
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: July 28, 2004
Current Revision Date: October 25, 2018

Number: G-0507

Notices of Hearing

Purpose To provide guidelines for noticing parties involved in dependency hearings.

Approved This policy was approved by Anne Bloxom, Director of CFS.
Signature on file.

Most Recent Revision This revision of the Policy and Procedure (P&P) incorporates:

- Assembly Bill 1997 (2016), requiring that notice for a hearing held pursuant to Welfare and Institutions Code (WIC) section (§) 366.26 include a statement that Court is required to select a permanent plan of Adoption, Legal Guardianship, Placement with a Fit and Willing Relative, or Another Planned Permanent Living Arrangement (APPLA)
- Clarification that a resource family and Short-Term Residential Therapeutic Program (STRTP) are entitled to receive notice
- The responsibilities of the Resource Family Approval (RFA) Retention and Support Legal Worker, previously assumed by a Placement Focus Worker

Background The Welfare and Institutions Code (WIC) directs the Juvenile Court (Court) to conduct hearings at specific stages of the dependency process for each child before the Court. Providing timely notice of dependency hearings, to individuals involved in a child's case, is a fundamental constitutional right of procedural due process.

For guidelines regarding notice of dependency hearings involving a non-minor dependent (NMD), refer to CFS P&P [Non-Minor Dependency Court Proceedings \(J-0104\)](#).

Definitions

Detention Hearing: Per WIC § 319, the initial hearing after a dependency petition is filed, for Court to consider whether the child should be detained or released pending an adjudicatory (Jurisdictional) hearing. This term may also refer to an Initial Petition hearing, held on behalf of a child who remains in the care of one or both parents.

Dispositional Hearing: Per WIC § 358, the hearing at which the Court considers the appropriate “disposition” of the case and enters orders for the child’s care, custody, and control.

Due Diligence: The diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation.

Educational Representative: Refers to an educational rights holder appointed by the Court pursuant to WIC § 361 to make educational or developmental-services decisions on behalf of a child. See CFS P&P [Limiting Educational Rights \(I-0103\)](#).

Jurisdictional Hearing: Per WIC § 355, trial stage at which the Court hears evidence and decides the merits of the petition and whether the child falls within the jurisdiction of the Court.

Party: A participant in a legal proceeding who has an interest in the outcome.

Permanency Hearing: Per WIC § 366.21, the proceeding scheduled to determine the future, permanent status of a child in foster care. This must occur within 12 months of the date the child entered foster care.

Proof of Service/Certification/Declaration: A document filed in Court as evidence that notice has been served on a party.

Proper Notice/Adequate Notice/Due Notice: Sufficient notice intended to and likely to reach a particular person within statutory timeframes; notice that is legally adequate given the particular circumstance.

Review Hearing: A hearing to assess the progress in the case plan.

POLICY

Notice Responsibility

Unless otherwise specified, the assigned Senior Social Worker (SSW) is responsible for providing proper notice to parties of dependency proceedings. Notice will be provided as required by law, and in accordance with any additional orders of the Court. Clerical staff will provide assistance with notices sent by mail, according to program procedure.

Exception: Notice may be waived by a party in person, through his/her attorney, or by a signed written waiver filed on or before the hearing date.

Detention Hearing

Per WIC §§ 290.1 and 290.2, if a petition is filed pursuant to WIC § 300 (Initial Petition), WIC § 342 (Subsequent Petition), or WIC § 387 (Supplemental Petition), and a Detention hearing is calendared, notice will be provided:

- A. As soon as possible after removal of the child.
- B. Orally by phone or in person, by the assigned SSW. If notice cannot be provided orally, the assigned SSW will complete a *Detention Hearing Notice (F063-25-703)* as soon as possible, and immediately forward to the "TFC Notices" Inbox.

Each *Detention Hearing Notice (F063-25-703)* received in the "TFC Notices" Inbox will be processed by TFC clerical staff, via expedited mail service.

Note: Expedited mail service may be used to notice a parent incarcerated in a California state prison or county jail, if oral notice cannot be provided.

- C. To the following, as applicable, if whereabouts are known or become known prior to the hearing:
 - Mothers and presumed/alleged fathers, unless parental rights have been terminated
 - Legal guardian(s)
 - If there is no parent/legal guardian who resides in California or residence is unknown, notice will be given to any adult relative residing within Orange County. If none exists, notice will be given to the adult relative residing nearest to Court

- Indian custodian and child's tribe (see WIC § 224.2)
- Child, if 10 years of age or older
- Child's dependent sibling, if not included in the same hearing. For siblings 10 years of age or older, notice sibling, sibling's attorney, and sibling's caregiver. For siblings under 10 years of age, notice sibling's attorney and caregiver only
- Attorneys, if applicable
- Court Appointed Special Advocate (CASA), if any
- Educational representative, if any

Per Penal Code § 2625, notice will be provided to an incarcerated parent. Per CFS Policy, if the parent is incarcerated in a local Orange County jail, transportation arrangements will also be made. Refer to the "Arranging Transportation for Incarcerated Parents" Policy section.

If the child is known to be an Indian child, see CFS P&P [Indian Child Welfare Act \(G-0309\)](#) for notice requirements.

D. With the mandated information:

- Name of child
- Date, time, and place of hearing
- A copy of the filed petition (provided at Detention hearing)

Court Return Detention Hearing

For Court Return Detention hearings, notice will be provided:

- A. The day prior to the hearing.
- B. As applicable, to the presumed mother, father, legal guardian (see WIC § 302), Indian custodian, and child's tribe (see WIC § 224.2).

Indian Child Welfare Act (ICWA) notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

- C. Orally by phone or in person.
- D. Include name of child, circumstances, and date/time/place of hearing.

Note: Court Return Detention hearings are not mandated by statute; however, they are required by the Orange County Juvenile Court.

**Jurisdictional/
Dispositional
Hearing**

The Court Clerk provides notice for WIC § 355 (Jurisdictional) and/or 358 (Dispositional) hearings, per WIC § 291. The assigned SSW will supplement these efforts by also providing notice:

- A. As soon as possible, preferably five working days prior to the hearing.
- B. By personal service or certified mail, return receipt requested.
- C. As applicable, to a parent, legal guardian, Indian custodian, and child's tribe (see WIC § 224.2) who was **not** present at the Detention hearing, **nor** ordered to return for the Jurisdictional and Dispositional hearing.

Note: Per Penal Code § 2625, notice will be provided to an incarcerated parent. Transportation will also be arranged if the parent is incarcerated in a California state prison or county jail. Refer to the "Arranging Transportation for Incarcerated Parents" Policy section.

The assigned SSW will complete and submit to Court, a *Declaration* for each notice given.

ICWA notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

- D. With mandated information:
 - Name and address of recipient
 - Name of child
 - Nature of hearing
 - Applicable WIC sections and subdivisions, failure to appear statements, notification of right to court-appointed counsel, and the possible liability for a portion of the cost of that counsel and any out-of-home placement necessary for the child
- E. Using:
 - *Notice of Hearing Letter (F063-28-143)*
 - A copy of the filed *Juvenile Dependency Petition (JV-100)* included
 - A blank *Statement Regarding Parentage (JV-505)* form included with notice to an alleged parent

**Family
Maintenance
Six Month
Review
Hearing**

Per WIC § 292, notice of a WIC § 364 Family Maintenance (FM) Six Month Review hearing will be given:

- A. Not earlier than 30 days, nor later than 15 days prior to the hearing. A notice sent less than 15 days prior will not meet the definition of proper or adequate notice by Court.
- B. By certified mail, return receipt requested (parents/legal guardians/Indian custodians) or first class mail (others) to the last known address of the person provided notice.
- C. To the following, as applicable:
 - Mother, presumed father, and/or any father receiving services. Exclude any parent whose rights are terminated or who previously executed a waiver of the right to notice
 - Legal guardian(s)
 - Indian custodian and the child's tribe (see WIC § 224.2)
 - Child, if 10 years of age or older
 - Child's dependent sibling, if not included in the same hearing. For siblings 10 years of age or older, notice sibling, sibling's attorney, and sibling's caregiver. For siblings under 10 years of age, notice sibling's attorney and caregiver only
 - Each attorney of record by pony mail (court-appointed attorneys) or first class mail (private attorneys)
 - CASA
 - Educational representative

ICWA notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

- D. With mandated information:
 - Nature of the hearing
 - Any change in custody or status being recommended
 - The right of the child and parent/legal guardian(s) to be present and represented by counsel
 - The right of child and parent/legal guardian(s) to present evidence regarding the disposition of the case
 - Statement that Court may proceed if they fail to appear

E. Using:

- *Notice of Hearing-Dependent Child (F063-28-82)*
- *Domestic Return Receipt (aka "Green Card") (PS Form 3811) and Certified Mail Receipt (PS Form 3800), if appropriate*

If recommending termination of dependency, notice will indicate whether Exit Orders (custody, visitation, restraining orders) are requested.

If proposed Exit Orders include a request for a restraining order, a copy of the completed *Application and Affidavit for Restraining Order–Juvenile (JV-245)* will be included with notice to the parent to be restrained. See CFS P&P [Custody \(Exit\) Orders and Custody Transfers to Non-Custodial Parents \(G-0201\)](#).

**Family
Reunification
Status Review
Hearing**

Per WIC § 293, notice of Permanency Review hearings, including the WIC § 366.21(e) Six Month Review, 366.21(f) Twelve Month Review, 366.22 Eighteen Month Review, and 366.25 Twenty-Four Month Review hearing, will be given:

- A. Not earlier than 30 days, nor later than 15 days prior to the hearing. A notice sent less than 15 days prior will not meet the definition of proper or adequate notice by Court.
- B. By certified mail, return receipt requested (parents/legal guardians/Indian custodians) or first class mail (others) to the last known address of the person provided notice.

Note: Use registered mail for any parent residing out-of-country with a known address.

- C. To all of the following parties that apply:
 - Mother, presumed/alleged father(s), and/or any father receiving services. Exclude any parent whose rights are terminated or who previously executed a waiver of the right to notice
 - Legal guardian(s)
 - Indian custodian and the child's tribe (see WIC § 224.2)
 - Child, if 10 years of age or older
 - Child's dependent sibling, if not included in the same hearing. For siblings 10 years of age or older, notice sibling, sibling's attorney, and sibling's caregiver. For

siblings under 10 years of age, notice sibling's attorney and caregiver only

- Each attorney of record by pony mail (court-appointed attorneys) or first class mail (private attorneys)
- CASA
- Current caregiver including a foster parent, relative caregiver, pre-adoptive parent, Non-Relative Extended Family Member (NREFM), resource family, community care facility, group home/Short-Term Residential Therapeutic Program (STRTP), or Foster Family Agency (FFA)
- *De facto* parent
- Educational representative

Per Penal Code § 2625 and California Rule of Court 5.530, notice will also be provided to an incarcerated parent. However, transportation arrangements are not required, unless the parent's production is ordered by Court. Refer to the "Arranging Transportation for Incarcerated Parents" Policy section.

ICWA notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

D. With all mandated information:

- Nature of the hearing
- Any change in custody or status being recommended
- The right of the child and parent/legal guardian(s) to be present, represented by counsel, and to request counsel
- The right of the child and parent/legal guardian(s) to present evidence
- Statement that Court may proceed if a parent/legal guardian fails to appear
- The right of the current caregiver to attend all hearings or submit to the Court any written information he/she deems relevant

E. Using:

- *Notice of Hearing—Dependent Child (F063-28-82)* for parents, legal guardians, Indian custodians, children, siblings, attorneys, *de facto* parents, CASAs, and educational representatives
- *Notice of Hearing and Summary of Recommendation for Disposition (F063-28-89)* for caregivers, group

homes/STRTPs, and FFAs with *Caregiver Information Form (JV-290)* and *Instruction Sheet for Caregiver Information Form (JV-290-INFO)* included

- Per best practice, a *JV-290 Coverpage (F063-25-728)* and a *JV-290 Pre-Addressed Envelope (F063-17-501)* may also be provided
- A blank *Statement Regarding Parentage (JV-505)* form included when the notice is to an alleged parent who came forward after initial parentage findings
- *Domestic Return Receipt* (aka “Green Card”) (*PS Form 3811*) and *Certified Mail Receipt (PS Form 3800)*, if appropriate
- *Return Receipt for International Mail* (aka “Pink Card”) (*PS Form 2865*) and *Registered Mail (Label 200) Sticker*, if appropriate

**WIC § 366.26
Hearing—
Recommending
Permanent
Plan Other
Than
Adoption**

If a permanent plan other than Adoption or Tribal Customary Adoption will be recommended at a WIC § 366.26 Selection and Implementation hearing notice of the WIC § 366.26 hearing will be provided in accordance with WIC § 294, and as ordered by the Court:

- A. At least 45 days prior to the hearing.
- B. To all the following parties that apply (note exceptions below):

1. **Parents:**

All presumed, alleged, and biological parents by one of the following options:

- First class mail to parent’s usual place of residence or business **if** the parent was present at the hearing when the WIC § 366.26 hearing was scheduled and ordered to return
- Certified mail, return receipt requested, to parent’s last known mailing address
- Registered mail, return receipt requested, if parent resides out-of-country and has a known address
- Personal service
- Delivery to a competent person who is at least 18 years old at the parent’s usual place of residence or business
- Use the first, fourth, or fifth option above **if** parent resides out-of-state

Note: Per Penal Code § 2625, notice will be provided to an incarcerated parent. Transportation will also be arranged if the parent is incarcerated in a California state prison or county jail. Refer to the “Arranging Transportation for Incarcerated Parents” Policy section.

If whereabouts are unknown, a *Declaration* will be filed with Court at least 75 days before the hearing date, describing the efforts made to locate and serve notice to the parent. This will be the responsibility of the Search Unit. See CFS P&P [Absent Parent Search/Relative Search \(G-0801\)](#).

If Court determines there has been due diligence in attempting to locate and serve the parent, it may order notice be given to grandparents, if identity and address is known, by first class mail. No further notice will be required.

If the identity of the parents is unknown, no further notice will be required after due diligence is found.

If the identity or residence of any parent becomes known, notice will be immediate via first class mail.

Exceptions: Do not notify an alleged father who has denied paternity and waived notice, a parent whose parental rights have been terminated, or a parent who has relinquished the child and the relinquishment has been accepted and filed as required.

2. **Child (and additional parties):**

- Child, if 10 years of age or older, by first class mail
- All counsel of record by pony mail (court-appointed attorneys) or first class mail (private attorneys)
- Indian custodian and the child’s tribe by certified mail, return receipt requested (see WIC § 224.2)
- Child’s dependent sibling, if not included in the same hearing. For siblings 10 years of age or older, notice sibling, sibling’s attorney, and sibling’s caregiver. For siblings under 10 years of age, notice sibling’s attorney and caregiver only. Notice will be by first class mail
- Grandparents of the child, if their address is known and the parent’s address is unknown, by first class

mail

- Current caregiver including a foster parent, relative caregiver, pre-adoptive parent, Non-Relative Extended Family Member (NREFM), or resource family, by first class mail
- Educational representative by first class mail
- *De facto* parent by first class mail
- CASA by pony mail

ICWA notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

C. With all mandated information:

- Date, time, and place of hearing
- The right to appear and to counsel, if noticing child or parent
- The right of the current caregiver to attend all hearings or submit to the Court any written information he/she deems relevant
- Nature of the proceedings
- Recommendation of CFS. (**Note:** Included in court report provided to applicable parties. See “Court Reports” Policy section for further information)
- Statement that the Court is required to select a permanent plan of Adoption, Legal Guardianship, Placement with a Fit and Willing Relative, or Another Planned Permanent Living Arrangement (APPLA), as appropriate, for the child

D. Using:

- *Notice of Hearing on Selection of a Permanent Plan (JV-300)*
 - Include *Caregiver Information Form (JV-290)* and *Instruction Sheet for Caregiver Information Form (JV-290-INFO)* with notice provided to caregivers, group homes/STRTPs, and FFAs. Per best practice, a *JV-290 Coverpage (F063-25-728)* and a *JV-290 Pre-Addressed Envelope (F063-17-501)* may also be provided
- A blank *Statement Regarding Parentage (JV-505)* form included when the notice is to an alleged parent who came forward after initial parentage findings
- *Domestic Return Receipt (aka “Green Card”) (PS Form*

3811) and *Certified Mail Receipt (PS Form 3800)*, if appropriate

- *Return Receipt for International Mail (aka "Pink Card") (PS Form 2865) and Registered Mail (Label 200) Sticker*, if appropriate

**WIC § 366.26
Hearing—
Recommending
Permanent
Plan of
Adoption**

If a permanent plan of Adoption or Tribal Customary Adoption will be recommended at a WIC § 366.26 Selection and Implementation hearing, the assigned SSW and Resource Family Approval (RFA) Retention and Support Legal Worker will assist County Counsel in providing notice of the WIC § 366.26 hearing as required by WIC § 294, by providing County Counsel with information related to:

- A. Legal issues regarding potential parents previously not known (e.g., unknown fathers, biological fathers, alleged fathers, fathers presumed by marriage, and verification of death or marriage).
- B. Confidential placements (i.e., name and address), if applicable.

The assigned SSW will retain responsibility for:

- Completing an *Absent Parent Search Referral (F063-28-109)* to initiate a .26 Search, when a parent's whereabouts are unknown
- Notifying the assigned IPT, via the *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*, of parties to be provided court reports (see "Provision of Court Reports" Policy section)
- Arranging transportation of a parent incarcerated in a California state prison or county jail (refer to "Arranging Transportation for Incarcerated Parents" Policy section)

**Periodic
Review
Hearing**

Per WIC § 295, notice of a WIC § 366.3 Post-Permanency (Periodic Review) hearing will be given:

- A. Not earlier than 30 days, nor later than 15 days prior to the hearing. A notice sent less than 15 days prior will not meet the definition of proper or adequate notice by Court.
- B. By first class mail to last known address of the person provided notice.
- C. To all the following parties that apply (unless notice is waived or parental rights are terminated):

- Alleged father(s) **only** if recommendation is to set a new WIC § 366.26 hearing
- Legal guardian(s)
- Indian custodian and the child's tribe (see WIC § 224.2)
- Child, if 10 years of age or older
- Child's dependent sibling, if not included in the same hearing. For siblings 10 years of age or older, notice sibling, sibling's attorney, and sibling's caregiver. For siblings under 10 years of age, notice sibling's attorney and caregiver only
- Current caregiver, including foster parent, relative caregiver, pre-adoptive parent, NREFM, resource family, community care facility, group home/Short-Term Residential Therapeutic Program (STRTP) or FFA
- Attorneys of record by pony mail (court-appointed attorneys) or first class mail (private, retained attorneys)
- *De facto* parent
- CASA
- Educational representative

ICWA notices, if applicable, will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#).

D. With all mandated information:

- Nature of the hearing
- Any change in custody or status recommended
- Any recommendation to set a new WIC § 366.26 hearing for the purpose of selecting a more permanent plan

E. Using:

- *Notice of Hearing-Dependent Child (F063-28-82)* for parents, legal guardians, Indian custodians, children, siblings, attorneys, *de facto* parents, CASAs, and educational representatives
- *Notice of Hearing and Summary of Recommendation for Disposition (F063-28-89)* for caregivers, FFAs, and group homes/STRTPs with *Caregiver Information Form (JV-290)* and *Instruction Sheet for Caregiver Information Form (JV-290-INFO)* included
 - Per best practice, a *JV-290 Coverpage (F063-25-728)* and a *JV-290 Pre-Addressed Envelope (F063-17-501)* may be provided
- A blank *Statement Regarding Parentage (JV-505)* form

included when recommending a new WIC § 366.26 hearing and notice is to an alleged parent who came forward after initial parentage findings

Psychotropic Medication Progress Review

Notice of a Psychotropic Medication Progress Review calendared on behalf of a dependent child will be given in accordance with California Rule of Court 5.640. For specific guidelines regarding notice of a Psychotropic Medication Progress Review, refer to CFS P&P [Psychotropic Medication: Dependent Child \(I-0306\)](#).

WIC § 375 Acceptance of Transfer

The Court Clerk provides notice for Acceptance of Transfer hearings to parties listed on the *Juvenile Court Transfer-Out Orders (JV-550)* or *Juvenile Court Transfer-Out Orders—Nonminor Dependent (JV-552)*.

Per CFS Policy, the ICT Coordinator will also provide notice of the Acceptance of Transfer hearing (**unless** the ICT is received from Imperial, San Diego, Los Angeles, Riverside, or San Bernardino):

- A. As soon as possible, after the file is received.
- B. By personal service, first class mail, or expedited mail service.
- C. To:
 - Parent(s), including non-custodial parents
 - Legal guardian(s)
 - Indian custodian (see WIC § 224.2)
 - Child, if 10 years of age or older
 - Child's tribe, if the sending county determined ICWA applies to the case. If the sending county did not determine ICWA eligibility, ICWA notices will be the responsibility of the ICWA Unit. See CFS P&P [Indian Child Welfare Act \(G-0309\)](#)
- D. Using:
 - *Notice of Hearing Letter/Transfer In (F063-25-605)*

Note: The ICT Coordinator will contact the sending county to obtain confidential addresses, when applicable.

WIC § 388 Modification of Petitions

If Court orders a hearing based on a WIC § 388 request, the assigned SSW will receive notice from the Court Clerk (see WIC § 297), who notifies all parties listed on the *Request to Change Court Order (JV-180)*.

Language	<p>Per California Department of Social Services Manual of Policy and Procedures 21-115.2, notice will be given to parties in their primary language, if documents in that language are available.</p> <p>Oral notices will be provided by bilingual staff or an interpreter and, if available, written notices will be sent in the individual's primary language. See CFS P&P Client Rights (B-0105).</p>
Out-of-Country Notices	<p>When a parent resides in another country at a known address, notice will be sent by registered mail directly to the parent. Certified mail is not available for international mail.</p> <p>Note: For those cases in which CFS is directed to conform with provisions of the Hague Service Convention, contact the Deputy County Counsel assigned to the case for further guidance regarding notice requirements.</p>
Continuances	<p>If a hearing is continued to a further date by Court, no further notice by CFS is required unless ordered by Court.</p>
Documentation of Notice/ Proof of Service	<p>Verification that notice was given to all applicable parties will be documented via the following, as applicable:</p> <ul style="list-style-type: none"> A. Signature on <i>Certificate of Service by Mail (F063-28-82/page two)</i> filed with Court. B. <i>Certification of Services of Notice of Hearing (F063-28-89/page two)</i> filed with Court. C. <i>Proof of Service Under Section 366.26 of the Welfare and Institutions Code (JV-310)</i> filed with Court. D. Statement in the Detention Hearing Report and Court Return Detention Hearing Report, for noticing parties of the Detention hearing. E. Statement in the Acceptance of Transfer Report, for noticing parties of the Acceptance of Transfer hearing. F. Submitted Declarations for noticing (or attempts at noticing) parents who have been the subject of absent parent search efforts.

- G. Submitted Declarations for noticing parents who were not present at the Detention hearing and ordered by Court to return for the Jurisdictional/Dispositional hearing.
- H. Data entries into CWS/CMS (see [CWS/CMS Data Entry Standards—Notice of Hearing](#)).

Distribution of Notices

Written notices will be distributed as follows:

- A. Original notice and proof of service to Court Clerk.
- B. Copy of first page to addressee.
- C. Copy in child’s legal file, including proof of service, left side.
- D. Copy of first page for all addressees to County Counsel for a WIC § 366.26 Selection and Implementation hearing.

Confidential Names and Addresses

If parties noticed have confidential names and/or addresses, the assigned SSW will enter “confidential” on the *Notice of Hearing Worksheet (F063-28-04)* or *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*. The recipient’s name and/or address will be provided separately to assigned clerical staff.

No confidential names or addresses will be stored in the child’s court file.

Arranging Transportation for Incarcerated Parents

- A. **Detention Hearings:**
Per CFS Policy, if a Detention hearing is calendared, the assigned SSW will arrange transport of a parent incarcerated in a local Orange County jail.

To arrange transport, the assigned SSW will submit a *Transportation Order Request (F063-25-460)* to the “CRT, Mail” Inbox at least 24 hours prior to the Detention hearing.
- B. **Other Hearings:**
Per Penal Code § 2625 and California Rule of Court 5.530, if a parent is known to be incarcerated in a California state prison or county jail (inside or outside Orange County), the assigned SSW will arrange transport for a scheduled:

- Jurisdictional/Dispositional hearing
- 366.26 Selection and Implementation hearing
- Any other hearing (if parent's production is ordered by Court)

To arrange transport, the assigned SSW will either:

- Submit a *Transportation Order Request (F063-25-460)*, if there are **14 days or less until the scheduled hearing**
- OR–**
- Prepare a *JV-450—Order for Prisoner's Appearance at Hearing Affecting Parental Rights* and *JV-451—Prisoner's Statement Regarding Appearance At Hearing Affecting Parental Rights* for submission to Court, if there are **15 days or more until the scheduled hearing**

Refer to [Attachment 1—Arranging Transportation for Incarcerated Parents](#), for procedural guidelines.

Provision of Court Reports

Per WIC §§ 302, 366.05, 364.05, 366.21, and California Rule of Court 5.725, the court report and case plan (if any) prepared for each Status Review hearing (including WIC § 366.26 hearing) will be provided no later than **10 calendar days** in advance of the scheduled hearing, as directed on the appropriate *Notice of Hearing Worksheet (F063-28-04/F063-28-05)*:

A. By first class mail to:

- Parents/legal guardians/Indian custodians
- Private, retained attorneys
- Educational representatives **if** Court-ordered

B. By pony mail to Court for distribution to:

- Court-appointed attorneys
- CASAs
- *De facto* parents (if present at the hearing and authorized by court order to receive a copy of court reports)

Note: Caregivers are not entitled to copies of court reports. However, the recommendation for each Status Review hearing will be included in the notice of hearing provided to the caregiver.

Per WIC § 302, at Detention hearings and Jurisdictional/Dispositional hearings, the Court Officer will provide a copy of the court report and case plan to the parent/legal guardian, if not already provided by

his/her counsel. If the parent/legal guardian does not attend the hearing, the court report will be provided by the assigned SSW at the compliance contact immediately following the scheduled hearing.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Arranging Transportation for Incarcerated Parents](#)
 - [CWS/CMS Data Entry Standards—Notice of Hearing](#)
-

Hyperlinks

Staff accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Indian Child Welfare Act \(G-0309\)](#)
 - CFS P&P [Absent Parent Search \(G-0801\)](#)
 - CFS P&P [Client Rights \(B-0105\)](#)
 - CFS P&P [Custody \(Exit\) Orders and Custody Transfers to Non-Custodial Parents \(G-0201\)](#)
 - CFS P&P [Intercounty Transfers \(G-0402\)](#)
 - CFS P&P [Psychotropic Medication: Dependent Child \(I-0306\)](#)
-

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Notice of Hearing Worksheet	F063-28-04
Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only	F063-28-05
Notice of Hearing Letter	F063-28-143
Notice of Hearing Letter (Spanish)	F063-28-143Sp
Notice of Hearing—Dependent Child/Non-Minor Dependent	F063-28-82

Notice of Hearing—Dependent Child/Non-Minor Dependent (Spanish)	F063-28-82Sp
Notice of Hearing and Summary of Recommendation for Disposition	F063-28-89
Notice of Hearing and Summary of Recommendation for Disposition (Spanish)	F063-28-89Sp
Absent Parent Search Referral	F063-28-109
366.26 Hearing Memo	F063-25-504
Notice of Hearing Letter/Transfer In	F063-25-605
Notice of Hearing Letter/Transfer In (Spanish)	F063-25-605Sp
Detention Hearing Notice	F063-25-703
Detention Hearing Notice (Spanish)	F063-25-703Sp
Juvenile Dependency Petition	JV-100
Statement Regarding Parentage	JV-505
Statement Regarding Parentage (Spanish)	JV-505 S
JV-290 Coverage	F063-25-728
JV-290 Coverage (Spanish)	F063-25-728Sp
JV-290 Coverage (Vietnamese)	F063-25-728Vn
Transportation Order Request	F063-25-460
Caregiver Information Form	JV-290
Caregiver Information Form (Spanish)	JV-290 S
Caregiver Information Form (Vietnamese)	JV-290 V
Instruction Sheet for Caregiver Information Form	JV-290-INFO
Instruction Sheet for Caregiver Information Form (Spanish)	JV-290-INFO S
Instruction Sheet for Caregiver Information Form (Vietnamese)	JV-290-INFO V
Notice of Hearing on Selection of a Permanent Plan	JV-300
Notice of Hearing on Selection of a Permanent Plan (Spanish)	JV-300 S
Proof of Service Under Section 366.26 of the Welfare and Institutions Code	JV-310
Proof of Service Under Section 366.26 of the Welfare and Institutions Code (Spanish)	JV-310 S
Request to Change Court Order	JV-180
Juvenile Court Transfer-Out Orders (JV-550)	JV-550
Juvenile Court Transfer-Out Orders—Nonminor Dependent	JV-552

Hard Copy Forms

Forms listed below may be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
JV-290 Pre-Addressed Envelope	F063-17-501

Domestic Return Receipt (Green card/certified mail)	PS Form 3811
Return Receipt for International Mail (Pink Card/registered mail)	PS Form 2865
Certified Mail Receipt	PS Form 3800
Registered Mail Label (U.S. Postal Service)	Label 200

CWS/CMS Forms

The following forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Order for Prisoner's Appearances at Hearing Affecting Parental Rights	JV-450
Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights	JV-451

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
None.	

PROCEDURE

**Actions—
Notice for
Juris/Dispo
(Trial/Pre-Trial)**

Complete the following steps when noticing parties of Jurisdictional/Dispositional hearings.

Staff Responsible	Step	Action
Assigned Senior Social Worker (SSW)	1.	<p>a. Complete a <i>Notice of Hearing Letter (F063-28-143)</i> for applicable parties.</p> <p>Note: If parents were not present at the Detention hearing and whereabouts are unknown, verify an initial search is being done by the Search Unit. If not, submit an <i>Absent Parent Search Referral (F063-28-109)</i>.</p> <p>b. Notice recipient by personal service or certified mail. Include a copy of the filed <i>Juvenile Dependency Petition (JV-100)</i>. If recipient is an alleged parent,</p>

include a blank *Statement Regarding Parentage (JV-505)*.

2. Complete and attach to envelope a *Domestic Return Receipt (aka "Green Card") (PS Form 3811)* and *Domestic Return Receipt (PS Form 3800)* for notices sent certified. Include SSW name, case name, building number, and J/DP number for reference purposes when returned.

Note: If mailing out-of-country, use *Return Receipt for International Mail (aka "Pink Card") (PS Form 2865)* and *Registered Mail (Label 200)* sticker.

3. Mail notices per policy.
4. File copy of each *Notice of Hearing Letter (F063-28-143)* in legal file, left side, with receipt and green/pink card attached.
5. Complete *Declaration* for each notice given. Submit to Court with the Jurisdictional/Dispositional Hearing Report.
6. Enter notice information into CWS/CMS. If recipient is not in CWS/CMS, contact the "ResMan" Inbox. See [CWS/CMS Data Entry Standards—Notice of Hearing](#).

**Actions—
Notice for
Status Reviews**

Complete the following steps when noticing parties of Status Review hearings: Six Month Reviews (in- and out-of-home), Twelve Month Reviews, Eighteen Month Reviews, Twenty-Four Month Reviews, and Periodic Reviews.

<u>Staff Responsible</u>	<u>Step</u>	<u>Action</u>
Assigned SSW	1.	Complete <i>Notice of Hearing Worksheet (F063-28-04)</i> . <ol style="list-style-type: none"> a. If name/address is confidential, put "confidential" in place of name/address. b. Provide completed <i>Notice of Hearing Worksheet (F063-28-04)</i> to the assigned IPT prior to the clerical deadline. Provide confidential name/address information not documented on the completed worksheet.

**Assigned
Information
Processing
Technician
(IPT)**

2. Review *Notice of Hearing Worksheet (F063-28-04)*. Verify parents' addresses in CWS/CMS and check "Address Updated" on the worksheet.

Note: If names or addresses are confidential, see "Confidential Notices" Procedure section.
3. a. Complete *Notice of Hearing—Dependent Child (F063-28-82)* for notices to parents, legal guardians, Indian custodians, children, siblings, attorneys, *de facto* parents, CASAs, and educational representatives.

If recipient is an alleged parent who came forward after initial parentage findings were made, include a blank *Statement Regarding Parentage (JV-505)*.

b. Complete *Notice of Hearing and Summary of Recommendation for Disposition (F063-28-89)* for caregivers, group homes/STRTPs, and FFAs. Attach:
 - *Caregiver Information Form (JV-290)* and *JV-290-INFO* prepped with child name, DP number, courtroom number, hearing date and time (one form for all siblings)
 - *JV-290 Coverage (F063-25-728)* and *JV-290 Pre-Addressed Envelope (F063-17-501)*
Note: If the caregiver is also the *de facto* parent, send only the notice forms intended for caregivers.
4. Complete *Certified Mail Receipt* (aka "Green Card") (*PS Form 3811*) and *Certified Mail Receipt (PS Form 3800)* for notices sent certified. Include SSW name, building number, case name, and DP number for reference purposes when returned.

Note: If mailing out-of-country, use *Return Receipt for International Mail* (aka "Pink Card") (*PS Form 2865*) and *Registered Mail (Label 200)* sticker.
5. Mail copy of notices per policy.
6. Sign the certification of service (full name, no initials), attach to the original notice, and file with the Juvenile Court Clerk's office.

7. Send copies of court reports as indicated on the *Notice of Hearing Worksheet (F063-28-04)*.
8. File *Notice of Hearing Worksheet (F063-28-04)* and a copy of notices sent in legal file, left side, with documentation used to send certified or registered mail.
9. Enter notice information into CWS/CMS. If recipient is not in CWS/CMS, contact the ResMan mailbox. See [CWS/CMS Data Entry Standards—Notice of Hearings](#).

**Actions—
Notice for
§ 366.26
Hearings
(Recommending
Permanent
Plan Other
than Adoption)**

Complete the following steps to provide notice when Court has scheduled a WIC § 366.26 Selection and Implementation hearing and the recommendation will be a permanent plan other than Adoption or Tribal Customary Adoption.

<u>Staff Responsible</u>	<u>Step</u>	<u>Action</u>
IPT	1.	Review child’s legal file and orders received when file is returned from Court.
	2.	Complete <i>366.26 Hearing Memo (F063-25-504)</i> with child’s name, J/DP number, hearing date, clerical deadline date, and court filing date. Send by email to: <ul style="list-style-type: none"> • Assigned SSW Send copy (cc) to: <ul style="list-style-type: none"> • Assigned supervisor of IPT • Adoptions Focus Unit supervisor • RFA Retention and Support IPT • RFA Retention and Support Legal Worker (as identified in CWS/CMS)

- Assigned SSW**
3. Complete *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*.
- a. If name/address is confidential, put “confidential” in place of name/address.
- b. Provide completed *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)* to the assigned IPT prior to the clerical deadline. Provide confidential name/address information not documented on the completed worksheet.

- Assigned IPT**
4. Review *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*. Verify parents’ addresses in CWS/CMS and check “Address Updated” on the worksheet.
5. Complete *Notice of Hearing on Selection of a Permanent Plan (JV-300)* for all parties.

Note: If names or addresses are confidential, see “Confidential Notices” Procedure section.

When completing item 3 on the form, select the appropriate check-box, based on the recommended permanent plan. Select item 3(d) if the recommended permanent plan is any of the following:

- **Placement with a Fit and Willing Relative**
- **Another Planned Permanent Living Arrangement (APPLA)**
- **Foster care with a permanent plan of Return Home, Adoption, Legal Guardianship, or Placement with a Fit and Willing Relative**

Item 3(d) would read as follows:

“Identified placement with Social Services Agency approved caregiver with a specific goal of: Remain in Foster Care.”

- a. If recipient is an alleged parent who came forward after initial parentage findings were made, include a blank *Statement Regarding Parentage (JV-505)*.

b. For caregivers, attach:

- *Caregiver Information Form (JV-290)* and *JV-290-INFO* prepped with child name, DP number, courtroom number, hearing date and time (one form for all siblings)
- *JV-290 Coverpage (F063-25-728)* and *JV-290 Pre-Addressed Envelope (F063-17-501)*

6. Complete *Domestic Return Receipt* (aka “Green Card”) (*PS Form 3811*) and *Certified Mail Receipt (PS Form 3800)* for notices sent certified. Include SSW name, building number, case name, and DP number for reference purposes when returned.

Note: If mailing out-of-country, use *Return Receipt for International Mail* (aka “Pink Card”) (*PS Form 2865*) and *Registered Mail (Label 200)* sticker.

7. Mail copies of notices per policy.

8. Complete and sign the *Proof of Service Under Section 366.26 of the Welfare and Institutions Code (JV-310)* (full name, no initials), attach to the original notice, and file with the Juvenile Court Clerk’s office.

9. Send copies of court reports as indicated on the *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*.

10. File *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)* and a copy of notices sent in legal file, left side, with documentation used to send certified or registered mail.

11. Enter notice information into CWS/CMS. If recipient is not in CWS/CMS, contact the “ResMan” Inbox. See [CWS/CMS Data Entry Standards—Notice of Hearing](#).

**Actions—
Notice for
§ 366.26
Hearings
(Recommending
Permanent
Plan of
Adoption)**

Complete the following steps to assist County Counsel with providing notice when Court has scheduled a WIC § 366.26 Selection and Implementation hearing and the recommendation will be a permanent plan of Adoption or Tribal Customary Adoption.

<u>Staff Responsible</u>	<u>Step</u>	<u>Action</u>
IPT	1.	Review child’s legal file and orders received when file is returned from Court.
	2.	Complete <i>366.26 Hearing Memo (F063-25-504)</i> with child’s name, J/DP number, hearing date, clerical deadline date, and court filing date. Send by email to: <ul style="list-style-type: none"> • Assigned SSW Send copy (cc) to: <ul style="list-style-type: none"> • Assigned supervisor of IPT • Adoptions Focus Unit supervisor • RFA Retention and Support IPT • RFA Retention and Support Legal Worker (as identified in CWS/CMS)
Assigned SSW	3.	Complete <i>Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)</i> and submit to assigned IPT prior to the clerical deadline, identifying all parties who are to receive a copy of the court report. Note: County Counsel will serve notice of hearing to all parties, based on their legal case file information.
RFA Retention and Support Legal Worker	4.	Review file for alleged, presumed, and biological parents. Identify parental issues to be addressed at the hearing.
	5.	Email assigned County Counsel and assigned SSW with findings of review. Remind assigned SSW of needed search referrals and confidential addresses.

Assigned SSW 6. Reply to any questions raised by County Counsel, as needed. Keep counsel apprised of address changes as they occur.

Assigned IPT 7. Send copies of court reports, as indicated on the *Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)*. File the worksheet in child’s legal file, left side.

**Actions—
Confidential
Notices**

Complete the following steps when completing notices for confidential names and/or addresses.

<u>Staff Responsible</u>	<u>Step</u>	<u>Action</u>
Assigned IPT	1.	Obtain confidential name and/or address information from assigned SSW.
	2.	<ul style="list-style-type: none"> a. Type “Confidential” on the notice in place of name and/or address. b. Type recipient’s name and address on a plain, windowless, legal-sized envelope. c. Type “Confidential” on the <i>Domestic Return Receipt</i> (aka “Green Card”) (PS Form 3811) and <i>Certified Mail Receipt</i> (PS Form 3800) for notices sent certified and <i>Return Receipt for International Mail</i> (aka “Pink Card”) (PS Form 2865) for mail sent out-of-country, registered.
	3.	Remove confidential names/addresses, if any were included on the <i>Notice of Hearing Worksheet (F063-28-04)</i> or <i>Notice of Hearing Worksheet—WIC 366.26 Selection and Implementation Hearing Only (F063-28-05)</i> , prior to filing in the child’s legal file.
	4.	Complete procedure as directed in appropriate section above.

LEGAL MANDATES

[Welfare and Institutions Code \(WIC\) Section \(§\) 106](#) requires the child's Court Appointed Special Advocate (CASA) be noticed of hearings and proceedings concerning the case of appointment.

WIC §§ [290.1](#) and [290.2](#) and [California Rules of Court 5.524\(e\)](#) give the requirements for noticing parties of a Detention/Initial Petition Hearing.

[WIC § 224.2](#) gives the requirements of notice when a social worker knows, or has reason to believe, an Indian child is involved.

[WIC § 291](#) and [California Rules of Court 5.534](#) give the requirements for noticing parties of a Jurisdictional/Dispositional Hearing.

[WIC § 292](#) gives the requirements for noticing parties of a WIC § 364 Six Month Review In-Home hearing.

[WIC § 293](#) and [California Rules of Court 5.710](#) give the requirements for noticing parties of WIC § 366.21(e), 366.21(f), 366.22, and 366.25 Status Review hearings.

[WIC § 294](#) and [California Rules of Court 5.725](#) give the requirements for noticing parties of a WIC § 366.26 Selection and Implementation hearing.

[WIC § 295](#) gives the requirements for noticing parties of a WIC § 366.3 Periodic Review hearing.

[WIC § 296](#) authorizes Court to order any child, parent/legal guardian, or Indian custodian present at a court hearing to reappear before the Court or social worker at a specified time and place.

[WIC § 297](#) gives the requirements for noticing parties of a [WIC § 342](#) subsequent petition and a [WIC § 387](#) supplemental petition.

[WIC § 297](#) and [California Rules of Court 5.524](#) and [5.570](#) give the requirements for noticing parties of a WIC § 388 modification petition.

[WIC § 302](#) provides that, unless parental rights have been terminated, parents be notified of all dependency proceedings and provided a copy of each court report.

[WIC § 316.2](#) gives the requirements for noticing alleged fathers identified by the mother at the Detention hearing and requires the *Statement Regarding Parentage (JV-505)* be included in notices to alleged fathers.

[WIC § 349](#) directs Court to determine whether children age 10 and older were properly notified and given an opportunity to attend their hearing.

[WIC § 361\(a\)](#) describes appointment of an educational representative (i.e., educational rights holder) to make educational or developmental-services decisions on behalf of a child.

[WIC § 366.23](#) and [California Rules of Court 5.534](#) address notice and the provision of the *Caregiver Information Form (JV-290)* and *Instruction Sheet for Caregiver Information Form (JV-290-INFO)* to caregivers, including situations involving a non-custodial parent seeking placement and/or custody of a child.

WIC §§ [302](#), [366.05](#), [364.05](#), [366.21\(c\)](#), and California Rules of Court [5.725\(c\)](#) and [5.708\(b\)](#) detail provision of court reports to applicable parties.

[Penal Code § 2625](#) and [California Rules of Court 5.530](#) provide the notice requirements for parents incarcerated in a state prison or county jail, in custody of the California Rehabilitation Center or Youth Authority, or confined in a state hospital.

[California Rules of Court 5.650\(j\)](#) requires that an educational representative (i.e., educational rights holder) receive notice of juvenile court hearings affecting the child's education.

[California Rules of Court 5.534\(h\)](#) requires Court to determine, at each dependency hearing, whether notice was given as required by law.

[California Department of Social Services Manual of Policy and Procedures 21-115.2](#) requires child welfare departments to provide effective bilingual/interpretive services.

In Re B.F., 190 Cal. App. 4th 811 (2010) finds *de facto* parents do not have an automatic right to receive agency reports and other documents filed with the Court.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

November 30, 2007
December 22, 2009
January 29, 2010
July 6, 2010
September 19, 2012
June 24, 2016