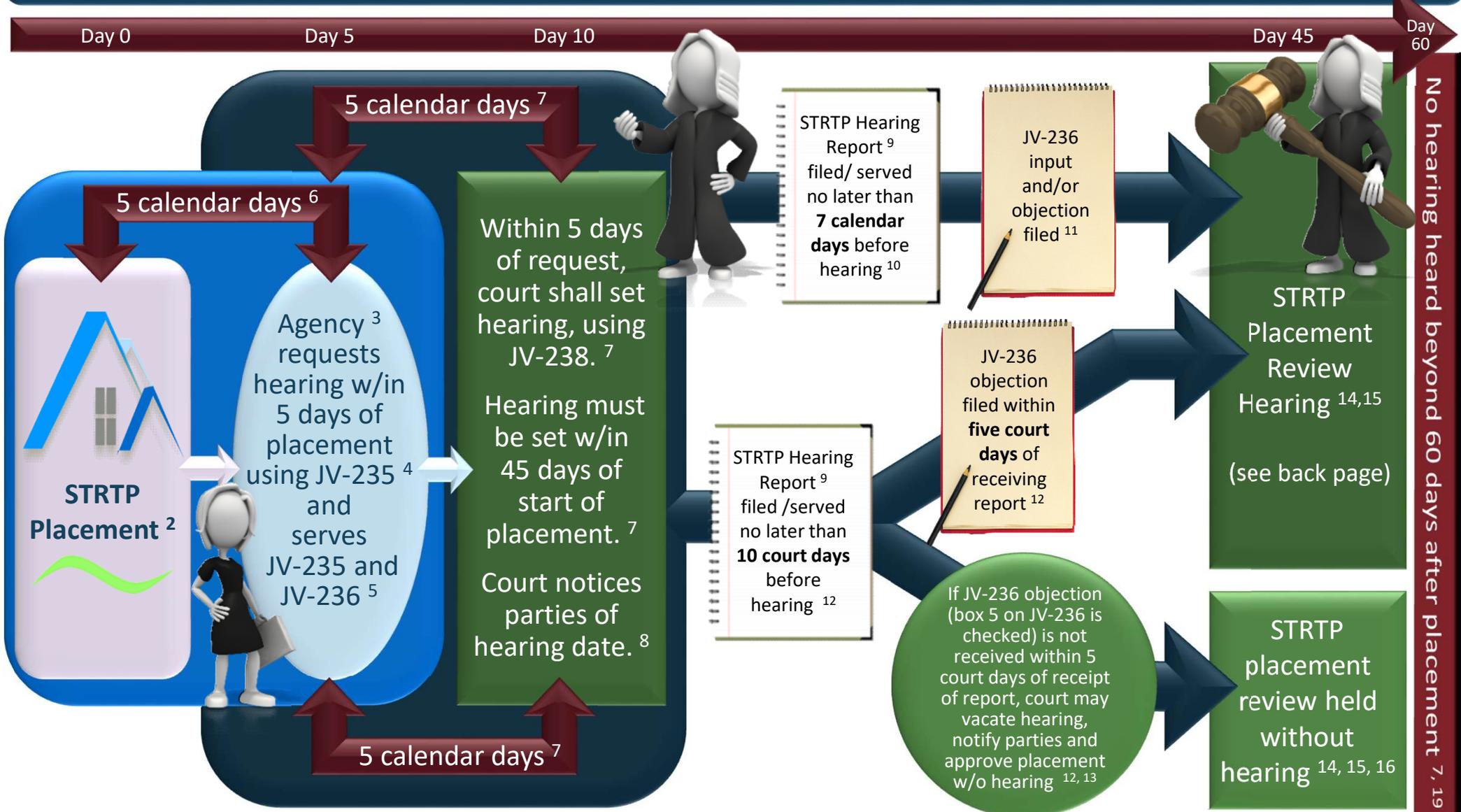


# STRTP Hearing Process <sup>1</sup>



Judicial Council Forms	JV-235 Request for Review of Placement in Short-Term Residential Therapeutic Program (mandatory)	JV-236 Objection to or Input on Placement in Short-Term Residential Therapeutic Program (mandatory)	JV-237 Proof of Service – Short-Term Residential Therapeutic Program Placement (mandatory)	JV-238 Notice of Hearing Regarding Placement in Short-Term Residential Therapeutic Program (optional)	JV-239 Order on Placement in Short-Term Residential Therapeutic Program (mandatory)
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# STRTP Placement Review Hearing <sup>14,15</sup>

Findings by preponderance of evidence, and basis for determinations shall be in writing or on the record <sup>16</sup>

- Court shall consider information in report<sup>9</sup> and may consider any other relevant evidence, including whether placement is consistent with youth's best interest. <sup>14</sup>
- Court must make three determinations:
  1. Whether needs of youth can be met through placement in family-based setting, or if not, whether placement in STRTP provides most effective and appropriate care in least restrictive environment.
  2. Whether STRTP is consistent with short- and long-term mental and behavioral health goals and permanency plan for youth.
  3. For Indian child, whether there is good cause to depart from ICWA placement preferences

**If approve placement:**

At every status review consider § 366.1(l)(1)-(3) and § 706.5(c)(1)(B)(i)-(iii) factors to determine if placement is necessary and appropriate. <sup>16, 17</sup>

**If disapprove placement:**

Order Agency to transition youth to placement consistent with determinations made after hearing, within 30 days of disapproval. <sup>16, 18</sup>

**If continue hearing for good cause (even for evidentiary hearing):**

In no event may hearing be continued beyond 60 days after start of placement. <sup>19</sup>

## Endnotes & references

### 1 Applicable law:

- WIC § 361.22
- WIC § 727.12
- Rule of Court 5.618

**2** Applies to initial and subsequent placements made in STRTP (Short-term Residential Therapeutic Program) after Oct. 1, 2021 of minors and nonminor dependents. § 361.22(a), § 727.12(a). Law is not retroactive.

**3** Placing "agency" refers to social worker for dependents and probation officer for wards. § 361.22(b), § 727.12(b), Rule 5.618(b)

**4** § 361.22(b)(1), § 727.12(b)(1), Rule 5.618(b)

### 5 Agency shall serve the JV-235 and a blank JV-236 to all parties, including:

- Child's parent and attorney if parental rights have not been terminated,
  - Nonminor dependent's parent and attorney if parent is receiving family reunification services,
  - Child's legal guardian and attorney,
  - Child over 10/nonminor dependent and attorney,
  - Indian tribe (always for dependent; for ward if § 244.2(d)(1)(E) applies),
  - Court Appointed Special Advocate (CASA) if youth is dependent.
- Agency files the JV-237 Proof of Service. § 361.22(b)(2), § 727.12(b)(2), Rule 5.618(b)

**6** Request for hearing and service shall occur within five calendar days of placement. § 361.22(b)(1), § 727.12(b)(1), Rule 5.618(b)

**7** Upon receipt of JV-235, Court has five calendar days to set hearing. (Use of JV-238 is optional.) Hearing must be set within 45 days of start of placement. § 361.22(d), § 727.12(d), Rule 5.618(c). In no case shall hearing be held later than 60 days from start of placement. § 361.22(a), § 727.12(a), Rule 5.618(g)(4)

**8** Within 5 calendar days of receiving JV-235, Court gives notice of hearing to those listed in Note 5. § 361.22(d), § 727.12(d), Rule 5.618(c)

### 9 Report for hearing shall include:

- Copy of assessment, determination of care and service needs, documentation prepared by Qualified Individual,
- Case plan documentation,
- If Indian child, statement regarding whether tribe had opportunity to confer regarding departure from ICWA placement preferences and whether active efforts were made prior to placement to satisfy § 244.2(f), and
- Statement regarding whether any party objects. § 361.22(c)(1), § 727.12(c)(2), Rule 5.618(c)(1).

**10** Report must be served on those listed in Note 5. § 361.22(c)(2), § 727.12(c)(2), Rule 5.618(d)(1)

### 11 JV-236 is used by parties or anyone with an interest in the child to provide input, but only parties may object:

- Child's parent/attorney if no TPR,
  - NMD's parent/attorney if parent in family reunification,
  - Child's legal guardian and attorney,
  - Child over 10/nonminor dependent and attorney,
  - Indian tribe,
- Local practice and local rules determine procedure for completing, filing, and noticing JV-236. § 361.22(c)(2), § 727.12(c)(2), Rule 5.618(f).

### 12 Court may approve placement without hearing if:

- Service of JV-235 and JV-236 is proper,
- JV-237 verifies that report was served 10 court days before hearing,
- No party has objected on JV-236 w/in court five days of receiving report (Box 5 must be checked to object), and
- Court will approve placement based on information before it. § 361.22(h), § 727.12(h), Rule 5.618(f)(1)

**13** If Court approved placement without hearing, Court must notify those in Note 5 and vacate hearing. Rule 5.618(f)(2)

**14** When reviewing placement, court shall consider factors listed. § 361.22(e)(2)-(4), § 727.12(e)(2)-(4), Rule 5.618(g)(1),(3)

**15** Placement may be reviewed at regularly scheduled hearing if within 60 days of placement and all information is in report. § 361.22(g), § 727.12(g)

**16** Findings made by preponderance of evidence. Rule 5.618(g)(2). Basis for findings in writing or on record. § 361.22(e)(6), § 727.12(e)(6). Court signs JV-239.

**17** § 366(a)(1)(A), § 727.2(e)(1)

**18** § 361.22(f), § 727.12(f)

**19** Rule 5.618(g)(4). If no approval within 60 days, placement is not eligible for Title-IVE funds