

## Recommended Title IV-E Findings and Orders

Findings and orders must be based on sufficient supporting evidence, presented to the court by the county agency.

### I. Protective Custody Warrants—dependency cases, include the finding:

A. Continuance in the home is contrary to the child's welfare.

### II. Detention/Removal Hearings—make the following:

A. Continuance in the home is contrary to the child's welfare.

B. Temporary placement and care are vested with the social services agency *or* probation department.

C. Reasonable efforts have been made to prevent removal.

### III. Prepermanency Hearings—make the following:

D1. The child's placement is necessary. The child's current placement is appropriate.

D2. The agency has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child.

D3. The extent of progress made toward alleviating or mitigating the causes necessitating placement has been: by the father \_\_\_\_\_, by the mother \_\_\_\_\_, by the child \_\_\_\_\_ (*include child in delinquency proceedings only*).

D4. The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is   /  /  .

D7. For child 14 years of age or older: the court finds that the services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.

### IV. Permanency Hearing—make the following:

D1. The child's placement is necessary. The child's current placement is appropriate.

D2. The agency has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child.

D3. The extent of progress made towards alleviating or mitigating the causes necessitating placement has been: by the father \_\_\_\_\_, by the mother \_\_\_\_\_, by the child \_\_\_\_\_ (*include child in delinquency proceedings only*).

D5. The plan selected below is appropriate and is ordered:

☐ a. An immediate return to the home is ordered as the permanent plan; *or*

☐ b. The continuation of reunification services and the setting of a further permanency review hearing; *or*

☐ c. Termination of services and:

☐ (1) setting of a Welf. & Inst. Code, § 366.26 or 727.31 hearing; *or*

☐ (2) placement with a fit and willing relative; *or*

☐ (3) when there is a compelling reason to determine that it is not in the child's best interest to return home, be placed for adoption or tribal customary adoption, be placed with a legal guardian, or be placed with a fit and willing relative and the barriers to achieving the permanency goal have been identified, (*select one*):

☐ (A) placement in foster care with a permanent plan of \_\_\_\_\_ (*specify return home, adoption, tribal customary adoption, legal guardianship, or placement with a fit and willing relative*); *or*

☐ (B) for a child 16 years of age or older, another planned permanent living arrangement.

D6. ☐ The likely date by which the permanent plan will be achieved or juvenile court jurisdiction will be terminated is   /  /  . *or*

☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is   /  /  . (*Use this finding only when the court continues reunification services under D5b.*)

D7. For child 14 years of age or older: the court finds that the services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.

### V. Postpermanency Hearing—make the following:

D1. The child's placement is necessary. The child's current placement is appropriate.

D2. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child; *or*

(*For a child 16 years of age or older in a planned permanent living arrangement*): the agency has complied with the case plan by making reasonable efforts, including ongoing and intensive efforts to finalize the permanent plan of \_\_\_\_\_ (*specify return home, adoption, tribal customary adoption for an Indian child, legal guardianship, or placement with a fit and willing relative*).

D5. The permanent plan selected below is appropriate and ordered:

☐ a. Adoption; *or* Tribal Customary Adoption (under dependency jurisdiction); *or*

☐ b. Legal guardianship; *or*

☐ c. Placement with a fit and willing relative; *or*

☐ d. When there is a compelling reason to determine that it is not in the child's best interest to return home, be placed for adoption or tribal customary adoption, be placed with a legal guardian, or be placed with a fit and willing relative and the barriers to achieving the permanency goal have been identified, (*select one*):

☐ (1) placement in foster care with a permanent plan of \_\_\_\_\_ (*specify return home, adoption, tribal customary adoption, legal guardianship, or placement with a fit and willing relative*); *or*

☐ (2) for a child 16 years of age or older, another planned permanent living arrangement.

D6. The likely date by which the permanent plan will be achieved or juvenile court jurisdiction will be terminated is   /  /  .

D7. For child 14 years of age or older: the court finds that the services set forth in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.

# Title IV-E Findings: Legal Citations\*

Revised January 2023

<b>FEDERAL</b> Title IV-E of the Social Security Act, 42 U.S.C. § 670 et seq.	<b>CALIFORNIA</b> <b>Dependency</b> Welf. & Inst. Code, § 300 et seq. <b>Delinquency</b> Welf. & Inst. Code, § 602 et seq.	<b>RESULT IF NO FINDING</b>
<b>Detention/Removal Hearings</b>		
<b>A.</b> Court must make finding that continuance in the home of the parent or legal guardian would be contrary to the child’s welfare. (42 U.S.C. § 672(a)(1)-(2).)  This finding must be made at the time of the first court ruling authorizing removal of the child from the home. (45 C.F.R. § 1356.21(c).)	Continuance in the home of the parent or legal guardian is contrary to the child’s welfare. (Welf. & Inst. Code, §§ 319(b), 636 (d), 11401(b)(3); Cal. Rules of Court, rules 5.678(a)(2), 5.760(c).)  This finding must be made at the time of the first court ruling authorizing removal of the child from the home. (Welf. & Inst. Code, §§ 319(c), 636(d)(4).)	<b>Never</b> eligible for title IV-E funding (45 C.F.R. § 1356.21(c).)
<b>B.</b> Court must order that placement and care are the responsibility of the state agency or any other public agency with whom the responsible state agency has an agreement. (42 U.S.C. § 672(a)(1)-(2); 45 C.F.R. § 1356.71(d)(1)(iii).)	Temporary placement and care are vested with the child welfare agency pending disposition or further order of court. (Welf. & Inst. Code, §§ 319(e), 636(d)(3)(b); Cal. Rules of Court, rules 5.678(d), 5.760(e)(2), (f)(2).)	No funding until findings are made.
<b>C.</b> Court must make finding that reasonable efforts have been made to prevent or eliminate the need for removal. (42 U.S.C. §§ 671(a)(15), 672(a)(1)-(2); 45 C.F.R. § 1356.21(b)(1).)  This finding must be made within 60 days of the date of removal. (45 C.F.R. § 1356.21(b)(1).)	Reasonable efforts have been made to prevent or eliminate the need for removal. (Welf. & Inst. Code, §§ 319(d)(1), 636(d)(2)(B), 11401(b); Cal. Rules of Court, rules 5.678(c)(1), 5.760(e)(3).)	<b>Never</b> eligible for title IV-E funding. (45 C.F.R. § 1356.21(b)(1)(ii).)
<b>Case Review/Status Review Hearings—D Findings</b>		
Court must review child’s status and safety no less frequently than once every six months from <b>the date the child entered foster care</b> , in order to make the recommended legal findings as set forth on side two, sections II and IV (42 U.S.C. §§ 671(a)(16), 675(5)(B); 45 C.F.R. §§ 1355.20, 1355.34(c)(2)(ii).)	Periodic status reviews must be held, and the required findings made, no less frequently than every six months, with the first status review being held at the time of the initial dispositional hearing. (Welf. & Inst. Code, §§ 361(e), 366(a), 366.3, 727.2(c), 11400(i), 11404.1; Cal. Rules of Court, rules 5.710(a), 5.810(a).)	Failure to make findings will have financial consequences due to noncompliance with the state plan.
<b>Permanent Plan Hearings—D Findings</b>		
Court must hold a permanency hearing to select a permanent plan no later than 12 months from <b>the date the child entered foster care</b> , and must hold subsequent permanency plan hearings every 12 months thereafter. (45 C.F.R. §§ 1355.20, 1356.21(b)(2)(i); 42 U.S.C. § 675(5)(C), (F).) Court must identify the barriers to achieving the permanency goal. (42 U.S.C. § 670 as amended by the Strengthening Abuse and Neglect Courts Act of 2000 (Pub.L. No. 106–314 (Oct. 17, 2000) 114 Stat. 1273, §§ 5(b)(1), (f)(1)).)  For a case in which no reunification services are offered, the permanency hearing must be held within 30 days of disposition. (45 C.F.R. § 1356.21(h)(2).)	A permanency planning hearing must be held, and the required findings made, within 12 months from <b>the date the child entered foster care</b> , and subsequent permanency hearings must be held every 12 months thereafter. (Welf. & Inst. Code, §§ 361.5(f), 366.21(f), 366.21(g), 366.22, 366.3, 727.3(a)(1), 11400(j), 11404.1; Cal. Rules of Court, rules 5.715, 5.810(b).)	Funding stops unless findings are made.

## Definition of “date the child entered foster care”:

**Dependency**—The date the child entered foster care is the earlier of the first finding of child abuse or neglect (jurisdictional finding) or 60 days after the child is physically removed from the home of the parent(s) or legal guardian(s). (Welf. & Inst. Code, § 361.49); Cal. Rules of Court, rule 5.502(9)(A).)

**Delinquency**—The date the minor entered foster care is the date that is 60 days after the date on which the minor was physically removed from the home of the parent(s) or legal guardian(s) unless one of the following exceptions applies: (1) If the minor is detained pending initial foster care placement and remains detained for more than 60 days, then the date of entry into foster care is the date of the hearing at which placement is ordered. (2) If the minor is adjudged a ward; committed to a ranch, camp, school, or other institution; and remains in that facility for more than 60 days prior to placement in foster care, then the date of entry into foster care is the date the minor is physically placed in foster care. (3) If at the time the wardship petition is filed, the minor is a dependent of the juvenile court and in out-of-home placement, then the date of entry into foster care is the earlier of the date the juvenile court made a finding of abuse or neglect, or 60 days after the date on which the minor was removed from his or her home. (Welf. & Inst. Code, § 727.4(d)(4); Cal. Rules of Court, rule 5.502(9)(B).)

\*This chart is based on laws in effect at the time of publication—January 1, 2023. Federal and state laws can change at any time. The chart was compiled by the Judicial Resources and Technical Assistance project of the Center for Families, Children & the Courts, 455 Golden Gate Avenue, San Francisco, California 94102, 415-865-8836.