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

Rule 5.618. Placement in short-term residential therapeutic program (§§ 361.22, 727.12)

(a) Applicability

This rule applies to the court's review under section 361.22 or 727.12 following the placement of a child or nonminor dependent in a short-term residential therapeutic program.

(b) Service of request for hearing

The social worker or probation officer must use *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program* (form JV-235) to request a hearing under section 361.22(b)(1) or 727.12(b)(1), and serve a copy of the form and a blank copy of *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) within five calendar days of each placement of a child or nonminor dependent in a short-term residential therapeutic program on:

(1) The child's parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent's parents and their attorneys of record, if the parent is receiving family reunification services;

(2) The child's legal guardians, if applicable, and their attorneys of record;

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

(4) The child's or nonminor dependent's Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record; and

(5) For a child or nonminor dependent under section 300 or 450 jurisdiction, the child's or nonminor dependent's Court Appointed Special Advocate volunteer, if applicable.

(c) Setting the hearing

The court must set a hearing under section 361.22(d) or 727.12(d) after receiving a request for a hearing. The court must provide notice of the hearing to the following:

(1) The child's parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent's parents and their attorneys of record, if the parent is receiving family reunification services;

(2) The child's legal guardians, if applicable, and their attorneys of record;

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

(4) The child's or nonminor dependent's Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record; and

(5) The child's or nonminor dependent's Court Appointed Special Advocate volunteer, if applicable.

(d) Report for the hearing

(1) The report described in section 361.22(c) or 727.12(c) must be filed with the court no later than seven calendar days before the hearing.

(2) The report must be served on the individuals listed in (c) of this rule no later than seven calendar days before the hearing.

(3) The documentation required by section 361.22(c)(1)(A) or 727(c)(1)(A) must not contain information that is privileged or confidential under existing state law or federal law or regulation without the appropriate waiver or consent.

(e) Input on placement

(1) The following parties who object to the placement may inform the court of the objection by filing *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236):

(A) The child's parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent's parents and their attorneys of record, if the parent is receiving family reunification services;

(B) The child's legal guardians, if applicable, and their attorneys of record;

(C) The attorney of record for the child or nonminor dependent, and the child if older than 10 years of age, or the nonminor dependent; and

(D) The child's or nonminor dependent's Indian tribe and any Indian custodian, in the case of an Indian child, and their attorneys of record.

(2) Form JV-236 may be used to provide input on the child's or nonminor's placement in the short-term residential therapeutic program by the individuals listed in (1) and other individuals with an interest in the child or nonminor.

(3) Input from a Court Appointed Special Advocate volunteer can also be by a court report under local rule.

(4) Local county practice and local rules of court determine the procedures for completing, filing, and noticing form JV-236, except as otherwise provided in this rule.

(f) Approval without a hearing

(1) After the court receives a request for review, the court may approve the placement without a hearing if the following conditions are met:

(A) The service requirements of (b) were met;

(B) The placing agency has filed *Proof of Service—Short-Term Residential Therapeutic Program Placement* (JV-237) verifying that the parties listed in (e)(1) were served a copy of the report described in section 361.22(c) or 727.12(c) no later than 10 court days before the hearing date;

(C) No party listed in (e)(1) has notified the court of their objection to the placement within 5 court days of receiving the report described in section 361.22(c) or 727.12(c); and

(D) Based on the information before the court, the court intends to approve the placement consistent with section 361.22(e) or 727.12(e) and (g) of this rule.

(2) If the court approves the placement without a hearing, it must notify the individuals in (c) of the court's decision to approve the placement and vacate the hearing set under section 361.22(d)(1) or 727.12(d)(1).

(3) Nothing in this subdivision precludes the court from holding a hearing when no objection to the placement is received.

(4) Notwithstanding (1)–(3), the court may approve the placement without a hearing under a local rule of court if the local rule is adopted under the procedures in rule 10.613 and meets the following requirements:

(A) The rule ensures the placing agency has filed form JV-237 verifying that the parties listed in (e)(1) were served a copy of the report described in section 361.22(c) or 727.12(c) no later than 10 court days before the hearing date;

(B) The rule ensures the court does not approve the placement until all the parties listed in (e)(1), after receiving the report, have been given an opportunity to indicate to the court their position on the placement through form JV-236;

(C) The rule ensures the court's approval is consistent with section 361.22(e) or 727.12(e) and (g) of this rule; and

(D) The rule ensures that the approval occurs no later than 60 days from the start of the placement.

(g) Conduct of the hearing

(1) In addition to the report described in section 361.22(c) or 727.12(c), the court may consider all evidence relevant to the court's determinations of section 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether the placement in the short-term residential therapeutic program is consistent with the child's or nonminor dependent's best interest.

(2) The court must make the findings in section 361.22(e)(2) and (3) or 727.12(e)(2) and (3) by a preponderance of the evidence.

(3) The court must approve or disapprove the placement based on the determinations in section 366.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether it appears that the child's or nonminor dependent's best interest will be promoted by the placement.

(4) 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.

Rule 5.618 adopted effective October 1, 2021.

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

(a)–(d) * * *

(e) Social study (§§ 358, 358.1)

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

(1) The petitioner's social study must include the following information:

(A)–(C) * * *

(D) If reunification services are being considered:

(i)–(iii) * * *

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

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

(vi) * * *

(E)–(N) * * *

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

(2) * * *

(Subd (e) amended effective October 1, 2021; previously amended effective September 1, 2021.)

(f)–(h) * * *

Rule 5.697 amended effective October 1, 2021; adopted effective January 1, 2021; previously amended effective September 1, 2021.