(e)(1) and (e)(1)(B) of the Welfare and Institutions Code.

Amendment to rule 5.725

This rule governs the selection of a permanent plan. The proposed amendment to this rule responds to the decision of the Court of Appeal, Third Appellate District, in *In re J.Y.* (2018) 30 Cal.App.5th 712, which holds that rule 5.725(e) is invalid as inconsistent with statute, specifically section 366.26 of the Welfare and Institutions Code, to the extent that it implies that an order of the court concerning an adoption or tribal customary adoption is final prior to the entry of the final order of adoption. The Court of Appeal held that the order only becomes final once the order of adoption has been issued.

Revision to ICWA-005-INFO¹⁴

The proposed revisions include suggestions by commentators, as well as general technical corrections and substantive changes in response to AB 3176. The main revisions are changes to the explanation of the obligations to contact a tribe and provide information in response to the changes to section 224.2(e)(3) of the Welfare and Institutions Code contained in AB 3176.

Revision to ICWA-020

The proposal is to revise the questions asked of parents to more closely follow the inquiry required in the federal regulations and section 224.2 of the Welfare and Institutions Code, as amended by AB 3176. Significantly, the proposal would remove the questions about whether the parents or child have Indian ancestry and instead focus on information about tribal membership or eligibility.

¹⁴ All changes to forms are highlighted in yellow in the attachments.

Revision to ICWA-030

The proposed revisions would include a section to provide Indian ancestry information of “direct lineal ancestors,” as required by the regulations and the decision of the Court of Appeal in *In re E.H.* (2018) 26 Cal.App.5th^t 1058.

Revision to ICWA-040

The proposed revisions respond to comments that the form was confusing in attempting to address both designation of tribal representative and tribal intervention in one form. The proposal would have the designation of a tribal representative as a standalone form.

Revision to ICWA-060

The proposed revisions reflect the changes in the federal regulations and AB 3176 as to what can be considered as good cause not to transfer a case to tribal court.

Adoption of ICWA-070, ICWA-080, and ICWA-090

Section 23 of AB 3176 directs the Judicial Council to develop a rule of court and forms to implement the requirement that a party may request an ex parte hearing for return of an Indian child detained on an emergency basis as necessary to prevent imminent physical damage or harm to the child. Although AB 3176 only applies to juvenile proceedings, it is based on a provision in the new federal regulations (25 C.F.R. § 23.113) that mandates the state court have a process for a hearing on whether emergency removal or placement continues to be necessary. Therefore, it was decided to create a process and adopt forms that would apply generally to all ICWA cases, consistent with the federal regulatory requirements. The proposal would make these forms mandatory rather than optional. Because ICWA cases may involve tribes from across the state and the country, a unified consistent statewide practice is important.

Revisions to JV-100, JV-110, and JV-600

The proposed revisions to these juvenile dependency and juvenile wardship petitions relate to the required ICWA inquiry and respond to comments received from judicial officers and others. As currently drafted, item 2 on the form requires the individual filing the petition to affirm that they have personally completed inquiry about the child’s Indian ancestry and completed the attached ICWA-10(A) form. It does not provide the petitioner with the option of explaining that inquiry may not yet have been possible or that inquiry may have been completed by someone other than the individual filing the petition. Commentators stated that this does not reflect the reality of many situations in which it may not have been possible for the inquiry to be completed prior to filing the petition. Further, often a petition is filed by county counsel on behalf of an agency, but inquiry will have been completed by a social worker rather than personally by the county counsel. The proposed revisions address this by adding an option for explaining that inquiry has not yet been completed, and allowing the information about inquiry to be completed on information and belief.

Revision to JV-320

These revisions add specific findings when it is known or there is reason to know the case involves an Indian child. The proposed additions include:

- Findings that the evidence has included specific elements required under the regulations and AB 3176;
- Findings that the analysis and evidence required under the regulations and AB 3176 have been provided concerning the placement of an Indian child; and
- Specific findings on the nature of the active efforts provided by the agency required to support termination of parental rights for an Indian child.

The purpose of the revisions is to ensure that all ICWA requirements are considered and necessary findings and orders documented.

Revision to JV-405

This form is used following a continuance of the detention hearing in a dependency case. The proposed revisions primarily address the required ICWA inquiry and the court's findings as to whether or not there is reason to know that the child is an Indian child.

Revision to JV-410

This form documents the findings and orders required at a detention hearing. The proposed revisions include:

- Findings regarding ICWA inquiry and ICWA status;
- Findings regarding the court's jurisdiction when there is reason to know the case involves an Indian child;
- Findings regarding placement when there is reason to know the child is an Indian child; and
- Findings regarding active efforts when there is reason to know the child is an Indian child.

Revisions to JV-412

The proposed revision would add the requirement regarding ICWA notice whenever it is known, or there is reason to know that the child is an Indian child because the jurisdictional hearing is among those that AB 3176 specifies require ICWA notice.

Revisions to JV-415 and JV-418

The proposed revisions add the required active efforts finding if it is known or there is reason to know the child is an Indian child.

Revision to JV-421

The proposed revisions add the required ICWA findings and evidentiary elements with a goal of ensuring that the correct analysis is applied, and the required evidentiary elements are included, and findings and orders are made.

Revision to JV-430

The proposed revisions add requirements regarding active efforts when it is known or there is reason to know the child is an Indian child.

Revision to JV-432

The proposed revisions add required findings and orders regarding active efforts when it is known or there is reason to know the child is an Indian child.

Revision to JV-433

The proposed revisions add required findings and orders regarding active efforts and qualified expert witness testimony when it is known or there is reason to know the child is an Indian child.

Revision to JV-435

The proposed revisions add required findings and orders regarding active efforts and qualified expert witness testimony when it is known or there is reason to know the child is an Indian child.

Revision to JV-437

The proposed revisions add required findings and orders regarding ICWA placement preferences.

Revision to JV-438

The proposed revisions add required findings and orders regarding active efforts and qualified expert witness testimony when it is known or there is reason to know the child is an Indian child.

Revision to JV-440

The proposed revisions add required findings and orders regarding active efforts when it is known or there is reason to know the child is an Indian child.

Revision to JV-442

The proposed revisions add required findings and orders regarding active efforts and qualified expert witness testimony when it is known or there is reason to know the child is an Indian child.

Revision to JV-443

The proposed revisions add required findings and orders regarding compliance with ICWA placement preferences.

Revision to JV-455

The proposed revisions add required findings and orders regarding active efforts when it is known or there is reason to know the child is an Indian child.

Revision to JV-457

The proposed revisions add required findings and orders regarding active efforts and qualified expert witness testimony when it is known or there is reason to know the child is an Indian child.

The proposal will benefit the judicial branch, justice partners, attorneys, and litigants by more clearly setting out the requirements of the Indian Child Welfare Act and conforming California practice to the requirements of federal and state law, thus reducing confusion and appeals.

Alternatives Considered

The committees considered whether rules and forms were required and concluded that they were, based upon the direction from the Legislature and the fact that the existing rules and forms were out of date and no longer consistent with the law.

Fiscal and Operational Impacts

There will be fiscal and operational impacts as courts, justice partners, and litigants adjust to the new requirements and update their existing forms and practices. However, these impacts and burdens are required to comply with federal and state law and cannot be avoided. The benefits of complying with the law and avoiding appellate reversals will outweigh the potential costs.

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?
- Are the questions about Indian status in the proposed revision to form ICWA-020, *Parental Notification of Indian Status Form*, broad enough to ensure that Indian children are identified?
- Do the proposed findings and orders set out in item 12c of form JV-405 and item 9 of form JV-410 correctly reflect the distinction between “reason to believe” and “reason to know,” and the obligations triggered by each level of information?
- Can the rights and protections under the Indian Child Welfare Act be waived through the use of forms JV-419 and JV-419(A)?
- Should item 1e on form JV-100 and item 1b on form JV-110 be modified either to remove the question altogether, or to ask about gender rather than sex and add an instruction that gender can include nonbinary?

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 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.480, 5.481, 5.482, 5.483, 5.484, 5.485, 5.486, 5.487, 5.488, 5.570, 5.668, 5.674, 5.676, 5.678, 5.690, and 5.725, at pages 14–34
2. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, ICWA-030, ICWA-040, ICWA-060, ICWA-070, ICWA-080, ICWA-90, JV-100, JV-110, JV-320, JV-405, JV-410, JV-412, JV-415, JV-418, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-455, JV-457, and JV-600, at pages 35–138

Rule 5.484 of the California Rules of Court would be adopted, rules 5.480, 5.481, 5.482, 5.483, 5.570, 5.668, 5.674, 5.676, 5.678, and 5.690 would be amended, rules 5.484 and 5.485 would be amended and renumbered, and 5.486 and 5.487 would be renumbered, effective January 1, 2020, to read:

1 **Rule 5.480. Application**

2
3 This chapter addressing the Indian Child Welfare Act (25 United States Code section
4 1901 et seq.) as codified in various sections of the California Family, Probate, and
5 Welfare and Institutions Codes, applies to most proceedings involving Indian children
6 that may result in an involuntary foster care placement; guardianship or conservatorship
7 placement; custody placement under Family Code section 3041; declaration freeing a
8 child from the custody and control of one or both parents; termination of parental rights;
9 preadoptive placement or adoptive placement. This chapter applies to:

10
11 * * *

12
13 **Rule 5.481. Inquiry and notice**

14
15 **(a) Inquiry**

16
17 The court, court-connected investigator, and party seeking a foster-care placement,
18 guardianship, conservatorship, custody placement under Family Code section 3041,
19 declaration freeing a child from the custody or control of one or both parents,
20 termination of parental rights, or adoption have an affirmative and continuing duty
21 to inquire whether a child is or may be an Indian child in all proceedings identified
22 in rule 5.480. The court, court-connected investigator, and party include the county
23 welfare department, probation department, licensed adoption agency, adoption
24 service provider, investigator, petitioner, appointed guardian or conservator of the
25 person, and appointed fiduciary.

26
27 (1) The party seeking a foster-care placement, guardianship, conservatorship,
28 custody placement under Family Code section 3041, declaration freeing a
29 child from the custody or control of one or both parents, termination of
30 parental rights, or adoption must ask the child, if the child is old enough, and
31 the parents, Indian custodian, or legal guardians, extended family members,
32 others who have an interest in the child, and where applicable the party
33 reporting child abuse or neglect whether the child is or may be an Indian
34 child and whether the residence or domicile of the child, the parents, or
35 Indian custodian is on a reservation or Alaska Native Village, and must
36 complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)) and
37 attach it to the petition unless the party is filing a subsequent petition, and
38 there is no new information.

39
40 (2) At the first appearance by a parent, Indian custodian, or guardian, and all
41 other participants in any dependency case; or in juvenile wardship

1 proceedings in which the child is at risk of entering foster care or is in foster
2 care; or at the initiation of any guardianship, conservatorship, proceeding for
3 custody under Family Code section 3041, proceeding to terminate parental
4 rights proceeding to declare a child free of the custody and control of one or
5 both parents, or adoption proceeding; the court must:

6
7 (A) Ask each participant present whether the participant knows or has
8 reason to know that the child is an Indian child;

9
10 (B) Instruct the parties to inform the court if they subsequently receive
11 information that provides reason to know the child is an Indian child;
12 and

13
14 (C) ~~o~~Order the parent, Indian custodian, or guardian if available, to
15 complete *Parental Notification of Indian Status* (form ICWA-020).

16
17 (3) * * *

18
19 (4) If the social worker, probation officer, licensed adoption agency, adoption
20 service provider, investigator, or petitioner knows or has reason to ~~know~~
21 believe that an Indian child is or may be involved, that person or entity must
22 make further inquiry as soon as practicable by:

23
24 (A) Interviewing the parents, Indian custodian, and “extended family
25 members” as defined in 25 United States Code sections 1901 and
26 1903(2) , to gather the information listed in Welfare and Institutions
27 Code section 224.2(a) (5), Family Code section 180(b) (5), or Probate
28 Code section 1460.2(b) (5), ~~which is required to complete the *Notice of*~~
29 ~~*Child Custody Proceeding for Indian Child* (form ICWA-030);~~

30
31 (B) * * *

32
33 (C) Contacting the tribes and any other person that reasonably can be
34 expected to have information regarding the child’s membership status
35 or eligibility. These contacts must at a minimum include the contacts
36 listed in Welfare and Institutions Code section 224.2 (e)(3).

37
38 The petitioner must include in its filings a detailed description of all
39 inquiries, further inquiries it has undertaken, and all information received
40 pertaining to the child’s Indian status.

41
42 ~~(5) The circumstances that may provide reason to know the child is an Indian~~
43 ~~child include the following:~~

- 1
2 (A) ~~The child or a person having an interest in the child, including an~~
3 ~~Indian tribe, an Indian organization, an officer of the court, a public or~~
4 ~~private agency, or a member of the child's extended family, informs or~~
5 ~~otherwise provides information suggesting that the child is an Indian~~
6 ~~child to the court, the county welfare agency, the probation department,~~
7 ~~the licensed adoption agency or adoption service provider, the~~
8 ~~investigator, the petitioner, or any appointed guardian or conservator~~
9
10 (B) ~~The residence or domicile of the child, the child's parents, or an Indian~~
11 ~~eustodian is or was in a predominantly Indian community; or~~
12
13 (C) ~~The child or the child's family has received services or benefits from a~~
14 ~~tribe or services that are available to Indians from tribes or the federal~~
15 ~~government, such as the U.S. Department of Health and Human~~
16 ~~Services, Indian Health Service, or Tribal Temporary Assistance to~~
17 ~~Needy Families benefits.~~
18

19 (b) **Reason to know the child is an Indian child**

20
21 (1) The court has reason to know the child is an Indian child if:

- 22
23 (A) A person having an interest in the child, including the child, an officer
24 of the court, a tribe, an Indian organization, a public or private agency,
25 or a member of the child's extended family informs the court that the
26 child is an Indian child;
27
28 (B) The residence or domicile of the child, the child's parents, or Indian
29 custodian is on a reservation or in an Alaska Native Village;
30
31 (C) Any participant in the proceeding, officer of the court, Indian tribe,
32 Indian organization, or agency informs the court that it has discovered
33 information indicating that the child is an Indian child;
34
35 (D) The child who is the subject of the proceeding gives the court reason to
36 know he or she is an Indian child;
37
38 (E) The court is informed that the child is or has been a ward of a tribal
39 court; or
40
41 (F) The court is informed that either parent or the child possess an
42 identification card indicating membership or citizenship in an Indian
43 tribe.

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(2) When there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, the court must confirm, by way of a report, declaration, or testimony included in the record that the agency or other party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member, or eligible for membership, to verify whether the child is in fact a member or whether a biological parent is a member and the child is eligible for membership. Due diligence must include the further inquiry and tribal contacts discussed in (a)(4) above.

(3) Upon review of the evidence of due diligence, further inquiry, and tribal contacts, if the court concludes that the agency or other party has fulfilled its duty of due diligence, further inquiry, and tribal contacts, the court may:

(A) Find that there is no reason to know that the child is an Indian child and that the Indian Child Welfare Act does not apply. Notwithstanding this determination, if the court or a party subsequently receives information that was not previously available relevant to the child's Indian status, the court must reconsider this finding.

(B) Find that it is known or there is reason to know that the child is an Indian child, order notice in accordance with (c) below, and treat the child as an Indian child unless and until the court determines on the record that the child is not an Indian child.

(c) Notice

(1) If it is known or there is reason to know that an Indian child is involved in a proceeding listed in rule 5.480, except for a wardship proceeding under Welfare and Institutions Code sections 601 and 602 et seq., the social worker, petitioner, or in probate guardianship and conservatorship proceedings, if the petitioner is unrepresented, the court must send *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030) to the parent or legal guardian and Indian custodian of an Indian child, and the Indian child's tribe, in the manner specified in Welfare and Institutions Code section 224.2, Family Law Code section 180, and Probate Code section 1460.2 for all hearings that may result in the foster care placement, termination of parental rights, preadoptive placement, or adoptive placement.

(2)–(4) * * *

1
2 **Rule 5.482. Proceedings after notice**

3
4 **(a) Timing of proceedings**

5
6 (1) If it is known or there is reason to know that a child is an Indian child, the
7 court hearing that may result in a foster care placement, termination of
8 parental rights, preadoptive placement, or adoptive placement must not
9 proceed until at least 10 days after the parent, Indian custodian, the tribe, or
10 the Bureau of Indian Affairs have received notice, except as stated in sections
11 (a)(2) and (3).

12
13 ~~(2) The detention hearing in dependency cases and in delinquency cases in which~~
14 ~~the probation officer has assessed that the child is in foster care or it is~~
15 ~~probable the child will be entering foster care described by rule 5.480(2) (A)~~
16 ~~–(C) may proceed without delay, provided that:~~

17
18 ~~(A) Notice of the detention hearing must be given as soon as possible after~~
19 ~~the filing of the petition initiating the proceeding; and~~

20
21 ~~(B) Proof of notice must be filed with the court within 10 days after the~~
22 ~~filing of the petition.~~

23
24 ~~(3) The parent, Indian custodian, or tribe must be granted a continuance, if~~
25 ~~requested, of up to 20 days to prepare for the proceeding, except for specified~~
26 ~~hearings in the following circumstances:~~

27
28 ~~(A) The detention hearing in dependency cases and in delinquency cases~~
29 ~~described by rule 5.480(2) (A) –(C);~~

30
31 ~~(B) The jurisdiction hearing in a delinquency case described by rule~~
32 ~~5.480(2) (A) –(C) in which the court finds the continuance would not~~
33 ~~conform to speedy trial considerations under Welfare and Institutions~~
34 ~~Code section 657; and~~

35
36 ~~(C) The disposition hearing in a delinquency case described by rule~~
37 ~~5.480(2) (A) –(C) in which the court finds good cause to deny the~~
38 ~~continuance under Welfare and Institutions Code section 682. A good~~
39 ~~cause reason includes when probation is recommending the release of a~~
40 ~~detained child to his or her parent or to a less restrictive placement. The~~
41 ~~court must follow the placement preferences under rule 5.484 when~~
42 ~~holding the disposition hearing.~~

1 (b) **Proof of notice**

2
3 * * *

4
5 ~~(e) **When there is no information or response from a tribe**~~

6
7 ~~(1) If after notice has been provided as required by federal and state law and~~
8 ~~neither the tribe nor the Bureau of Indian Affairs has provided a~~
9 ~~determinative response within 60 days after receiving that notice, then the~~
10 ~~court may determine that the Indian Child Welfare Act does not apply to the~~
11 ~~proceedings, provided that the court must reverse its determination of the~~
12 ~~inapplicability of the act and must apply it prospectively if a tribe or the~~
13 ~~Bureau of Indian Affairs subsequently confirms that the child is an Indian~~
14 ~~child.~~

15
16 ~~(2) If at any time, based on the petition or other information, the court knows or~~
17 ~~has reason to know the child is an Indian child, the court must proceed as if~~
18 ~~the child were an Indian child.~~

19
20 ~~(3) The court is not required to delay proceedings until a response to notice is~~
21 ~~received.~~

22
23 (d) **Intervention**

24
25 The Indian child's tribe and Indian custodian may intervene, orally or in writing, at
26 any point in the proceedings, ~~and~~ The tribe may, but ~~are~~ is not required to, file with
27 the court the *Notice of Designation of Tribal Representative and Notice of*
28 *Intervention in a Court Proceeding Involving an Indian Child* (form ICWA-040) to
29 give notice of their intent to intervene.

30
31 (e)-(f) * * *

32
33 **Rule 5.483. Dismissal and transfer of case**

34
35 (a) ~~**Mandatory transfer of case to tribal court with**~~ **Dismissal when tribal court**
36 **has exclusive jurisdiction**

37
38 ~~The court must order transfer of a case to the tribal court of the child's tribe if:~~
39 Subject to the terms of any agreement between the state and the tribe pursuant to 25
40 United States Code section 1919:

41
42 (1) If the court receives information suggesting that the Indian child is a ward of
43 the a tribal court or is domiciled or resides within a reservation of an Indian

1 tribe that has exclusive jurisdiction over Indian child custody proceedings
2 under section 1911 or 1918 of title 25 of the United States Code, the court
3 must expeditiously notify the tribe and the tribal court that it intends to
4 dismiss the case upon receiving confirmation from the tribe or tribal court
5 that the child is a ward of the tribal court or subject to the tribe’s exclusive
6 jurisdiction.

7
8 (2) When the court receives confirmation that the child is already a ward of a
9 tribal court or is subject to the exclusive jurisdiction of an Indian tribe, the
10 state court shall dismiss the proceeding and ensure that the tribal court is sent
11 all information regarding the proceeding, including, but not limited to, the
12 pleadings and any state court record. If the local agency has not already
13 transferred physical custody of the Indian child to the child’s tribe, the state
14 court shall order that the local agency do so forthwith and hold in abeyance
15 any dismissal order pending confirmation that the Indian child is in the
16 physical custody of the tribe.

17
18 (3) This section does not preclude an emergency removal.

19
20 **(b)–(c) * * ***

21
22 **(d) Cause to deny a request to transfer to tribal court with concurrent state and**
23 **tribal jurisdiction**

24
25 (1) ~~One or more~~ Either of the following circumstances constitutes mandatory
26 good cause to deny a request to transfer:

27
28 (A) One or both of the child’s parents objects to the transfer in open court
29 or in an admissible writing for the record; or

30
31 ~~(B) The child’s tribe does not have a “tribal court” or any other~~
32 ~~administrative body as defined in section 1903 of the Indian Child~~
33 ~~Welfare Act: “a court with jurisdiction over child custody proceedings~~
34 ~~and which is either a Court of Indian Offenses, a court established and~~
35 ~~operated under the code or custom of an Indian tribe, or any other~~
36 ~~administrative body of a tribe which is vested with authority over child~~
37 ~~eustody proceedings;” or~~

38
39 ~~(C) The tribal court of the child’s tribe declines the transfer.~~

40
41 (2) ~~One or more of the following circumstances may constitute discretionary~~
42 ~~good cause to deny a request to transfer~~ In assessing whether good cause to
43 deny the transfer exists, the court must not consider:

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~~(A) — The evidence necessary to decide the case cannot be presented in the tribal court without undue hardship to the parties or the witnesses, and the tribal court is unable to mitigate the hardship by making arrangements to receive and consider the evidence or testimony by use of remote communication, by hearing the evidence or testimony at a location convenient to the parties or witnesses, or by use of other means permitted in the tribal court’s rules of evidence or discovery;~~

~~(B) — The proceeding was at an advanced stage when the request to transfer was received and the petitioner did not make the request within a reasonable time after receiving notice of the proceeding, provided the notice complied with statutory requirements. Waiting until reunification efforts have failed and reunification services have been terminated before filing a request to transfer may not, by itself, be considered an unreasonable delay;~~

~~(C) — The Indian child is over 12 years of age and objects to the transfer; or~~

~~(D) — The parents of a child over five years of age are not available and the child has had little or no contact with his or her tribe or members of the child’s tribe.~~

(A) Whether the foster care or termination-of-parental-rights proceeding is at an advanced stage if the Indian child’s parent, Indian custodian, or tribe did not receive notice of the child custody proceeding until an advanced stage;

(B) Whether there have been prior proceedings involving the child for which no petition to transfer was filed;

(C) Whether transfer could affect the placement of the child;

(D) The Indian child’s cultural connections with the tribe or its reservation;
or

(E) Socioeconomic conditions or any negative perception of tribal or BIA social services or judicial systems.

(3) * * *

1 ~~(e)~~ **Evidentiary considerations**

2
3 The court may not consider socioeconomic conditions and the perceived adequacy
4 of tribal social services, tribal probation, or the tribal judicial systems in its
5 determination that good cause exists to deny a request to transfer to tribal court
6 with concurrent state and tribal jurisdiction.

7
8 ~~(fe)~~ **Evidentiary burdens**

9
10 * * *

11 ~~(gf)~~ **Order on request to transfer**

12
13 * * *

14 ~~(hg)~~ **Advisement when transfer order granted**

15
16 * * *

17 ~~(ih)~~ **Proceeding after transfer**

18
19 * * *

20
21 **Rule 5.484. Emergency proceedings involving an Indian child**

22
23 **(a) Standards for removal**

24
25 Whenever it is known or there is reason to know that the case involves an Indian
26 child, the court may not order an emergency removal or placement of the child
27 without a finding that the removal or placement is necessary to prevent imminent
28 physical damage or harm to the child.

29
30 Whenever it is known or there is reason to know that the case involves an Indian
31 child, the petition requesting emergency removal or continued emergency
32 placement of the child or its accompanying documents must contain the following:

- 33
34 (1) A statement of the risk of imminent physical damage or harm to the child and
35 any evidence that the emergency removal or placement continues to be
36 necessary to prevent such imminent physical damage or harm to the child;
37
38 (2) The name, age, and last known address of the Indian child;
39
40 (3) The name and address of the child's parents and Indian custodians, if any;
41
42 (4) The steps taken to provide notice to the child's parents, custodians, and tribe
43 about the emergency proceeding;

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- (5) If the child’s parents and Indian custodians are unknown, a detailed explanation of what efforts have been made to locate and contact them;
- (6) The residence and the domicile of the Indian child;
- (7) If either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska Native Village, the name of the tribe affiliated with that reservation or village;
- (8) The tribal affiliation of the child and of the parents or Indian custodians;
- (9) A specific and detailed account of the circumstances that led to the emergency removal of the child;
- (10) If the child is believed to reside or be domiciled on a reservation where the tribe exercises exclusive jurisdiction over child custody matters, a statement of efforts that have been made and are being made to contact the tribe and transfer the child to the tribe's jurisdiction; and
- (11) A statement of the efforts that have been taken to assist the parents or Indian custodian so the Indian child may safely be returned to their custody.

(b) Return of Indian child when emergency situation has ended

Whenever it is known or there is reason to know that the child is an Indian child and there has been an emergency removal of the child from parental custody, any party who asserts that there is new information indicating that the emergency situation has ended may request an ex parte hearing by filing a request in form ICWA-070 to determine whether the emergency situation has ended;

If the request provides evidence of new information establishing that the emergency placement is no longer necessary, the court shall promptly schedule a hearing. At the hearing the court shall consider whether the child’s removal and placement is still necessary to prevent imminent physical damage or harm to the child. If the court determines that the child’s emergency removal or placement is no longer necessary to prevent imminent physical damage or harm to the child, the court shall order the child returned to the physical custody of the parent or parents of Indian custodian.

(c) Time limitation on emergency proceedings

1 An emergency removal shall not continue for more than 30 days unless the court
2 makes the following determinations:

- 3
- 4 (1) Restoring the child to the parent or Indian custodian would subject the child
5 to imminent physical damage or harm;
- 6
- 7 (2) The court has been unable to transfer the proceeding to the jurisdiction of the
8 appropriate Indian tribe; and
- 9
- 10 (3) It has not been possible to have a hearing that complies with the substantive
11 requirements of the Indian Child Welfare Act for a foster care placement
12 proceeding.
- 13

14 **Rule 5.4845. Placement of an Indian child**

15

16 (a) * * *

17

18 (b) **Standards and preferences in placement of an Indian child**

- 19
- 20 (1) Unless the court finds good cause to deviate from them ~~the contrary~~,
21 whenever it is known or there is reason to know the child is an Indian child,
22 all placements of Indian children in any proceeding listed in rules 5.480 and
23 5.484 must follow the specified placement preferences in Family Code
24 section 177(a), Probate Code section 1459(b), and Welfare and Institutions
25 Code section 361.31.
- 26
- 27 (2) The court must analyze the availability of placements within the placement
28 preferences in descending order without skipping. The court may deviate
29 from the preference order only for good cause, which may include the
30 following considerations:
- 31
- 32 (A) The requests of the parent or Indian custodian if they attest that they
33 have reviewed the placement options, if any, that comply with the order
34 of preference;
- 35
- 36 (B) The requests of the Indian child, when of sufficient age and capacity to
37 understand the decision being made;
- 38
- 39 (C) The presence of a sibling attachment that can be maintained only
40 through a particular placement;
- 41
- 42 (D) The extraordinary physical or emotional needs of the Indian child
43 including specialized treatment services that may be unavailable in the

1 community where families who meet the placement preferences live as
2 established by a qualified expert witness; or

3
4 (DE) The unavailability of suitable families within the placement preferences
5 based on a documented diligent effort to identify families meeting the
6 preference criteria. The standard for determining whether a placement
7 is unavailable shall conform to the prevailing social and cultural
8 standards of the Indian community in which the Indian child's parent or
9 extended family resides or with which the Indian child's parent or
10 extended family members maintain social and cultural ties.

11
12 (3) The placement preferences shall be analyzed and considered each time there
13 is a change in the child's placement.

14
15 (4) The burden of establishing good cause for the court to deviate from the
16 preference order is on the party requesting that the preference order not be
17 followed. A placement may not depart from the preferences based on the
18 socioeconomic status of any placement relative to another or solely on the
19 basis of ordinary bonding or attachment that flowed from time spent in a
20 nonpreferred placement that was made in violation of the Indian Child
21 Welfare Act.

22
23 (45)-(67) * * *

24
25 (c) **Active efforts**

26
27 In addition to any other required findings to place an Indian child with someone
28 other than a parent or Indian custodian, or to terminate parental rights, the court
29 must find that active efforts have been made, in any proceeding listed in rule 5.480,
30 to provide remedial services and rehabilitative programs designed to prevent the
31 breakup of the Indian family, and must find that these efforts were unsuccessful.
32 These active efforts must include affirmative, active, thorough, and timely efforts
33 intended primarily to maintain or reunite the child with his or her family, must be
34 tailored to the facts and circumstances of the case, and must be consistent with the
35 requirements of section 224.1(f) of the Welfare and Institutions Code.

36
37 (1) The active efforts must be documented in detail in the record.

38
39 (2) The court must consider whether active efforts were made in a manner
40 consistent with the prevailing social and cultural conditions and way of life of
41 the Indian child's tribe.

1 (23) Efforts to provide services must include pursuit of any steps necessary to
2 secure tribal membership for a child if the child is eligible for membership in
3 a given tribe, as well as attempts to use the available resources of extended
4 family members, the tribe, tribal and other Indian social service agencies, and
5 individual Indian caregivers.

6
7 **Rule 5.4856. Termination of parental rights**

8
9 (a) ***

10
11 (b) **When parental rights may not be terminated**

12
13 The court may not terminate parental rights to an Indian child or declare a child
14 free from the custody and control of one or both parents if the court finds a
15 compelling reason for determining that termination of parental rights would not be
16 in the child’s best interest. Such a reason may include:

17
18 (1) The child is living with a relative who is unable or unwilling to adopt the
19 child because of circumstances that do not include an unwillingness to accept
20 legal or financial responsibility for the child, but who is willing and capable
21 of providing the child with a stable and permanent environment through legal
22 guardianship, and the removal of the child from the custody of his or her
23 relative would be detrimental to the emotional well-being of the child. For
24 purposes of an Indian child, “relative” shall include an “extended family
25 member,” as defined in the federal Indian Child Welfare Act of 1978 (25
26 U.S.C. § 1903(2));

27
28 (42) Termination of parental rights would substantially interfere with the child’s
29 connection to his or her tribal community or the child’s tribal membership
30 rights; or

31
32 (23) The child’s tribe has identified guardianship, long-term foster care with a fit
33 and willing relative, or another planned permanent living arrangement for the
34 child.

35
36 **Rule 5.4867. Petition to invalidate orders**

37
38 (a)–(c) ***

39
40 **Rule 5.4878. Adoption record keeping**

41
42 (a)–(b) ***

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

2
3 (a)–(d) * * *

4
5 (e) **Grounds for grant of petition (§§ 388, 778)**

6
7 (1)–(4) * * *

8
9 (5) For a petition filed under section 388(c)(1)(A), the court may terminate
10 reunification services during the time periods described in section 388(c)(1)
11 only if the court finds by a preponderance of evidence that reasonable
12 services have been offered or provided, and, by clear and convincing
13 evidence, that the change of circumstance or new evidence described in the
14 petition satisfies a condition in section 361.5(b) or (e). In the case of an
15 Indian child, the court may terminate reunification services only if the court
16 finds by clear and convincing evidence that active efforts have been made to
17 provide remedial services and rehabilitative programs designed to prevent the
18 breakup of the Indian family within the meaning of sections 224.1(f) and
19 361.7 of the Welfare and Institutions Code and that these efforts have proved
20 unsuccessful. The court may grant the petition after following the procedures
21 in (f), (g), and (h).
22

23 (6) For a petition filed under section 388(c)(1)(B), the court may terminate
24 reunification services during the time periods described in section 388(c)(1)
25 only if the court finds by a preponderance of evidence that reasonable
26 services have been offered or provided, and, by clear and convincing
27 evidence, that action or inaction by the parent or guardian creates a
28 substantial likelihood that reunification will not occur. Such action or
29 inaction includes, but is not limited to, failure to visit the child or failure to
30 participate regularly and make substantive progress in a court-ordered
31 treatment program. In determining whether the parent or guardian has failed
32 to visit the child or to participate regularly or make progress in a court-
33 ordered treatment plan, the court must consider factors including, but not
34 limited to, the parent or guardian’s incarceration, institutionalization, or
35 participation in a residential substance abuse treatment program. In the case
36 of an Indian child, the court may terminate reunification services only if the
37 court finds by clear and convincing evidence that active efforts have been
38 made to provide remedial services and rehabilitative programs designed to
39 prevent the breakup of the Indian family within the meaning of sections
40 224.1(f) and 361.7 of the Welfare and Institutions Code and that these efforts
41 have proved unsuccessful. The court may grant the petition after following
42 the procedures in (f), (g), and (h).
43

1 (7) * * *

2

3 (f)–(j) * * *

4

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

6

7 (a)–(b) * * *

8

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

10

11 (1) The court must ask each participant present at the hearing whether:

12

13 (A) The participant knows or has reason to know that the child is an Indian
14 child;

15

16 (B) The residence or domicile of the child, the child’s parents, or Indian
17 custodian is on a reservation or in an Alaska Native Village;

18

19 (C) The child is or has ever been a ward of a tribal court; and

20

21 (D) Either parent or the child possess an identification card indicating
22 membership or citizenship in an Indian tribe.

23

24 (2) The court must also instruct all parties to inform the court if they
25 subsequently receive information that provides reason to know the child is an
26 Indian child, and order the parent(s), Indian custodian, or guardian, if
27 available, to complete *Parental Notification of Indian Status* (form ICWA-
28 020).

29

30 (3) If it is known, or there is reason, to know that case involves an Indian child,
31 the court shall proceed in accordance with rules 5.481 et seq.

32

33 (ed) * * *

34

35 **Rule 5.674. Conduct of hearing; admission, no contest, submission**

36

37 (a) * * *

38

39 (b) **Detention hearing; general conduct (§ 319; 42 U.S.C. § 600 et seq.)**

40

41 (1) The court must read, consider, and reference any reports submitted by the
42 social worker and any relevant evidence submitted by any party or counsel.

1 All detention findings and orders must appear in the written orders of the
2 court.

3
4 (2) The findings and orders that must be made on the record are:

5
6 (A)–(B) * * *

7
8 (C) Reasonable efforts have been made to prevent removal; ~~and~~

9
10 (D) The findings and orders required to be made on the record under
11 section 319; and

12
13 (E) When it is known or there is reason to know the case involves an Indian
14 child, that detention is necessary to prevent imminent physical damage
15 or harm to the child, and there are no reasonable means by which the
16 child can be protected if maintained in the physical custody of his or
17 her parent or parents or Indian custodian.

18
19 (c)–(e) * * *

20
21 **Rule 5.676. Requirements for detention**

22
23 (a) * * *

24
25 **(b) Additional requirements for detention of an Indian child**

26
27 If it is known, or there is reason to know the child is an Indian child, the child may
28 not be ordered detained unless the court also finds that detention is necessary to
29 prevent imminent physical damage or harm to the child, and the court states the
30 facts supporting this finding on the record.

31
32 **(b)** * * *

33
34 **(d) Additional evidence required at a detention hearing for an Indian child**

35
36 If it is known, or there is reason to know that the child is an Indian child, the
37 reports relied upon must also include:

38
39 (1) A statement of the risk of imminent physical damage or harm to the Indian
40 child and any evidence that the emergency removal or placement continues to
41 be necessary to prevent the imminent physical damage or harm to the child;
42

- 1 (2) The steps taken to provide notice to the child’s parents, custodians, and tribe
2 about the hearing pursuant to this section;
3
4 (3) If the child’s parents and Indian custodians are unknown, a detailed
5 explanation of what efforts have been made to locate and contact them,
6 including contact with the appropriate Bureau of Indian Affairs regional
7 director;
8
9 (4) The residence and the domicile of the Indian child;
10
11 (5) If either the residence or the domicile of the Indian child is believed to be on
12 a reservation or in an Alaska Native Village, the name of the tribe affiliated
13 with that reservation or village;
14
15 (6) The tribal affiliation of the child and of the parents or Indian custodians;
16
17 (7) A specific and detailed account of the circumstances that caused the Indian
18 child to be taken into temporary custody;
19
20 (8) If the child is believed to reside or be domiciled on a reservation in which the
21 tribe exercises exclusive jurisdiction over child custody matters, a statement
22 of efforts that have been made and that are being made to contact the tribe
23 and transfer the child to the tribe’s jurisdiction; and
24
25 (9) A statement of the efforts that have been taken to assist the parents or Indian
26 custodians so the Indian child may safely be returned to their custody.
27

28 **Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts;**
29 **active efforts; detention alternatives**

30
31 **(a) Findings in support of detention (§ 319; 42 U.S.C. § 672)**
32

33 The court must order the child released from custody unless the court makes the
34 findings specified in section 319(b)(c), and where it is known, or there is reason to
35 know the child is an Indian child, the additional finding specified in section 319(d).
36

37 **(b) * * ***
38

39 **(c) Findings of the court—reasonable or active efforts (§ 319; 42 U.S.C. § 672)**
40

41 **(1) * * ***
42
43

1 (2) Where it is known or there is reason to know that the child is an Indian child,
2 whether the child is released or detained at the hearing, the court must
3 determine whether active efforts have been made to prevent or eliminate the
4 need for removal, and that those active efforts are documented in detail in the
5 record, and must make one of the following findings:

6
7 (A) Active efforts have been made; or

8
9 (B) Active efforts have not been made; and

10
11 (C) The court orders the department to initiate or continue services in
12 accordance with Welfare and Institutions Code section 358.

13
14 (~~23~~) The court must also determine whether services are available that would
15 prevent the need for further detention.

16
17 (~~34~~) The court must not order the child detained unless the court, after inquiry
18 regarding available services, finds that there are no reasonable services, or
19 where it is known or there is reason to know the child is an Indian child,
20 active efforts that would prevent or eliminate the need to detain the child or
21 that would permit the child to return home.

22
23 (~~45~~) If the court orders the child detained, the court must proceed under section
24 319(~~dg~~)-(eh).

25
26 **(d) Orders of the court (§ 319; 42 U.S.C. § 672)**

27
28 If the court orders the child detained, the court must order that temporary care and
29 custody of the child be vested with the county welfare department pending
30 disposition or further order of the court and must make the other findings and
31 orders specified in section 319(eg) and (~~fh~~)(3).

32
33 **(e) Detention alternatives (§ 319)**

34
35 The court may order the child detained as specified in section 319(~~fh~~).

36
37 **(f) Additional requirements regarding detention of an Indian child (§ 319)**

38
39 (1) If it is known, or there is reason to know the child is an Indian child, the child
40 must be detained in a home that complies with the placement preferences in
41 section 361.31 unless the court finds good cause exists not to follow the
42 placement preferences.

1 (2) If it is known, or there is reason to know the child is an Indian child, the
2 detention hearing may not be continued beyond 30 days unless the court finds
3 all of the following:

4
5 (A) Restoring the child to the parent, parents, or Indian custodian would
6 subject the child to imminent physical damage or harm;

7
8 (B) The court is unable to transfer the proceeding to the jurisdiction of the
9 appropriate Indian tribe; and

10
11 (C) It is not possible to initiate an Indian child custody proceeding as
12 defined in section 224.1.

13
14 **(g) Hearing for return of custody of Indian child after emergency removal when**
15 **emergency has ended**

16
17 If it is known or there is reason to know the child is an Indian child, a party may
18 request a hearing under rule 5.484(b) for return of the child prior to disposition if
19 the party asserts that there is new evidence that the emergency removal or
20 placement is no longer necessary to prevent imminent physical damage or harm to
21 the child.

22
23 **Rule 5.690. General conduct of disposition hearing**

24
25 **(a) Social study (§§ 280, 358, 358.1, 360, 361.5, 16002(b))**

26
27 The petitioner must prepare a social study of the child. The social study must
28 include a discussion of all matters relevant to disposition and a recommendation for
29 disposition.

30
31 (1) The petitioner must comply with the following when preparing the social
32 study:

33
34 (A) * * *

35
36 (B) If petitioner recommends removal of the child from the home, the
37 social study must include:

38
39 (i) A discussion of the reasonable efforts made to prevent or
40 eliminate removal, or if it is known or there is reason to know the
41 child is an Indian child, the active efforts to provide remedial
42 services and rehabilitative programs designed to prevent the

1 breakup of the Indian family, and a recommended plan for
2 reuniting the child with the family, including a plan for visitation;

3
4 (ii)–(iii) * * *

5
6 (C) The social study must include a discussion of the social worker's efforts
7 to comply with § 309(e) and rule 5.637, including but not limited to:

8
9 (i)–(ii) * * *

10
11 (iii) The number and relationship of those relatives described by item
12 (ii) who are interested in ongoing contact with the child; ~~and~~

13
14 (iv) The number and relationship of those relatives described by item
15 (ii) who are interested in providing placement for the child; and

16
17 (v) If it is known or there is reason to know the child is an Indian
18 child, efforts to locate extended family members as defined in
19 section 224.1, and evidence that all individuals contacted have
20 been provided with information about the option of obtaining
21 approval for placement through the tribe’s license or approval
22 procedure.

23
24 (D)–(F) * * *

25
26 (2) * * *

27
28 (b)–(c) * * *

29
30 **Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.31)**

31
32 (a)–(d) * * *

33
34 (e) **Procedures—adoption**

35
36 (1) * * *

37
38 (2) An order of the court terminating parental rights, ordering adoption under
39 section 366.26 or, in the case of an Indian child, ordering tribal customary
40 adoption under section 366.24, is conclusive and binding on the child, the
41 parent, and all other persons who have been served under the provisions of
42 section 294. Once a final order of adoption has issued, tThe order may not be
43 set aside or modified by the court, except as provided in section 366.26(e)(3)

1 and (i)(3) and rules 5.538, 5.540, and 5.542 with regard to orders by a
2 referee.

3

4 **(f)-(h) * * ***

5

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

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship, page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

ICWA-010(A), *Indian Child Inquiry Attachment* or page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*

You are responsible for helping to find out if the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment* or on page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*. This is important because if the child is an Indian child, specific steps must be taken to prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out ICWA-010(A), *Indian Child Inquiry Attachment* or
page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*

1. Try to find contact information for the child's parents, or other legal guardian, the child's Indian custodian (if the child is living with an Indian person other than a parent), the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents or other legal guardian, and the child's Indian custodian, and other available family members and ask them (and the child, if he or she is old enough) these questions:
 - a. Is the child a member of a tribe, and if they think he or she might be, then which tribe or tribes?
 - b. Are they members of a tribe, and if they think they might be, which tribes?
 - c. Does the child or the child's parents live in Indian country?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
3. If you are in touch with any of the child's relatives, ask them the same questions.

The court clerk's office cannot file your petition unless you have filled out and attached to the petition form ICWA-010(A), *Indian Child Inquiry Attachment*. This does not apply to a petition for appointment of a guardian in a probate guardianship or a petition filed in the juvenile court under Welfare and Institutions Code sections 601 or 602.

After taking the steps listed above to find out whether the child is an Indian child, if you have reason to believe that the child is an Indian child, you must contact the tribe or tribes that may have a connection with the child about your court case. Tribes that learn of the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction. You have reason to believe the child is an Indian child, if any of the people you ask these questions to answers yes to any of your questions.

Contacts with the tribe or tribes should include contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act published in the federal register by telephone, facsimile, or email and sharing with the tribe or tribes information identified by the tribe as necessary to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

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

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

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

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, or a member of the child's extended family says or provides information to anyone involved in the case that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live in a predominately Indian community; or
3. If the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service.

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

Who do you need to notify?

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

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

Tip on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 C.F.R. § 23.12), a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can link to the Federal Register list, and other resources related to ICWA, on the Bureau of Indian Affairs website at <https://www.bia.gov/bia/ois/dhs/icwa>.

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

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the Notice to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Secretary of the Interior at 1849 C Street, N.W., Washington, D.C. 20240 and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs

If you do not know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the Notice and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. In order to help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birth place; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

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

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

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, copies of the following filled-out and signed forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship case, form GC-210(CA), *Guardianship Petition—Child Information Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed Notice (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A) or form GC-210(CA));
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or counsel a party to do so. (Welf. & Inst. Code, § 224.2(e).)

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

1. Name of child:

2. (Check one)

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

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

I have asked or I am advised by _____ and on information and belief confirm that they have completed inquiry by asking the child, the child's parents, and other required and available individuals about the child's Indian status. The individuals asked include:

Person questioned:

Name: _____

Address: _____

City, state, zip: _____

Telephone: _____

Date questioned: _____

Relationship to child: _____

Person questioned:

Name: _____

Address: _____

City, state, zip: _____

Telephone: _____

Date questioned: _____

Relationship to child: _____

Additional persons questioned and their information is attached.

3. This inquiry (check one):

gave me reason to believe the child is or may be an Indian child. (if yes continue to 4).

gave me no reason to believe the child is or may be an Indian child.

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

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

a. The child is or may be a member of or eligible for membership in a tribe.

Name of tribe(s): _____

Location of tribe(s): _____

b. The child's parents, grandparents, or great-grandparents are or were members of a tribe.

Name of tribe(s): _____

Location of tribe(s): _____

c. The residence or domicile of the child, child's parents, or Indian custodian is on a reservation or in an Alaska Native Village.

d. The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).

e. The child is or has been a ward of a tribal court.

f. Either parent or the child possess an Indian Identification card indicating membership or citizenship in an Indian tribe.

Name of tribe(s): _____

6. If this is a delinquency proceeding under Welfare and Institutions Code, section 601 or 602:

The child is in foster care.

It is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD (check all that apply): <input type="checkbox"/> JUVENILE <input type="checkbox"/> Dependency <input type="checkbox"/> Delinquency <input type="checkbox"/> ADOPTION <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> CUSTODY (Fam. Code, § 3041) <input type="checkbox"/> DECLARATION OF FREEDOM FROM CONTROL OF PARENT <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> TERMINATION OF PARENTAL RIGHTS <input type="checkbox"/> VOLUNTARY RELINQUISHMENT OF CHILD BY PARENT	CASE NUMBER: HEARING DATE: DEPT.:

NOTICE TO (check all that apply):

- Parents or Legal Guardians Tribes Indian Custodians Sacramento Area Director, BIA
 Secretary of the Interior

1. NOTICE is given that based on the petition, a copy of which is attached to this notice, a child custody proceeding under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) has been initiated for the following child (a separate notice must be filed for each child):

<u>Name</u>	<u>Date of Birth</u>	<u>Place of Birth</u>
-------------	----------------------	-----------------------

2. HEARING INFORMATION

a. Date:	Time:	Dept.:	Room
Type of hearing:			

b. Address and telephone number of court same as noted above is (specify):

3. The child is or may be eligible for membership in the following Indian tribes (list each):

*Use this form in a conservatorship only if the proposed conservatee is a formerly married minor.

CASE NAME:	CASE NUMBER:
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4. Under the Indian Child Welfare Act (ICWA) and California law:

- a. The child's parents, Indian custodian, and the child's tribe have the right to be present at all hearings.
- b. The child's Indian custodian and the child's tribe have the right to intervene in the proceedings when ICWA applies.
- c. The child's parent, Indian custodian, or tribe may petition the court to transfer the case to the tribal court of the Indian child's tribe. The child's parent or tribe also have the right to refuse to have the case transferred to the tribal court.
- d. With the limited exceptions of the detention hearing in juvenile cases and the jurisdiction and disposition hearings in delinquency cases as identified in rule 5.482, the court will give up to 20 days from the time of the scheduled hearing if the child's parent, Indian custodian, or tribe request such time to prepare for the hearing.
- e. The proceedings could lead to the removal of the child from the custody of the parent or Indian custodian and possible termination of parental rights and adoption of the child.
- f. If the child's parents or Indian custodian have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
- g. The information contained in this notice and all attachments is confidential. Any tribal representative or agent or any other person or entity receiving this information must maintain the confidentiality of this information and not reveal it to anyone who does not need the information in order to exercise the tribe's rights under the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.).
- h. An Indian custodian is any Indian person who has legal custody of the child under tribal law or custom or state law, or to whom temporary physical custody, care, and control of the child has been transferred by a parent.

5. INFORMATION ON THE CHILD NAMED IN 1

- a. A copy of the petition initiating this case is attached.
- b. The child's birth certificate is attached unavailable
- c. A copy of the tribal registration card of the child the parent is attached.
- d. Biological relative information is listed below. (Indicate if any of the information requested below is unknown or does not apply. Do not use the abbreviation "N/A".) (Required by Fam. Code, § 180; Prob. Code, § 1460.2; and Welf. & Inst. Code, § 224.2.)
- e. If the chart does not represent the gender identities of the individuals in the child's family tree, please attach an appropriate equivalent.

Biological Mother	Biological Father
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME:	CASE NUMBER:
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5. **f. INFORMATION ON THE CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Mother's Biological Mother (Child's Maternal Grandmother)	Father's Biological Mother (Child's Paternal Grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Mother's Biological Father (Child's Maternal Grandfather)	Father's Biological Father (Child's Paternal Grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. **g. INFORMATION ON THE CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Mother's Biological Grandmother (Child's Maternal Great-grandmother)	Father's Biological Grandmother (Child's Paternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Mother's Biological Grandfather (Child's Maternal Great-grandfather)	Father's Biological Grandfather (Child's Paternal Great-grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. **h. INFORMATION ON THE CHILD NAMED IN 1**

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Father's Biological Grandmother (Child's Paternal Great-grandmother)	Father's Biological Grandmother (Child's Paternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

Father's Biological Grandfather (Child's Paternal Great-grandfather)	Father's Biological Grandfather (Child's Paternal Great-grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:	CASE NUMBER:
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5. i. INFORMATION ON THE CHILD NAMED IN 1

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A")

Information on Indian Ancestry of other Lineal Ancestors	Information on Indian Ancestry of other Lineal Ancestors
Name <i>(include maiden, married, and former names or aliases)</i> :	Name <i>(include maiden, married, and former names or aliases)</i> :
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

5. j. INFORMATION ON THE CHILD NAMED IN 1

(Indicate if any of the information requested below is unknown or does not apply; do not use the abbreviation "N/A".)

Indian Custodian Information	Indian Custodian Information
Name <i>(include maiden, married, and former names or aliases)</i> :	Name <i>(include maiden, married, and former names or aliases)</i> :
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe or band, and location:	Tribe or band, and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:

CASE NAME:	CASE NUMBER:
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9. Additional party information (list the name, mailing address, and telephone number of all parties notified):

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone Number</u>
-------------	------------------------	-------------------------

DECLARATION

(To be completed, dated, and signed in all cases by each petitioner named in companion petition.)

I am the petitioner or we are all of the petitioners in this proceeding. In response to items 5–9 of this form, I/we have given all information I/we have about the relatives and, if applicable, the Indian custodian, of the child named in item 1 of this form.

I/We 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)

Date:

(TYPE OR PRINT NAME)

▶ _____

(SIGNATURE)

Date:

(TYPE OR PRINT NAME)

▶ _____

(SIGNATURE)

CASE NAME:	CASE NUMBER:
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CERTIFICATE OF MAILING—JUVENILE COURT PROCEEDINGS

(To be completed by social worker or probation officer.)

I certify that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition identified on page 1 of this form, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at (*place*):

on(*date*):

Date: Title: Department:

(TYPE OR PRINT NAME)

(SIGNATURE)

DECLARATION OF MAILING—ADOPTION, FAMILY LAW, AND PROBATE PROCEEDINGS

(To be completed by the attorney for Petitioner if Petitioner is represented.)

- I am an attorney at law, admitted to practice in the courts of the State of California, and attorney for Petitioner in this matter.
- I declare that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition identified on page 1 of this form, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at (*place*):
- on(*date*):

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)

CERTIFICATE OF MAILING—PROBATE PROCEEDINGS

(To be completed by the clerk of the court if Petitioner is unrepresented.)

I certify that a copy of the *Notice of Child Custody Proceeding for Indian Child*, with a copy of the petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. (Except that the telephone numbers shown below were not placed on the envelopes. They are shown below because they must be disclosed in the *Notice* under Family Code section 180, Probate Code section 1460.2, and Welfare and Institutions Code section 224.2.) Each envelope was sealed and deposited with the United States Postal Service at (*place*):

on(*date*):

Date: Title: Department:

(TYPE OR PRINT NAME)

(SIGNATURE)

This form and all return receipts must be filed with the court.

CASE NAME:	CASE NUMBER:
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NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ALL PERSONS, TRIBES, OR AGENCIES TO WHOM NOTICE WAS MAILED

<p>1. <input type="checkbox"/> Parent (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>2. <input type="checkbox"/> Parent (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>3. <input type="checkbox"/> Guardian (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>4. <input type="checkbox"/> Guardian (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>5. <input type="checkbox"/> Indian Custodian (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>6. <input type="checkbox"/> Indian Custodian (<i>Name</i>): Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>7. <input type="checkbox"/> <i>Sacramento Area Director</i> <i>Bureau of Indian Affairs</i> Street address: 2800 Cottage Way City, state and zip code: Sacramento, CA 95825 Telephone number:</p>	<p>8. <input type="checkbox"/> <i>Sacramento Area Director</i> <i>Bureau of Indian Affairs</i> Street address: 1849 C Street, N.W. City, state and zip code: Washington D.C. 20240 Telephone number:</p>
<p>9. <input type="checkbox"/> Tribe (<i>Name</i>): Addressee (<i>Name</i>): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>10. <input type="checkbox"/> Tribe (<i>Name</i>): Addressee (<i>Name</i>): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>
<p>11. <input type="checkbox"/> Tribe (<i>Name</i>): Addressee (<i>Name</i>): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>	<p>12. <input type="checkbox"/> Tribe (<i>Name</i>): Addressee (<i>Name</i>): Title: Street address: Mailing address: City, state and zip code: Telephone number:</p>

Note: Notice to the tribe must be sent to the tribe chairman or designated authorized agent for service.

Additional tribes served listed on attached form ICWA-030(A)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
NOTICE OF DESIGNATION OF TRIBAL REPRESENTATIVE IN A COURT PROCEEDING INVOLVING AN INDIAN CHILD		CASE NUMBER:
		RELATED CASES (<i>if any</i>):

TO ALL PARTIES:

1. I represent the (*name of tribe*): _____, which is a federally recognized Indian tribe listed in the Federal Register.
2. The above named child or children are:
 - Members of this tribe
 - Eligible for membership in this tribe and their Mother Father is a member of this tribe.
3. Under the Indian Child Welfare Act, the tribe designates (*specify name and title*): _____ as the tribe's representative and authorizes that person under the attached tribal resolution other official tribal document (e.g., letter, declaration, or other document from the office of the chairperson or president of the tribe or ICWA office) for the following purposes:
 - a. to receive notice of hearings;
 - b. to be present at hearings;
 - c. to address the court;
 - d. to examine all court documents relating to the case (*at the court's discretion, if tribe does not intervene*);
 - e. to submit written reports and recommendations to the court;
 - f. to request transfer of the case to the tribe's jurisdiction; and
 - g. to intervene at any point in a proceeding when it is determined the act applies.
4. The tribe requests that notice of all proceedings be sent to the above named tribal representative at the contact information below:

Name: _____

Title: _____

Address: _____

City, state, zip code: _____

Telephone: _____ Fax: _____

CHILD'S NAME:	CASE NUMBER:
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5. The tribe requests does not request an additional notice be sent to the tribal council at the contact information below:

Name:

Title:

Address:

City, state, zip code:

Telephone:

Fax:

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)

CHILD'S NAME:	CASE NUMBER:
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PROOF OF SERVICE

ICWA-040, the *Notice of Designation of Tribal Representative in a Court Proceeding Involving an Indian Child* must be served on the other parties or attorneys for the parties. Anyone at least 18 years of age EXCEPT A PARTY in this action may personally serve or mail the notice. The person who serves the notice must fill out and sign this proof of service. ICWA-040, the *Notice of Designation of Tribal Representative in a Court Proceeding Involving an Indian Child* may not be filed with the court until all the parties or attorneys are served.

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. I served a copy of form ICWA-040 and all attachments as follows (*check either a or b below for each person served*):
 - a. **Personal service.** I personally delivered a copy of form ICWA-040 and all attachments as follows:

(1) <input type="checkbox"/> Name of child's attorney (<i>if applicable</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:	(2) Name of <input type="checkbox"/> parent (<i>if self-represented</i>) or <input type="checkbox"/> parent's attorney (<i>if applicable</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:
(3) Name of Court Appointed Special Advocate (<i>if applicable</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:	(4) Name of <input type="checkbox"/> social worker (<i>dependency only</i>) or <input type="checkbox"/> probation officer (<i>delinquency only</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:
(5) Name of <input type="checkbox"/> child's caregiver or <input type="checkbox"/> Indian custodian served: (a) Address: (b) Date of delivery: (c) Time of delivery:	(6) Attorney for child welfare services agency (<i>dependency only</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:
(7) Name of <input type="checkbox"/> parent (<i>if self-represented</i>) or <input type="checkbox"/> parent's attorney (<i>if applicable</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:	(8) District attorney (<i>delinquency only</i>) served: (a) Address: (b) Date of delivery: (c) Time of delivery:

CHILD'S NAME:	CASE NUMBER:
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2. b. **Mail.** I deposited a copy of form ICWA-040 and all attachments in the United States mail, in a sealed envelope with postage fully prepaid, addressed as follows:
- (1) Name of child's attorney (*if applicable*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (2) Name of parent (*if self-represented*) or parent's attorney (*if applicable*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (3) Name of Court Appointed Special Advocate (*if applicable*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (4) Name of social worker (*dependency only*) or probation officer (*delinquency only*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (5) Name of child's caregiver or Indian custodian served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (6) Attorney for child welfare services agency (*dependency only*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (7) Name of parent (*if self-represented*) or parent's attorney (*if applicable*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- (8) District Attorney (*delinquency only*) served:
- (a) Address:
- (b) Date of deposit:
- (c) Place of deposit:
- c. **Attachment.** If there are additional persons to serve, attach a separate piece of paper to form ICWA-040, write the child's name and case number on the top, and list additional persons' names, mailing addresses or location of personal service, dates of delivery or deposit, times of delivery or deposit, and whether service was made personally or by mail.

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 OF PERSON WHO SERVED NOTICE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER:
ORDER ON PETITION TO TRANSFER CASE INVOLVING AN INDIAN CHILD TO TRIBAL JURISDICTION	RELATED CASES (if any):

1. Child's name: _____ Date of birth: _____
2. a. Date of hearing: _____ Time: _____ Dept.: _____ Room: _____
- b. Persons present:

<input type="checkbox"/> Child	<input type="checkbox"/> Parent (name): _____	<input type="checkbox"/> Parent's attorney
<input type="checkbox"/> Child's attorney	<input type="checkbox"/> Parent (name): _____	<input type="checkbox"/> Parent's attorney
<input type="checkbox"/> Probation officer/social worker	<input type="checkbox"/> Guardian	<input type="checkbox"/> CASA
<input type="checkbox"/> Deputy county counsel	<input type="checkbox"/> Deputy district attorney	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Tribal representative (name): _____		
3. The court has read and considered the
 - ICWA-50, *Notice of Petition and Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction*
 - Other *relevant evidence (specify)*:
4. The child's tribe has informed this court that it has a tribal court or other administrative body vested with authority over child custody proceedings.
5. **THE COURT FINDS AND ORDERS** under Family Code, § 177(a); Probate Code, § 1459.5(b); Welfare and Institutions Code, § 305.5; 25 U.S.C. § 1911(a) (Exclusive Jurisdiction)
 - a. The request for transfer is granted and the following ordered:
 - (1) The child's case is ordered transferred to the jurisdiction of the tribe listed below:
 Name of tribe:
 Address:
 City, state, zip code:
 Telephone number:
 - (2) Physical custody of the child is transferred to a designated representative of the tribal court listed below:
 Name:
 Title:
 Address:
 City, state, zip code:
 Telephone number:
 - b.
 - (1) The case is being transferred from a juvenile court, and all of the findings and orders or modifications of orders that have been made in the case are attached.
 - (2) The case is being transferred from a juvenile court, and the county agency is hereby directed to release its case file to the tribe under section 827.15 of the Welfare and Institutions Code.
 - (3) The case is being transferred from a juvenile court, and all originals contained in the court file must be transferred to the tribal court; a copy of the transfer order and findings of fact must be maintained by the transferring court.

CHILD'S NAME:	CASE NUMBER:
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5. (4) A party that intends to seek appellate review of the transfer order is advised that the party must take an appeal before the transfer to tribal court is finalized. Failure to request and obtain a stay (delay the effective date) of the transfer order will result in loss of appellate jurisdiction.
- c. The petition to transfer is denied because one of the following circumstances exist:
- (1) One or both of the child's parents opposes the transfer.
Name of opposing parent:
- (2) The tribal court or other administrative body of the child's tribe declines the transfer.
- d. The petition to transfer is denied because good cause exists not to transfer the case.
- (1) Name of opposing party: _____ has submitted information or evidence in writing to the court and all parties.
- (2) Petitioner has had the opportunity to provide information or evidence in rebuttal.
- (3) As detailed on the record, the party opposing the transfer has established that good cause not to transfer the proceeding exists.
- (4) The court provided a tentative decision in writing with reasons to deny the transfer in advance of the hearing at which the order to deny was made.
6. Proof that tribe has accepted transfer is attached and jurisdiction is terminated.
7. Hearing is set for *(date)*: _____ *(time)*: _____ *(dept.)*: _____
to confirm that tribe has accepted transfer and to terminate jurisdiction.

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
REQUEST FOR EX PARTE HEARING TO RETURN PHYSICAL CUSTODY OF AN INDIAN CHILD		

1. Child's name: _____ Date of birth: _____
2. Your information:
- a. I am the:
- child or youth mother father legal guardian
 Indian custodian tribal representative or attorney other party
- b. My name: _____
- c. My address: _____
 City: _____ State: _____ Zip code: _____
- d. My telephone number: _____
- e. *If you are an attorney:*
 My client's name: _____
 My client's relationship to the child or youth: _____
3. The child is or there is reason to know the child is an Indian child.
4. At a hearing on _____, the court found that detention or removal of the child from the custody of his/her parent, Indian custodian, or legal guardian was necessary to prevent imminent physical damage or harm to the child justifying an emergency removal and placement of the child.
5. There is new information showing a change in circumstances since that emergency removal, and that the child's placement is no longer necessary to prevent imminent physical damage or harm to the child. The new information showing this is:

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)

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	<i>FOR COURT USE ONLY</i> DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
ORDER ON REQUEST FOR EX PARTE HEARING TO RETURN PHYSICAL CUSTODY OF AN INDIAN CHILD		

1. Child's name:

Date of birth:

2. Having read and considered the request to return physical custody of an Indian child and the evidence submitted therewith, the court Finds and Orders:

- a. The request for an ex parte hearing is denied as the evidence submitted to the court does not show new information establishing that the emergency placement is no longer necessary to prevent imminent physical damage or harm to the child.
- b. The request for an ex parte hearing is granted and is scheduled for _____ .

Date:



 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
JUVENILE DEPENDENCY PETITION (VERSION ONE) (Welf. & Inst. Code, § 300 et seq.) <input type="checkbox"/> § 300—Original <input type="checkbox"/> § 342—Subsequent <input type="checkbox"/> § 387—Supplemental	CASE NUMBER: _____ RELATED CASE (<i>if any</i>): _____

1. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable boxes; see attachment 1a for concise statements of facts</i>): <input type="checkbox"/> (a) <input type="checkbox"/> (b)(1) <input type="checkbox"/> (b)(2) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)			
b. Child's name: _____	c. Age: _____	d. Date of birth: _____	e. Gender: _____
f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	i. Other (<i>state name, address, and relationship to child</i>): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
j. Prior to intervention, child resided with <input type="checkbox"/> parent (<i>name</i>): _____ <input type="checkbox"/> parent (<i>name</i>): _____ <input type="checkbox"/> guardian (<i>name</i>): _____ <input type="checkbox"/> Indian custodian (<i>name</i>): _____ <input type="checkbox"/> other (<i>state name, address, and relationship to child</i>): _____	k. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: _____ Current place of detention (<i>address</i>): _____ <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other		

2. **Indian Child Welfare Act Inquiry**

a. I have asked whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member or on information and belief, am aware that inquiry has been completed and attach the *Indian Child Inquiry Attachment* (form ICWA-010(A)).

(See important notice on page 2.)

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

3. Petitioner requests that the court find these allegations to be true.

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 OF PETITIONER)

Address and telephone number (if different person signing than listed in caption above):

Number of pages attached: _____ Other children are listed on *Additional Children Attachment* (form JV-101(A))

— NOTICE —

TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

CHILD'S NAME:	CASE NUMBER:
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2. Indian Child Welfare Act Inquiry

a. I have asked whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member or on information and belief, am aware that inquiry has been completed and attach the *Indian Child Inquiry Attachment* (form ICWA-010(A)).

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

3. Petitioner requests that the court find these allegations to be true.

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 OF PETITIONER)

Address and telephone number (if different person signing than listed in caption above):

Number of pages attached: _____

— NOTICE —

TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

**TO PARENTS OR OTHERS LEGALLY RESPONSIBLE
FOR THE SUPPORT OF THE CHILD**

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

CHILD'S NAME:	CASE NUMBER:
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8. a. There is clear and convincing evidence that it is likely the child will be adopted.
- b. The child is an Indian child or there is reason to know that the child is an Indian child, and
- (1) Qualified expert witness testimony was provided by _____ ; and
(Name of Witness)
- (2) Evidence regarding the prevailing social and culture practices of the child's tribe was provided; and
- (3) The court finds by evidence beyond a reasonable doubt that continued physical custody by the mother
 father Indian Custodian other: _____ is likely to cause serious
emotional or physical damage to the child.

9. The parental rights of
- a. parent (name): _____ Mother Father
- b. parent (name): _____ Mother Father
- c. alleged fathers (names): _____
- d. unknown mother all unknown fathers
are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- e. **The adoption is likely to be finalized by (date):**
(If item 9 is checked, go to item 17.)

10. This case involves an Indian child. The parental rights of
- a. parent (name): _____
- b. parent (name): _____
- c. Indian custodians (names): _____
- d. alleged fathers (names): _____
- e. unknown mother all unknown fathers
are modified in accordance with the tribal customary adoption order of the (specify): _____ tribe,
dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein.
The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary
adoptive placement in accordance with the tribal customary adoption order.
(If item 10 is checked, go to item 17.)

11. The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship. Removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. (If item 11 is checked, go to item 15 or 16.)
12. Termination of parental rights would be detrimental to the child for the following reasons: (If item 12 is checked, check reasons below and go to item 15 or 16.)
- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years of age or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either
- (1) under the age of 6; or
- (2) a member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.

CHILD'S NAME:	CASE NUMBER:
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12. e. There would be substantial interference with the child's sibling relationship.
- f. The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.
13. Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child (*if item 13 is checked, check reasons below and go to item 14*):
- a. is a member of a sibling group that should stay together.
 - b. has a diagnosed medical, physical, or mental disability.
 - c. is 7 years of age or older.
14. a. Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by (*date, not to exceed 180 days from the date of this order*):
- (*Do not check in the case of a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c as appropriate, and go to item 17.*)
- b. Visitation between the child and

<input type="checkbox"/> parent (<i>name</i>):	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
<input type="checkbox"/> parent (<i>name</i>):	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
<input type="checkbox"/> legal guardian (<i>name</i>):		
<input type="checkbox"/> other (<i>name</i>):		

 is scheduled as follows (*specify*):
 - c. Visitation between the child and (*names*):
is detrimental to the child's physical or emotional well-being and is terminated.
15. The child's permanent plan is legal guardianship.
- (*Name*):
is appointed legal guardian of the child, and *Letters of Guardianship* will issue. (*Do not check in case of a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b as appropriate, and go to item 15c or 15d.*)
- a. Visitation between the child and

<input type="checkbox"/> parent (<i>name</i>):	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
<input type="checkbox"/> parent (<i>name</i>):	<input type="checkbox"/> Mother	<input type="checkbox"/> Father
<input type="checkbox"/> legal guardian (<i>name</i>):		
<input type="checkbox"/> other (<i>name</i>):		

 is scheduled as follows (*specify*):
 - b. Visitation between the child and (*names*):
is detrimental to the child's physical or emotional well-being and is terminated.
 - c. Dependency Wardship is terminated.
 - d. Dependency Wardship is terminated. The likely date for termination of the dependency or wardship is (*date*):
(*If this item is checked, go to item 17.*)

The juvenile court retains jurisdiction of the guardianship under Welfare and Institutions Code section 366.4.

CHILD'S NAME:	CASE NUMBER:
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16. a. The child remains placed with (*name of placement*):
with a permanent plan of (*specify*):
- (1) Returning home
 (2) Adoption
 (3) Tribal customary adoption
 (4) Legal guardianship
 (5) Permanent placement with a fit and willing relative
 (6) Independent living with identification of a caring adult to serve as a lifelong connection

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

(If item 16a is checked, provide for visitation in items 16b and 16c as appropriate, and go to item 17.)

- b. Visitation between the child and
 parent (*name*): Mother Father
 parent (*name*): Mother Father
 legal guardian (*name*):
 other (*name*):
 is scheduled as follows (*specify*):

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

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

a. The permanent plan is something other than adoption, and (*choose one*):

- (1) The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1 (c); or
 (2) An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 (3) An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 (4) An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 (5) The child is placed in accordance with the preferences established by the tribe; or
 (6) The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.

b. The permanent plan is adoption (*choose one*):

- (1) The child is placed with a member of the child's extended family; or
 (2) An exhaustive search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or
 (3) An exhaustive search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or
 (4) The child is placed in accordance with the preferences established by the tribe; or
 (5) The court finds that there is good cause to depart from the placement preferences based on the reasons set out in detail in the record.

CHILD'S NAME:	CASE NUMBER:
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18. The child's placement is appropriate.
19. The child is an Indian child and the court finds that the agency has provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to be returned home, and these efforts have proved unsuccessful. These efforts are documented in detail in the record.
20. The child is, or there is reason to know the child is, an Indian and notice has been provided as required by section 224.3 of Welfare and Institutions Code and proof of such notice has been filed with the court.
21. The services set forth in the case plan include those needed to assist the child age 14 or older in making the transition from foster care to successful adulthood. *(This finding is required only for a child 14 years of age or older.)*
22. The child remains a dependent ward of the court. *(If this box is checked, go to items 22 and 23 if applicable, and items 24 and 25.)*
23. All prior orders not in conflict with this order will remain in full force and effect.
24. Other *(specify)*:

25. Next hearing date: _____ Time: _____ Dept: _____ Room: _____
- a. Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family
- b. Continued hearing under section 366.24(c)(6) for receipt of the tribal customary adoption order
- c. Six-month postpermanency review

26. The Parent *(name)*: Mother Father
 Parent *(name)*: Mother Father
 Indian custodian *(name)*:
 Child
 Other *(name)*:
 have been advised of their appeal rights (under Cal. Rules of Court, rule 5.590).

Date: _____

 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
CONTINUANCE—DEPENDENCY DETENTION HEARING	CASE NUMBER:

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

2. Dispositional hearing

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

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

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

THE COURT FINDS AND ORDERS:

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

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

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

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

of the following:

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

8. The court grants the motion for continuance under Welfare and Institutions Code section 322 made by the

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

9. A motion for continuance was made by the

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

and good cause exists for granting the continuance in that

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

The motion for the continuance is granted.

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

11. Parentage

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

12. ICWA Inquiry

On the record, the court has:

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

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

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

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

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

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

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

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

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

18. **Other findings and orders:**

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

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

Hearing date:	Time:	Dept:	Room:
---------------	-------	-------	-------

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

21 Number of pages attached: _____

Date: _____

 JUDGE JUDGE PRO TEMPORE

Date: _____

 COMMISSIONER REFEREE

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):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

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

2. Dispositional hearing

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

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

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

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

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

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

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

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

8. Parentage

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

9. ICWA Inquiry

On the record, the court has:

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

10. ICWA Status

- a. The court finds that there is no reason to believe or know that the child is an Indian child and ICWA does not apply; or
- b. The court finds that there is reason to believe that the child may be an Indian child; and
- (1) The agency has completed further inquiry as required by Welfare and Institutions Code section 224.2(e) and used due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status, and there is no reason to know that the child is an Indian child. ICWA does not apply; or
 - (2) The agency is ordered to complete further inquiry as required by Welfare and Institutions Code section 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services and/or others.
- c. The court finds that there is reason to know that the child is an Indian child, and
- (1) The agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status;
 - (2) Notice has been provided as required by law; and
 - (3) The court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.

CHILD'S NAME:	CASE NUMBER:
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10. d. The court finds that the child is an Indian child and a member of the _____ tribe.

11. ICWA Jurisdiction

a. It is known or there is reason to know that the child is an Indian child. The court finds (*select one*):

(1) That it has jurisdiction over the proceeding because:

(a) The court finds that the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and

(b) The court finds that the child is not already under the jurisdiction of a tribal court; or

(2) The court finds that it does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or

(3) The court finds that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with 25 U.S.C. § 1911.

Advisements and waivers

12. The court has informed and advised the

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

of the following:

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

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

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

CHILD'S NAME:	CASE NUMBER:
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14. **CHILD NOT DETAINED**

- a. Services that would prevent the need for further detention, including those set forth in item 17, are available.
- b. The child is returned to the custody of
- | | | | |
|--|--|---|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> other (<i>specify</i>): |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian | |

15. **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (*select at least one*):
- (1) there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court.
 - (3) the child has left a placement in which he or she was placed by the juvenile court.
 - (4) the child has been physically abused by a person residing in the home and is unwilling to return home.
 - (5) the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated on the record.
- f. The facts on which the court bases its decision to order the child detained are stated on the record.
- g. The child is placed in
- (1) the approved home of a relative.
 - (2) an emergency shelter.
 - (3) other suitable licensed place.
 - (4) a place exempt from licensure designated by the juvenile court.
 - (5) the approved home of a nonrelative extended family member as defined in Welf. & Inst. Code, § 362.7.
 - (6) the home of an extended family member as defined in Welf. & Inst. Code § 224.1, and there is reason to know the child is an Indian child.
 - (7) a home licensed or approved by the Indian child's tribe.
- h. Services, including those set forth in item 13, are to be provided to the family as soon as possible to reunify the child with his or her family.
- i. Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. There is a relative who is able, approved, and willing to care for the child.
- l. A relative who is able, approved, and willing to care for the child is not available. *This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.*

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16. CHILD DETAINED AND THERE IS REASON TO KNOW CHILD IS AN INDIAN CHILD

- a. The evidence includes all of the requirements of section 319 (b).
- b. The agency has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; or
 The agency has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; and

The agency is ordered to initiate or continue active efforts.

c. For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.

- d. The child's placement complies with the placement preferences set forth in Welf. & Inst. Code, § 361.31. The child is placed:
 - With a member of the child's extended family;
 - With a foster home licensed, approved, or specified by the child's tribe;
 - With an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - In an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.

OR

- For the reasons stated on the record, the court finds that there is good cause not to follow the placement preferences.

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

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

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

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

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

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

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

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

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

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22. **Other findings and orders:**

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

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

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

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

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

26. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE

Date: _____

COMMISSIONER REFEREE

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5. The child is an Indian child or there is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
6. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds:
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
8. A Court Appointed Special Advocate is appointed for the child.
9. The child's county of residence is:
10. The child's date of birth is (*specify*):

11. Parentage

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

Advisements and waivers

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

13. The court has informed and advised the

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

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
- the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;

CHILD'S NAME:	CASE NUMBER:
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13. b. • that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
- that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

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

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

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

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

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

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

18. There is a factual basis for the admission.

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

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

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):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING (Welf. & Inst. Code, § 361 et seq.)	CASE NUMBER:

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

2. Dispositional hearing

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

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

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

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

- a. Report of social worker dated:
- (1) For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welf. & Inst. Code, §§ 360(a), 361.5(g).
 - (2) In the case of an Indian child, the report of the social worker includes:
 - (a) Evidence that the agency has provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to be returned home, and these efforts have proved unsuccessful;
 - (b) An assessment in consultation with the Indian child's tribe, as specified in Welf. & Inst. Code, §358.1(j), whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

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

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

4. a. Notice of the date, time, and location of the hearing was given as required by law.
 b. **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
5. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
 b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
6. A Court Appointed Special Advocate is appointed for the child.
7. **Parentage**
 a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
 b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 (1) alleged parent (*name*):
 (2) alleged parent (*name*):
 (3) alleged parent (*name*):

8. ICWA Inquiry

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

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Advisements and waivers**9. The court informed and advised the**

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

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

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

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

11. Sibling group

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

Sibling (name):

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

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

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

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

- a. Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. Child 12 years of age or older who was present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)

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

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

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

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

17. **Other findings and orders:**

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

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

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

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

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

20. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE

Date: _____

COMMISSIONER REFEREE

For Your Information

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

CHILD'S NAME:	CASE NUMBER:
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DISPOSITIONAL ATTACHEMENT: APPOINTMENT OF GUARDIAN
(Welf. & Inst. Code, § 360(a))

1. The child is a person described under Welf. & Inst. Code, § 300 (check all that apply):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

2. The child is adjudged a dependent of the court.

3. a. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home; or
 b. The child is an Indian child and active efforts as detailed in the record were were not provided to prevent the breakup of the Indian family, and these efforts have proved unsuccessful.

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

5. The court advised the
 mother biological father legal guardian
 presumed father Indian custodian other (specify): _____
 that no reunification services will be provided as a result of the guardianship of the child established in this matter.

6. The mother biological father legal guardian
 presumed father Indian custodian other (specify): _____
 signed a *Guardianship (Juvenile)—Consent and Waiver of Rights* (form JV-419), agreeing to the guardianship of the child, the waiver of his or her rights to family maintenance services and family reunification services, and, in the case of an Indian child, the waiver of his or her rights under the Indian Child Welfare Act. A signed form JV-419 for each individual indicated above was filed with the court.

7. a. The child signed a *Guardianship (Juvenile)—Child's Consent and Waiver of Rights* (form JV-419A), agreeing to the establishment of the guardianship and the waiver of his or her rights to family maintenance services and family reunification services. The child's signed form JV-419A was filed with the court.
 b. The child is prevented from providing a meaningful response to the request for guardianship and a waiver of his or her rights to family maintenance services and family reunification services because of the child's
 (1) age.
 (2) physical condition.
 (3) emotional condition.
 (4) mental condition.

8. The child is an Indian child, and an authorized representative of the child's tribe signed a form JV-419 stating the tribe's agreement to the guardianship of the child, the waiver of the tribe's interests in family maintenance services and family reunification services, and the waiver of the tribe's rights under the Indian Child Welfare Act.

9. The establishment of a legal guardianship is in the child's best interest.

10. The county agency is ordered to release the child to the legal guardian named in item 11.

11. The court appoints (name):
 as the legal guardian of the child's person estate and orders the clerk of the court to issue letters of guardianship.

CHILD'S NAME:	CASE NUMBER:
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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

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

Circumstances justifying removal from custodial parent

2. There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> |

3. The child is an Indian child or there is reason to know that the child is an Indian child, and
- a. Qualified expert witness testimony was provided by _____ ; and
- b. Evidence regarding the prevailing social and culture practices of the child's tribe was provided; and
- c. There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (specify): | | |

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

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

6. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from** (check all that apply):
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (specify): | | |

CHILD'S NAME:	CASE NUMBER:
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Family finding and engagement

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

Case plan development

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

Custody and placement

9. The mother presumed father biological father did not reside with the child at the time the petition was filed and does does not desire custody of the child.
- a. By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
 Mother Presumed father Biological father
- b. The factual basis for the findings in this item is stated on the record.
10. **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. in the approved home of a relative.
- b. in the approved home of a nonrelative extended family member.
- c. in the foster home in which the child was placed before an interruption in foster care because that placement is in the child's best interest and space is available.
- d. with a foster family agency for placement in a foster family home.
- e. in a suitable licensed community care facility.
11. **Placement with the child's relative, (name):**
has been independently considered by the court and is denied for the reasons stated on the record.
12. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*):
- a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code § 224.1(c); or
- b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

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12. e. The child is placed in accordance with the preferences established by the tribe; or
 f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.
13. **The child's out-of-home placement is necessary.**
14. **The child's current placement is appropriate.**
15. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 a. The matter is continued to the date and time indicated in form JV-415, item 17 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 b. Other (*specify*):
16. **The child is placed outside the state of California and that out-of-state placement**
 a. continues to be the most appropriate placement for the child and is in the best interest of the child.
 b. is not the most appropriate placement for the child and is not in the best interest of the child.
 The matter is continued to the date and time indicated in form JV-415, item 17 for a written oral report by the county agency on the progress made toward
 (1) returning the child to California and locating an appropriate placement within California.
 (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 (3) other (*specify*):

Reunification services

17. **Provision of reunification services to the biological father** will will not benefit the child.
18. **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
 a. Participation in the program is is not in the child's best interest.
 b. The program is is not suitable to meet the needs of the mother and child.
19. **The following person is incarcerated:**
 mother legal guardian other (*specify*):
 presumed father Indian custodian
 and reasonable reunification services are
 a. granted.
 b. denied, because, by clear and convincing evidence, providing reunification services would be detrimental to the child.
20. **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence:**
 a. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § (*specify*):
 361.5(b)(3) 361.5(b)(7) 361.5(b)(9) 361.5(b)(11) 361.5(b)(13) 361.5(b)(16)
 361.5(b)(4) 361.5(b)(8) 361.5(b)(10) 361.5(b)(12) 361.5(b)(15) 361.5(b)(17)
 and reunification services are
 (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
 (2) denied.

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20. b. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.
- c. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are
 (1) granted.
 (2) denied, because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.
- d. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are
 (1) granted, because
 (a) reunification services are likely to prevent reabuse or neglect.
 (b) the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
 (2) denied.
- e. The mother legal guardian
 presumed father Indian custodian
 other person who is a legal parent of the child (*name*):
 is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are
 (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
 (2) denied, because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
 (3) The factual basis for the findings in this item is stated on the record.
- f. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed the *Waiver of Reunification Services (Juvenile Dependency)* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.
- g. **The county agency must provide reunification services**, and the following must participate in the reunification services stated in the case plan:
 Mother Biological father Legal guardian Presumed father
 Indian custodian Other (*specify*):

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

Efforts

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

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

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

Siblings

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

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

Health and education

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

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

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

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

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

31. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:
- a. Social worker.
- b. Parent (*name*):
- c. Surrogate parent (*name*):
- d. Educational representative (*name*):
- e. Other (*name*):

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32. The child's education placement has changed since the date the child was physically removed from the home.
- a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
- b. The child is enrolled in school.
- c. The child is attending school.
33. **Child 14 years of age or older:**
- a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) stated on the record.
- (2) as follows:

Advisements

34. **Child under the age of three years or member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).**
The court informed all parties present at the time of the hearing and further advises all parties that, because the child was under the age of three years on the date of initial removal or is a member of a sibling group:

- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).

Six-month hearing date:

- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:
- Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.
- c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under section 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

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

Twelve-month permanency hearing date:

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

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
FINDINGS AND ORDERS AFTER SIX-MONTH STATUS REVIEW HEARING (Welf. & Inst. Code, § 366.21(e))	CASE NUMBER: _____

1. Six-month status review hearing

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

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

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

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

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

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

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4. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. A Court Appointed Special Advocate is appointed for the child.

6. Parentage

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

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. The following were actively involved in the case plan development, including the child's plan for permanent placement.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- b. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- c. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- child mother father representative of child's identified Indian tribe
- other (*specify*):

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Efforts

10. The county agency

- a. has
- b. has not

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

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

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

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

Siblings

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

Health and education

- 15. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
 - b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- 16. a. The child's educational needs are are not being met.
 - b. The child's physical needs are are not being met.
 - c. The child's mental health needs are are not being met.
 - d. The child's developmental needs are are not being met.

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17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on _____.
18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are:
- stated in the social worker's report.
 - specified here: _____
19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker.
 - Parent (*name*): _____
 - Surrogate parent (*name*): _____
 - Educational representative (*name*): _____
 - Other (*name*): _____
20. The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - The child is enrolled in school.
 - The child is attending school.
21. **Child 14 years of age or older:**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows: _____
22. **Placement and services are ordered as stated in** (*check appropriate boxes and attach indicated forms*):
- Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e))* (form JV-431), which is attached and incorporated by reference.
 - Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (form JV-432), which is attached and incorporated by reference.
 - Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (form JV-433), which is attached and incorporated by reference.
23. **Contact with the child is ordered as stated in** (*check appropriate box and attach indicated form*):
- Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 - Visitation Attachment: Sibling* (form JV-401).
 - Visitation Attachment: Grandparent* (form JV-402).

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

25. Other findings and orders:

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

26. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
 b. 12-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
 c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
 (Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept:	Room:
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- d. Other (specify):

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

28. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

For Your Information

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

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

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

Placement

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

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

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

- a. The matter is continued to the date and time indicated in form JV-430, item 26 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):

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

- a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
- b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. The child is placed in accordance with the preferences established by the tribe; or
- f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.

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

- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 26 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Reunification services

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

8. For child under the age of three years at time of initial removal or a member of a sibling group

- a. Having considered the relevant evidence, including the following factors
- Whether there has been significant progress in resolving the problems that led to the removal;
 - Whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; and
 - Whether there has been consistent and regular contact and visitation with the child.

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

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

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

- b. Reasonable services have not been provided to the
- mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
- by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has (*specify*):

9. Reunification services are continued for the

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

- as previously ordered.
- as modified
 - on the record.
 - in the case plan.

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

CHILD'S NAME:	CASE NUMBER:
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Important individuals

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

Health

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

Advisement

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

Twelve-month permanency hearing date:

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

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

Placement

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

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

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

a. The matter is continued to the date and time indicated in form JV-430, item 26 for a written oral report by the county agency on the progress made in locating an appropriate placement.

b. Other (*specify*):

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

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

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

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

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

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

f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.

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

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

b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 26 for a written oral report by the county agency on the progress made toward

(1) returning the child to California and locating an appropriate placement within California.

(2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.

(3) Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Reunification services

7. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record:
- Affirmative, active, thorough, and timely efforts have have not been made to prevent the breakup of the Indian family, and these efforts have proved unsuccessful;
 - These efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and accessing or developing the resources necessary to satisfy the case plan;
 - To the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
 - These efforts and case plan have have not been developed and conducted to the maximum extent possible in partnership with the Indian child, the parents, and extended family and tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers.
 - These efforts have proved unsuccessful.
8. The child is an Indian child or there is reason to know that the child is an Indian child, and:
- Qualified expert witness testimony was provided by _____; and
 - Evidence regarding the prevailing social and culture practices of the child's tribe was provided; and
 - There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> legal guardian
<input type="checkbox"/> presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> other (<i>specify</i>): _____		
9. **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**
- The child was under the age of three years on the date of the initial removal from the home.
 - The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.
 - (1)
 - (2)
 - (3)
 - (4)
 - (5)
 - (6)
 - By clear and convincing evidence the

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

 failed to participate regularly and make substantive progress in a court-ordered treatment plan. Reunification services are terminated.
 - Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

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

- a. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

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

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

- b. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

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

- c. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

because it is determined that the person is deceased.

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

Important individuals12. **Child in out-of-home placement for six months or longer**

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

Health

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

Setting for selection of permanent plan

14. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i).

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14. d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*specify date*):
15. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is placement with (*name*): _____ a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*specify date*): _____
- b. The child remain in foster care with a permanent plan of (*specify*):
- (1) Return home.
- (2) Adoption.
- (3) Tribal customary adoption.
- (4) Legal guardianship.
- (5) The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- return home establish legal guardianship
- place for adoption place with a relative
- other (*specify*): _____
- The likely date** by which the child's permanent plan will be achieved is (*specify date*): _____
- c. The court finds that the barriers to achieving the child's permanent plans are (*describe*): _____

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

1. Twelve-month permanency hearing

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

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

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

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

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

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

CHILD'S NAME:	CASE NUMBER:
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4. a. The child is an Indian child or there is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.

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

6. Parentage

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

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

(1) alleged parent (*name*):

(2) alleged parent (*name*):

(3) alleged parent (*name*):

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

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

child mother father representative of child's identified Indian tribe
 other (*specify*):

b. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

child mother father representative of child's identified Indian tribe
 other (*specify*):

c. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

child mother father representative of child's identified Indian tribe
 other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Efforts

10. The county agency

- a. has
- b. has not

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

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

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

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

Siblings

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

Health and education

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

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16. a. The child's educational needs are are not being met.
 b. The child's physical needs are are not being met.
 c. The child's mental health needs are are not being met.
 d. The child's developmental needs are are not being met.
17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*:
18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are:
 a. stated in the social worker's report.
 b. specified here:
19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
 a. Social worker.
 b. Parent *(name)*:
 c. Surrogate parent *(name)*:
 d. Educational representative *(name)*:
 e. Other *(name)*:
20. The child's education placement has changed since the last review hearing.
 a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. The child is enrolled in school.
 c. The child is attending school.
21. **Child 14 years of age or older:**
 a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 (1) stated on the record.
 (2) as follows:
22. **Placement and services are ordered as stated in** *(check appropriate boxes and attach indicated forms)*:
 a. *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f))* (form JV-436), which is attached and incorporated by reference.
 b. *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437), which is attached and incorporated by reference.
 c. *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438), which is attached and incorporated by reference.

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

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

25. **Other findings and orders:**

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

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

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. 18-month permanency hearing (Welf. & Inst. Code, § 366.22)
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

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

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

28. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

For Your Information

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

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TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(f))

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

Placement

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

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

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

- a. The matter is continued to the date and time indicated in form JV-430, item 26 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):

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

- a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
- b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. The child is placed in accordance with the preferences established by the tribe; or
- f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.

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

- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 25 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

Reunification services

7. a. **There is substantial probability that the child may be returned** to the
 mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

CHILD'S NAME:	CASE NUMBER:
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7. a. (1) made significant progress in resolving the problems that led to the removal;
 (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
 (3) consistently and regularly contacted and visited the child.

- b. Reasonable services have not been provided to the
 mother biological father Indian custodian
 presumed father legal guardian other (*specify*):

8. Reunification services are continued for the

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

- a. as previously ordered.

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

9. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption, legal guardianship, or in an identified placement with a specific goal is (*specify date*):

Important individuals

10. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**

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

Health

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

Advisement

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

Eighteen-month permanency hearing date:

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

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

2. **Reunification services are terminated.**

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

4. The child is an Indian child or there is reason to know that the child is an Indian child, and
- a. Qualified expert witness testimony was provided by _____ ; and
(Name):
 - b. Evidence regarding the prevailing social and culture practices of the child's tribe was provided; and
 - c. There was clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
 - mother biological father legal guardian
 - presumed father Indian custodian
 - other (specify): _____

Placement

5. **The child's out-of-home placement is necessary.**
6. **The child's current placement is appropriate.**
7. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-435, item 26 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (specify): _____
8. There has been a change in the child's placement and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one):
- a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
 - b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

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

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

- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child.
The matter is continued to the date and time indicated in form JV-435, item 26 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):

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

Important individuals

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

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

Health

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

CHILD'S NAME:	CASE NUMBER:
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Selection of permanent plan

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

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

b. The child remains in foster care with a permanent plan of (*specify*):

(1) Return home.

(2) Adoption.

(3) Tribal customary adoption.

(4) Legal guardianship.

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

return home

establish legal guardianship

place for adoption

place with a relative

other (*specify*): _____

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

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

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

a. The court asked the child where he or she wants to live and the child provided the following information (*describe*): _____

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

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

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

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):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.22)	CASE NUMBER:

1. Eighteen-month permanency hearing

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

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

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

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

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

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

CHILD'S NAME:	CASE NUMBER:
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4. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. A Court Appointed Special Advocate is appointed for the child.

6. Parentage

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

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. The following were actively involved in the case plan development, including the child's plan for permanent placement.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- b. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- c. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- child mother father representative of child's identified Indian tribe
- other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Efforts

10. The county agency

- a. has
- b. has not

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

11. The child is 16 years of age or older and the agency has has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

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

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

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

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

Siblings

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

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

Health and education

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

CHILD'S NAME:	CASE NUMBER:
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17. a. The child's educational needs are are not being met.
 b. The child's physical needs are are not being met.
 c. The child's mental health needs are are not being met.
 d. The child's developmental needs are are not being met.
18. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*:
19. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 17 or other concerns are:
 a. stated in the social worker's report.
 b. specified here:
20. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 19:
 a. Social worker.
 b. Parent *(name)*:
 c. Surrogate parent *(name)*:
 d. Educational representative *(name)*:
 e. Other *(name)*:
21. The child's education placement has changed since the last review hearing.
 a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. The child is enrolled in school.
 c. The child is attending school.
22. **Child 14 years of age or older:**
 a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 (1) stated on the record.
 (2) as follows:
23. **Placement and services are ordered as stated in** *(check appropriate boxes and attach indicated forms)*:
 a. *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22) (form JV-441), which is attached and incorporated by reference.*
 b. *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22) (form JV-442), which is attached and incorporated by reference.*
 c. *Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22) (form JV-443), which is attached and incorporated by reference.*

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

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

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

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

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

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

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

29. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

For Your Information

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

CHILD'S NAME:	CASE NUMBER:
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**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.22)**

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

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

Placement

5. **The child's out-of-home placement is necessary.**
6. **The child's current placement is appropriate.**
7. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in form JV-440, item 27 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other *(specify):* _____
8. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently *(choose one)*:
 - a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
 - b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

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8. d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. The child is placed in accordance with the preferences established by the tribe; or
- f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. **The child is placed outside the state of California and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 27 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):
10. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the department has has not been evaluated.

Important individuals

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

Health

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

Selection of permanent plan

13. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is placement with (*name*): _____ a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*specify date*): _____

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13. b. The child remains in foster care with a permanent plan of (*specify*):
- (1) Return home.
- (2) Adoption.
- (3) Tribal customary adoption.
- (4) Legal guardianship.
- (5) The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- return home establish legal guardianship
- place for adoption place with a relative
- other (*specify*):

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

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

15. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).

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- 15.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
 - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
 - f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
 - (1) (name):
 - (2) (name):
9. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative (*specify date*):

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

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

Placement

2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-440, item 27 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
5. There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (*choose one*):
- a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
- b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. The child is placed in accordance with the preferences established by the tribe; or
- f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.
6. **The child is placed outside the state of California and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 27 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):

Reunification services

7. **By clear and convincing evidence, it is in the best interest of the child to provide additional reunification services to this**
- a. mother biological father Indian custodian
 presumed father legal guardian other (*specify*):

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7. (1) who is making significant and consistent progress in a substance abuse treatment program.
- (2) who is recently discharged from incarceration, institutionalization, or the custody of the Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return.
- (3) who was a minor parent or a nonminor dependent parent at the time of the initial hearing and is making significant and consistent progress in establishing a safe home for the child's return.

and

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

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

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

- (1) consistently and regularly contacted and visited the child;
- (2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
- (3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
- (a) to complete the objectives of his or her substance abuse treatment plan as evidenced by reports from a substance abuse provider.
- (b) to complete a treatment plan postdischarge from incarceration or institutionalization.
- c. The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause pursuant to Welf. and Inst. Code section 352 to continue the 18-month status review to (*specify date*):

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

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

- a. as previously ordered.
- b. as modified
- (1) on the record.
- (2) in the case plan.

9. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative, or for a child 16 years of age or older in another planned permanent living arrangement (*specify date*):

Important individuals

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

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

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Health

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

Advisement

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

Twenty-four-month permanency hearing date:

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

1. Twenty-four-month permanency hearing

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

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

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

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

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

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

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4. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. A Court Appointed Special Advocate is appointed for the child.

6. Parentage

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

Advisements and waivers

7. The court has informed and advised the

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

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

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

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

Case plan development

9. a. The following were actively involved in the case plan development, including the child's plan for permanent placement.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- b. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- child mother father representative of child's identified Indian tribe
- other (*specify*):
- c. The following were **not** actively involved in the case plan development, including the child's plan for permanent placement. The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.
- child mother father representative of child's identified Indian tribe
- other (*specify*):

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Efforts

10. The county agency

- a. has
- b. has not

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

11. The child is 16 years of age or older and the agency has has not made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:

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

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

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

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

Siblings

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

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

Health and education

- 16. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

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17. a. The child's educational needs are are not being met.
 b. The child's physical needs are are not being met.
 c. The child's mental health needs are are not being met.
 d. The child's developmental needs are are not being met.
18. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*:
19. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 17 or other concerns are:
 a. stated in the social worker's report.
 b. specified here:
20. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 19:
 a. Social worker.
 b. Parent *(name)*:
 c. Surrogate parent *(name)*:
 d. Educational representative *(name)*:
 e. Other *(name)*:
21. The child's education placement has changed since the last review hearing.
 a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. The child is enrolled in school.
 c. The child is attending school.
22. **Child 14 years of age or older:**
 a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 (1) stated on the record.
 (2) as follows:
23. **Placement and services are ordered as stated in** *(check appropriate boxes and attach indicated forms)*:
 a. *Twenty-Four-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.25)* (form JV-456), which is attached and incorporated by reference.
 b. *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (form JV-457), which is attached and incorporated by reference.
24. **Contact with the child is ordered as stated in** *(check appropriate box and attach indicated form)*:
 a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 b. *Visitation Attachment: Sibling* (form JV-401).
 c. *Visitation Attachment: Grandparent* (form JV-402).
25. **All prior orders not in conflict with this order remain in full force and effect.**

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26. **Other findings and orders:**

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

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

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

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

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

29. Number of pages attached: _____

Date: _____

 JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE
For Your Information

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

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

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

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> legal guardian
<input type="checkbox"/> presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> other (specify): _____		
6. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one):
 - a. The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
 - b. An exhaustive search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. An exhaustive search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. The child is placed in accordance with the preferences established by the tribe; or
 - f. The court finds that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. **The child's current placement is appropriate.**

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8. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-455, item 27 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):

9. **The child is placed outside the state of California and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 27 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):

Selection of permanent plan

10. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the department has has not been evaluated.
11. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is placement with (*name*): _____ a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*specify date*): _____
- b. The child remains in foster care with a permanent plan of (*specify*):
- (1) Return home.
- (2) Adoption.
- (3) Tribal customary adoption.
- (4) Legal guardianship.
- (5) The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to:
- return home establish legal guardianship
- place for adoption place with a relative
- other (*specify*): _____
- The likely date** by which the child's permanent plan will be achieved is (*specify date*): _____
- c. The court finds that the barriers to achieving the child's permanent plans are (*describe*): _____

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

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13. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Fam. Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative (*specify date*):

Important individuals

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

Health

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

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2. Petitioner requests that the court find these allegations to be true.
3. Petitioner requests a hearing to determine whether the child should be transferred to the jurisdiction of the criminal court under Welfare and Institutions Code section 707 for the following alleged offense(s) (*specify code section(s)*):

4. Indian Child Welfare Act Inquiry

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

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 OF PETITIONER)

Number of pages attached: _____

**TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE
SUPPORT OF THE CHILD**

You and your child may be required to pay any *restitution* owed to the victim and any fines or penalties ordered by the court. In addition, if you or family members other than your child receive services or legal assistance paid for by the court or county, you may be required to pay back the cost of those services unless the court or county decides that you can't afford to pay.

RECORD SEALING

The court may seal your records at the conclusion of your case or you may request sealing at a later date. Please see form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, available through your attorney or www.courts.ca.gov/forms, for more information about record sealing.