

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on September 14 – 15, 2017, effective on January 1,
2018

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1 **Rule 3.1800. Default judgments**

2
3 **(a) Documents to be submitted**

4
5 A party seeking a default judgment on declarations must use mandatory *Request for*
6 *Entry of Default (Application to Enter Default)* (form CIV-100), unless the action is
7 subject to the Fair Debt Buying Practices Act, Civil Code section 1788.50 et seq.,
8 in which case the party must use mandatory *Request for Entry of Default (Fair*
9 *Debt Buying Practices Act)* (form CIV-105). In an unlawful detainer case, a party
10 may, in addition, use optional *Declaration for Default Judgment by Court* (form
11 UD-116) when seeking a court judgment based on declarations. The following
12 must be included in the documents filed with the clerk:

13
14 (1)–(9) * * *

15
16 *(Subd (a) amended effective January 1, 2018; previously amended effective January 1,*
17 *2005, January 1, 2007, and July 1, 2007.)*

18
19 **(b) * * ***

20
21 *Rule 3.1800 amended effective January 1, 2018; adopted as rule 388 effective July 1, 2000;*
22 *previously amended effective January 1, 2005, and July 1, 2007; previously amended and*
23 *renumbered effective January 1, 2007.*

24
25
26 **Rule 5.372. Transfer of title IV-D cases between ~~to a~~ tribal court and state court**

27
28 **(a) Purpose**

29
30 This rule is intended to define the procedure for transfer of title IV-D child support
31 cases ~~from~~ between a California superior court ~~to~~ and a tribal court.

32
33 *(Subd (a) amended effective January 1, 2018.)*

34
35 **(b)–(d) * * ***

36
37 **(e) Determination of concurrent jurisdiction by a superior court**

38
39 (1) The superior court may, on its own motion or on the motion of any party and
40 after notice to the parties of their right to object, transfer a child support and
41 custody provision of an action in which the state is providing services under
42 ~~California~~ Family Code section 17400 to a tribal court, as defined in (a). This
43 provision applies to both prejudgment and postjudgment cases.

- 1
2 (2) The motion for transfer to a tribal court must include the following
3 information:
4
5 (A) Whether the child is a tribal member or eligible for tribal membership;
6
7 (B) Whether one or both of the child’s parents are tribal members or
8 eligible for tribal membership;
9
10 (C) Whether one or both of the child’s parents live on tribal lands or in
11 tribal housing, work for the tribe, or receive tribal benefits or services;
12
13 (D) Whether there are other children of the obligor subject to child support
14 obligations;
15
16 (E) Any other factor supporting the child’s or parents’ connection to the
17 tribe.
18

19 (3) When ruling on a motion to transfer, the superior court must first make a
20 threshold determination that concurrent jurisdiction exists. Evidence to
21 support this determination may include:
22

- 23 (A) Evidence contained within the motion for transfer;
24
25 (B) Evidence agreed to by stipulation of the parties; and
26
27 (C) Other evidence submitted by the parties or by the tribe.
28

29 The court may request that the tribal child support agency or the tribal court
30 submit information concerning the tribe’s jurisdiction.
31

32 (4) There is a presumption of concurrent jurisdiction if the child is a tribal
33 member or eligible for tribal membership. If concurrent jurisdiction is found
34 to exist, the transfer to tribal court will occur unless a party has objected in a
35 timely manner within 20 days after service of notice of the right to object
36 referenced in subdivision (e)(1) above. On the filing of a timely objection to
37 the transfer, the superior court must conduct a hearing on the record
38 considering all the relevant factors set forth in (f). The objecting party has the
39 burden of proof to establish good cause not to transfer to tribal court.
40

41 *(Subd (e) amended effective January 1, 2018.)*
42

1 **(f) Evidentiary considerations**

2
3 (1) In making a determination on the application motion for case transfer, the
4 superior court must consider:

5
6 ~~(1) The nature of the action;~~

7
8 ~~(2) The interests of the parties;~~

9
10 ~~(3)(A)~~ The identities of the parties;

11
12 ~~(4)(B)~~ The convenience of the parties and witnesses;

13
14 ~~(5) Whether state or tribal law will apply;~~

15
16 ~~(6)(C)~~ The remedy available in the superior court or tribal court; and

17
18 ~~(7)(D)~~ Any other factors deemed necessary by the superior court.

19
20 (2) In making a determination on the motion for case transfer, the superior court
21 may not consider the perceived adequacy of tribal justice systems.

22
23 (3) The superior court may, after notice to all parties, attempt to resolve any
24 procedural issues by contacting the tribal court concerning a motion to
25 transfer. The superior court must allow the parties to participate in, and must
26 prepare a record of, any communication made with the tribal court judge.

27
28 *(Subd (f) amended effective January 1, 2018.)*

29
30 **(g) Order on request to transfer**

31
32 If the superior court denies the request for transfer, the court must state on the
33 record the basis for denying the request. If the superior court grants the request for
34 transfer, it must issue a final order on the request to transfer including a
35 determination of whether concurrent jurisdiction exists.

36
37 *(Subd (g) amended effective January 1, 2018.)*

38
39 **(h) Proceedings after order granting transfer**

40
41 Once the superior court has granted the application to transfer, and has received
42 confirmation that the tribal court has accepted jurisdiction, the superior court clerk
43 must deliver a copy of the entire file, including all pleadings and orders, to the clerk

1 of the tribal court within 20 days of confirmation that the tribal court has accepted
2 jurisdiction. With the exception of a filing by a tribal court as described by
3 subdivision (i) of this rule, the superior court may not accept any further filings in
4 the state court action in relation to the issues of child support and custody that were
5 transferred to the tribal court.

6
7 *(Subd (h) amended effective January 1, 2018.)*
8

9 **(i) Transfer of proceedings from tribal court**

10
11 (1) If a tribal court determines that it is not in the best interest of the child or the
12 parties for the tribal court to retain jurisdiction of a child support case, the
13 tribe may, upon noticed motion to all parties and the state child support
14 agency, file a motion with the superior court to transfer the case to the
15 jurisdiction of the superior court along with copies of the tribal court's order
16 transferring jurisdiction and the entire file.

17
18 (2) The superior court must notify the tribal court upon receipt of the materials
19 and the date scheduled for the hearing of the motion to transfer.

20
21 (3) If the superior court has concurrent jurisdiction, it must not reject the case.

22
23 (4) No filing fee may be charged for the transfer of a title IV-D child support
24 case from a tribal court.

25
26 *(Subd (i) adopted effective January 1, 2018.)*
27

28 *Rule 5.372 amended effective January 1, 2018; adopted effective January 1, 2014.*
29

30 Advisory Committee Comment

31 This rule applies only to title IV-D child support cases. In the normal course, transfers from tribal court are
32 initiated by the local child support agencies. Under Government Code sections 6103.9 and 70672, local
33 child support agencies are exempt from payment of filing fees. The rule makes it clear that this exemption
34 also applies when an eligible case is being transferred from a tribal court.

35
36 **Rule 5.451. Contact after adoption agreement**

37
38 (a) * * *

39
40 (b) **Contact after adoption agreement**

41
42 An adoptive parent or parents; a birth relative or relatives, including a birth parent
43 or parents or any siblings of a child who is the subject of an adoption petition; or

1 an Indian tribe that the child is a member of and the child may enter into a written
2 agreement permitting postadoption contact between the child and birth relatives,
3 including the birth parent or parents or any siblings, or an Indian tribe. No
4 prospective adoptive parent or birth relative may be required by court order to enter
5 into a contact-after-adoption agreement.

6
7 *(Subd (b) amended effective January 1, 2018; previously amended effective July 1, 2001,*
8 *January 1, 2003, July 1, 2003, and January 1, 2013.)*

9
10 **(c)–(k)** * * *

11
12 *Rule 5.451 amended effective January 1, 2018; adopted as rule 1180 effective July 1, 1998;*
13 *previously amended and renumbered as rule 5.400 effective January 1, 2003; previously*
14 *amended effective July 1, 2001, July 1, 2003; and January 1, 2007; previously renumbered*
15 *effective January 1, 2013.*

16
17 **Rule 5.552. Confidentiality of records (§§ 827, 828)**

18
19 **(a)** * * *

20
21 **(b) General provisions**

22
23 ~~(1) The following individuals and entities may inspect, receive, and copy the~~
24 ~~juvenile case file without an order of the juvenile court:~~

25
26 ~~(A) Court personnel;~~

27
28 ~~(B) The district attorney, a city attorney, or a city prosecutor authorized to~~
29 ~~prosecute criminal or juvenile cases under the law;~~

30
31 ~~(C) The child who is the subject of the proceeding;~~

32
33 ~~(D) The child's parents;~~

34
35 ~~(E) The child's guardians;~~

36
37 ~~(F) The attorneys for the parties, including any trial court or appellate~~
38 ~~attorney representing a party in the juvenile proceeding or related~~
39 ~~appellate proceeding;~~

40
41 ~~(G) Judges, referees, other hearing officers, probation officers, and law~~
42 ~~enforcement officers who are actively participating in criminal or~~
43 ~~juvenile proceedings involving the child;~~

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- ~~(H) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action;~~
 - ~~(I) Members of child protective agencies as defined in Penal Code section 11165.9; and~~
 - ~~(J) The California Department of Social Services in order to carry out its duty to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.~~
- ~~(2) The following individuals and entities may inspect the juvenile case file without a court order and may receive a copy of the juvenile case file pursuant to a court order:~~
- ~~(A) All persons and entities listed in Welfare and Institutions Code sections 827 and 828 who are not listed in (b)(1) above; and~~
 - ~~(B) An Indian child's tribal representative if the tribe has intervened in the child's case.~~
- ~~(3) Authorization for any other person or entity to inspect, obtain, or copy juvenile case files may be ordered only by the juvenile court presiding judge or a judicial officer of the juvenile court.~~
- ~~(4) Juvenile case files may not be obtained or inspected by civil or criminal subpoena.~~
- ~~(5) When a petition is sustained for any offense listed in section 676, the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition that are contained in the juvenile case file must be available for public inspection, unless the court has prohibited disclosure of those records under that section.~~

(e)(b) Petition

Juvenile case files may only be obtained or inspected in accordance with sections 827 and 828. They may not be obtained or inspected by civil or criminal subpoena. With the exception of those persons permitted to inspect juvenile court records case files without court authorization under sections 827 and 828, every person or agency seeking to inspect or obtain juvenile court records case files must petition

1 the court for authorization using *Petition Request for Disclosure of Juvenile Case*
2 *File* (form JV-570).

- 3
- 4 (1) The specific ~~records~~ files sought must be identified based on knowledge,
5 information, and belief that such ~~records~~ files exist and are relevant to the
6 purpose for which they are being sought.
7
- 8 (2) Petitioner must describe in detail the reasons the ~~records~~ files are being
9 sought and their relevancy to the proceeding or purpose for which petitioner
10 wishes to inspect or obtain the ~~records~~ files.

11

12 *(Subd (b) amended and relettered effective January 1, 2018; adopted as subd (c);*
13 *previously amended effective July 1, 1997, and January 1, 2007.)*

14

15 **~~(d)~~(c) Notice of petition for disclosure**

16

17 (1) * * *

18

19 (A)–(B) * * *

20

21 (C) The child if the child is 10 years of age or older;

22

23 (D)–(I) * * *

24

25 (2) * * *

26

27 (3) If the petitioner does not know the identity or address of any of the parties in
28 ~~(d)~~(c)(1) above, the clerk must:

29

30 (A)–(B) * * *

31

32 (4) * * *

33

34 *(Subd (c) amended and relettered effective January 1, 2018; adopted as subd (d);*
35 *previously amended effective January 1, 2007, and January 1, 2009.)*

36

37 **~~(e)~~(d) Procedure**

38

39 (1) * * *

40

41 (2) If petitioner shows good cause, the court may set a hearing. The clerk must
42 notice the hearing to the persons and entities listed in ~~(d)~~(c)(1) above.

43

44 (3)–(8) * * *

1
2 (Subd (d) amended and relettered effective January 1, 2018; adopted as subd (e);
3 previously amended effective January 1, 2007, and January 1, 2009.)
4

5 **(f)(e) Reports of law enforcement agencies (§ 828)**
6

7 ~~Except for records sealed under section 389 or 781, or Penal Code section 1203.45,~~
8 ~~information gathered and retained by a law enforcement agency regarding the~~
9 ~~taking of a child into custody may be disclosed without court authorization to~~
10 ~~another law enforcement agency, including a school district police or security~~
11 ~~department, or to any person or agency that has a legitimate need for the~~
12 ~~information for the purposes of official disposition of a case.~~
13

14 (1) ~~If the law enforcement agency retaining the report is notified under section~~
15 ~~1155 that the child has escaped from a secure detention facility, the agency~~
16 ~~must release the name of the child and any descriptive information on~~
17 ~~specific request by any agency or individual whose attempts to apprehend the~~
18 ~~child will be assisted by the information requested.~~
19

20 (2) ~~In the absence of a specific request, the law enforcement agency retaining the~~
21 ~~report may release information about a child reported to have escaped from a~~
22 ~~secure detention facility if the agency determines that the information is~~
23 ~~necessary to assist in the apprehension of the child or the protection of~~
24 ~~members of the public from substantial physical harm.~~
25

26 (3) Except as authorized under section 828, all others seeking to inspect or obtain
27 such reports information gathered and retained by a law enforcement agency
28 regarding the taking of a child into custody must petition the juvenile court
29 for authorization, using *Petition to Obtain Report of Law Enforcement*
30 Agency (form JV-575).
31

32 *Subd (e) amended and relettered effective January 1, 2018; adopted as subd (f) effective*
33 *January 1, 1994; previously relettered as subd (g) effective January 1, 2001, and as*
34 *subd (f) effective January 1, 2009; previously amended effective January 1, 2007.)*
35

36 **(g) School notification**
37

38 ~~When a child enrolled in a public school is found to have committed one of the~~
39 ~~offenses described in section 827(b)(2), the court must provide written notice of the~~
40 ~~offense and the disposition to the superintendent of the school district within seven~~
41 ~~days. The superintendent must disseminate information to the principal of the~~
42 ~~school the child attends, and the principal may disseminate information to any~~

1 teacher or administrator for the purposes of the rehabilitation of the child or the
2 protection of other students and staff.

3
4 ~~(h)~~**(f) Other applicable statutes**

5
6 Under no circumstances must this rule or any section of it be interpreted to permit
7 access to or release of records protected under any other federal or state law,
8 including Penal Code section 11165 et seq., except as provided in those statutes, or
9 to limit access to or release of records permitted under any other federal or state
10 statute, including Government Code section 13968.

11
12 *(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (f);*
13 *previously amended and relettered as subd (h) effective July 1, 1995; previously relettered*
14 *as subd (g) effective January 1, 1994, as subd (i) effective January 1, 2001, and as subd (h)*
15 *effective January 1, 2009; previously amended effective January 1, 2007.)*

16
17 *Rule 5.552 amended effective January 1, 2018; adopted as rule 1423 effective July 1, 1992;*
18 *previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001,*
19 *January 1, 2004 and January 1, 2009; previously amended and renumbered effective January 1,*
20 *2007.*

21
22 **Rule 5.640. Psychotropic medications**

23
24 **(a) * * ***

25
26 **(b) Authorization to administer (§§ 369.5, 739.5)**

27
28 (1) Once a child is declared a dependent child of the court and is removed from
29 the custody of the parents or guardian, only a juvenile court judicial officer is
30 authorized to make orders regarding the administration of psychotropic
31 medication to the child, unless, under (e), the court orders that the parent or
32 legal guardian is authorized to approve or deny the medication.

33
34 (2) Once a child is declared a ward of the court, removed from the custody of the
35 parents or guardian, and placed into foster care, as defined in Welfare and
36 Institutions Code section 727.4, only a juvenile court judicial officer is
37 authorized to make orders regarding the administration of psychotropic
38 medication to the child, unless, under (e), the court orders that the parent or
39 legal guardian is authorized to approve or deny the medication.

40
41 ~~(3) The court must grant or deny the application using *Order on Application for*~~
42 ~~*Psychotropic Medication* (form JV 223).~~

43

1 (Subd (b) amended effective January 1, 2018; previously amended effective January 1,
2 2009, and July 1, 2016.)

3
4 **(c) Procedure to obtain authorization**

5
6 (1) To obtain authorization to administer psychotropic medication to a dependent
7 child of the court who is removed from the custody of the parents or legal
8 guardian, or to a ward of the court who is removed from the custody of the
9 parents or legal guardian and placed into foster care, the following forms
10 must be completed and filed with the court:

11
12 (A) *Application for Psychotropic Medication* (form JV-220); ~~and~~

13
14 (B) *Physician's Statement—Attachment* (form JV-220(A)), unless the
15 request is to continue the same medication and maximum dosage by the
16 same physician ~~that~~ who completed the most recent JV-220(A); then
17 the physician may complete *Physician's Request to Continue*
18 *Medication—Attachment* (form JV-220(B)); and

19
20 (C) *Proof of Notice of Application* (form JV-221).

21
22 (2) The child, caregiver, parents or legal guardians, child's Indian tribe, and
23 Court Appointed Special Advocate, if any, may provide input on the
24 mediations being prescribed.

25
26 (A)–(C) * * *

27
28 (3)–(4) * * *

29
30 (5) Local county practice and local rules of court determine the procedures for
31 completing and filing the forms ~~and for the provision of notice~~, except as
32 otherwise provided in this rule. ~~The person or persons responsible for~~
33 ~~providing notice as required by local court rules or local practice protocols~~
34 ~~are encouraged to use the most expeditious manner of service possible to~~
35 ~~ensure timely notice.~~

36
37 (6) *Application for Psychotropic Medication* (form JV-220) may be completed
38 by the prescribing physician, medical office staff, child welfare services staff,
39 probation officer, or the child's caregiver. If the applicant is the social worker
40 or probation officer, he or she must complete all items on form JV-220. If the
41 applicant is the prescribing physician, medical office staff, or child's
42 caregiver, he or she must complete and sign only page one of form JV-220.

1 (7) The physician prescribing the administration of psychotropic medication for
2 the child must complete and sign *Physician's Statement—Attachment* (form
3 JV-220(A)) or, if it is a request to continue the same medication by the same
4 physician ~~that~~ who completed the most recent JV-220(A), then the physician
5 ~~may~~ must complete and sign *Physician's Statement—Attachment* (form JV-
6 220(A)) or *Physician's Request to Continue Medication—Attachment* (form
7 JV-220(B)).
8

9 ~~(7)~~(8) The court must approve, deny, or set the matter for a hearing within seven
10 court days of the receipt of the completed form JV-220 and form JV-220(A)
11 or form JV-220(B).
12

13 (9) The court must grant or deny the application using *Order on Application for*
14 *Psychotropic Medication* (form JV-223).
15

16 ~~(8)~~(10) Notice of the application must be provided to the parents or legal
17 guardians, their attorneys of record, the child's attorney of record, the child's
18 Child Abuse Prevention and Treatment Act guardian ad litem, the child's
19 current caregiver, the child's Court Appointed Special Advocate, if any, and
20 where a child has been determined to be an Indian child, the Indian child's
21 tribe (see also 25 U.S.C. § 1903(4)–(5); Welf. and Inst. Code, §§ 224.1(a)
22 and (e) and 224.3).
23

24 (A) If the child is living in a group home or short-term residential
25 therapeutic center, notice to the caregiver must be by notice to the
26 group home administrator, or to the administrator's designee, as
27 defined in California Code of Regulations, title 22, regulation section
28 84064.
29

30 (B) Local county practice and local rules of court determine the procedures
31 for the provision of notice, except as otherwise provided in this rule.
32 The person or persons responsible for providing notice as required by
33 local court rules or local practice protocols are encouraged to use the
34 most expeditious manner of service possible to ensure timely notice.
35

36 (C) Notice must be provided as follows:
37

38 ~~(A)~~(i) * * *

39
40 ~~(i)-(v)~~a-e * * *

41
42 ~~(B)~~(ii) * * *
43

1 (i)-(v)a-e * * *

2
3 (E)(iii) * * *

4
5 (i)-(v)a-e * * *

6
7 (D)(iv) * * *

8
9 (i)-(vi)a-f * * *

10
11 (E)(v) * * *

12
13 (9)(11) * * *

14
15 (10)(12) * * *

16
17 *(Subd (c) amended effective January 1, 2018; previously amended effective January 1,*
18 *2007, January 1, 2008, January 1, 2009, January 1, 2014, and July 1, 2016.)*

19
20 **(d)** * * *

21
22 **(e) Delegation of authority (§§ 369.5, 739.5)**

23
24 ~~After consideration of an application and attachments and a review of the case file,~~
25 If a child is removed from the custody of his or her parent or legal guardian, the
26 court may order that the parent be is authorized to approve or deny the
27 administration of psychotropic medication. The order must be based on the
28 following findings in section 369.5 or section 739.5, which must be included in the
29 order: (1) the parent poses no danger to the child, and (2) the parent has the
30 capacity to understand the request and the information provided and to authorize
31 the administration of psychotropic medication to the child, consistent with the best
32 interest of the child. The court may use *Order Delegating Judicial Authority Over*
33 *Psychotropic Medication* (form JV-216) to document the findings and order.

34
35 *(Subd (e) amended effective January 1, 2018; previously amended effective January 1,*
36 *2008.)*

37
38 **(f)** * * *

39
40 **(g) Progress review**

41
42 (1)-(5) * * *

43

1 (6) The child, caregiver, parents or legal guardians, and Court Appointed Special
2 Advocate, if any, may provide input at the progress review as stated in (c)(2).

3
4 (7) * * *

5
6 *(Subd (g) amended effective January 1, 2018; adopted effective July 1, 2016.)*

7
8 **(h) Copy of order to caregiver**

9
10 (1)–(2) * * *

11
12 (3) If the court approves the request, the copy of the order must include the last
13 two pages of form JV-220(A) or the last two pages of form JV-220(B) and all
14 medication information sheets (medication monographs) that were attached
15 to form JV-220(A) or form JV-220(B).

16
17 (4) If the child resides in a group home or short-term residential therapeutic
18 program, a copy of the order, the last two pages of form JV-220(A) or the last
19 two pages of form JV-220(B), and all medication information sheets
20 (medication monographs) that were attached to ~~the~~ form JV-220(A) or form
21 JV-220(B) must be provided to the group home administrator, or to the
22 administrator's designee, as defined in California Code of Regulations,
23 regulation title 22, section 84064.

24
25 (5) If the child changes placement, the social worker or probation officer must
26 provide the new caregiver with a copy of the order, the last two pages of form
27 JV-220(A) or the last two pages of form JV-220(B), and the medication
28 information sheets (medication monographs) that were attached to form
29 JV-220(A) or form JV-220(B).

30
31 *(Subd (h) amended effective January 1, 2018; adopted effective July 1, 2016.)*

32
33 **(i)–(k) * * ***

34
35 *Rule 5.640 amended effective January 1, 2018; adopted as rule 1432.5 effective January 1, 2001;*
36 *previously amended and renumbered effective January 1, 2007; previously amended effective*
37 *January 1, 2003, January 1, 2008, January 1, 2009, January 1, 2014, and July 1, 2016.*

38

1 **Rule 5.655. Program requirements for Court Appointed Special Advocate**
2 **programs**

3
4 **(a) General provisions**

5
6 (1) A Court Appointed Special Advocate (CASA) program is a child advocacy
7 program that recruits, screens, selects, trains, supervises, and supports lay
8 volunteers for appointment by the court to help define the best interest of
9 children and nonminors under the jurisdiction of the juvenile court, including
10 the dependency and delinquency courts.

11
12 (2) To be authorized to serve children and nonminors in a county, the CASA
13 program must be designated by the presiding judge of the juvenile court.

14
15 (3) A CASA program must comply with this rule to be eligible to receive Judicial
16 Council funding. The Judicial Council may consider compliance with the
17 guidelines delineated in the *CASA Program Policies and Procedures Manual*
18 when determining eligibility for and amount of program funding.

19
20 *(Subd (a) amended effective January 1, 2018; adopted effective January 1, 2005.)*

21
22 **(b) Definitions**

23
24 ~~(1) A Casa program is the local child advocate program that adheres to this rule;~~
25 ~~has been designated by the local presiding juvenile court judge to recruit,~~
26 ~~screen, select, train, supervise, and support lay volunteers for appointment by~~
27 ~~the court to help define the best interest of children in juvenile court~~
28 ~~dependency and wardship proceedings; and has completed one development~~
29 ~~grant year and one “start-up” year.~~

30
31 ~~(2) Judicial Council staff may create a *CASA Program Policies and Procedures*~~
32 ~~*Manual* containing recommended program policies and procedures. If~~
33 ~~Judicial Council staff create a manual, it will be developed in collaboration~~
34 ~~with the California CASA Association and California CASA program~~
35 ~~directors. The protocols will address program and fiscal management, and the~~
36 ~~recruitment, screening, selection, training, and supervision of lay volunteers.~~

37
38 ~~(3) A CASA volunteer is a person who has been recruited, screened, selected,~~
39 ~~and trained, who is being supervised and supported by a local CASA~~
40 ~~program, and who has been appointed by the juvenile court as a sworn officer~~
41 ~~of the court to help define the best interest of a child or children in juvenile~~
42 ~~court dependency and wardship proceedings.~~

43
44 ~~(4) A “dependency proceeding” is a legal action brought on behalf of an~~
45 ~~allegedly abused, neglected, or abandoned child under section 300 et seq. The~~
46 ~~action is designed to protect children, preserve and reunify families, and find~~

1 permanent homes for children who cannot be returned to their parents.
2 Dependency proceedings include actions to appoint a legal guardian,
3 terminate parental rights, and facilitate adoptions for dependent children of
4 the juvenile court.

5
6 ~~(5) A “wardship proceeding” is a legal action involving a child under the age of~~
7 ~~18 years who is alleged to be:~~

8
9 ~~(A) A person described under section 601 (who is beyond parental control~~
10 ~~or habitually disobedient or truant); or~~

11
12 ~~(B) A person described under section 602 (who has violated any state or~~
13 ~~federal law or any city or county ordinance).~~

14
15 **(b) CASA program administration and management**

16
17 (1) The court’s designation of the CASA program must take the form of a
18 memorandum of understanding (MOU) between the CASA program and the
19 designating court.

20
21 (A) The MOU must state that the relationship between the CASA program
22 and the designating court can be terminated for convenience by either the
23 CASA program or the designating court.

24
25 (B) A CASA program may serve children and nonminors in more than one
26 court if the program executes an MOU with each court.

27
28 (C) The CASA program and the designating court must be the only parties to
29 the MOU.

30
31 (D) The MOU must indicate when and how the CASA program will have
32 access to the juvenile case file and the nonminor dependent court file if
33 applicable.

34
35 (2) A CASA program must function as a nonprofit organization or under the
36 auspices of a public agency or nonprofit organization, and must adopt and
37 adhere to a written plan for program governance and evaluation. The plan must
38 include the following, as applicable:

39
40 (A) Articles of incorporation, a board of directors, and bylaws that specify a
41 clear administrative relationship with the parent organization and clearly
42 delineated delegations of authority and accountability.

43
44 (B) A clear statement of the purpose or mission of the CASA program that
45 express goals and objectives to further that purpose. Where the CASA
46 program is not an independent organization, but instead functions under

1 the auspices of a public agency or a nonprofit organization, an active
2 advisory council must be established. The role of the advisory council for
3 CASA programs functioning under the auspices of a public agency or a
4 nonprofit organization includes but is not limited to developing and
5 approving policies for CASA, developing the CASA program's budget,
6 promoting a collaborative relationship with the umbrella organization,
7 monitoring and evaluating program operations, and developing and
8 implementing fundraising activities to benefit the CASA program. The
9 board of directors for the nonprofit organization or management of the
10 public agency will function as the governing body for the CASA
11 program, with guidance from the advisory council.

12
13 (C) A procedure for the recruitment, selection, hiring, and evaluation of an
14 executive director for the CASA program.

15
16 (D) An administrative manual containing personnel policies, record-keeping
17 practices, and data collection practices.

18
19 (E) Local juvenile court rules developed in consultation with the presiding
20 judge of the juvenile court or a designee, as specified in section 100. One
21 local rule must specify when CASA reports are to be submitted to the
22 court, who is entitled to receive a copy of the report, and who will copy
23 and distribute the report. This rule must also specify that the CASA court
24 report must be distributed to the persons entitled to receive it at least two
25 court days before the hearing for which the report was prepared.

26
27 (3) No CASA program may function under the auspices of a probation department
28 or department of social services. CASA programs may receive funds from
29 probation departments, local child welfare agencies, and the California
30 Department of Social Services if:

31
32 (A) The CASA program and the contributing agency develop an MOU-stating
33 that the funds will be used only for general operating expenses as
34 determined by the receiving CASA program, and the contributing agency
35 will not oversee or monitor the funds;

36
37 (B) A procedure resolving any conflict between the CASA program and
38 contributing agency is implemented so that conflict between the two
39 agencies does not affect funding or the CASA program's ability to retain
40 an independent evaluation separate from that of the contributing
41 agency's; and

42
43 (C) Any MOU between a CASA program and the contributing agency is
44 submitted to and approved by Judicial Council staff.
45

1 (4) If a CASA program serves more than one county, the CASA program is
2 encouraged to seek representation on the board of directors and/or advisory
3 council from each county it serves.
4

5 *(Subd (b) adopted effective January 1, 2018.)*
6

7 **(c) Finance, facility, and risk management**
8

9 (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan
10 must include an annual audit, conducted by a qualified professional, that is
11 consistent with generally accepted accounting principles and the audit
12 protocols in the program's Judicial Council contract.
13

14 (2) The fiscal plan must include a written budget with projections that guide the
15 management of financial resources and a strategy for obtaining necessary
16 funding for program operations.
17

18 (3) When the program has accounting oversight, it must adhere to written
19 operational procedures in regard to accounting control.
20

21 (4) The CASA program's board of directors must set policies for and exercise
22 control over fundraising activities carried out by its employees and
23 volunteers.
24

25 (5) The CASA program must have the following insurance coverage for its staff
26 and volunteers:
27

28 (A) General liability insurance with liability limits of not less than
29 \$1 million (\$1,000,000) for each person per occurrence/aggregate for
30 bodily injury, and not less than \$1 million (\$1,000,000) per
31 occurrence/aggregate for property damage;
32

33 (B) Nonowned automobile liability insurance and hired vehicle coverage
34 with liability limits of not less than \$1 million (\$1,000,000) combined
35 single limit per occurrence and in the aggregate;
36

37 (C) Automobile liability insurance meeting the minimum state automobile
38 liability insurance requirements, if the program owns a vehicle; and
39

40 (D) Workers' compensation insurance with a minimum limit of \$500,000.
41

42 (6) The CASA program must require staff, volunteers, and members of the
43 governing body, when applicable, to immediately notify the CASA program
44 of any criminal charges against themselves.
45

1 (7) The nonprofit CASA program must plan for the disposition of property and
2 confidential records in the event of its dissolution.

3
4 *(Subd (c) adopted effective January 1, 2018.)*

5
6 **(d) Confidentiality**

7
8 The presiding juvenile court judge and the CASA program director must adopt a
9 written plan governing confidentiality of case information, case records, and
10 personnel records. The plan must be included in the MOU or a local rule. The
11 written plan must include the following provisions:

12
13 (1) All information concerning children and families, including nonminors, in the
14 juvenile court process is confidential. Volunteers must not give case
15 information to anyone other than the court, the parties and their attorneys,
16 and CASA staff.

17
18 (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to report
19 any reasonable suspicion that a child is a victim of child abuse or serious
20 neglect as described by Penal Code section 273a.

21
22 (3) The child's original case file must be maintained in the CASA office by a
23 custodian of records and must remain there. Copies of documents needed by
24 a volunteer must be restricted to those actually needed to conduct necessary
25 business outside of the office. No one may have access to the child's original
26 case file except on the approval of the CASA program director or presiding
27 judge of the juvenile court. Controls must be in place to ensure that records
28 can be located at any time. The office must establish a written procedure for
29 the maintenance of case files.

30
31 (4) If the nonminor provides consent for the CASA volunteer to obtain his or her
32 nonminor dependent court file, the procedures stated in paragraph (3) related
33 to maintenance of the case file must be followed.

34
35 (5) The volunteer's personnel file is confidential. No one may have access to the
36 personnel file except the volunteer, the CASA program director or a
37 designee, or the presiding judge of the juvenile court.

38
39 *(Subd (d) adopted effective January 1, 2018.)*

40
41 **(e)(e) Recruiting, screening, and selecting CASA volunteers**

42
43 (1) ~~A CASA program must adopt and adhere to a written plan for the recruitment~~
44 ~~of potential CASA volunteers. The program staff, in its recruitment effort, must~~
45 ~~address the demographics of the jurisdiction by making all reasonable efforts to~~
46 ~~ensure that individuals representing all racial, ethnic, linguistic, and economic~~

1 ~~sectors of the community are recruited and made available for appointment as~~
2 ~~CASA volunteers, A CASA volunteer is a person who has been recruited,~~
3 ~~screened, selected, and trained; is being supervised and supported by a local~~
4 ~~CASA program; and has been appointed by the juvenile court as a sworn officer~~
5 ~~of the court to help define the best interest of children or nonminors in juvenile~~
6 ~~court dependency and wardship proceedings.~~
7

8 (2) A CASA program must adopt and adhere to a written plan for the recruitment
9 of potential CASA volunteers. The program staff, in its recruitment effort, must
10 address the demographics of the jurisdiction by making all reasonable efforts to
11 ensure that individuals representing all racial, ethnic, linguistic, and economic
12 sectors of the community are recruited and made available for appointment as
13 CASA volunteers.
14

15 (3)~~(2)~~A CASA program must adopt and adhere to the following minimum written
16 procedures for screening potential CASA volunteers under section 102(e):
17

- 18 (A) A written application that generates minimum identifying data;
19 information regarding the applicant's education, training, and
20 experience; minimum age requirements; and current and past
21 employment.
22
- 23 (B) Notice to the applicant that a formal security check will be made, with
24 inquiries through appropriate law enforcement agencies—including but
25 not limited to the Department of Justice, Federal Bureau of
26 Investigations, and Child Abuse Index—regarding any criminal record,
27 driving record, or other record of conduct that would disqualify the
28 applicant from service as a CASA volunteer. The security check must
29 include fingerprinting. Refusal to consent to a formal security check is
30 grounds for rejecting an applicant.
31
- 32 (C) A minimum of three completed references regarding the character,
33 competence, and reliability of the applicant and his or her suitability for
34 assuming the role of a CASA volunteer.
35
- 36 ~~(D) A personal interview or interviews by a person or persons approved by~~
37 ~~the presiding juvenile court judge or designee, to probe the essential~~
38 ~~areas of concern with respect to the qualities of an effective CASA~~
39 ~~volunteer. A written, confidential record of the interview and the~~
40 ~~interviewer's assessments and observations must be made and retained~~
41 ~~in the advocate's file.~~
42

43 (4)~~(3)~~If a CASA program allows its volunteers to transport children, the program
44 must ensure that each volunteer transporting children:
45

- 46 (A) Possesses a valid and current driver's license;

- 1
2 (B) Possesses personal automobile insurance that meets the minimum state
3 personal automobile insurance requirements;
4
5 (C) Obtains permission from the child’s guardian or custodial agency; and
6
7 (D) Provides the CASA program with a Department of Motor Vehicles
8 driving record report annually.
9

10 (5)(4) A CASA program must adopt a written preliminary procedure for selecting
11 CASA candidates to enter the CASA training program. The selection
12 procedure must state that any applicant found to have been convicted of or to
13 have current charges pending for a felony or misdemeanor involving a sex
14 offense, child abuse, or child neglect must not be accepted as a CASA
15 volunteer. This policy must be stated on the volunteer application form.
16

17 (6)(5) An adult otherwise qualified to act as a CASA must not be discriminated
18 against based on marital status, socioeconomic factors, race, national origin,
19 ethnic group identification, religion, age, sex, sexual orientation, color, or
20 disability or because of any other characteristic listed or defined in
21 Government Code section 11135 or Welfare and Institutions Code section
22 103.
23

24 *(Subd (e) amended and relettered effective January 1, 2018; adopted as subd (b);*
25 *previously amended and relettered as subd(c) effective January 1, 2005; previously*
26 *amended effective January 1, 1995, January 1, 2007, and January 1, 2010.)*
27

28 **(f)(d) Initial training of CASA volunteers (§ 102(d))**
29

30 A CASA program must adopt and adhere to a written plan for the initial training of
31 CASA volunteers.
32

- 33 (1) The initial training curriculum must include at least 30 hours of formal
34 instruction. This curriculum must include mandatory training topics as listed
35 in section 102(d). The curriculum may also include additional appropriate
36 topics, such as those stated in California Rules of Court, rule 5.664.
37
38 (2) The final selection process is contingent on the successful completion of the
39 initial training program, as determined by the presiding judge of the juvenile
40 court or designee.
41

42 *(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (c);*
43 *previously amended and relettered as subd (d) effective January 1, 2005; previously*
44 *amended effective January 1, 1995, and January 1, 2007.)*
45

1 **(g)(e) Oath**

2
3 At the completion of training, and before assignment to any child's or nonminor's
4 case, the CASA volunteer must take a court-administered oath describing the duties
5 and responsibilities of the advocate under section 103(f). The CASA volunteer
6 must also sign a written affirmation of that oath. The signed affirmation must be
7 retained in the volunteer's file.

8
9 *(Subd (g) amended and relettered effective January 1, 2018; adopted as subd (d);*
10 *previously amended and relettered as subd (e) effective January 1, 2005; previously*
11 *amended effective January 1, 2007.)*

12
13 **(h)(f) Duties and responsibilities**

14
15 CASA volunteers serve at the discretion of the court having jurisdiction over the
16 proceeding in which the volunteer has been appointed. A CASA volunteer is an
17 officer of the court and is bound by all court rules under section 103(e). A CASA
18 program must develop and adopt a written description of duties and
19 responsibilities, consistent with local court rules.

20
21 *(Subd (h) amended and relettered effective January 1, 2018; adopted as subd (e);*
22 *previously amended and relettered as subd (f) effective January 1, 2005; previously*
23 *amended effective January 1, 1995, and January 1, 2007.)*

24
25 **(i)(g) Prohibited activities**

26
27 A CASA program must develop and adopt a written description of activities that
28 are prohibited for CASA volunteers. The specified prohibited activities must
29 include:

- 30
31 (1) Taking a child or nonminor to the CASA volunteer's home;
32
33 (2) Giving legal advice or therapeutic counseling;
34
35 (3) Giving money or expensive gifts to the child, nonminor, or family of the
36 child or nonminor;
37
38 (4) Being related to any parties involved in a case or being employed in a
39 position and/or agency that might result in a conflict of interest; and
40
41 (5) Any other activities prohibited by the local juvenile court.

42
43 *(Subd (i) relettered and amended effective January 1, 2018; adopted as subd (g) effective*
44 *January 1, 2005.)*
45

1 **(j)(h) The appointment of CASA volunteers**

2
3 The CASA program director must develop, with the approval of the presiding
4 juvenile court judge, a written procedure for the selection of cases and the
5 appointment of CASA volunteers for children and nonminors in juvenile court
6 proceedings.
7

8 *(Subd (j) relettered and amended effective January 1, 2018; adopted as subd (f);*
9 *previously amended effective January 1, 1995; previously amended and relettered as subd*
10 *(h) effective January 1, 2005.)*
11

12 **(k)(i) Oversight, support, and supervision of CASA volunteers**

13
14 A CASA program must adopt and adhere to a written plan, approved by the
15 presiding juvenile court judge, for the oversight, support, and supervision of CASA
16 volunteers in the performance of their duties. The plan must:
17

18 (1) Include a grievance procedure that covers grievances by any person against a
19 volunteer or CASA program staff and grievances by a volunteer against a
20 CASA program or program staff. The grievance procedure must:
21

22 (A) Be incorporated into a document that contains a description of the roles
23 and responsibilities of CASA volunteers. This document must be
24 provided:
25

26 (i) When a copy of the court order that appointed the CASA
27 volunteer is provided to any adult involved with the child's or
28 nonminor's case, including but not limited to; teachers, foster
29 parents, therapists, and health-care workers;
30

31 (ii) To the nonminor upon appointment of the CASA; and
32

33 ~~(ii)~~(iii) To any person, including a volunteer, who has a grievance
34 against a volunteer or a CASA program employee.
35

36 (B) Include a provision that documentation of any grievance filed by or
37 against a volunteer must be retained in the volunteer's personnel file.
38

39 (2) Include a provision for the ongoing training and continuing education of
40 CASA volunteers. Ongoing training opportunities must be provided at least
41 monthly under section 103(a). CASA volunteers must participate in a
42 minimum of 12 hours of continuing education in each year of service.
43

44 *(Subd (k) relettered and amended effective January 1, 2018; adopted as subd (g);*
45 *previously amended and relettered as subd (i) effective January 1, 2005; previously*
46 *amended effective January 1, 1995, and January 1, 2007.)*

1
2 **(l)(j) Removal, resignation, and termination of a CASA volunteer**
3

4 The CASA program must adopt a written plan for the removal, resignation, or
5 involuntary termination of a CASA volunteer, including the following provisions:
6

- 7 (1) A volunteer may resign or be removed from an individual case at any time by
8 the order of the juvenile court presiding judge or designee.
9
10 (2) A volunteer may be involuntarily terminated from the program by the
11 program director.
12
13 (3) The volunteer has the right to appeal termination by the program director
14 under the program's grievance procedure.
15

16 *(Subd (j) relettered effective January 1, 2018; adopted as subd (h); previously amended*
17 *and relettered as subd (j) effective January 1, 2005; previously amended effective January*
18 *1, 1995, and January 1, 2007.)*
19

20 ~~**(k) CASA program administration and management**~~
21

22 ~~A CASA program must adopt and adhere to a written plan for program governance~~
23 ~~and evaluation that includes the following as applicable:~~
24

25 ~~(1) Articles of incorporation, bylaws, and a board of directors. Any CASA~~
26 ~~program that functions under the auspices of a public agency or private entity~~
27 ~~must specify in its plan a clear administrative relationship with the parent~~
28 ~~organization and clearly delineated delegations of authority and~~
29 ~~accountability. No CASA program may function under the auspices of a~~
30 ~~probation department or department of social services. CASA programs may~~
31 ~~receive funds from probation departments, local child welfare agencies, and~~
32 ~~the California Department of Social Services if:~~
33

34 ~~(A) The CASA program and the contributing agency develop a~~
35 ~~memorandum of understanding (MOU) or contract stating that the~~
36 ~~funds will be used only for general operating expenses as determined~~
37 ~~by the receiving CASA program, and the contributing agency will not~~
38 ~~oversee or monitor the funds;~~
39

40 ~~(B) A procedure resolving any conflict between the CASA program and~~
41 ~~contributing agency is implemented so that conflict between the two~~
42 ~~agencies does not affect funding or the CASA program's ability to~~
43 ~~retain an independent evaluation separate from that of the contributing~~
44 ~~agency's; and~~
45

1 (C) — Any MOU or contract between a CASA program and the contributing
2 agency is submitted to and approved by Judicial Council staff.
3

4 (2) — A clear statement of the purpose or mission of the CASA program and
5 express goals and objectives to further that purpose. Where the CASA
6 program is not an independent nonprofit organization, but instead functions
7 under the auspices of a public agency or a private entity, an active advisory
8 council must be established. The advisory council for CASA programs
9 functioning under the auspices of a public agency or a private entity will not
10 function as the governing body of the CASA program. The board of directors
11 for the private entity or the public agency management will function as the
12 governing body for the CASA program, with guidance from the advisory
13 council.
14

15 (3) — A procedure for the recruitment, selection, hiring, and evaluation of an
16 executive director for the CASA program.
17

18 (4) — An administrative manual containing personnel policies, record-keeping
19 practices, and data collection practices.
20

21 (5) — Local juvenile court rules developed in consultation with the presiding judge
22 of the juvenile court or a designee, as specified in section 100. One local rule
23 must specify when CASA reports are to be submitted to the court, who is
24 entitled to receive a copy of the report, and who will copy and distribute the
25 report. This rule must also specify that the CASA court report must be
26 distributed to the persons entitled to receive it at least two court days before
27 the hearing for which the report was prepared.
28

29 **(f) — Finance, facility, and risk management**
30

31 (1) — A CASA program must adopt a written plan for fiscal control. The fiscal plan
32 must include an annual audit, conducted by a qualified professional, that is
33 consistent with generally accepted accounting principles and the audit
34 protocols in the program's contract with the Judicial Council.
35

36 (2) — The fiscal plan must include a written budget with projections that guide the
37 management of financial resources and a strategy for obtaining necessary
38 funding for program operations.
39

40 (3) — When the program has accounting oversight, it must adhere to written
41 operational procedures in regard to accounting control.
42

43 (4) — The CASA program's board of directors must set policies for and exercise
44 control over fundraising activities carried out by its employees and
45 volunteers.
46

1 (5) ~~The CASA program must have the following insurance coverage for its staff~~
2 ~~and volunteers:~~

3
4 (A) ~~General liability insurance with limits of liability of not less than \$1~~
5 ~~million (\$1,000,000) for each person per occurrence/aggregate for~~
6 ~~bodily injury and not less than \$1 million (\$1,000,000) per~~
7 ~~occurrence/aggregate for property damage;~~

8
9 (B) ~~Nonowned automobile liability insurance and hired vehicle coverage~~
10 ~~with limits of liability of not less than \$1 million (\$1,000,000)~~
11 ~~combined single limit per occurrence and in the aggregate;~~

12
13 (C) ~~Automobile liability insurance meeting the minimum state automobile~~
14 ~~liability insurance requirements, if the program owns a vehicle; and~~

15
16 (D) ~~Workers' compensation insurance with a minimum limit of \$500,000.~~

17
18 (6) ~~The CASA program must require staff, volunteers, and members of the~~
19 ~~governing body, when applicable, to immediately notify the CASA program~~
20 ~~of any criminal charges against themselves.~~

21
22 (7) ~~The nonprofit CASA program must plan for the disposition of property and~~
23 ~~confidential records in the event of its dissolution.~~

24
25 **~~(m) Confidentiality~~**

26
27 ~~The presiding juvenile court judge and the CASA program director must adopt a~~
28 ~~written plan governing confidentiality of case information, case records, and~~
29 ~~personnel records. The written plan must include the following provisions:~~

30
31 (1) ~~All information concerning children and families in the juvenile court~~
32 ~~process is confidential. Volunteers must not give case information to anyone~~
33 ~~other than the court, the parties and their attorneys, and CASA staff.~~

34
35 (2) ~~CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to report~~
36 ~~any reasonable suspicion that a child is a victim of child abuse or serious~~
37 ~~neglect as described by Penal Code section 273.~~

38
39 (3) ~~The child's original case file must be maintained in the CASA office by a~~
40 ~~eustodian of records and must remain there. Copies of documents needed by~~
41 ~~a volunteer must be restricted to those actually needed to conduct necessary~~
42 ~~business outside of the office. No one may have access to the child's original~~
43 ~~case file except on the approval of the CASA program director or presiding~~
44 ~~judge of the juvenile court. Controls must be in place to ensure that records~~
45 ~~can be located at any time. The office must establish a written procedure for~~
46 ~~the maintenance of case files.~~

1
2 ~~(4) The volunteer's personnel file is confidential. No one may have access to the~~
3 ~~personnel file except the volunteer, the CASA program director or a designee,~~
4 ~~or the presiding judge of the juvenile court.~~
5

6 *Rule 5.655 amended effective January 1, 2018; adopted as rule 1424 effective July 1, 1994;*
7 *previously amended and renumbered as rule 5.655 effective January 1, 2007; previously*
8 *amended effective January 1, 1995, January 1, 2000, January 1, 2001, January 1, 2005,*
9 *January 1, 2010, and January 1, 2016.)*
10

11 **Rule 5.710. Six-month review hearing**
12

13 **(a) Determinations and conduct of hearing (§§ 364, 366, 366.1, 366.21)**
14

15 At the hearing, the court and all parties must comply with all relevant requirements
16 and procedures in rule 5.708, General review hearing requirements. The court must
17 make all appropriate findings and orders specified in rule 5.708 and proceed under
18 section 366.21(e) and (g), and as follows:
19

20 (1)–(4) * * *

21
22 *Subd (a) amended effective January 1, 2018; repealed and adopted as subd (d); relettered*
23 *as subd (e) effective January 1, 1992; previously amended effective January 1, 1999,*
24 *July 1, 1999, January 1, 2001, July 1, 2002, January 1, 2004, January 1, 2005, and*
25 *January 1, 2007; previously amended and relettered as subd (b) effective January 1, 2010,*
26 *and as subd (a) effective January 1, 2017.)*
27

28 **(b) * * ***
29

30 *Rule 5.710 amended effective January 1, 2018; adopted as rule 1460 effective January 1, 1990;*
31 *previously amended and renumbered effective January 1, 2007; previously amended effective*
32 *January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999,*
33 *July 1, 1999, January 1, 2000, January 1, 2001, July 1, 2002, January 1, 2004, January 1, 2005,*
34 *January 1, 2006, January 1, 2010, January 1, 2011, January 1, 2014, January 1, 2015, and*
35 *January 1, 2017.*
36

37 **Rule 5.715. Twelve-month permanency hearing**
38

39 **(a) * * ***
40

1 **(b) Determinations and conduct of hearing (§§ 309(e), 361.5, 366, 366.1, 366.21)**

2
3 At the hearing, the court and all parties must comply with all relevant requirements
4 and procedures in rule 5.708, General review hearing requirements. The court must
5 make all appropriate findings and orders specified in rule 5.708 and proceed under
6 section 366.21(f) and (g), and as follows:

7
8 (1)–(5) * * *

9
10 *(Subd (b) amended effective January 1, 2018; repealed and adopted as subd (c)(2);*
11 *previously amended and relettered as subd (c) effective July 1, 1999, as subd (d) effective*
12 *January 1, 2002, as subd (c) effective January 1, 2001, and as subd (b) effective January 1,*
13 *2010; previously amended effective January 1, 1992, January 1, 1993, January 1, 1995,*
14 *July 1, 1995, July 1, 1997, January 1, 1999, January 1, 2004, January 1, 2005, January 1,*
15 *2007, July 1, 2010, January 1, 2014, and January 1, 2017.)*

16
17 *Rule 5.715 amended effective January 1, 2018; adopted as rule 1461 effective January 1, 1990;*
18 *previously amended and renumbered effective January 1, 2007; previously amended effective*
19 *January 1, 1992, January 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997,*
20 *January 1, 1999, July 1, 1999, January 1, 2000, January 1, 2001, January 1, 2004, January 1,*
21 *2005, January 1, 2006, January 1, 2010, July 1, 2010, January 1, 2014, and January 1, 2017.*

22
23 **Rule 5.810. Reviews, hearings, and permanency planning**

24
25 **(a) * * ***

26
27 **(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)**

28
29 * * *

30
31 (1)–(2) * * *

32
33 (3) *Selection of a permanent plan (§ 727.3(b))*

34
35 At the first permanency planning hearing, the court must select a permanent
36 plan. At subsequent permanency planning hearings that must be held under
37 section 727.2(g) and rule 5.810(c), the court must either make a finding that
38 the current permanent plan is appropriate or select a different permanent
39 plan, including returning the child home, if appropriate. The court must
40 choose from one of the following permanent plans; listed in section 727.3(b)
41 which are, in order of priority:
42

- 1 (A) — A permanent plan that immediately returns the child to the physical
2 custody of the parent or guardian. This plan must be the permanent plan
3 unless no reunification services were offered under section 727.2(b), or
4 unless the court finds that the probation department has established by a
5 preponderance of evidence that return would create a substantial risk of
6 detriment to the safety, protection, or physical or emotional well being
7 of the ward. The probation department has the burden of establishing
8 that detriment. In making its determination, the court must review and
9 consider all reports submitted to the court and must consider the efforts
10 or progress, or both, demonstrated by the child and family and the
11 extent to which the child availed himself or herself of the services
12 provided.
- 13
- 14 (B) — A permanent plan of return of the child to the physical custody of the
15 parent or guardian, after 6 additional months of reunification services.
16 The court may not order this plan unless the court finds that there is a
17 substantial probability that the child will be able to return home within
18 18 months of the date of initial removal or that reasonable services
19 have not been provided to the parent or guardian.
- 20
- 21 (C) — A permanent plan of adoption. When this plan is identified, the court
22 must order that a hearing under section 727.31 be held within 120 days.
- 23
- 24 (D) — A permanent plan of legal guardianship. When this plan is ordered, the
25 court must set a hearing under the procedures described in section 728
26 and rule 5.815.
- 27
- 28 (E) — A permanent plan of placement with a fit and willing relative. When
29 this plan is ordered, the court must specify that the child will be placed
30 with the appropriate relative on a permanent basis.
- 31
- 32 (F) — A permanent plan of placement in a planned permanent living
33 arrangement. The court may order this permanent plan only after
34 considering, and ruling out, each of the other permanent plan options
35 listed above. If, after doing so, the court concludes that a planned
36 permanent living arrangement is the most appropriate permanent plan
37 for the child, it must also enter a finding, by clear and convincing
38 evidence, that there is a compelling reason, as defined in section
39 727.3(c), for determining that a plan of termination of parental rights
40 and adoption is not in the best interest of the child. When a planned
41 permanent living arrangement is ordered, the court must specify the
42 type of placement. The court must also specify the goal of the
43 placement, which may include, but is not limited to, a goal of the child
44 returning home, emancipation, guardianship, or permanent placement
45 with a relative.
- 46

1 (4) * * *

2
3 *(Subd (b) amended effective January 1, 2018; adopted effective January 1, 2001;*
4 *previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, and*
5 *January 1, 2016.)*

6
7 **(c) Postpermanency status review hearings (§ 727.2)**

8
9 A postpermanency status review hearing must be conducted for wards in placement
10 no less frequently than once every six months.

11
12 (1) Consideration of reports (§ 727.2(d))

13
14 The court must review and consider the social study report and updated case
15 plan submitted for this hearing by the probation officer and the report
16 submitted by any CASA volunteer, and any other reports filed with the court
17 under section 727.2(d).

18
19 (2) *Findings and orders (§ 727.2(g))*

20
21 At each postpermanency status review hearing, the court must consider the
22 safety of the ward and make findings and orders regarding the following:

23
24 (A) Whether the current permanent plan continues to be appropriate. If not,
25 the court must select a different permanent plan, including returning the
26 child home, if appropriate. If the plan is another planned permanent
27 living arrangement, the court must meet the requirements set forth in
28 Welfare and Institutions Code section 727.3(a)(5);

29
30 (B) The continuing necessity for and appropriateness of the placement;

31
32 (C) The extent of the probation department's compliance with the case plan
33 in making reasonable efforts to complete whatever steps are necessary
34 to finalize the permanent plan for the child;

35
36 (D) Whether the child was actively involved, as age and developmentally
37 appropriate, in the development of his or her own case plan and plan
38 for permanent placement. If the court finds that the child was not
39 appropriately involved, the court must order the probation department
40 to actively involve the child in the development of his or her own case
41 plan and plan for permanent placement, unless the court finds that the
42 child is unable, unavailable, or unwilling to participate; and
43

1 (E) If sibling interaction has been suspended and will continue to be
2 suspended, sibling interaction is contrary to the safety or well-being of
3 either child.
4

5 *(Subd (c) amended effective January 1, 2018; adopted effective January 1, 2001;*
6 *previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, and*
7 *January 1, 2016.)*
8

9 **(d)–(e) * * ***

10
11 *Rule 5.810 amended effective January 1, 2018; adopted as rule 1496 effective January 1, 1991;*
12 *previously amended and renumbered as rule 5.810 effective January 1, 2007; previously*
13 *amended effective January 1, 1998, January 1, 2001, January 1, 2003, January 1, 2004,*
14 *January 1, 2006, January 1, 2014, and January 1, 2016.*
15

16
17 **Rule 8.866. Preparation of reporter’s transcript**

18
19 **(a)–(c) * * ***

20
21 **(d) When preparation must be completed**

22
23 **(1)–(2) * * ***

24
25 **(3)** If the appellant deposited with the clerk an amount equal to the estimated cost
26 of preparing the transcript and the appeal is abandoned or dismissed before
27 the reporter has filed the transcript, the reporter must inform the clerk of the
28 cost of the portion of the transcript that the reporter has completed. The clerk
29 must pay that amount to the reporter from the appellant’s deposited funds and
30 refund any excess deposit to the appellant.
31

32 *(Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,*
33 *and January 1, 2017.)*
34

35 **(e)–(f) * * ***

36
37 *Rule 8.866 amended effective January 1, 2018; adopted effective January 1, 2009; previously*
38 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*
39

40 **Rule 8.882. Briefs by parties and amici curiae**

41
42 **(a)–(d) * * ***
43

1 **(e) Service and filing**

- 2
- 3 (1) Copies of each brief must be served as required by rule ~~8.25~~ 8.817.
- 4
- 5 (2) Unless the court provides otherwise by local rule or order in the specific case,
- 6 only the original brief, with proof of service, must be filed in the appellate
- 7 division.
- 8
- 9 (3) A copy of each brief must be served on the trial court clerk for delivery to the
- 10 judge who tried the case.
- 11
- 12 (4) A copy of each brief must be served on a public officer or agency when
- 13 required by rule ~~8.29~~ 8.817.
- 14
- 15 (5) In misdemeanor appeals:
- 16
- 17 (A) Defendant’s appellate counsel must serve each brief for the defendant
- 18 on the People and must send a copy of each brief to the defendant
- 19 personally unless the defendant requests otherwise.
- 20
- 21 (B) The proof of service under (A) must state that a copy of the
- 22 defendant’s brief was sent to the defendant, or counsel must file a
- 23 signed statement that the defendant requested in writing that no copy
- 24 be sent.
- 25
- 26 (C) The People must serve two copies of their briefs on the appellate
- 27 counsel for each defendant who is a party to the appeal.
- 28

29 *(Subd (e) amended effective January 1, 2018; adopted as subd (d); previously amended*

30 *and relettered as subd (e) effective January 1, 2009.)*

31

32 *Rule 8.882 amended effective January 1, 2018; adopted effective January 1, 2009; previously*

33 *amended effective January 1, 2009, January 1, 2010, January 1, 2013, March 1, 2014, and*

34 *January 1, 2016.*

35

36 **Rule 8.919 Preparation of reporter’s transcript**

37

38 **(a)–(c) * * ***

39

40 **(d) When preparation must be completed**

41

42 **(1)–(2) * * ***

43

1 (3) If the appellant deposited with the clerk an amount equal to the estimated cost
2 of preparing the transcript and the appeal is abandoned or dismissed before
3 the reporter has filed the transcript, the reporter must inform the clerk of the
4 cost of the portion of the transcript that the reporter has completed. The clerk
5 must pay that amount to the reporter from the appellant's deposited funds and
6 refund any excess deposit to the appellant.

7
8 *(Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,*
9 *and January 1, 2017.)*

10
11 **(e)–(f) * * ***

12
13 *Rule 8.919 amended effective January 1, 2018; adopted effective January 1, 2009; previously*
14 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*