



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2014

Title	Agenda Item Type
Juvenile Dependency: Information Form for Parents	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO	January 1, 2015
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 8, 2014
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Kimberly J. Nystrom-Geist, Cochair	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends revoking two existing dependency court information forms and approving a new information form that complies with the statutory requirements of Welfare and Institutions Code section 307.4, which requires the Judicial Council, in consultation with the County Welfare Directors Association of California (CWDA), to adopt a form to provide to parents or guardians whose children are being removed that explains their procedural rights and the preliminary stages of the dependency process.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2015:

1. Revoke existing information forms about the juvenile court process, *Juvenile Court Information for Parents* (form JV-050) AND *The Dependency Court: How It Works* (form JV-055).
2. Approve new *What happens if your child is taken from your home?* (form JV-050-INFO) for optional use to provide a plain-language one-page information sheet consistent with the requirements of Welfare and Institutions Code section 307.4.

Previous Council Action

The Judicial Council approved forms JV-050 and JV-055 to be effective January 1, 1999. Form JV-055 was revised effective January 1, 2001 to incorporate language regarding kinship adoption agreements.

Rationale for Recommendation

Welfare and Institutions Code section 307.4 requires the Judicial Council, in consultation with the County Welfare Directors Association of California (CWDA), to adopt a form to provide to parents or guardians whose children are being removed that explains their procedural rights and the preliminary stages of the dependency process. There are currently two Judicial Council forms that provide basic information to parents about the dependency court process, but neither of them contains all of the information required by section 307.4. These forms were originally developed in the late 1990s, before the widespread use of the Internet as an information source. In the intervening years the public has grown to look to the Internet for information in various media, and these forms are no longer the primary information source that the courts provide to parents.¹ However, while more-comprehensive and easily updated information is now available for parents, the Judicial Council must adopt a form to comply with the requirements of section 307.4. The committee has prepared a new JV-050-INFO form in consultation with CWDA² with basic information about the early stages of a dependency matter that can be provided to parents and guardians at the time a child is removed from their custody. The information is presented in a simple question-and-answer format, seeking to address the most immediate questions that parents may have after a child is removed. In addition to the content on the current forms, the proposed replacement form includes information on the child and the parent's right to have counsel, the privilege against self-incrimination, and appellate rights as required by section 307.4. This one-page form can serve as a source of the basic information needed when a child is removed, and direct parents and guardians to additional sources of information available on the judicial branch website. The committee streamlined the content of the form to keep it to one-

¹ Detailed information is available on the California Courts website, including a pamphlet for parents www.courts.ca.gov/documents/juvenile-dependency-court-and-you.pdf and orientation video www.youtube.com/watch?v=Y7Xz4OdNoEY (accessed Jan. 30, 2014).

² The committee sought input on its content from CWDA when the new form was being developed and then sought additional comment during the public comment period.

page to both ensure that parents are not overwhelmed and to provide courts and justice partners the option of printing translated text on the back.³

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2014 invitation to comment cycle, from April 18 to June 18, 2014, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other juvenile law professionals. Nine individuals or organizations provided comment; three agreed with the proposal, four agreed if modified, one disagreed with the proposal, and one expressed no position but included comments. A chart with the full text of the comments received and the committee's responses is attached at pages 12–20.

Most commentators seeking modifications wanted to add additional content to the form to provide more information to parents entering the dependency system, including information about the Child Abuse Central Index and more information about the role of the social worker. The committee carefully considered these proposals but opted to make only minor clarifying changes in order to ensure that the form could be printed as one page. Because the JV-050-INFO is designed to provide some very basic statutorily required information to parents at the time a child is removed, the committee concluded that it was best for the form to be basic and not overwhelm the parents during a charged time. The committee ensured that the form made parents aware both that counsel will be appointed who can address their questions, and that significant additional information about the dependency court process can be found at the judicial branch website and other websites. Given these other avenues for obtaining more-comprehensive and nuanced information, the committee opted to keep the content of the JV-050-INFO simple and basic given its limited purpose.

The commentator who disagreed with the proposal suggested instead that all of the content of the existing forms be incorporated into a multipage form with some additional content and that the council adopt a requirement that this new form be attached to all juvenile petitions. The committee concluded, as described above, that the new one-page form was preferable to this option from a cost and an accessibility perspective, noting particularly that the newly proposed form is essentially the content of the two prior forms streamlined and translated into plain language. The committee saw the recommendation to require the form to be provided with all dependency petitions as beyond the scope of this proposal given that the JV-055-INFO was circulated for comment as a new optional form, and was further concerned that such a requirement would be overly burdensome on the courts without providing sufficient benefit to parents.

³ The existing forms were translated into many languages, and the committee directed staff to seek translation of the new form as well.

Alternatives considered

The committee considered adopting a new, additional form to satisfy section 307.4 or revising one of the existing forms, but determined that the optimal approach would be to maintain only one simple, text-based information form that would meet the statutory requirements and need minimal updating and revising. Other information sources will continue to be maintained and added on the California Courts website to provide more-comprehensive, detailed, and timely information for the public.

Implementation Requirements, Costs, and Operational Impacts

Section 307.4 puts the responsibility for printing and distributing the required form on the county. It also requires that the form be made available for distribution through “all public schools, probation offices, and appropriate welfare offices.” As a result, the primary operational impacts will fall on the counties, which will print the form and provide it to parents at the time a child is removed. Courts may incur some expense for printing the new, one-page form, but it should not increase their costs as there will no longer be a need to print the two currently available forms, which, together, total six pages in length. The new form will need to be translated into the languages most commonly found in dependency proceedings, but federal court improvement funds are available for this purpose so there will be no state general fund costs for this action.

Relevant Strategic Plan Goals and Operational Plan Objectives

The new information form for parents whose children are removed will advance Goal I: Access, Fairness and Diversity and Objective I.2 by ensuring that parents understand the basic structure of the dependency court process as well as their own legal rights in these cases.

Attachments

1. Existing forms JV-050 and JV-055 at pages 5–10
2. New form JV-050-INFO, at page 11
3. Chart of comments, at pages 12–20
4. Attachment A, at pages 21–30

Additional Information:

_____ County Juvenile Court

Address of the juvenile court

Phone number of the juvenile court

You can get more information about where your child is and about the court processes from your child's social worker or your local child welfare agency. The following is a list of local helpful telephone numbers:



Social worker: _____

Other useful numbers to be provided by the county

_____ County
JUVENILE COURT

INFORMATION FOR PARENTS



Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.



1. Why is this matter being investigated?

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

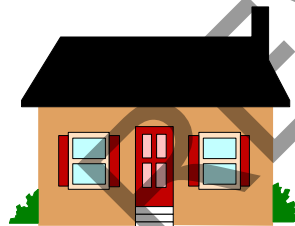
2. If my child was taken from me, why?

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision;
- b. Your child was neglected or abused or molested;
- c. Your child was left with someone who could not or would not provide adequate care.

3. If my child is not with me, where is my child?

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



4. Will my child be returned to me?

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

2 _____

review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

It is very important for you to come to court for this hearing.

3 _____

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

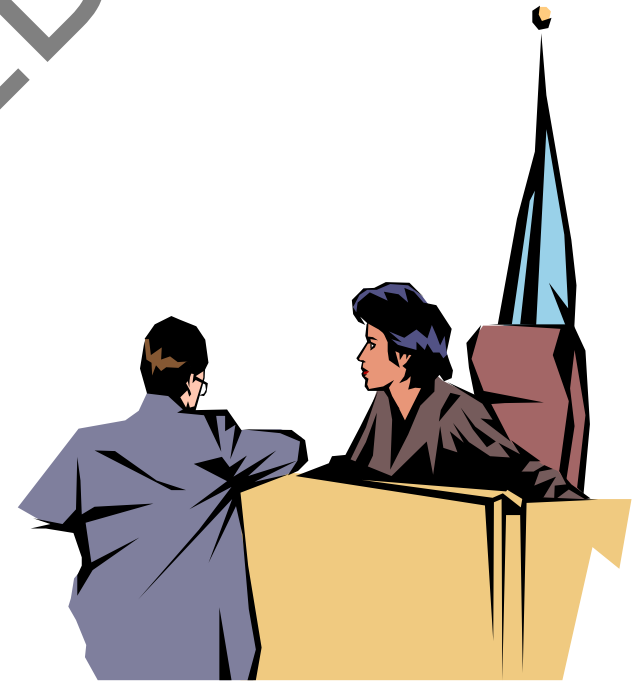
Lawyer: _____

The date of my next hearing is:



_____ County
JUVENILE COURT

**THE DEPENDENCY COURT:
HOW IT WORKS**





One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

PLEASE READ THE PETITION CAREFULLY.

6. How does the court make a permanent plan for my child?

- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



- b. At that hearing, the court has only three choices, in the following order of preference:

- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
- (2) To appoint a legal guardian for your child; or
- (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.

d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

f. If services are ended, the court will set a hearing to make a permanent plan for the child.

In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

1. Do I need a lawyer?

You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay.



2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?



a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.

b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

- c. In most cases you will be able to have visits with your child if the child is not returned to you.

4. What happens then?

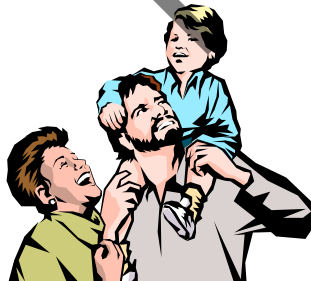
- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.
- c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

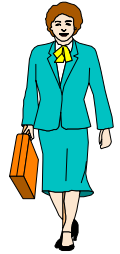
There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



- e. Special programs and classes
- f. Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

5. What do I need to do then?

- a. The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.



- b. The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

JV-050-INFO What happens if your child is taken from your home?**Why was my child taken from me?**

Someone made a report about your child's safety. To protect your child, a police officer or social worker has:

- Taken your child out of your home, and
- Asked the court to get involved in this case to protect your child.

Where is my child now?

Your child may be at a temporary foster home or shelter in this county. To find out more about what is happening with your child, call the social worker for this case:

Social Worker:

Phone:

E-mail:

Will my child be returned to me soon?

It depends. A social worker will review your home situation and decide how best to keep your child safe.

If your child is not returned home before you go to court, your child may be sent temporarily to stay with:

- Your child's other legal parent (if you do not live together),
- A relative or extended family member, or
- A foster parent.

Do I have the right to try to get my child back?

Yes. You have the right to:

- A lawyer. (The court will give you one if you cannot afford one.)
- Take part in all court hearings about your child.
- Have an interpreter in court if you do not speak English well.
- Refuse to answer questions that could lead to criminal charges against you.

Tell your lawyer if you have questions about your rights or about what happens in court.

Does my child have rights, too?

Yes. Your child has the same rights that you have. Your child will have a different lawyer who will:

- Tell the court what the child wants, and
- Ask the court to do what is best for the child.

Can my child be placed with relatives?

Yes. You **must** give the social worker names and contact information for your child's other legal parent and relatives who may be able to care for your child. The social worker will contact them to see if their home is available and safe for your child.

How will I know when to go to court?

You will get a *Notice* with the time, date, and location of the court hearing.

Important! The court and the social worker will mail you many important documents. If your mailing address changes, tell your social worker right away.

What to expect

1. After your child is taken from your home, a social worker has **2 full working days** to decide if your child is safe with you. If the social worker thinks your child is **not** safe with you, she or he will:
 - Take a *Petition* to a special court for children (Juvenile Court), and
 - Ask the court to be in charge of your child's care, custody, and supervision.

Important! Read the *Petition*. It lists the reasons (*allegations*) your child is not safe in your home. If you do not understand it, ask your lawyer.

2. The court has **1 full working day** to hold a **detention hearing**. This hearing will decide:
 - To return the child to you right away, or
 - Where the child will stay for now and how you can visit him or her.
3. The next hearing will be within **15 working days** unless the judge decides more time is needed. It's called a **jurisdictional hearing**. That's when the judge will look more closely at your child's situation and decide if any allegation in the *Petition* is true.
 - If the judge decides none of them is true, your child will be returned to you.
 - If the judge believes any allegation *is* true, your child may become the **court's dependent**.

If your child becomes the court's dependent

There will be another hearing (called a **dispositional hearing**), when the judge will decide:

- Where your child should live,
- When, where, and how you can visit your child, and
- What must be done to take care of the problems that caused your child to be taken out of the home. (This is called a *reunification plan*.)

This hearing may be at the same time as the jurisdictional hearing. If you or your child disagrees with the judge's decision, you may ask an appeals court to review the judge's decision.

Questions? Talk to your lawyer, and learn more about cases like yours at: courts.ca.gov/selfhelp-childabuse

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
1.	Los Angeles County Counsel’s Office Dawyn Harrison Assistant County Counsel – Division Chief Dependency	AM	<p>The Office of the Los Angeles County Counsel agrees with the proposal. However, it is requested that the form be printed on the front and back so that additional important information may be added to the form. In the section of the new informational form entitled "Why was my child taken from me?," it is requested that the following information taken from the current JV-050 form be added:</p> <p>"Some of the reasons may be: Your child had inadequate care or supervision; Your child was neglected or abused or molested; Your child was left with someone who could not or would not provide adequate care."</p> <p>In the section that discusses the jurisdiction hearing, it is requested that the following information be added:</p> <p>"The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court."</p>	<p>The committee appreciates the interest in making the form as comprehensive as possible, but believes that keeping it to one page is more critical than adding back this information which may be unhelpful if it does not describe the specific reasons that a child has been removed. The committee also notes that a one-page form will allow a translation of the form to be printed on the back and that translations of the form are planned.</p> <p>As discussed above this information has been deemed less essential, and the committee is committed to keeping the form to one page to make it most likely that parents will be able to digest its contents. The committee notes that the form directs parent to a web link that will allow them to obtain a great deal more information including this information about the dependency process if they wish to read more, and that by the time of a jurisdictional hearing an attorney is available to explain the social worker’s report.</p>
2.	Orange County Bar Association Thomas Bienert, Jr., President	AM	The OCBA recommends adopting the proposed JV050 form with amendments. The form	In order to clarify the issues raised in this comment, the committee has opted to modify the

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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			<p>currently states that the Jurisdictional hearing will be held within 15 working days, however does not acknowledge that frequently there are time waivers which will cause the jurisdictional hearing to be held more than 15 working days after the detention hearing. To leave it as is may mislead the intended audience. The OCBA would suggest to change “The next hearing will be within 15 working days,” to “The next hearing will be within 15 working days, unless time is waived.”</p> <p>The OCBA also has concerns that the form suggests that there is always a separate disposition hearing when it states, “There will be another hearing (called a dispositional hearing).” If the words “which may be combined with the jurisdictional hearing” are added this would avoid possible confusion.</p>	<p>sentence regarding the jurisdictional hearing to read “The next hearing will be within 15 working days unless the judge decides more time is needed.”</p> <p>To clarify that disposition and jurisdiction may be held at the same time the committee proposes adding a sentence at the end to read: “This hearing may be at the same time as the jurisdictional hearing.”</p>
3.	Matthew Purcell, Certified Family Law Specialist Principial Attorney Goyette and Associates	AM	While I am in agreement with the need for an updated information form, one of the continued injustices committed upon parents in this system is the failure to have any discussion of, or to provide information about, the California Central Child Abuse Index. If the parents are receiving this proposed form, a juvenile case has been opened. If the parents "submit," agree, or do not successfully challenge the Jurisdiction of the court, they will lose the right to contest having their names placed on the CACI. This will remain on their record indefinitely, and will have a serious impact on potential employment, housing, and the parents' ability to fully	The committee acknowledges that there are numerous potential consequences to being involved in a juvenile dependency matter, but not all of them can be addressed in a simple one page information form. This form is designed to give basic information about the earliest stages of a case – discussion of other consequences, such as the CACI or child support must be left to discussions with the parent’s attorney, or more comprehensive information sources.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

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			<p>participate in the lives of their children (those who may not have been removed, were wrongfully removed, or those who they may be reunified with). It is important for information about the CACI, and what the juvenile court proceedings could mean with regard to the ability of the parents to contest being listed on the CACI, to be presented to parties at the beginning of the process. This may not be mandated by 307.4, but if the forms are going to be revised, they should be complete.</p>	
4.	<p>The State Bar of California, Family Law Section Saul Bercovitch, Legislative Counsel</p>	N	<p>The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) does not agree with this proposal, but instead suggests a different approach.</p> <p>FLEXCOM believes that replacing existing forms JV-050 “Juvenile Court Information for Parents” and JV-055 “The Dependency Court: How it Works” with the proposed one-page JV-050-INFO form entitled “What happens if your child is taken from your home” would not be adequate to provide fundamental and necessary information to explain the dependency system to parents and guardians, and properly assist them in navigating this complex area of the law, which is likely to be quite foreign and confusing to parties who enter the system involuntarily, frequently without adequate access to accurate and complete information.</p> <p>FLEXCOM questions the assumption that</p>	<p>The committee appreciates the goal of trying to provide the most useful information to parents whose children have been removed that this comment seeks to further, but has concluded that the proposed form provides the most essential information in a format and language that is most accessible to the target audience. The content includes what is statutorily required, and has been translated into plain language that is comprehensible to most people.</p> <p>While the committee recognizes that some parents</p>

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			<p>parties who are in the juvenile dependency courts obtain adequate information from the Internet or sources other than the court. Juvenile dependency courts are, in large part, the courts of the poor and disadvantaged, a population that may not be informed about where to look on the Internet for information about their rights in juvenile dependency proceedings or how the juvenile dependency system operates.</p> <p>Typically, the experience of a parent or guardian coming to dependency court for the first time is confusing and frightening. The parent or guardian does not receive a copy of the Petition in advance. Parents and guardians are, in the vast majority of cases, appointed counsel on the day of the hearing on which they have received notice to appear. Appointed counsel is typically handling a number of cases on the same day, attempting to read numerous court reports, and to read, digest and then discuss the Petition with their clients and other counsel assigned to the case in a span of minutes. If the party does attend the initial hearing with private counsel, private counsel all too frequently have little or no experience in juvenile dependency court. Parents and guardians typically do not receive any written information that they can read and digest while waiting for their hearing or take with them after the hearing, to allow them to educate</p>	<p>of children in the dependency system may not use online information sources, there is an increasing trend, via smart phones and other internet connected devices, for the public to look for online sources to address their questions. The proposed form provides the information needed to understand what will happen next, and also alerts parents to their other options for obtaining information including their social worker, attorney, and the judicial branch website. For those parents who want additional information, one or more of these options is likely to better meet their needs than a somewhat longer information form that is necessarily brief and generic. The committee acknowledges that caseloads for appointed counsel are too high in many counties, but notes that standards for representation are improving and does not agree that a form attached to the petition would be a better information source than the parent’s appointed counsel. Parents appearing with private counsel are relatively few in number, and typically those parents are more information sophisticated than average and would likely access the more comprehensive information sources available online. The committee also notes that the more comprehensive information pamphlet for parents available online is also formatted for printing as a booklet, and can be provided to parents by parent’s counsel for those parents seeking a printed information source that is more extensive than this form.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

SP14-13

Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>themselves about the juvenile dependency process. This is particularly problematic for people coming into a system and a process that may end with the termination of their parental or guardianship rights and the complete loss of any relationship with their child or children.</p> <p>In light of the foregoing, FLEXCOM does not support revocation of the existing forms, but instead recommends that the forms in either their existing format or in the revised format discussed below, be required to be attached to every Petition filed in a juvenile dependency matter, so that a parent or guardian receives not only the Petition itself, but the information in the forms as well.</p> <p>FLEXCOM’s suggestion for a revised form would combine the content of existing form JV-050 and JV-055 into a single form JV-050, which would also contain the information required by Welfare and Institutions Code § 304.7. Attached hereto is that proposed form, which FLEXCOM suggests be titled, “Juvenile Dependency Court: Information for Parents.”</p> <p>We also suggest the following additional language, where indicated in the attachment. [See Attachment A]</p>	<p>The proposal to require that the form be attached to every petition is outside the scope of this proposal and would require further circulation for comment. The proposed form is intended to be provided even before a petition is filed and to be provided by whomever removes the child in conformance with the statute. Providing the information again at the time the petition is filed appears superfluous, especially as counsel is appointed at that time and can be a more effective information source for parents.</p> <p>The committee believes that the proposed JV-050-INFO does combine the key content from the two existing forms into one form, and that this new form is preferable to the older ones in that the content has been translated into plain language and is therefore accessible to a wider array of literacy levels than the prior forms. The committee also notes that a one-page form will allow a translation of the form to be printed on the back and that translations of the form are planned.</p>

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			<p>* At the end of the second paragraph on what would be page 4, we suggest that the following language be added to the end of the last sentence "... and have your child returned by following Court orders to participate in programs and tasks such as drug and alcohol testing, counseling and attending parenting instruction programs."</p> <p>** In the section entitled, "Do I Need a Lawyer?" on what would be page 5, we suggest that the following language be added: "Juvenile Dependency law is a highly specialized field. If you choose to hire private counsel rather than be represented by appointed counsel, you should make sure that the counsel you hire has the required expertise and training to handle Juvenile Dependency cases."</p> <p>*** In section 9c on what would be page 6, following the language that says, "In most cases you will be able to have visits with your child if your child is not returned to you," we suggest that the following language be added: "The Court may order visits to take place subject to</p>	<p>While the committee agrees that it is critical for parents to understand that compliance with court orders is critical to successful reunification, that information cannot be sufficiently described in one sentence. The Judicial Council has recently made available a booklet on the dependency process for parents that goes into considerable detail on this point and contains extensive advice from a parent who successfully reunified on the importance of following the case plan. The committee believes that this booklet, which can be made available to all parents by courts or their counsel, addresses that content more effectively than a form provided at removal would be able to do.</p> <p>Given the relatively small numbers of parents seeking private representation and the committee's conclusion that a one page form is optimal in this context, the committee does not believe that including this advisement is necessary on this form.</p> <p>The new proposed form alerts the parent to the fact that conditions may be placed on visitation by informing the parent that the time, place and manner of visitation –"when, where, and how you can visit your child" will be determined at the dispositional hearing. The committee finds that</p>

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			certain conditions or restrictions. For instance, the visits may be ordered to occur at only particular locations or that the visits be supervised or ‘monitored.’ ”	this information succinctly addresses the content that the commenter seeks to reach.
5.	Superior Court of Los Angeles (no name provided)	A	No direct cost savings to court. No CMS changes. No training required. There is sufficient time for implementation within two months from Judicial Council approval of this proposal until its effective date. New format is more helpful in Q & A. Deleted information on JV-055 regarding reunification does not need to be restored. One page is sufficient amount of information for parents to read. Important contact information added on page by social worker is valuable for the parents/guardians. Los Angeles County provides parents/guardians with a parent calendar at the detention hearing that provides very valuable information for parents that enhances what JV-055 provides.	No response required.
6.	Superior Court of Orange County Paul Alberga, Administrative Analyst	A	These changes will have little impact for trial court operations. We will need to update web site links to reference the updated JV-050-INFO form. • We suggest providing this form in multiple languages.	No response required. The committee plans to seek translation of the form into all languages in which the existing JV-050 and JV-055 are provided.
7.	Superior Court of Riverside County Daniel Wolfe, Managing Attorney	A	The only suggestion is to the JV-050-INFO form. Under ‘What to Expect’, the term ‘working days’ may be confusing to parents. Many parents work on weekends and might	While the term “working day” may not be clear to all parents the committee deemed it preferable to the more opaque “court day” and likely to signal that weekends and holidays were not included.

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	Commentator	Position	Comment	Committee Response
			assume that weekends are counted as ‘working days’.	
8.	Superior Court of San Diego County Michael M. Roddy, Executive Officer	AM	<p>Because WIC § 307.4 requires the written statement (Form JV-050-INFO) to include “(2) The rights to counsel, privileges against self-incrimination and rights to appeal possessed by the minor, and his or her parents, guardians, or responsible relative,” the following alternative revisions are suggested to the paragraph under the heading “Does my child have rights, too?”:</p> <p>Do I have the right to try to get my child back? Yes. You have the right to:</p> <ul style="list-style-type: none"> - A lawyer. (The court will give you one if you cannot afford one.) - Take part in all court hearings about your child. - Have an interpreter in court, if you do not speak English well. - Refuse to answer questions that could lead to criminal charges against you. <p>Does my child have rights, too? Yes. Your child also has the <u>same rights to take part in the court hearings that you have</u>. Your child will have a different lawyer who will:</p> <ul style="list-style-type: none"> - Tell the court what the child wants, and - Ask the court to do what is best for the child. <p>OR</p>	The committee agrees that full compliance with Welfare Institutions Code section 307.4 requires highlighting the child’s right not to self-incriminate and has revised the form to indicate that the child and parent have the same rights as suggested in the first option provided by this commenter.

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Juvenile Dependency: Information Form for Parents (revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO)

All comments are verbatim unless indicated by an asterisk (*)

	Commentator	Position	Comment	Committee Response
			<p>Does my child have rights, too? Yes. Your child also has the right to take part in the court hearings, <u>have an interpreter, and refuse to answer questions that could lead to criminal charges.</u> Your child will have a different lawyer who will: - Tell the court what the child wants, and - Ask the court to do what is best for the child.</p>	
9.	Wynspring Family Resource Center Darlene K. Aiello Business Director	N/I	<p>Working on the Foster Care side, we often have new parents in the system ask what their rights are when the child has been removed. We are unable to answer their question and must refer them back to their County Social Work, or the court appointed attorney.</p> <p>We hear the same thing that they are not being told, or are being ignored until the Judge gets involved, which could be days or weeks later.</p> <p>The changing of how dependency is done would be beneficial to both the parents and the County. It would clear up some misunderstandings and misconceptions of parents and hopefully cause less anxiety for the parent/s and less hassle for the County and State.</p>	No response required.

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_____ County
JUVENILE COURT
INFORMATION FOR PARENTS



Form Approved by the
Judicial Council of California
JV-050 (New January 1, 1988)

JV-050

Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.



1. Why is this matter being investigated?

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

2. If my child was taken from me, why?

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision:
- b. Your child was neglected or abused or molested:
- c. Your child was left with someone who could not or would not provide adequate care.

3. If my child is not with me, where is my child?

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.



4. Will my child be returned to me?

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

2 _____

review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

It is very important for you to come to court for this hearing.



One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

PLEASE READ THE PETITION CAREFULLY.

4 _____

1. Do I need a lawyer?

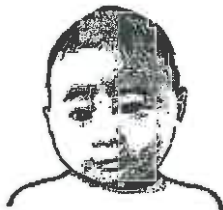
You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay. * *



2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?



a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.

b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

5

c. In most cases you will be able to have visits with your child if the child is not returned to you. ***

10. What happens then?

- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.
- c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



6

e. Special programs and classes

f. Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

§. What do I need to do then?

a. The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.



b. The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

- c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.
- d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



- e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

- f. If services are ended, the court will set a hearing to make a permanent plan for the child.

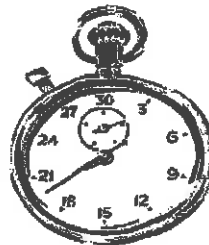
In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

§ _____

8. How does the court make a permanent plan for my child?

- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



- b. At that hearing, the court has only three choices, in the following order of preference:
- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
 - (2) To appoint a legal guardian for your child; or
 - (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



9

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

Lawyer: _____



The date of my next hearing is:

10 _____