


**FROM BEGINNING TO END:
NAVIGATING THE COURT PROCESS UNDER
FAMILY FIRST PREVENTION SERVICES ACT
(FFPSA) PART IV**

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What you will be able to do after today's presentation:

- Explain the court process as it pertains the FFPSA
- Apply the court process through a hypothetical situation
- Explain permanency options for youth exiting care



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Starting Question:

Why does the federal government believe that we need the Family First Prevention Services Act (Part I or IV)?



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Purpose:

Federal:

TITLE I- The purpose of this title is to enable States to use Federal funds available under parts B and E of title IV of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

TITLE II—ENSURING THE NECESSITY OF A PLACEMENT THAT IS NOT IN A FOSTER FAMILY HOME

California:

It is the intent of the Legislature in enacting this act, in support of the development of systems of care to build trauma-informed services in home-based and community-based settings, to establish a roadmap with short-term and long-term strategies for state and local agencies, working in partnership, to ultimately meet these desired goals and improve safety, permanency, and well-being outcomes for children, youth, and families served by the foster care system.



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Let's talk IV-E and FFPSA

IV-E = \$\$

Cost Neutral Bill

Creates new court requirements under IV-E

- QI Assessment
- Court Hearing
- Case Plan Requirements



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How does the FFPSA court process begin?

When the child is:

- A) Arrested?
- B) Detained from the home?
- C) Made a ward of the court?
- D) Placed into foster care?
- E) Placed into the STRTP?



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Answer: Placed in STRTP

What does that mean?

Under Welf. & Inst. Code section 727 the court needs to remove custody from a parent/LG and place the child in foster care.



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Common issues in determining Removal from custody

- What if we don't know where the parents are?
- What if they children have just been living with relatives?
- What if relatives say they are the legal guardian but there is not order?



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Family Reunification

- **Timelines** ~ same as in dependency case (12 mos./18 mos./24 mos. of FR services)
- **What does POST Permanency mean?**
 - Termination of Parental Rights
 - Period after Reunification Services terminated / Waiver of FR Services by Parents



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DEFC (Date of Entry into Foster Care) ~ WHY is this date IMPORTANT?

- **DEFC in 602 Cases** = 60 Days after physical removal from parents (i.e., detention) UNLESS
 - Child is detained, pending foster care placement, for more than 60 days, then it is the DATE that PLACEMENT was ORDERED OR
 - If child is adjudged ward, and committed to Hall, Ranch, etc. for more than 60 days, then DATE that they are ACTUALLY PLACED OR
 - If child is coming from dependency case (now 602/former 300), then it is the DEFC that occurred in 300 case.



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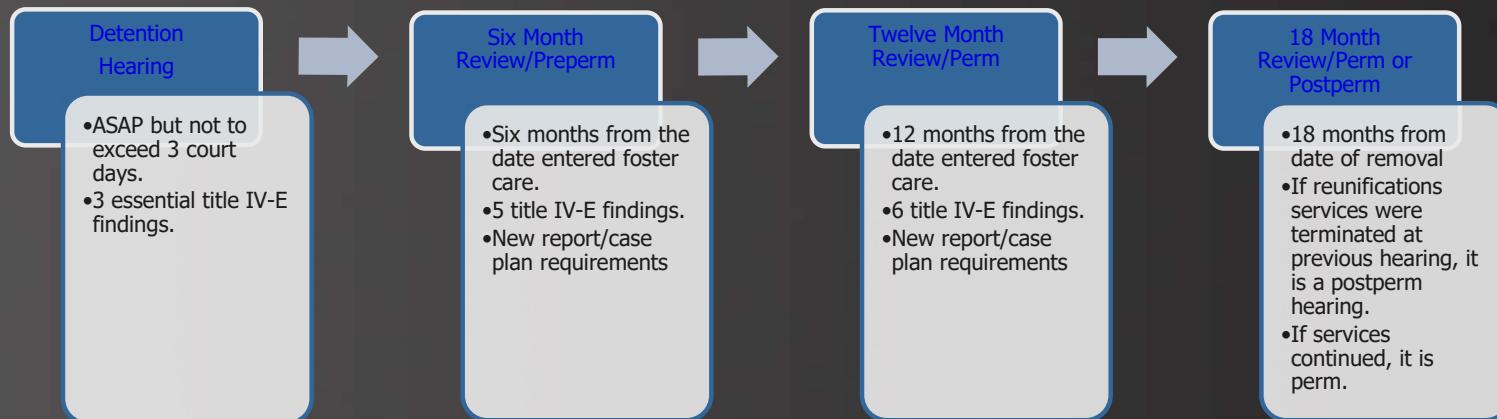
DEFC Determines Length of FR Services & Permanency for Child

- What are some FR services while child is in STRTP?
 - Family therapy / Indi. Therapy
 - Family/Sibling visitation with child in placement
 - Setting up Wraparound services for when child leaves STRTP and goes home
 - Must use “ongoing and intensive efforts” for reunification with older children (16 +)



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RECAP: Delinquency Hearing Timeline





Questions



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Back to the FFPSA

- 42 U.S.C. §675a(c)
- Welf. & Inst. Code §727.12
- California Rule of Court, Rule 5.618



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New Requirements

- New person: The QI
- New Hearing: STRTP (45-day) Hearing
- New Case Plan Requirements



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New case plan requirements

Within 30 days of placement in an STRTP, case plan shall document :

- 1) Good faith effort by social worker/probation officer to identify and include all required individuals in the CFT;
- 2) Contact info for CFT members & other relatives/NREFMs who are not part of the CFT; ensure CFTs relating to the STRTP determination, are held at time and place convenient for the family
- 3) If reunification is the goal, evidence that the parent provided input on CFT members
- 4) Evidence that the QI's determination was conducted in conjunction with the CFT; and
- 5) The placement preferences of the child/NMD and the CFT relative to the STRTP determination and, if the placement preferences are NOT the placement setting recommended by the QI, the reasons why the preferences of the CFT or the child/NMD were not recommended



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Current Time Frames

- 5 days from when the child is placed
- Within 45 days of a child being placed
- 7 days prior to the hearing
- 10 days prior to the court hearing



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Placement is Made: Service Requirements

Within **5 calendar days**, the placing agency must request a hearing to review the placement (361.22(b)(1) & 727.12(b)(1))

Form JV-235-Placing Agency's Request for Review of Placement in a Short-Term Residential Therapeutic Program (mandatory)

Placing agency must serve the request for review on all parties (361.22(b)(2); 727.12(b)(2))

- Social worker must serve on CASA as well; but not probation officer

Rule 5.618- Must also serve blank copy of *JV-236 Input on Placement in Short-Term Residential Therapeutic Program*



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JV-235

Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program

Agency requests a hearing

Provides name and date of placement

Gives instructions to parties on how to make an objection to the placement

on (date): _____

	Fill in child's/nonminor's name
	Child's/Nonminor's name
	Child's/Nonminor's date
	Court fills in case number when
	Case Number:

3 The agency listed in 1 requests that the court set a hearing under Welfare and Institutions Code section 361.22 or 727.12 to review the placement of the child or nonminor dependent in the short-term residential therapeutic program.

4 The agency listed in 1 will request that the placement be approved without a hearing after meeting the requirements of rule 5.618(f) of the California Rules of Court.

5 To the parent, guardian, child or nonminor dependent, and the child's Indian tribe or Indian the case of an Indian child: If you do not agree with the placement of the youth in the short-term therapeutic program, you may inform the court of your objection. To do so, you must use form on Placement in Short-Term Residential Therapeutic Program and file it with the court. The court hearing and will inform you when the hearing will occur. Before the hearing, you will receive a report social worker or probation officer that will explain why the placement was made and how it serves child or nonminor dependent. The report is described in Welfare and Institutions Code section 361.2



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Service Requirements

Placing agency must serve the Request for Review AND

- the JV-236 input form

The Family and Juvenile Law Advisory (F&J) committee wanted to ensure that parties were aware of their ability to object, so required service of both

JV-237-Proof of Service-Short-specific for this hearing

- Mandatory form

Very important if seeking to approve without a hearing

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):		STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-237.v7.080221.cz
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
CHILD'S/NONMINOR'S NAME: CHILD'S/NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME:		CASE NUMBER:	

Proof of Service—Short-Term Residential Therapeutic Program Placement

I served a copy of:

Request for Review of Placement in Short-Term Residential Therapeutic Program (form JV-235) AND a blank copy of: 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):

1. The child, if 10 years of age or older or the nonminor dependent Attorney

a. Name: _____ a. Name: _____

b. Mailing, in-person or electronic service address: _____ b. Mailing, in-person or electronic service address: _____

c. Date of service: _____ c. Date of service: _____

d. Method of service: _____ d. Method of service: _____

2. Parent/Legal Guardian Attorney

a. Name: _____ a. Name: _____

b. Mailing, in-person or electronic service address: _____ b. Mailing, in-person or electronic service address: _____

c. Date of service: _____ c. Date of service: _____

d. Method of service: _____ d. Method of service: _____

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Judicial Council of California
 JV-237 (New October 1, 2017)
 Mandatory Use
Proof of Service—Short-Term Residential Therapeutic Program Placement
Welfare and Institutions Code, §§ 361.22, 727.12
 California Rules of Court, rule 5.818
www.courts.ca.gov

Setting the Court Hearing



- Within five calendar days of receiving the request for review, the court must set a hearing within 45 days of the start of the placement and notice all parties of the hearing date (361.22(d); 727.12(d))

- Approval without a hearing? Statute still requires a hearing be set; so hearing vacated if approved without a hearing pursuant to process to be discussed



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JV-238

Notice on Hearing Regarding Placement in Short-Term Residential Therapeutic Program

Optional Form

JV-238

Notice of Hearing on Placement in Short-Term Residential Therapeutic Program

Clerk stamps date here when form is filed.

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- 1 The court received the request for review as defined in Welfare and Institutions Code section 361.22(b) or 727.12(b) on (date): _____
- 2 Notice requirements were met. The request for hearing and *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) have been served, consistent with Welfare and Institutions Code section 361.22(b)(2) or 727.12(b)(2) and rule 5.618(b) of the California Rules of Court.
- Notice requirements were not met. The social worker or probation officer is ordered to serve the request for hearing and *Input on Placement in Short-Term Residential Therapeutic Program* (form JV-236) as required in Welfare and Institutions Code section 361.22(b)(2) or 727.12(b)(2) and rule 5.618(b) of the California Rules of Court.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's/nonminor's name and date of birth:

Child's/nonminor's name:

Date of birth:

Court fills in case number when form is filed.

Case Number:

3 Notice of Hearing

The court will hold a hearing on the request for review of the child or nonminor's placement in the short-term residential therapeutic program. (The hearing must be set or be held at a regularly scheduled hearing within 45 days of the start of the placement.)

Name and address of court:

Hearing Date

→ Date: _____

Time: _____

Dept.: _____

Room: _____



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Hearing Report

- Contents in report (361.22(c) and 727.12(c)):
- 1. The QI assessment – “copy of the assessment, determination, and documentation”
 - *Confidential information?*
 - Statute doesn’t clarify whether confidential information should be excluded
 - Rule 5.618 (d)(3): shall “not contain information that is privileged or confidential pursuant to existing state law or federal law or regulation without the appropriate waiver or consent.”
- 2. The case plan documentation required pursuant to section 16501.1(d)(2)(C).
- 3. That tribe was conferred on placement preference under section 361.31 in the case of an Indian child; and active efforts
- 4. Statement whether any party objects to the placement



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The Report for the Hearing

Must be served on the parties no later than seven calendar days before the hearing (361.22(c)(2) and 727.12(c)(2))

Must be filed with the court seven calendar days before the hearing-rule 5.618 (d)(1)

DIFFERENT TIMELINE IF YOU WANT APPROVAL WITHOUT A HEARING...



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JV-236-Input Form – Party's Objection

A party must use JV-236 *Input on Placement in Short-Term Residential Therapeutic Program* to make an objection to the placement and thus preserve a hearing

Local rules and practice determine the process for noticing and filing these forms

Only parties may object

But anyone with an interest in the child or nonminor can provide input.

Rule 5.618(e)



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JV-236

Item 5 is the objection required to prevent approval without a hearing

Space provided for the party to inform the court the reasons for their objection

Can also be used to provide input without objecting

Mandatory

JV-236

Input on Placement in Short-Term Residential Therapeutic Program

Clerk stamps date here when form is filed.

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the Judicial Council

If you do not agree with the placement of the child or nonminor dependent in a short-term residential therapeutic program, or if you would like to provide input on the placement without objecting to the placement, you may inform the court of your objection or input by using this form. Only a party to the case can object to the placement, while anyone with an interest in the child or nonminor dependent can use the form to provide their input. If you are a party to the case and you receive the report described in Welfare and Institutions Code section 361.22(c) or 727.12(c) 10 court days before the hearing, or earlier, the court may consider approving the placement without a hearing. In that case, any objections must be filed with the court on this form within 5 court days of receiving the report.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's/nonminor's name and date of birth:

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court files in case number when form is filed.

Case Number:

1 My contact information (if confidential, use form JV-287):

- a. Name: _____
- b. Address: _____
- c. City/State/Zip: _____
- d. Phone: _____
- e. E-mail: _____

2 Relationship to the child or nonminor dependent :

- a. Self
- b. Parent or legal guardian
- c. Indian custodian
- d. Attorney for parent, legal guardian, or Indian custodian
- e. Attorney for child or nonminor dependent
- f. The child's or nonminor's Indian tribe
- g. Other: _____

3 The child or nonminor dependent was placed in a short-term residential therapeutic program on (date): _____

4 I received the report from the social worker or probation officer addressing the child's or nonminor dependent's placement in the short-term residential therapeutic program on (date): _____

5 I object to the child's/nonminor dependent's placement in the short-term residential therapeutic program. (If no objections are received from any of the parties to the case, the court may approve the placement without holding a hearing).

6 I oppose the placement because:



What does this look like?



Child is placed

Within 5 court days, court is notified and sets hearing within 45 days of the child being placed

within 30 days, the QI assessment is completed

QI assessment is set to agency. Assessment redacted and completed report and case plan (around day 35)

Report due to court 7 days before the court hearing (Day 35 to 38 of placement)

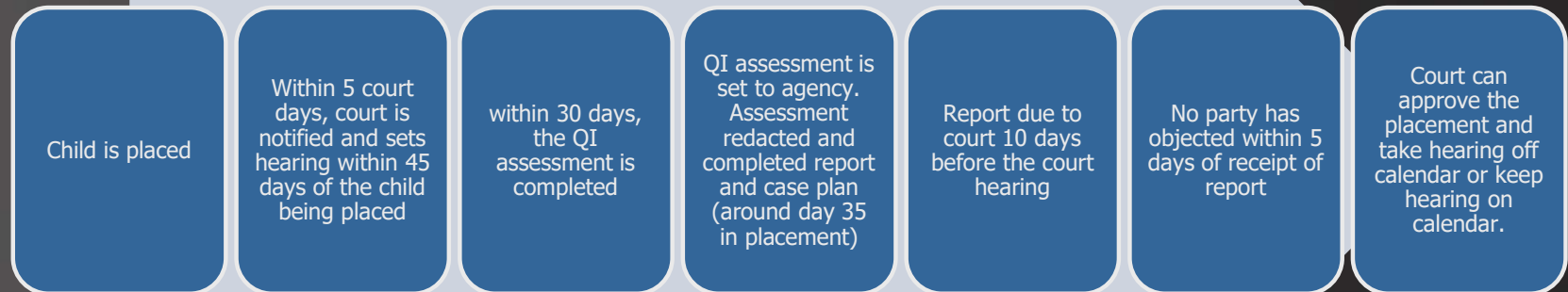
Court Hearing on 45th Day but no later than day 60 of placement

Thing to consider: What if assessment is late? What if report is not in on time? What if an attorney challenges the assessment?



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Timeframe for Approval Without a Hearing



Courts can adopt local rules to help with this process as long as the report is due at least 10 days prior to the hearing and people have time to object



Questions



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Who gets Notice and Report?

- (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.



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Proposal of who to add to get notice- **May go into effect 1/1/23**

- Nonminor Dependent's Guardian Ad Litem & legal guardian
- county counsel
- district attorney
- social worker
- probation officer



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Who can object:

- 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;
- The child's legal guardians, if applicable, and their attorneys of record;
- 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
- 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.



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Proposal to who can object-

May go into effect 1/1/23

- District attorney
- Child Abuse And Treatment Act (CAPTA) Guardian Ad Litem (GAL)
- Nonminor Dependent's Guardian Ad Litem



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Forms, Forms, Forms!

Mandatory now:

JV-235- Request a hearing (When?)

JV-236- Input on placement

JV-237 – Proof of services

JV-239- Court's Findings and Orders form




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Questions



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Proposal changes to forms- **May go into effect 1/1/23**

JV-240 - Notice of Request for Approval of Short-Term Residential Therapeutic Program Without a Hearing (mandatory form) – ensures that parties are aware that a request to approve the STRTP placement without a hearing is being made.

Recommend rule 5.618(f)(1)(B) be amended to require the JV-240 form to be served on parties along with the report.

Proposal: JV-235 (request for review), JV-236 (input on placement), and JV-237 (proof of service) be made optional forms. JV-239 (order on placement) would remain mandatory and JV-238 (notice of hearing) would remain optional.

Include the address of the STRTP on the JV-235 (request for review) form, with the option to provide the info in the JV-287 if the placement is confidential.

Update JV-239 with a list of typical reasons for the court's determination to approve or disapprove the placement.

Introductory paragraph in JV-236 was updated to provide clarity regarding the review of the placement without a hearing.



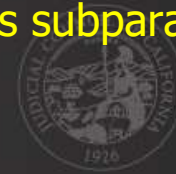
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2 more AB 153 issues in proposal



(G) (i) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.



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(F) (i) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, whether the social worker or probation officer has verified that the child or nonminor dependent has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the child will receive the instruction.

(ii) For a child or nonminor dependent described in clause (i), whether the social worker or probation officer has done all of the following:

(I) Informed the child or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(II) Informed the child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(III) Informed the child or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(iii) This subparagraph does not affect any applicable confidentiality law.

(iv) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.



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Questions



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Let's Practice!



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Scenario

Bonnie, 15 and Clyde, 16 were arrested on 12/31 for a PC 211 while high on meth. At the detention hearing, Bonnie's mom and stepdad appear and Clyde's grandma appears. The court keeps both youth in custody pending adjudication.

What would you want to know at this point for your social study report and recommendations?



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Bonnie

At CFT on 1/7: Bonnie, Stepdad, Aunt, hall therapist at Bonnie's request.

Strengths:

- No other arrest history
- Aunt in Arizona is willing to help
- Bonnie tried substance abuse counseling through insurance, but Bonnie relapsed when she started to hangout with Clyde

Challenges:

- School: 20 unexcused absences and 30 tardiness reports in the last 3 months
- Drugs: Started with marijuana at age 13 and moved to meth a few months ago when she hooked up with Clyde.
- Other siblings in the home, so mom and stepdad have sent Bonnie to live with the aunt in Arizona, but Bonnie kept running home.

What is your recommendation? What is the recommendation from CFT?

Bonnie

Timelines:

- CFT: 1/7 and recommended that Bonnie live with Aunt
- Adjudication set for: 1/14, court finds the petition true and authorizes Bonnie's parents to place her with Aunt in Arizona. Department ordered to help parents find services in Arizona. Court declared Bonnie a ward and ordered terms and conditions of probation.
- 2/14 VOP filed because Bonnie is not going to school and failed drug test
- 4/1 Bonnie ran away, and PC warrant issued
- 4/14 Bonnie was arrested in California for aggravated assault.
- 4/20 CFT held and STRTP recommended.
- 4/22 court orders foster care placement and packets are sent.
- 5/1 Bonnie is placed at Happy Trails STRTP.

Questions: 1) When is QI assessment made? 2) When is IPC held? 3) When do you notify the court of placement? 4) When is the QI assessment due? 5) When is the court report due? 6) When is the FFPSA court hearing set and held? 7) What and when is the next court hearing after the FFPSA hearing?



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Bonnie

- On 5/13 Bonnie leaves Happy Trails STRTP and convinces 3 other girls to leave with her and a PC warrant is issued
- On 5/21 Bonnie is arrested for possession of meth.
- At the court hearing on 5/23, the court orders continued placement and Happy Trails says they will not take Bonnie back but will take the other girls.
- On 6/7 a placement is identified at summer oaks STRTP and an interview is scheduled.
- On 6/13 Bonnie is placed in Summer Oaks STRTP

Questions: 1) Do you need a new QI assessment? 2) When is the QI assessment due? 3)) When is the request for hearing filed? 4) When is the court report due? 5) when is the court hearing set?



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Bonnie

When Bonnie's attorney receives the QI assessment and court report, she files an objection form. Bonnie's attorney does not agree with the QI's assessment and wants to see her full assessment, not just the abbreviated one attached to the report. Bonnie is doing well in the placement; her behavior has stabilized, Bonnie has received proper psychiatric help, and the attorney believes that Bonnie does not need to be at summer oaks STRTP.

- 1) How long does the court have to set a trial on this issue?
- 2) What information is the attorney entitled to from the QI?

At the trial, it is found that the QI did think that Bonnie was able to step down in the STRTP but not ready to return home. The court ordered Bonnie into a stepped down cottage of the STRTP but did not approve this placement. What happens next?



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Clyde

- Clyde, 16, has lived with his grandmother on and off for his entire life; he does not know his dad and his mom stops by about twice a year. In grandma's home is also his aunt and her two children ages 10 and 12.
- Petition alleges that Clyde was high on meth, but he tested negative for all substances, and he said that Bonnie talked him into the robbery.
- While Clyde is in custody, one of the cousins tells her mom that Clyde has sexually abused her. When confronted, Clyde initially denied the allegations but then said it was no big deal.
- On 1/7 the petition was amended to add PC 288(a). The court detained Clyde in the hall pending the next hearing.
- On 1/14 a CFT was held, and it was agreed that aunt and cousins would move next store and Clyde could go home with services from the community.
- At the adjudication hearing on 1/21, the court decided that there were not enough supports in the community to support Clyde's treatment and ordered him into a sex offender STRTP.

Question: 1) What do you do first?



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Clyde

Timelines:

- Clyde is placed at Honey Farms STRTP on 2/1 and the court sets a hearing on 3/18
- On 3/1, the QI assessment is filed with the court recommending against the placement in Honey Farms STRTP
- On 3/16, the court approves the STRTP placement

When is the next court hearing and what is it called?



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Clyde

- On July 21, the court holds a prepermanency hearing. Clyde is doing well in the program. His grandmother is visiting him and the recommendation is for him to complete the program. Clyde really wants to go home.
- On January 21, at the permanency hearing, Clyde has completed his program in November and was on an extended visit with his grandmother.



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Now what?

The court did not approve Bonnie's placement so, she must be moved within 30 days. Bonnie is 15 years old.

- What are the options?



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Now what?

Clyde is home with grandmother. What are the options for him?



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After Care Requirements

- Probation must arrange/provide at least 6 months of “post-discharge aftercare services” after release from STRTP
- Aftercare services are VOLUNTARY & child/family is not required to participate
- Services: Wraparound/Counseling, Tutoring, etc.
- ONLY applies to kids placed prior to 10/1/2021
- Applies to NMD kids leaving STRTP to go to SILP



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Options after STRTP

- Return home = dismiss the case
- Legal Guardianship = dismiss the case
- Adoption/Tribal Customary Adoption = dismiss the case
- Placement with Fit and Willing Relative = Case open
- APPLA (Another Permanent Plan Living Arrangement)
- Extended Foster Care= Case open
- Move to Dependency



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Return Home

- Things to consider- Parentage
 - Rule 5.635/ Welf. & Inst. Code §726.4: Court has duty to establish paternity
 - Why?
 - Forms: JV-500 (child support form), JV-501 (Findings and Orders), JV-505 (statement of paternity)



JUDICIAL COUNCIL
OF CALIFORNIA

Return Home Custody Orders- JV 200

JV-200

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO. _____
 NAME: _____
 FIRM NAME: _____
 STREET ADDRESS: _____
 CITY: _____ ZIP CODE: _____
 TELEPHONE NO.: _____ FAX NO.: _____
 E-MAIL ADDRESS: _____
 ATTORNEY'S E-MAIL ADDRESS: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____
 MAILING ADDRESS: _____
 CITY AND ZIP CODE: _____
 COUNTY NAME: _____

CASE NAME: _____

CUSTODY ORDER—JUVENILE—FINAL JUDGMENT

DATE NUMBER: _____
 JUVENILE: _____
 FAMILY NUMBER: _____
 AND OTHER CASE NO.: _____

Date of hearing: _____ Dept.: _____
 Judicial officer (name): _____

THE COURT FINDS AND ORDERS

1. a. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
 b. **Notice and opportunity to be heard.** The parties were given notice and an opportunity to be heard as provided by the laws of the State of California.
 c. **Country of habitual residence.** The country of habitual residence of the child or children in this case is _____
 The United States other (specify): _____
 d. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties or both.

2. **Parents bound by this order.**
 a. Name: Mother Father
 b. Name: Mother Father
 c. Name: Mother Father

Parents are are not married to each other.
 Parents do do not reside together.

3. **Custody.** Custody of the minor children is ordered as follows:

Child's name	Date of birth	Legal custody to (parent)	Physical custody to (parent)	Primary residence with (parent)

Additional children listed on Attachment 3.

4. **This order reflects a change in the physical custody of the child or children to the custody of a formerly noncustodial parent.** Page 1 of 4

Form Adopted by Mandatory Case Management Conference
 JV-200 (Rev. January 1, 2016)

CUSTODY ORDER—JUVENILE—FINAL JUDGMENT

Page 1 of 4

JV-200

CASE NAME: _____ DATE NUMBER: _____
 JUVENILE: _____
 FAMILY: _____

5. **Visitation (parenting time) of (name of parent):**
 This parent may spend time with the children as follows:
 All children listed in item 3 The following children (name each): _____

a. As arranged by the parents, but no less than (minimum) _____ hours, _____ times per (time period): _____
 b. As stated on the attached [form JV-205](#).
 c. No visitation is ordered for the reasons stated on the attached [form JV-206](#) on Attachment 5c.

6. **Visitation (parenting time) of (name of parent):**
 This parent may spend time with the children as follows:
 All children listed in item 3 The following children (name each): _____

a. As arranged by the parents, but no less than (minimum) _____ hours, _____ times per (time period): _____
 b. As stated on the attached [form JV-205](#).
 c. No visitation is ordered for the reasons stated on the attached [form JV-206](#) on Attachment 5c.

7. **Child abduction prevention.** There is a risk that one parent will take the children out of California without the other parent's permission. [Child Abduction Prevention Order Attachment \(form FL-341B\)](#) is attached and must be obeyed.

8. **Change of residence.** Under Family Code section 3024, unless there is prior written agreement to the change, any parent planning to change the residence of the child(ren) for longer than 30 days must provide notice to the other parent(s) at least 45 days before the proposed change to the extent possible to allow time for mediation of a new plan.

9. **Parentage (attach court order).** (Name) _____ was declared or adjudged the biological presumed parent of (names of children): _____
 by court order (specify county and case number): _____
 juvenile court family court other (specify): _____
 on (date): _____
 Additional parentage determination(s) and order(s) listed on Attachment 9.

10. **Additional physical custody provisions.** The parents will follow the physical custody provisions listed in the schedule on Attachment 10.
 on Visitation (Parenting Time) Order—Juvenile ([form JV-205](#))
 on Additional Provisions—Physical Custody Attachment ([form FL-341\(D\)](#))

11. **Holiday schedule.** The children will spend holiday time as listed in the schedule on Attachment 11.
 on Children's Holiday Schedule Attachment ([form FL-341\(C\)](#))

12. **Joint legal custody.** The parents will share joint legal custody as listed in the plan on Attachment 12.
 on Joint Legal Custody Attachment ([form FL-341\(E\)](#))

2/1/2016 (Rev. January 1, 2016)

CUSTODY ORDER—JUVENILE—FINAL JUDGMENT

Page 2 of 4

JV-200

CASE NAME: _____ CASE NUMBER: _____
 JUVENILE: _____
 FAMILY: _____

13. **Other findings and orders (including circumstances underlying any limits on custody or visitation at the time of the order):**
 Continued on the attached [form JV-206](#).
 Continued on Attachment 13.

NOTICE

The juvenile court has terminated jurisdiction over the children listed in 3.

All requests for modification or termination of these orders must be brought in the family court case in which these orders are filed.

14. a. A criminal protective order on [form CR-160](#) relating to the parties in this case is currently valid and in effect in case number (specify): _____ (specify court, if known).
 The order is scheduled to expire on (expiration date): _____
 b. A Domestic Violence Prevention Act protective order on form [DV-110](#), [DV-116](#), [DV-136](#), or [DV-720](#) relating to the parties in this case is currently valid and in effect in case number (specify): _____ (specify court, if known).
 The order is scheduled to expire on (expiration date): _____
 c. A restraining order (form [JV-250](#), [JV-255](#), or [JV-267](#)) is attached.

Instruction for Law Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following order (see Pen. Code, § 136.2, and Fam. Code, §§ 6333(h)(2), 6405(b)):

- EPO: If one of the orders is an Emergency Protective Order ([form EPO-001](#)) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
- No-Contact Order: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
- Criminal Order: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
- Family, Juvenile, or Civil Order: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Date: _____ JUDICIAL OFFICER OF THE JUVENILE COURT

(See reverse for transmittal and filing instructions.)

CUSTODY ORDER—JUVENILE—FINAL JUDGMENT

Page 3 of 4

JV-200

CASE NAME: _____ DATE NUMBER: _____
 JUVENILE: _____
 FAMILY: _____

15. (The check one: clerk of the juvenile court parent given physical custody parent's attorney county counsel is directed to transmit this order within 10 calendar days to the clerk of the superior court in any county where a proceeding described in rule 5.700(b)(1) involving the child or children is pending or, if no such case exists, to the clerk of the court in which is the order of preference.)
 the county where the parent who holds sole physical custody resides.
 the county where the child's or children's primary residence is located (if no parent holds sole physical custody).
 a county or location where a parent resides.
 other (name of jurisdiction): _____

To the clerk of the receiving court:
 16. Immediately on receiving this order, file the order as described in rule 5.475(a)(1) or 5.700(b) in a pending proceeding or a new file.
 17. After filing the order, send an endorsed file-stamped copy of this order showing the case number assigned by your court by first-class mail to the originating juvenile court and:
 a. The parent in 3a (name and mailing address): _____
 b. The parent in 2a (name and mailing address): _____
 c. The parent in 2c (name and mailing address): _____
 d. Other (name and mailing address): _____

with a completed clerk's certificate of mailing (see below).

CLERK'S CERTIFICATE OF MAILING
 (To be completed by clerk of receiving court)

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 17. Each envelope was sealed and deposited with the United States Postal Service at (date): _____

Date: _____ Clerk, by _____ Deputy

2/1/2016 (Rev. January 1, 2016)

CUSTODY ORDER—JUVENILE—FINAL JUDGMENT

Page 4 of 4



JUDICIAL COUNCIL OF CALIFORNIA



Questions



JUDICIAL COUNCIL
OF CALIFORNIA

Legal Guardianship/Adoption

Welf. & Inst. Code §§ 727.3, 727.31, 728.

JV-320	Oct 1, 2021	Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31
JV-321	Sep 1, 2020	Request for Prospective Adoptive Parent Designation
JV-322	Jan 1, 2007	Confidential Information-Prospective Adoptive Parent
JV-323	Jan 1, 2008	Notice of Intent to Remove Child
JV-324	Jan 1, 2008	Notice of Emergency Removal
JV-325	Sep 1, 2020	Objection to Removal
JV-326	Jan 1, 2019	Proof of Notice
JV-326-INFO	Jan 1, 2019	Instructions for Notice of Prospective Adoptive Parent Hearing
JV-326-INFO S	Jan 1, 2019	Instructions for Notice of Prospective Adoptive Parent Hearing (Spanish)
JV-327	Jul 1, 2010	Prospective Adoptive Parent Designation Order
JV-328	Jan 1, 2008	Prospective Adoptive Parent Order After Hearing
JV-330	Sep 1, 2019	Letters of Guardianship (Juvenile)
JV-330 C	Sep 1, 2019	Letters of Guardianship (Juvenile) - Chinese
JV-330 K	Sep 1, 2019	Letters of Guardianship (Juvenile) - Korean
JV-330 S	Sep 1, 2019	Letters of Guardianship (Juvenile) - Spanish
JV-330 V	Sep 1, 2019	Letters of Guardianship (Juvenile) - Vietnamese
JV-350-INFO	Sep 1, 2019	Becoming a Child's Guardian in Juvenile Court



JUDICIAL COUNCIL
OF CALIFORNIA



1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
b. Judicial officer: _____
c. Parties and attorneys present: _____

2. The court has read and considered the assessment prepared under Welfare and Institutions Code section 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the
 social worker probation officer and other evidence.
3. The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. Notice has been given as required by law.
b. This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. **For child 10 years of age or older who is not present:** The child was properly notified under Welfare and Institutions Code section 349(d) of the right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
6. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. The court previously made a finding denying or terminating reunification services, under Welfare and Institutions Code section 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
 parent (name): _____
 parent (name): _____

Guardianships

11. The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. (If item 11 is checked, skip items 12-14 and go directly to item 15 (guardianship).)
12. Termination of parental rights would be detrimental to the child for the following reasons: (If item 12 is checked, check the applicable reasons below, skip items 13-14, and go directly to item 15 (guardianship) or 16 (continued foster care).)
- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years of age or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.
- NOTE: Do not check item 12d if the child is either:
(1) under the age of 6; or
(2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.
- e. There would be substantial interference with the child's sibling relationship.

15. The child's permanent plan is legal guardianship.

(Name): _____

is appointed guardian of the child's person and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until letters have issued.

(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16 and go directly to item 17.)

a. Visitation between the child and

parent (name): _____

parent (name): _____

legal guardian (name): _____

other (name): _____

is scheduled as follows (specify): _____

b. Visitation between the child and (names): _____

is detrimental to the child's physical or emotional well-being and is terminated.

c. Dependency Wardship jurisdiction is terminated.

(If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.)

The juvenile court retains jurisdiction over the guardianship under Welfare and Institutions Code section 366.4 or 728(f).

d. Dependency Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by (date): _____.

18. The child's placement is necessary.

19. The child's placement is appropriate.

20. For a child placed in a short-term residential therapeutic program, the court has considered the evidence and documentation submitted pursuant to Welfare and Institutions Code section 366.1(f) when determining the continuing necessity for and appropriateness of the placement.

21. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.

22. The child is an Indian child, and active efforts, as detailed in the record, were were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. If active efforts were made, those efforts have proved successful unsuccessful.

23. The child remains a dependent ward of the court. *(Do NOT check item 22 if item 15c is checked.)*

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

25. Other (specify): _____

26. Next hearing date: _____ Time: _____ Dept.: _____ Room: _____

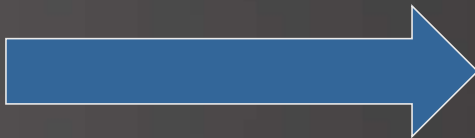
a. Continued hearing under section 366.26 for receipt of report on attempts to locate an appropriate adoptive family

b. Continued hearing under section 366.24(c)(6) for receipt of the tribal customary adoption order

c. Six-month postpermanency review

d. Other (specify): _____

What are these???



Letters of Guardianship

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	JV-330	
NAME:		FOR COURT USE ONLY		
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		
TELEPHONE NO.:	FAX NO.:			
E-MAIL ADDRESS:				
ATTORNEY FOR (name):				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF				
STREET ADDRESS:				
MAILING ADDRESS:				
CITY AND ZIP CODE:				
BRANCH NAME:				
CASE NAME:				
LETTERS OF GUARDIANSHIP (JUVENILE)		CASE NUMBER:		

LETTERS

- (Name): _____ is appointed guardian of the PERSON of (child's name): _____ (date of birth): _____ with powers to make decisions about, and duties to provide for, the child's care, custody, control, education, residence, and medical treatment as set forth in sections 2351(a), 2352, and 2353 of the Probate Code, subject to any limits or conditions in 2.
- Other powers granted or conditions imposed (specify): _____

continued on Attachment 2.

AFFIRMATION

- I solemnly affirm (promise) that I will perform the duties of a guardian of the person as required by law. I have received and had a chance to read a copy of *Becoming a Child's Guardian in Juvenile Court* (form JV-350-INF0).

Signed on (date): _____ at (place): _____, California.

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTED GUARDIAN)

ISSUED, clerk of the court, with seal of the court affixed:

(SEAL)

Date: _____

Clerk, by _____, Deputy

NOTICE

The juvenile court named above has jurisdiction over this guardianship. Any request to change or end the guardianship, including a request to move the child's residence out of California, to change a visitation order, or to appoint a successor guardian, must be filed in the juvenile court using *Request to Change Court Order* (form JV-180).

(Continued on the next page)

Page 1 of 2

CHILD'S NAME:	JV-330
CASE NUMBER:	

IMPORTANT NOTICE TO GUARDIAN OF CHILD

This form, called *Letters of Guardianship*, is evidence of your appointment as guardian of the child. The *Letters of Guardianship* stay in effect until the guardianship ends or new *Letters of Guardianship* are issued. A guardianship ends when the child reaches 18 years of age unless any of the following events happens before then: the child dies; the child is adopted; the child is emancipated by getting married, entering active military duty, or receiving a declaration of emancipation; or the court orders the guardianship to end.

To verify your appointment and authority to school personnel, medical personnel, and other service providers, you will need to show them a certified copy of this form. Be sure to keep this form in a safe place. If you misplace this form, you will need to request a new certified copy from the clerk of the juvenile court. You may be charged a fee for the certified copy.

CERTIFICATION

I certify that this is a correct copy of the original form on file in my office and that the *Letters of Guardianship* issued to the person named on page one have not been modified, revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date: _____

Clerk, by _____, Deputy



Questions



JUDICIAL COUNCIL
OF CALIFORNIA



One more reminder....

Nonminor Dependents can be 602 wards or 450 transition youth.

You do not have to terminate wardship when a youth is 18. The youth can stay under the 602 Jurisdiction of the court and be maintained in a Supervised Independent Living Program (SILP)

Yes, if the youth is a NMD ward under 602 jurisdiction, you still use the findings and orders under section 366.31 and/or the JV-462.



JUDICIAL COUNCIL
OF CALIFORNIA



Game Activity & PRIZES



JUDICIAL COUNCIL
OF CALIFORNIA

The Real Story

- <https://youtu.be/GV-tVsrgTCM>



JUDICIAL COUNCIL
OF CALIFORNIA



Contact info

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JUDICIAL COUNCIL
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