

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR21-12

Title

Juvenile Law: Short-Term Residential
Therapeutic Program Placement

Action Requested

Review and submit comments by May 27,
2021

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 5.618; amend
rule 5.697; adopt forms JV-235, JV-236,
JV-237, JV-238, JV-239; revise forms
JV-410, JV-421, JV-461(A), JV-642, JV-667

Proposed Effective Date

October 1, 2021

Contact

Daniel Richardson, 415-865-7619
daniel.richardson@jud.ca.gov

Proposed by

Family and Juvenile Law Advisory
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Executive Summary and Origin

To coincide with the effective date of a *pending* budget trailer bill, the Family and Juvenile Law Advisory Committee proposes that the Judicial Council adopt a new rule of the California Rules of Court, amend a rule, adopt five new Judicial Council forms, and revise five Judicial Council forms, effective October 1, 2021. If enacted, the trailer bill would implement part IV of the federal Family First Prevention Services Act, with an expected effective date of October 1, 2021. The trailer bill would create a new court hearing in which the juvenile court will be required to approve or deny any new placement of a child or nonminor dependent in a short-term residential therapeutic program (STRTP) after receiving a report that includes an assessment from a statutorily defined “qualified individual.” While this bill makes its way through the budget process, the committee is concurrently circulating this rules and forms proposal to have implementing rules and forms available if this language is in the enacted budget trailer bill.

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 It is circulated for comment purposes only.

Background

A trailer bill¹ has recently been introduced to implement part IV of the federal Family First Prevention Services Act.² Part IV³ of the act addresses steps that participating states must take to safely reduce the inappropriate use of congregate care for children. States have until October 1, 2021, to implement this provision of the act. California intends to meet this deadline through this trailer bill.

The trailer bill addresses the numerous aspects of part IV, including new licensing requirements for STRTPs, new requirements for the interagency placement committee process, the definition of the qualified individual (QI) who must produce an assessment on the need for a STRTP placement or lack thereof, and new reporting requirements at status review hearings when a youth remains placed in a STRTP after the court's approval of the placement. The new required judicial review of a placement of a foster youth (including wards and nonminor dependents) in a STRTP, however, is the focus of this proposal.

As the trailer bill currently reads, it would create new sections 361.22 and 727.12 of the Welfare and Institutions Code.⁴ These virtually identical sections would create the process for the juvenile court to approve or disapprove a new placement in a STRTP. After receiving a request for review from the social worker or probation officer, the juvenile court would be required to set a hearing within 45 days of the placement being made. The social worker or probation officer must prepare a report that includes the assessment from the qualified individual, as required by section 4096.⁵ The report must be served on all parties no later than seven calendar days before the hearing.

At the hearing, the court must make two determinations: (1) whether the child's or nonminor dependent's needs can be met in a family-based setting and, if not, whether the placement in the STRTP provides the most effective and appropriate care setting in the least restrictive environment, and (2) whether a STRTP is consistent with the short- and long-term mental and

¹ The full trailer bill language is accessible at <https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/343>.

² Pub. L. No. 115-123 (Feb. 9, 2018) 132 Stat. 254. The Family First Prevention Services Act was included as a provision in the [Bipartisan Budget Package/Continuing Resolution \(Pub. L. No. 115-123\)](#), which was approved by Congress and signed by President Donald J. Trump on February 9, 2018.

³ Family First Prevention Services Act (Pub.L. No. 115-123, §§ 50741–50746 (Feb. 9, 2018), 132 Stat. 254).

⁴ All subsequent unspecified statutory references are to the Welfare and Institutions Code, and all rule references are to the California Rules of Court.

⁵ Section 4096(g)(3): “The assessment conducted by the qualified individual shall include, at a minimum, all of the following: [¶] (A) Engagement with the child and family team members in conducting the assessment. [¶] (B) An assessment of the strengths and needs of the child or nonminor dependent, using an age-appropriate, evidence-based, validated, functional assessment tool and methodology approved by the State Department of Social Services and the State Department of Health Care Services. [¶] (C) The identification of the child-specific short- and long-term mental and behavioral health goals and treatment needs of the child.”

behavioral health goals and permanency plan for the child or nonminor dependent.⁶ After making these determinations, the court must approve or disapprove the placement.

Although the bill requires the court to set a hearing, the court may approve the placement without a hearing if the court has received the report, no party has objected to the placement within five calendar days of receiving the report, the court has enough information to make the determinations required at the hearing, and the court intends to approve the placement based on the information before the court.⁷

If at the hearing the court does not approve the placement, the court must order the social worker or probation officer to transition the child or nonminor dependent to a placement setting that is consistent with the determinations discussed above within 30 days. After the placement is approved, all supplemental reports must include evidence of the QI's continued assessment of the need for the STRTP placement, the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services, and the intensive and ongoing efforts made by the child welfare department or probation department to place the youth in a lower level of care.⁸

The Proposal

The trailer bill requires the Judicial Council to amend or adopt rules of court and to develop or revise appropriate forms, as necessary, to implement this section on or before October 1, 2021.⁹ To implement the new legislation, a new rule of court and five new forms are proposed to be adopted. In addition, small revisions to one existing rule and five existing forms are recommended. The committee proposes an effective date of October 1, 2021, to coincide with the effective date of the trailer bill and to ensure that the process created by this proposal is in place when juvenile courts must begin to review and approve STRTP placements. The language of the bill may change as the bill makes its way through the legislative process, which may require modifications to the proposal.

The following actions are proposed:

- Adopt rule 5.618, Placement in a short-term residential therapeutic program.
- Amend rule 5.697, Disposition hearing for a nonminor.
- Adopt five Judicial Council forms:
 - *Request for Review of Placement in Short-Term Residential Therapeutic Program* (JV-235)
 - *Objection to or Input on Placement in Short-Term Residential Therapeutic Program* (JV-236)

⁶ Welf. & Inst. Code, §§ 361.22(e)(2) and (3); 727.12(e)(2) and (3) of the trailer bill.

⁷ As discussed, the trailer bill is pending and not final, so the language of the statute is subject to change.

⁸ Welf. & Inst. Code §§ 366.1(j)(1)-(3); 706.5(c)(1)(B)(i)-(iii).

⁹ Welf. & Inst. Code, §§ 361.22(h); 727.12(h).

- *Proof of Service—Short-Term Residential Therapeutic Program Placement* (JV-237)
- *Notice of Hearing Regarding Placement in Short-Term Residential Therapeutic Program* (JV-238)
- *Order on Placement in Short-Term Residential Therapeutic Program* (JV-239)
- Revise five Judicial Council forms:
 - *Findings and Orders After Detention Hearing* (JV-410)
 - *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (JV-421)
 - *Dispositional Attachment: Nonminor Dependent* (JV-461(A))
 - *Initial Appearance Hearing—Juvenile Delinquency* (JV-642)
 - *Custodial and Out-of-Home Placement Disposition Attachment* (JV-667)

Rule of court

Rule 5.618. Placement in a short-term residential therapeutic program

Many procedural aspects of the hearing that could be addressed in a rule of court are addressed in the trailer bill in sections 361.22 and 727.12. The proposed rule would make clarifications on the following matters that are procedural in nature and not addressed in the statute:

1. Subdivision (b) requires that the social worker or probation officer serve a copy of the request for a hearing on *Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235) on the parties to the case. A hearing must be requested within five calendar days of the start of the placement. The rule requires that a blank copy of *Objection to or Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) be served with the request for review. These requirements were added to provide proper notice of the hearing request and to ensure that the parties are informed of how to make an objection to the placement.
2. Subdivision (c) addresses the court’s notice of the hearing. In addition to notice to the parties, the committee wanted to ensure that a child’s or nonminor dependent’s Court-Appointed Special Advocate (CASA) volunteer would be noticed of the hearing.
3. Subdivision (d) addresses the use of proposed *Objection to or Input on Placement in Short-Term Residential Therapeutic Program* (form JV-566), which may be used by a party to make an objection to the placement. Although the report submitted for the hearing requires that the social worker provide a statement regarding whether a party objects to the placement, the committee believes that enabling parties to inform the court of their objection through a Judicial Council form is important.
4. Subdivision (e), when the court approves the STRTP placement without a hearing, clarifies that the court must vacate the hearing date, if one has been set, and inform the parties of its decision to approve the placement.
5. Subdivision (f) addresses other procedural aspects pertaining to the hearing.

- Subdivision (f)(1) addresses the evidence that the court may consider, which is all relevant evidence to the court’s required determinations in sections 361.22(e)(2) and (3) and 727.12(e)(2) and (3)¹⁰ and whether placement in the STRTP is consistent with the child’s or nonminor dependent’s best interest.
- Subdivision (f)(2) applies the evidentiary standard of “preponderance of the evidence” to the required determinations sections 361.22(e)(2) and (3) and 727.12(e)(2) and (3). No evidentiary standard is provided in the statute for the court to make the determinations in subdivisions (e)(2) and (3). Evidence Code section 115 states: “Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.” Indicating this standard in the rule will provide this clarification, which may benefit courts and practitioners.
- Subdivision (f)(3) clarifies how the court should determine whether the placement should be approved or disapproved. It requires that the court approve or disapprove the placement based on the determinations in sections 366.22(e)(2) and (3) and 727.12(e)(2) and (3) and whether it appears that the child’s or nonminor dependent’s best interest will be promoted by the placement.
- Subdivision (f)(4) clarifies that if the court continues the hearing for good cause, including for an evidentiary hearing, in no event may the hearing be continued beyond 60 days after the start of the placement. This paragraph is added to indicate that the court may hold an evidentiary hearing, but the court must ensure that the hearing concludes within 60 days of the making of the placement. The placement will be ineligible for title IV-E funding unless it is approved within 60 days of the start of the placement.

Rule 5.697, Disposition hearing for a nonminor

The Family and Juvenile Law Committee recommends updating rule 5.697(e), which lists the required contents of the social study, to include the information specified in section 361.22(c) if the nonminor is placed in a STRTP. This requirement was added to section 358.1(l) by the trailer bill.¹¹

In addition, the committee recommends that the references to “agree with the continuation of reunification services” and “continued reunification services” be replaced with “agree to court-ordered reunification services” and “reunification services” where the rule addresses the social

¹⁰ Welf. & Inst., §§ 361.22 and 727.12(e)(2): “Determine whether the needs of the child or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program provides the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment. A shortage or lack of family homes shall not be an appropriate reason for determining that the needs of the child cannot be met in a family-based setting.

(e)(3) Determine whether a short-term residential therapeutic program level of care is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.

¹¹ (l) For a placement made on or after October 1, 2021, if the child has been placed in a short-term residential therapeutic program, the social study shall include the information specified in subdivision (c) of Section 361.22.

worker's reporting requirements for a nonminor disposition hearing in 5.697(e)(1)(D)(iv) & (v). Reunification services are not continued at a disposition hearing but rather are ordered.

New and revised forms

The committee proposes that five new Judicial Council forms be adopted to address notice, to provide for the court's findings and orders after the hearing, and for use by a party to lodge an objection to the placement. In addition, the committee recommends that a small amendment and some technical revisions be made to forms related to detention and disposition hearings. The committee elected to circulate the forms as mandatory so there would be a consistent and more predictable procedure for making objections to STRTP placements and for the court procedure approving or disapproving STRTP placements. The committee however is seeking comment on whether the forms should be mandatory or optional.

Request for Review of Placement in Short-Term Residential Therapeutic Program (*form JV-235*)

This form would be used by the petitioning placing agency to request a hearing. The rule requires that this form be served on the parties to the case. The form informs the parties of how to make an objection to the placement. The rule also clarifies that a blank copy of the objection form (JV-236) must be provided along with the request for review.

Objection to or Input on Placement in Short-Term Residential Therapeutic Program (*form JV-236*)

This form would be used by a party to notify the court of an objection to the placement and the reasons for the objection. The form provides a check box for users to indicate whether the individual objecting wants to present evidence or cross-examine the social worker or probation officer. This check box will alert the court that an evidentiary hearing may be requested at the hearing.

Proof of Service—Short-Term Residential Therapeutic Program Placement (*form JV-237*)

Proof of Service would be used by the placing agency to verify that it has provided a copy of the request for review and the report to the parties in the case.

Notice of Hearing Regarding Placement in Short-Term Residential Therapeutic Program (*form JV-238*)

This form would be used by the court to provide notice of the hearing date.

Order on Placement in Short-Term Residential Therapeutic Program (*form JV-239*)

This form would include the required findings and orders approving or disapproving the STRTP placement. It will also give the court the option to approve the placement without a hearing.

Detention and Disposition Forms

Because the court's approval is required for an initial placement in a STRTP, the committee recommends that detention and disposition forms be amended to indicate when the hearing on

the STRTP placement was held or will be held under sections 361.22 and 727.12.¹² Other technical amendments unrelated to the proposal are also proposed and highlighted on the forms.

Other issues

The committee members have raised several issues about the legislation, which have been communicated, in consultation with Governmental Affairs, to the sponsor through the Judicial Council's Budget Services office, the Judicial Council's avenue to provide input on trailer bill legislation. A small working group of committee members has also worked with the California Department of Social Services and stakeholders to help craft language to implement Part IV and provide input on the trailer bill. The following issues have been raised by the working group regarding the trailer bill language:

- *Definition of a party*
The current statutory language in sections 361.22(d)(1)(B) and 727.12(d)(1)(B) allows for a "party" to make an objection to the placement. Committee members suggested that the statute be more specific because the term "party" can be used to describe multiple individuals in a dependency case, including de facto parents and, in some instances, relatives.
- *Inclusion of CASA as an individual who can object*
Committee members suggested that the CASA be added as an individual who can object to the STRTP placement because the CASA is often a critical advocate for youth on placement issues. The committee however did not have unanimous agreement with this suggestion.
- *The timing to make an objection*
Committee members were concerned that the timeline required to submit an objection is based on when the individual received the report, but there is no way to monitor when a report is served. Committee members suggested that instead of counting from date of receipt, the timeline should count backwards from date of hearing, and give the shortest amount of time possible.
- *Approval of the placement without a hearing*
Committee members were concerned that the placement could be approved if no objection is filed, which puts the burden on the parties to object to ensure that a hearing is held. Committee members suggested that all hearings should be kept on the calendar unless there is unanimity among the parties to approve the placement without a hearing. The committee however did not have unanimous agreement with this suggestion.

¹² *Findings and Orders After Detention Hearing* (form JV-410), new item 15(g)(6).

Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (form JV-421), new item 10(f).

Dispositional Attachment: Nonminor Dependent (form JV-461(A)), new item 7.

Initial Appearance Hearing—Juvenile Delinquency (form JV-642), new item 32.

Custodial and Out-of-Home Placement Disposition Attachment (form JV-667), new item 9. In addition, item 9 of this form, referring to the court's order placing the child in the Division of Juvenile Justice, is proposed to be deleted. Under Senate Bill 823 (Committee on Budget and Fiscal Review; Stats. 2020, ch. 337), intake of new juvenile offenders to the Division of Juvenile Justice will stop July 1, 2021.

- *Confidential information in report*
Information in the report may be confidential, between the youth and therapist or doctor. Committee members suggested that the legislation create a process by which confidential information in the QI report can remain confidential.
- *Findings required at supplemental hearings*
To conform to the federal requirements, the bill requires that after the STRTP placement is approved, certain information be included in any supplemental report when a child or nonminor dependent is placed in a STRTP.¹³ The committee members sought clarification if there should be court findings related to this required evidence, or if they should remain as only reporting requirements.
- *No legal findings or evidentiary considerations for a court to make a decision to approve or disapprove a placement*
Committee members noted that the statute contains no references or guidelines by which a court would be able to approve or disapprove a placement. This lack has been addressed in rule 5.618(f)(3), and the concern was also communicated to the Budget Services office.

Alternatives Considered

Because the legislation would require the Judicial Council to adopt implementing rules and forms the committee focused consideration on the timing and scope of new and amended rules and forms changes. The committee considered whether new forms were needed and whether existing forms needed to be changed to effectively and efficiently enact the legislation. The committee concluded that a new set of forms were needed for the legislation's new hearing on STRTP placements and some existing forms needed to be amended to help ensure that the new hearing requirements were met at the beginning of a case. The committee also considered whether the rules and forms proposal should be pursued in a future cycle but elected to proceed to ensure that the forms and rule can be ready in time for the effective date of the trailer bill, October 1, 2021.

Fiscal and Operational Impacts

The committee anticipates that courts will incur additional costs when a hearing under the rule is held, but this is the result of the implementation of the trailer bill rather than the proposal. A uniform procedure for these hearings as proposed can benefit judicial economy and save costs for courts and litigants. Courts will be able to save time by using the procedure created in this proposal as opposed to having to create their own procedures for these hearings.

¹³ Welf. & Inst. Code §§ 366.1(j)(1)-(3); 706.5(c)(1)(B)(i)-(iii).

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 adequately address the stated purpose?
- Should rule 5.618(f) provide a procedure for the court to approve or disapprove the placement, or is the language in sections 361.22(e)(2), (3) and (4) and 727.12(e)(2), (3) and (4) sufficient?
- Should the forms be mandatory or optional?
- Should *Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235) require an explanation of the reasons that the youth is being placed in the STRTP?
- Should the rule require that a CASA volunteer receive a copy of the request for review and the report submitted to the court? Should the rule require that a CASA volunteer be given the opportunity to object to the placement?
- After the STRTP placement is approved and if the child or nonminor dependent remains placed in the STRTP, should the court be required to make findings at each supplemental review related to the evidence required by sections 366.1(j)(1)-(3) and 706.5(c)(1)(B)(i)-(iii) of the trailer bill?

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

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

Attachments and Links

1. Cal. Rules of Court, rules 5.618 and 5.697, at pages 10-12
2. Forms JV-235, JV-236, JV-237, JV-238, JV-239, JV-410, JV-421, JV-461(A), JV-642, and JV-667, at pages 13–42
3. Trailer bill: <https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/343>

Rule 5.618 of the California Rules of Court would be adopted, and rule 5.697 would be amended, effective October 1, 2021, to read:

1 **Rule 5.618. Placement in a short-term residential therapeutic program (§§ 361.22;**
2 **727.12)**

3
4 **(a) Applicability**

5
6 This rule applies to the court’s review under Welfare and Institutions Code sections
7 361.22 and 727.12 following the placement of a child or nonminor dependent in a
8 short-term residential therapeutic program.

9
10 **(b) Notice**

11
12 The social worker or probation officer must serve a copy of the *Request for Review*
13 *of Placement in Short-Term Residential Therapeutic Program* (form JV-235) and a
14 blank copy of the *Objection to or Input on Placement in Short-Term Residential*
15 *Therapeutic Program* (form JV-236) within five calendar days of each placement of
16 a child or nonminor dependent in a short-term residential therapeutic program on:

- 17
18 (1) A child’s parents and their attorneys of record, if parental rights have not
19 been terminated, or a nonminor dependent’s parents and their attorneys of
20 record, if they are receiving family reunification services;
21
22 (2) A child’s legal guardians, if applicable, and their attorneys of record;
23
24 (3) The child, if older than 10 years of age, or the nonminor dependent and their
25 attorney of record; and
26
27 (4) The child’s or nonminor dependent’s identified Indian tribe, if applicable.
28

29 **(c) Setting of a hearing**

30
31 The court must set a hearing under section 361.22(d)(1) or 727.12(d)(1) unless the
32 court approves the placement without a hearing under section 361.22(d)(2) or
33 727.12(d)(2). The court must provide notice of the hearing date to the following:
34

- 35 (1) A child’s parents and their attorneys of record, if parental rights have not
36 been terminated, or a nonminor dependent’s parents and their attorneys of
37 record, if they are receiving family reunification services;
38
39 (2) A child’s legal guardians, if applicable, and their attorneys of record;
40

1 (3) The child, if older than 10 years of age, or the nonminor dependent and their
2 attorney of record;

3
4 (4) The child’s or nonminor dependent’s identified Indian tribe, if applicable;
5 and

6
7 (5) The child’s or nonminor dependent’s Court Appointed Special Advocate, if
8 applicable.

9
10 **(d) Objection to Placement**

11
12 A party to the proceeding—or the child’s tribe, in the case of an Indian child—who
13 objects to the placement may inform the court of the objection by filing *Objection*
14 to or Input on Placement in Short-Term Residential Therapeutic Program (form
15 JV-236) within five calendar days of receiving the report described in section
16 361.22(c) or 727.12(c).

17
18 **(e) Approval Without a Hearing**

19
20 If the court approves the placement without a hearing, it must notify the parties of
21 the court’s decision to approve the placement and vacate the hearing, if one has
22 been set.

23
24 **(f) Conduct of the hearing**

25
26 (1) In addition to the report described in sections 361.22(c) and 727.12(c), the
27 court may consider all evidence relevant to the court’s determinations of
28 sections 361.22(e)(2) and (3) and 727.12(e)(2) and (3) and whether the
29 placement in the short-term residential therapeutic program is consistent with
30 the child’s or nonminor dependent’s best interest.

31
32 (2) The court must make the findings in sections 361.22(e)(2) and (3) and
33 727.12(e)(2) and (3) by a preponderance of the evidence.

34
35 (3) The court must approve or disapprove the placement based on the
36 determinations in 366.22(e)(2) and (3) and section 727.12(e)(2) and (3) and
37 whether it appears that the child’s or nonminor dependent’s best interest will
38 be promoted by the placement.

39
40 (4) If the court continues the hearing for good cause, including for an evidentiary
41 hearing, in no event may the hearing be continued beyond 60 days after the
42 start of the placement.

1
2 **Rule 5.697. Disposition hearing for a nonminor (Welf. & Inst. Code, §§ 224.1, 295,**
3 **303, 358, 358.1, 361, 366.31, 390, 391)**

4
5 **(a)—(d) * * ***

6
7 **(e) Social study (§§ 358, 358.1)**

8
9 The petitioner must prepare a social study of the nonminor if the court proceeds to
10 a disposition hearing. The social study must include a discussion of all matters
11 relevant to disposition and a recommendation for disposition.

12
13 (1) The petitioner’s social study must include the following information:

14
15 (A)—(C) * * *

16
17 (D) If reunification services are being considered:

18
19 (i)—(iii) * * *

20
21 (iv) Whether the nonminor and parent, parents, or guardian agree to
22 court-ordered ~~agree with the continuation of~~ reunification
23 services;

24
25 (v) Whether ~~continued~~ reunification services are in the best interest
26 of the nonminor; and

27
28 (vi) * * *

29
30 (E)—(N) * * *

31
32 (O) For a placement made on or after October 1, 2021, the information
33 specified in section 361.22(c), if the nonminor has been placed in a
34 short-term residential therapeutic program.

35
36 (2) * * *

37
38 **(f)—(h) * * ***

Request for Review of Placement in Short-Term Residential Therapeutic Program

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

JV-235.v4.040721.cz

The request for review must be served on all parties with a blank copy of *Objection to or Input on Placement in Short-Term Residential Therapeutic Program (JV-236)*

- 1 **To:**
 - a. Court: _____
 - b. Parent/Legal Guardian (*name*): _____
 - c. Parent/Legal Guardian (*name*): _____
 - d. Child's or nonminor's Attorney (*name*): _____
 - e. Child, if 10 years of age or older, or nonminor dependent (*name*): _____
 - f. The child's or nonminor dependent's identified Indian tribe, if any (*name*): _____
 - g. The child's or nonminor dependent's Indian custodian, if any (*name*): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's name:

Date of birth:

Court fills in case number when form is filed.

Case Number:

2 Name of Agency: _____

3 The child or nonminor dependent was placed at the following short-term residential therapeutic program (*name*): _____, on the following date: _____.

4 **If you do not agree with the placement in the short-term residential therapeutic program, you may inform the court of your objection.** To do so, you must fill out *Objection to Placement or input in Short-Term Residential Therapeutic Program* and file it with the court. An objection must be filed with the court within five calendar days of receiving the report for the hearing. If no objections are received, the court may approve the placement without a hearing.

I declare under penalty of perjury under the laws of the State of California that the information in items 1, 2, and 3 is true and correct.

Date: _____

Type or print your name

Sign your name

Case Number:

6 The placement is not opposed, but I want to tell the court the following:

7 I request the opportunity to present evidence at the hearing or to cross-examine the social worker, probation officer, or qualified individual on the issue of the child's or nonminor dependent's placement in the short-term residential therapeutic program.

Date: _____

Type or print your name

Sign your name

Proof of Service—Short-Term Residential Therapeutic Program Placement

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

JV-237.v4.032521.cz

I served a copy of:

- Request for Review of Placement in Short-Term (form JV-235) Residential Therapeutic Program* along with a blank copy of: *Objection to or Input on Placement in Short-Term Residential Therapeutic Program (form JV-236)*, and/or
- the report as described in Welfare and Institutions Code section 361.22 (c) or 727.12 (c), for a hearing on (*specify date*): _____

on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection or mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar OR by delivering a copy by electronic means at the electronic service address indicated below (electronic service must comply with Welfare and Institutions Code section 212.5):

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's name:

Date of birth:

Court fills in case number when form is filed.

Case Number:

- | | |
|--|---|
| <p>1 <input type="checkbox"/> The child, if 10 years of age or older or the nonminor dependent</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> | <p><input type="checkbox"/> Attorney</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> |
| <p>2 <input type="checkbox"/> Parent/Legal Guardian</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> | <p><input type="checkbox"/> Attorney</p> <p>a. Name: _____</p> <p>b. Mailing or electronic service address: _____</p> <p>c. Date of service: _____</p> <p>d. Method of service: _____</p> |



3 Parent/Legal Guardian
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

Attorney
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

4 The child or nonminor dependent's Indian tribe, if applicable
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

Attorney
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

5 Other
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

Attorney
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

6 Other
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

Attorney
a. Name: _____
b. Mailing or electronic service address: _____
c. Date of service: _____
d. Method of service: _____

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

8 The parents of the nonminor dependent are not receiving family reunification services, and notice is not required.

9 Parent/legal guardian (*name*): _____ was not informed because (*state reason*):

10 Parent/legal guardian (*name*): _____ was not informed because (*state reason*):

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

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

Date: _____

Type or print your name

Sign your name

**Notice of Hearing Regarding
Placement in Short-Term
Residential Therapeutic Program**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

JV-238.v5.040721.cz

① The court has received the request for review as defined in Welfare and Institutions Code section 361.22(b) or 727.12(b) filed on (*specify date*): _____

② Notice requirements were met.

③ Notice requirements were not met, the social worker or probation officer is ordered to provide the notice required in Welfare and Institutions Code section 361.22(b)(2) or 727.12(b)(2).

④ A hearing is set within 45 days of the child's or nonminor's placement in the short-term residential therapeutic program:

a. Date: _____

b. Time: _____

c. Department: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's name:

Date of birth:

Court fills in case number when form is filed.

Case Number:

Date: _____

Judge or Judicial Officer

*Clerk stamps date here when form is filed.***DRAFT
Not approved by
the Judicial Council****JV-239.v4.041321.cz**

- 1 The court has read and considered the following:
- a. The report described in Welfare and Institutions Code section 361.22(c) or 727.12(c) filed on (date): _____
- b. *Objection to or Input on Placement in Short-Term Residential Therapeutic Program* (Form JV-236) filed by: _____ on date: _____
- c. *Objection to or Input on Placement in Short-Term Residential Therapeutic Program* (Form JV-236) filed by: _____ on date: _____
- d. CASA report dated: _____
- e. Other: _____

*Fill in court name and street address:***Superior Court of California, County of***Fill in child's name and date of birth:***Child's name:****Date of birth:***Court fills in case number when form is filed.***Case Number:****The court finds and orders**

- 2 The court has reviewed the child's or nonminor's placement in a short-term residential therapeutic program:
- a. At a hearing held on: _____
- b. Without a hearing. After receiving proper notice, no party to the proceeding, or the child's tribe in the case of an Indian child, has objected to the placement of the child or nonminor in the short-term residential therapeutic program within five calendar days of receiving the report described in Welfare and Institutions Code section 361.22(c) or 727.12(c). The hearing set for (date): _____ is vacated.

- 3 Notice requirements were met.
- 4 Notice requirements were not met. Proper notice was not given to: _____
- 5 The needs of the child or nonminor dependent:
- a. can be met through placement in a home-based family setting.
- b. cannot be met through placement in a home-based family setting. The placement in a short-term residential therapeutic program does does not provide the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment.
- 6 The short-term residential therapeutic program is is not consistent with the short and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.
- 7 The placement is approved.
- 8 The placement is not approved. The social worker is ordered to transition the child or nonminor dependent to a placement setting that is consistent with these determinations within 30 days.

Case Number: _____

9 The basis for the court's determination has been stated on the record or is stated in writing here:

10 Other orders: _____

Date: _____

Judge or Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-410.v5.041321.cz
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. Detention hearing

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

	Present	Attorney (name):	Present	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 a child 10 years of age or older who is not present**
- (1) The child was properly notified under Welfare and Institutions Code section 349(d), of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) The child was not properly notified under Welfare and Institutions Code section 349(d), of the right to attend the hearing or, if the child wished to be present and was not given an opportunity to be present and

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

8. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (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 Welfare and Institutions Code section 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 there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
- b. The court finds there is reason to believe the child is an Indian child; and
- (1) the agency has completed further inquiry as required by Welfare and Institutions Code section 224.2(e), and there is no reason to know that the child is an Indian child. ICWA does not apply; or
 - (2) the agency is ordered to complete further inquiry as required by 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; or

CHILD'S NAME:	CASE NUMBER:
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10. c. (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welfare and Institutions Code section 224.3 and file proof of due diligence and notice with the court; and
- (3) notice has been provided as required by law; and
- (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. The court finds that the child is an Indian child and a member of the _____ tribe.

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 section 1922 of title 25 of the United States Code.

Advisements and waivers

12. The court has informed and advised the

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

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
 - mother
 - biological father
 - legal guardian
 - other (*specify*):
 - presumed father
 - alleged father
 - 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 Welfare and Institutions Code section 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (*select at least one*)
 - (1) there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
 - (3) the child has left a placement in which 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 362.7.
 - (6) a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 361.22 is set for (*specify date*):
- h. Services, including those set forth in item 17, are to be provided to the family as soon as possible to reunify the child with 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 Welfare and Institutions Code section 361.3.

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

- a. The evidence includes all of the requirements of Welfare and Institutions Code section 319(b).

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

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

Service	<u>Mother</u>	Presumed <u>father</u>	Biological <u>father</u>	Legal <u>guardian</u>	Indian <u>custodian</u>	Other <i>(specify):</i>
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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 **Welfare and Institutions Code** section 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

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

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

- 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

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 Welfare and Institutions Code section 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)
- 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 Welfare and Institutions Code section 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 cultural 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):

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

mother biological father legal guardian
 presumed father Indian custodian
 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. the approved home of a resource family, as defined in Welfare and Institutions Code section 16519.5 or a home that is pending approval under section 16519.5(e)(1).
 d. with a foster family agency for placement in a foster family home.
 e. in a suitable licensed community care facility.
 f. a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 361.22 was held on or is set for *(specify date)*:
 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. The child is an Indian child or there is reason to know the child is an Indian child. Currently *(choose one)*:
 a. the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or
 b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 c. a diligent search was made for a placement with a member of the child's extended family, or a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 d. a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

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12. e. the child is placed in accordance with the preferences established by the tribe; or
 f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
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 18 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 18 for a written oral report by the county agency on the progress made toward
 (1) returning the child to California and locating an appropriate placement within California.
 (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 (3) other (*specify*):

Reunification services

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 Welfare and Institutions Code section 361.5(b), by clear and convincing evidence**
 a. the mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welfare and Institutions Code section (*choose all that apply*)
 361.5(b)(3) 361.5(b)(7) 361.5(b)(9) 361.5(b)(11) 361.5(b)(13) 361.5(b)(16)
 361.5(b)(4) 361.5(b)(8) 361.5(b)(10) 361.5(b)(12) 361.5(b)(15) 361.5(b)(17)
 and reunification services are
 (1) granted, because by clear and convincing evidence reunification is in the best interest of the child.
 (2) denied.

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20. b. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 **Welfare and Institutions Code** section 366.21(e).

Six-month hearing date:

- b. **at the six-month hearing** under Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code** 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 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 Welfare and Institutions Code section 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record* (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 Welfare and Institutions Code section 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is (*specify date*):

NONMINOR'S NAME:	CASE NUMBER:
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DISPOSITIONAL ATTACHMENT: NONMINOR DEPENDENT

1. Reasonable efforts were were not made to prevent or eliminate the need for the nonminor's removal from the home.
2. Placement and care are vested with the county agency.
3. The county agency has has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the department has has not been evaluated.
4. The nonminor dependent who is an Indian child has has not chosen to have the Indian Child Welfare Act apply to them as a nonminor dependent.
5. There was no inquiry or determination of whether the nonminor dependent was an Indian child before the nonminor dependent's 18th birthday.
 - a. The nonminor dependent would like an Indian Child Welfare Act determination. The county agency is ordered to comply with rule 5.481 of the California Rules of Court.
 - b. The nonminor dependent would not like an Indian Child Welfare Act determination.
6. Family reunification services are ordered under Welfare and Institutions Code section 361.6.
 - a. The nonminor dependent and parents or guardians are in agreement with court-ordered family reunification services.
 - b. The provision of family reunification services is in the best interests of the nonminor dependent.
 - c. There is a substantial probability that the nonminor dependent will be able to safely reside in the home of the parent or guardian by the next review hearing.
7. The nonminor dependent is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 361.22 was held on or is set for (*specify date*):

THE COURT MUST CONSIDER THE FOLLOWING FINDINGS AND ORDERS AFTER THE NONMINOR DISPOSITION HEARING OR AFTER A NONMINOR DEPENDENT STATUS REVIEW HEARING WITHIN 60 DAYS

8. a. The nonminor dependent's continued placement is necessary.
b. The nonminor dependent's continued placement is no longer necessary.
9. a. The nonminor dependent's current placement is appropriate.
b. The nonminor dependent's current placement is not appropriate. The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
10. The nonminor dependent's Transitional Independent Living Case Plan includes a plan to satisfy at least one of the criteria in Welfare and Institutions Code section 11403(b) to remain in foster care under juvenile court jurisdiction as indicated below:
 - a. Attending high school or a high school equivalency certificate (GED) program.
 - b. Attending a college, community college, or vocational education program.
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - d. Employed at least 80 hours per month.
 - e. The nonminor is incapable of attending a high school, high school equivalency certificate (GED) program, college, community college, vocational education program, or an employment program or activity, or working 80 hours per month because of a medical condition.
11. The county agency has has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with one of the conditions in Welfare and Institutions Code section 11403(b).
12. The nonminor dependent was was not provided with the information, documents, and services required under Welfare and Institutions Code section 391.

NONMINOR'S NAME:	CASE NUMBER:
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13. The Transitional Independent Living Case Plan was was not developed jointly by the nonminor dependent and the county agency.
14. The nonminor dependent has elected to have the Indian Child Welfare Act apply; the representative from their tribe was was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
15. The nonminor dependent's Transitional Independent Living Case Plan does does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what they need to achieve successful adulthood and sets out benchmarks that indicate how both the county agency and the nonminor dependent will know when independence can be achieved.
16. The nonminor dependent's Transitional Independent Living Case Plan does does not include appropriate and meaningful independent living skill services that will help the nonminor transition from foster care to successful adulthood.
17. The county agency has has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the nonminor's permanent plan and prepare them for independence.
18. For a permanent plan of another planned permanent living arrangement, the county agency has has not made ongoing and intensive efforts to finalize the permanent plan.
19. The nonminor dependent did did not sign and receive a copy of the Transitional Independent Living Case Plan.
20. The county agency has has not made reasonable efforts to maintain relations between the nonminor dependent and individuals who are important to the nonminor, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.
21. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been excellent satisfactory minimal.
- b. The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in their efforts to attain those goals were stated on the record.
22. The county agency has has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with siblings who are under juvenile court jurisdiction.
23. The likely date by which the nonminor dependent is anticipated to achieve successful adulthood is _____
24. The nonminor dependent's permanent plan is:
- to return home.
 - adoption.
 - tribal customary adoption.
 - placement with a fit and willing relative.
 - another planned permanent living arrangement.
 - Other (*specify*): _____
25. For a permanent plan of another planned permanent living arrangement
- the court has asked the nonminor dependent about their desired permanency outcome.
 - The court has considered the evidence before it and finds another planned permanent living arrangement is the best permanent plan because:
 - the nonminor is 18 or older.
 - Other (*specify*): _____
 - The compelling reasons why other permanent plan options are not in the nonminor's best interest are that
 - the nonminor wants to live independently.
 - Other (*specify*): _____

NONMINOR'S NAME:

CASE NUMBER:

26. Family reunification services are ordered under Welfare and Institutions Code section 361.6.
- a. The county agency has has not complied with the case plan by making reasonable efforts—or in the case of an Indian child, active efforts, as described in **Welfare and Institutions Code** section 361.7—to create a safe home for the nonminor dependent to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor.
- b. The extent of progress that the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care has been excellent satisfactory minimal none.
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood is:
27. It appears that juvenile court jurisdiction over the nonminor dependent may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court is ordered.
28. The nonminor dependent has elected not to remain in foster care. A hearing to consider termination of juvenile court jurisdiction under rule 5.555 of the California Rules of Court within 30 days is ordered.
29. Other findings and orders
- a. See [attachment 29a](#).
- b. (*specify*):
30. The next hearings are scheduled as follows:
- a. Nonminor dependent status review hearing (Wel. & Inst. Code, §366.31; Cal. Rules of Court, rule 5.903)
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
- b. Hearing to consider termination of jurisdiction (Wel. & Inst. Code, §391; Cal. Rules of Court, rule 5.555)
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
- c. Other (*specify*):
- | | | | |
|---------------|-------|--------|-------|
| Hearing date: | Time: | Dept.: | Room: |
|---------------|-------|--------|-------|
31. Number of pages attached: _____

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- 16. b. The right to cross-examine and confront witnesses.
- c. The right to subpoena witnesses and present a defense.
- d. The right to remain silent.

- 17. a. The child through counsel
 - 1. admitted the petition as filed as amended on *(date)*:
 - 2. pleaded no contest to the petition as filed as amended on *(date)*:
- b. The child's counsel consents to the admission or plea of no contest.
- c. The admission or plea of no contest is freely and voluntarily made.
- d. There is a factual basis for the admission or plea of no contest.
- e. The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of his or her conduct at the time the offense was committed.

18. a. The following allegations are admitted and found to be true:

Count number	Statutory violation	Misdemeanor	Felony	To be specified at disposition	Enhancement <i>(if applicable)</i>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- b. As to any offense that could be considered a misdemeanor or felony, the court is aware of and exercises its discretion to determine the offense, as stated in 18a.
- c. The following allegations are dismissed:

<u>Count number</u>	<u>Statutory violation</u>

- 19. The child is described by section 601 602 of the Welfare and Institutions Code.
- 20. The maximum confinement time is:
- 21. The child's residence is in: _____ County.
- 22. The matter is transferred to: _____ County for disposition and further proceedings. *Juvenile Court Transfer Orders* (form JV-550) will be completed and transmitted immediately.
- 23. The child waives his or her right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

CHILD IN CUSTODY

- 24. The court has considered the detention report prepared by probation
 - and the following documents *(specify)*:
 - and the testimony of *(name)*:
 - and the examination by the court of *(name)*:
 - and takes judicial notice of the entire court file.
- 25. The child is released from custody to the home of *(name, address, and relationship to child)*:
 - on home supervision on electronic monitoring
 - the terms of which are stated in the attached *Terms and Conditions* (form JV-624).
- 26. The child is a dependent of the court under **Welfare and Institutions Code** section 300 and is ordered released from custody. The child welfare services department must either ensure that the child's current caregiver take physical custody of the child or take physical custody of the child and place the child in a licensed or approved placement.

CHILD'S NAME:	CASE NUMBER:
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- 27. A prima facie showing has been made that the child's disposition is by Welfare and Institutions Code section 601 or 602.
- 28. Based on the facts stated on the record, the child is detained in secure custody on the following grounds (check all that apply):
 - a. The child has violated an order of the court.
 - b. The child has escaped from a court commitment.
 - c. The child is likely to flee the jurisdiction of the court.
 - d. It is a matter of immediate and urgent necessity for the protection of the child.
 - e. It is reasonably necessary for the protection of the person or property of another.
- 29. Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
- 30. Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
- 31. Temporary placement and care is the responsibility of the probation department.
- 32. The child is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 will be set or is set for (specify date):
- 33. Probation is ordered to provide services that will assist with reunification of the child and the family.
- 34. Probation is granted the authority to authorize medical, surgical, or dental care under Welfare and Institutions Code section 739.
- 35. The child and the parent or legal guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
- 36. The mother father legal guardian is/are ordered to supply the names and contact information of adult relatives to probation so they can be notified of the child's removal and of their options to be included in the child's life.
- 37. The probation officer must file a case plan within 60 days.
- 38. Probation is authorized to release the minor at its discretion under the following circumstances:
- 39. The court accepts transfer from the County of:
- 40. Other orders:
- 41. Child Counsel waives time for (check all that apply)
 - jurisdiction hearing disposition hearing other:
- 42. **The next hearings will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:
- 43. The child
 - a. is ordered to return to court on the above date(s) and time(s).
 - b. remains detained.
- 44. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
- 45. All appointed counsel are relieved.

Date: _____

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

Countersignature for detention orders (if necessary): _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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6. f. The child is to be placed out of state at the following (*name and address*):
- (1) In-state facilities are unavailable or inadequate to meet the needs of the child.
 - (2) The state Department of Social Services or its designee has performed initial and continuing inspection of the facility and has certified that it meets all California licensure standards, or has granted a waiver based on a finding that there is no adverse impact to health and safety.
 - (3) The requirements of section 7911.1 of the Family Code are met.
- g. Pending placement, the child is detained in juvenile hall. If being housed in another county, please specify county:
- h. The child is placed on home supervision in the home of
- (1) parent (*name*): mother father
 - (2) parent (*name*): mother father
 - (3) legal guardian (*name*):
 - (4) other (*name and address*):
 and is subject to electronic monitoring.
- i. The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- j. The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- k. The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*specify date*):
- l. The right of the parent or guardian to make educational decisions for the child is specifically limited. *Order Designating Educational Rights Holder* (form JV-535) will be completed and transmitted.
7. The child has been ordered into a placement described by title IV-E of the Social Security Act.
- a. The date the child entered foster care is: _____, which is 60 days after the day the child was removed from his or her home.
 - b. An exception applies to the standard calculation of the date the child entered foster care because
 - (1) the child has been detained for more than 60 days. Therefore, the date the child entered foster care is today's date of: _____.
 - (2) the child has been in a ranch, camp, or other institution for more than 60 days and is now being ordered into an eligible placement. The date the child enters foster care will be the date he or she is moved into the eligible placement facility, which is anticipated to be: _____.
 - (3) at the time the wardship petition was filed, the child was a dependent of the juvenile court and in an out-of-home placement. Thus, the date entered foster care is unchanged from the date the child entered foster care in dependency court. That date is: _____.
8. The child is committed to the care, custody, and control of the probation office for placement in the county juvenile ranch camp, forestry camp, or:
- a. for: _____ months _____ days.
 - b. until the requirement of the program has been satisfactorily completed.
 - c. if being housed in another county, please specify: _____
9. The child is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 was held on or is set for (*specify date*): _____

Date: _____

JUDICIAL OFFICER