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INVITATION TO COMMENT

SPR13-24

Title	Proposed by
Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents	Family and Juvenile Law Advisory Committee Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean T. Stout, Cochair
Proposed Rules, Forms, Standards, or Statutes	Action Requested
Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650(a), 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(b)–(j) as 5.651 and amend; renumber rule 5.651 as rule 5.652 and amend; renumber rule 5.652 as rule 5.653; revise Judicial Council forms JV-180, JV-225, JV-535, JV-536, JV-537, JV-538, and JV-539; and approve form JV-535(A)	Review and submit comments by June 19, 2013
	Proposed Effective Date
	January 1, 2014
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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending 11 California Rules of Court, renumbering 3 rules, revising 7 Judicial Council forms, and approving 1 form for optional use, effective January 1, 2014, to conform to recent legislation that amended many sections of the Welfare and Institutions Code, the Education Code, and the Government Code to promote access to educational, developmental, and other legally mandated services for children and nonminors who are the subject of juvenile court proceedings and to ensure that all children and nonminors in foster care are able to maintain connections to relatives and other adults important to them. The committee also proposes amending these rules and revising these forms to simplify language and procedures, to correct technical or grammatical errors, and to improve consistency within and among the rules.

Background

Over the past several years, the Legislature has acted multiple times to expand the rights of children who are the subject of dependency proceedings, youth who are the subject of delinquency proceedings, nonminors over whom the juvenile court has retained dependency or delinquency jurisdiction, and nonminor dependents. These new and expanded rights have resulted in the imposition of corresponding obligations on representatives, agencies, and service

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

providers, as well as new procedural requirements for the juvenile court to ensure the protection of the legal rights of persons subject to its proceedings or jurisdiction. Conformity with this legislation requires amendment of the rules or revision of the forms in this proposal. In addition, the committee has received several suggestions for amendments and revisions to some of these same rules and forms. Recognizing the burden on the courts of reviewing and implementing rule amendments and form revisions, the committee postponed proposing any discretionary changes separately. Because these changes are needed to improve clarity and procedural efficiency, however, the committee now proposes that they be incorporated into the rules and forms already needing substantive modification in this proposal.

Access to developmental services

Senate Bill 368 (Stats. 2011, ch. 471) amended sections 319, 361, and 726 of the Welfare and Institutions Code¹ to authorize the court to limit the rights of a parent or guardian to make developmental-services decisions for a child and to appoint a representative to make those decisions on the child's behalf. Under previous law, an appointed educational rights holder lacked express authority to participate in planning a child's developmental-services program, coordinating those services with the child's educational services, and monitoring service delivery. SB 368 clearly grants an appointed rights holder the authority to access a child's developmental-services records and information, to participate in the development of the child's service plan, and to represent the child in the regional center fair hearing process.

Access to services for nonminor dependents

Assembly Bill 1712 (Stats. 2012, ch. 846) modified the court's authority to appoint an educational rights holder for nonminor dependents in certain limited circumstances. The court already held the authority, under section 726(b) and former section 361(a), to appoint or continue the appointment of a rights holder for nonminors over whom the court retained dependency or delinquency jurisdiction if the nonminor chose not to make educational or developmental-services decisions or was deemed incompetent. This bill amended section 361(a) to extend and qualify that authority in the case of a nonminor dependent. Before appointing a rights holder for a nonminor dependent, the court must also find that the appointment would be in the best interests of the nonminor dependent.

Duties of rights holder and relationship to child or nonminor dependent

Assembly Bill 2060 (Stats. 2012, ch. 176) also amended sections 361 and 726 to clarify the duties of an appointed educational rights holder and promote the appointment of relatives and other adults known to a child or nonminor as the rights holder for that person. The amendments require an educational rights holder to meet with the child, to investigate the child's educational needs and whether those needs are being met, and, before each statutory review hearing, to provide information and recommendations to the social worker or probation officer and to make written recommendations to the court or attend the review hearing and participate in those portions of the hearing that concern the child's education. The committee also proposes applying these requirements to a rights holder with respect to developmental-services needs. Although not

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

explicitly required by statute, that application is consistent with the Legislature's manifest intent in SB 368 and AB 1712 that the court inquire whether the developmental-services needs of foster children and nonminor dependents are being met.

School stability

In response to research indicating that frequent changes of school placement contribute to lower academic, social, and extracurricular performance and to elements of the federal Fostering Connections to Success Act (Pub.L. 110-351 (Oct. 7, 2008), 122 Stat. 3949), the Legislature enacted a variety of measures to promote school stability. In particular, Assembly Bill 1933 (Stats. 2010, ch. 563) amended section 48853.5 of the Education Code to extend a foster child's right, at the initial detention or placement, to continue in his or her school of origin for "the duration of the jurisdiction of the court." Senate Bill 1568 (Stats. 2012, ch. 578) modified the school stability rights of pupils in foster care following the termination of court jurisdiction. Most significant, the bill granted a high school student over whom jurisdiction is terminated the right to remain in his or her school of origin until graduation. Assembly Bill 1909 (Stats. 2012, ch. 849) clarified that a local educational liaison's authority with respect to placement decisions is merely advisory and does not supersede parental authority, whether that authority is held by a parent, guardian, or appointed educational rights holder. AB 1909 also amended section 317 to require a pupil's attorney, under specific circumstances, to provide contact information to the local educational agency.

Agency joinder

Under sections 362 and 727, the juvenile court has long held the authority to join in dependency or delinquency proceedings an agency that the court determines has failed to meet a legal obligation to provide services to a dependent child or ward of the court. Senate Bill 1048 (Stats. 2012, ch. 130) amended section 362 to clarify that the definition of "agency" includes private service providers or individuals who receive payment or reimbursement from government funds. It also permits the court to join any agency that it determines has failed to meet a legal obligation to provide services to a child for whom a petition has been filed under section 300, as well as to a nonminor or a nonminor dependent. The bill also amended section 727 to grant the court authority in cases petitioned under section 601 or 602 parallel to that in dependency cases.

Receipt of birth certificate

Assembly Bill 791 (Stats. 2011, ch. 59) amended sections 361.5 and 366.21 to require the juvenile court, when it denies or terminates reunification services to a parent or guardian, to order that the child's caregiver receive the child's birth certificate. The bill also requires the court to order that a child 16 years of age or older receive his or her birth certificate when appropriate. Possession of his or her birth certificate facilitates access of a child in foster care to educational and extracurricular activities and provides an opportunity to correct any inaccurate information on the certificate. Based on its determination that it is almost always appropriate for a dependent child 16 years of age or older to receive a copy of his or her birth certificate when reunification services are denied or terminated, the committee has interpreted the statute to require that such a

child receive a copy of his or her birth certificate unless the court finds that receipt would be inappropriate.

Family finding and engagement

Assembly Bill 938 (Stats. 2009, ch. 431) added sections 309(e) and 628(d) to require the social worker or probation officer to use due diligence to identify and locate a child's relatives, as defined, within 30 days of the child's removal from the home and to notify located relatives of certain statutorily specified information. Existing rule 5.637(a), effective January 1, 2011, reiterates these requirements for both social workers and probation officers. The Judicial Council simultaneously amended rule 5.695 to establish a procedure in dependency proceedings for the court to consider whether the social services agency has used due diligence in conducting its investigation to identify, locate, and notify relatives, and to affirm the court's authority to order the agency to conduct the required investigation if it has not done so. The council did not, however, establish a parallel procedure for delinquency proceedings. This proposed amendment would do that.

Ancillary revisions

The committee has also proposed several amendments and revisions to bring these rules and forms into conformity with existing law, to render them internally consistent, to respond to requests and suggestions from the courts, and to make technical and clarifying corrections. Among these changes, one deserves particular mention. It has come to the committee's attention that parents and guardians often decline to submit *Your Child's Health and Education* (form JV-225) as required by section 16010(f) because the form requires the parent or guardian to sign it under penalty of perjury and goes on to state: "This means that if I lie on this form, I am guilty of a crime." Issues of accuracy aside, the requirement substantially hinders the Legislature's intent, in enacting section 16010(f), to collect complete information about the child's medical and educational history. The committee therefore proposes that the requirement be modified to read, "I declare that the information on this form is true and correct to the best of my knowledge," which more properly reflects the parent's knowledge. The committee also recommends a similar revision to *Request to Change Court Order* (form JV-180), which uses the same language. Because this form, in contrast to JV-225, is used to request judicial action, the committee proposes retaining the requirement that the form be completed under penalty of perjury. The additional sentence would, however, be stricken.

Prior Circulation

An earlier version of this proposal was circulated for public comment in spring 2012. Following circulation and before submission to the Judicial Council, the enactment of additional legislation addressing the same subject matter and requiring further amendment to the same rules and revision of the same and related forms led the committee to defer submission of the proposal to the council, to consider additional amendments and revisions to conform to the new legislation, and to propose recirculation of the proposal in spring 2013. The new legislation and the need to harmonize the rules and forms with the overall statutory scheme and with each other has required

the proposed amendment and revision of a small number of rules and forms not circulated in the earlier proposal.

The Proposal

The Family and Juvenile Law Advisory Committee proposes that rules 5.502, 5.518, 5.534, 5.650(a), 5.695, 5.708, 5.790, and 5.810 be amended, and that rules 5.650(b)–(j) and 5.651 be renumbered and amended, to reflect the court’s authority under SB 368 to limit parental rights to make decisions concerning a child’s developmental services and appoint a rights holder, the court’s authority under AB 1712 to appoint an educational rights holder for a nonminor dependent, and the expansion of the rights and duties of an appointed educational rights holder under AB 2060; that rule 5.651 be further amended to reflect the expansion of the right of a pupil in foster care right to remain in his or her school of origin in AB 1933, AB 1909, and SB 1568; that rule 5.575 be amended to reflect the court’s authority under SB 1048 to join in a juvenile court proceeding any agency, as defined, that the court determines has failed to provide a legally required service to a child, nonminor, or nonminor dependent who is the subject of the proceeding; that rule 5.660(d) be amended to reflect AB 1909’s requirement that a child’s attorney provide his or her contact information to the educational liaison at each local educational agency providing services to his or her clients in the county of jurisdiction; that rules 5.695 and 5.708 be further amended to conform to the requirements in AB 791 that the court, whenever it denies or terminates reunification services in a dependency proceeding, order the agency to provide the child’s birth certificate to the caregiver and, if the child is over 16, directly to the child; and that rule 5.790 be further amended to insert a provision requiring the court to inquire into the probation department’s family-finding investigation under Welfare and Institutions Code section 628(d), added by AB 938. The committee also proposes amending these rules and revising these forms to remove superfluous statutory language, to improve procedural efficiency, and to make technical, typographical, or grammatical corrections.

The committee proposes the following specific amendments and revisions:

- Amend rule 5.502 to replace the term *educational representative* with the standard, nationally recognized term *educational rights holder* and to expand the definition of the term to encompass the authority to make developmental-services decisions and to act on behalf of certain nonminors and nonminor dependents; to define *nonminors* as a class of persons distinct from nonminor dependents; to define *transition dependent*; and to make technical corrections to the definitions of *court-ordered services* and *domestic partner*.
- Amend rule 5.518(e) to delete a reference to renumbered and amended rule 5.651(a)(3) and to incorporate language consistent with that rule.
- Amend rule 5.534 to provide for the appointment of an educational rights holder both when the court limits the rights of a parent or guardian to make developmental-services decisions and when the court finds that an appointment would be in the best interests of a nonminor or nonminor dependent; and to make technical corrections to provisions

relating to the burden of proof, de facto parents, relatives, the right to and appointment of counsel, and the court's authority to require an agency to file periodic reports.

- Amend rule 5.575 to reflect the court's authority to join an agency at any stage of the proceedings and on behalf of a nonminor or nonminor dependent as well as a child, to clarify procedures and timelines, and to correct cross references.
- Amend rule 5.650(a) and add new subdivisions (b)–(e) to specify the court's authority to limit parental rights to make decisions regarding developmental services as well as education; to address the court's authority to limit parental rights to make educational or developmental-services decisions from the authority and procedures for appointing an educational rights holder; to clarify a limitation at or after disposition from a temporary limitation before disposition; to restructure the rule; and to specify that, if the court orders parental decisionmaking rights limited, the attorney for the child, nonminor, or nonminor dependent is required to file a completed form JV-535 for the court's signature unless otherwise directed by the court.
- Renumber rule 5.650(b)–(j) as rule 5.651, change its title to “Appointed educational rights holder,” and amend it to clarify the procedures for appointing an educational rights holder for a child and the circumstances in which an appointment need not be made; to incorporate procedures for appointing a rights holder for a nonminor or a nonminor dependent; to specify the court's duty to determine whether a responsible adult related or known to the child is available to serve as the educational rights holder before appointing an unknown adult; to specify the requirement that, if the court must temporarily make educational or developmental-services decisions for a child before disposition because it cannot identify a responsible adult, then the court must order every effort made to identify a responsible adult to make future decisions; to reflect changes to the statutory authority and duties of an educational rights holder; to clarify the limits of the rights holder's term of service; to limit the requirements that the order on form JV-535 be served to instances in which the court has designated a new rights holder or one different from the previous hearing; and to simplify the rule, promote clarity, and make technical changes.
- Renumber rule 5.651 as rule 5.652, change its title to “Educational and developmental-services rights,” and amend it to reflect the applicability of all state and federal laws conferring rights to educational or developmental services; to reflect the rule's application to children, nonminors, and nonminor dependents; to incorporate consideration of developmental-services needs into the judicial inquiry required at regularly scheduled hearings; to update the report requirements to include information about developmental services needed or received; to incorporate statutory amendments to the pupil's right to attend the school of origin; and to clarify the procedures for judicial review of a change of placement resulting in removal from the school of origin.
- Renumber rule 5.652 as 5.653.

- Amend rule 5.660 to incorporate the requirement that the child’s attorney provide his or her contact information to specified educational liaisons.
- Amend rules 5.695 and 5.790 to reflect the statutory requirements that the court consider, at the dispositional hearing, a dependent’s or ward’s educational and developmental-services needs, whether to limit parental decisionmaking rights, and, if applicable, whether to appoint a rights holder; to render the requirements for judicial review of the agency’s family-finding investigation consistent with one another, with rule 5.637, and with sections 309 and 628; and to remove superfluous language.
- Amend rules 5.695 and 5.708 to incorporate the requirement that the caregiver and, if 16 years of age or older, the child receive his or her birth certificate when reunification services are denied or terminated.²
- Amend rules 5.708 and 5.810 to reflect the statutory requirements that the court consider, at each statutory review hearing, a dependent’s, ward’s, or nonminor dependent’s educational and developmental-services needs, whether to limit parental decisionmaking rights, and, if applicable, whether to appoint a rights holder.
- Revise *Request to Change Court Order* (form JV-180) to replace the term *child’s education surrogate* with *educational rights holder*; to add a line to record the rights holder’s position on the requested change, if relevant; to strike the requirement that the person completing the form declare that if he or she lies on the form, then he or she is guilty of a crime, and to simplify the form.
- Revise *Your Child’s Health and Education* (form JV-225) to solicit information about the child’s need for and receipt of developmental services, history of hospitalization, and vision correction; to permit attachment of additional sheets; and to strike the requirement that the person completing the form declare that if he or she lies on the form, then he or she is guilty of a crime.
- Rename *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child’s Educational Needs* (form JV-535) as *Order Designating Educational Rights Holder* and revise it to permit the court to clearly identify the designated or appointed educational rights holder; to specify the rights holder’s relationship to the child, nonminor, or nonminor dependent; to specify the authority and duties of an appointed rights holder; and to simplify the form by removing information not needed by the rights holder or the local educational agency to perform their respective legal obligations. These revisions are designed to increase the usefulness of the form and thereby to promote its more consistent and widespread use.

² The Family and Juvenile Law Advisory Committee has proposed additional amendments to rule 5.695(h) in response to Senate Bill 1064 (Stats. 2012, ch. 849). These amendments have been circulated for comment in the proposal [SPR13-27: Juvenile Law: Minor Changes for Statutory Compliance](#).

- Approve *Additional Findings and Orders Attachment* (form JV-535(A)) for optional use in courts that prefer not to develop local processes and forms to document findings and orders. The proposed form includes the findings and orders needed to support a limitation of parental decisionmaking rights and the appointment of an educational rights holder.
- Revise *Local Educational Agency Response to JV-535—Appointment of Surrogate Parent* (form JV-536), revise *Educational Representative or Surrogate Parent Information* (form JV-537) and rename it *Educational Rights Holder Statement*, revise *Findings and Orders Regarding Transfer from School of Origin* (form JV-538), and revise *Request for Hearing Regarding Child’s Education* (form JV-539) and rename it *Request for Hearing Regarding Access to Services*. The proposed revisions would render these forms consistent with statute and proposed forms JV-535 and JV-535(A) and would update obsolete references to statutes and rules.

Alternatives Considered

The committee does not propose leaving the rules and forms unmodified. Most of the amendments and revisions in this proposal respond to statutory requirements, make technical corrections, and simplify the rules by eliminating language that merely duplicates statute. When required by statutory amendment to modify a particular rule or form, the committee has also considered suggestions for further modification of that rule or form received from the courts and other justice partners. For example, SB 368 required the addition of items addressing developmental services to *Your Child’s Health and Education* (form JV-225). Having received statements of concern from courts and attorneys regarding that form’s description of perjury, the committee proposes striking that language from the form as well.

Implementation Requirements, Costs, and Operational Impacts

The costs of implementing the proposal would be modest. The amendments to rules 5.650 and 5.651, as well as some of the revisions to JV-535, implement statutory requirements that the juvenile court consider limiting parental control over decisions affecting a child’s developmental services. This consideration might increase the length of some hearings. The form revisions would require courts to incur one-time costs associated with printing and distributing new forms.

The amendment to rule 5.790 regarding family finding would require the juvenile delinquency court to consider whether the probation department had fulfilled its statutory and rule-based duty to exercise due diligence in conducting an investigation to identify, locate, and notify the relatives of a child who is detained and at risk of entering foster care within 30 days of that child’s removal from parental custody. Rule 5.695 already requires the court to make these findings at dispositional hearings in dependency proceedings. Although the requirement might increase the length of dispositional hearings in delinquency cases, the committee has received no feedback indicating that the requirement has caused undue delays in dependency proceedings in the two years since it took effect. The requirement is, however, calculated to reduce long-term costs to the courts and probation departments by augmenting the pool of potential caregivers for children and youth removed from parental custody and by providing these youth with a better

chance of establishing lifelong connections with loving relatives. And because rule 5.637 already reflects the probation department's statutory duty to conduct this investigation, the addition of the inquiry to rule 5.790 would impose no investigative duties on the department.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal reasonably achieve the stated purpose?
- Would this proposal have an impact on public's access to the courts? If a positive impact, please describe. If a negative impact, what changes might lessen the impact?
- Would the proposed revisions to form JV-535 facilitate clearer communication between courts and local educational agencies?
- Does the reorganization of form JV-535 make it easier for all users to identify the designated educational rights holder?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposed revision of form JV-535 and approval of JV-535(A) make the forms simpler for judicial officers and court staff to use?
- Would the separation of many findings and orders onto optional form JV-535(A) assist courts by increasing local flexibility and reducing required paperwork?
- Would the proposal provide costs savings? If so, please quantify. If not, what changes might be made that would provide savings, or greater savings?
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.
- Bearing in mind that rule 5.504(c) permits courts 12 months from the forms' effective date to implement new and revised Judicial Council juvenile forms, would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?

Attachments and Links

1. Text of proposed Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.652, 5.653, 5.660, 5.695, 5.708, 5.790, and 5.810, at pages 10–52
2. Proposed forms JV-180, JV-225, JV-535, JV-535(A), JV-536, JV-537, JV-538, and JV-539, at pages 53–73
3. [SPR13-27: Juvenile Law: Minor Changes for Statutory Compliance](#)

Rules 5.502, 5.518, 5.534, 5.575, 5.650(a), 5.660, 5.695, 5.708, 5.790, and 5.810 of the California Rules of Court would be amended; rule 5.650(b)–(j) would be renumbered as rule 5.651 and amended; rule 5.651 would be renumbered as rule 5.652 and amended; and rule 5.652 would be renumbered as rule 5.653, effective January 1, 2014, to read:

1 **Rule 5.502. Definitions and use of terms**

2
3 Definitions (§§ 202(e), 303(b), 319, 361, 361.5(a)(3), 450, 628.1, 636, 726,
4 727.3(c)(2), 727.4(d), 4512(j), 4701.6(b), 11400(v), 11400(y), 16501(f)(16); 20
5 U.S.C. § 1415; 25 U.S.C. § 1903(2))

6
7 As used in these rules, unless the context or subject matter otherwise requires:

8
9 (1)–(7) * * *

10
11 (8) “Court-ordered services” or “court-ordered treatment program” means child
12 welfare services or services provided by an appropriate agency ordered at a
13 dispositional hearing at which the child is declared a dependent child or ward
14 of the court, and any hearing thereafter, for the purpose of maintaining or
15 reunifying a child with a parent or guardian.

16
17 (9)–(11) * * *

18
19 (12) “Domestic partner” means one of two adults who have chosen to share one
20 another’s lives in an intimate and committed relationship of mutual caring as
21 described in Family Code section 297.

22
23 (13) “Educational representative rights holder” means the ~~responsible adult~~
24 designated or appointed by the court as holding the authority who holds the
25 educational rights to make educational and, unless otherwise specified,
26 developmental-services decisions for a child, nonminor, or nonminor
27 dependent. when the parent’s or guardian’s educational rights have been
28 limited by the court. The If appointed by the court, the educational
29 representative rights holder acts as the child’s, nonminor’s, or nonminor
30 dependent’s spokesperson, educational decision maker, authorized
31 representative, and parent in regard to all educational matters related to
32 educational or developmental-services needs, including those defined
33 described in sections 319, 361, and 726, 4512, 4646–4648, and 4700–4731;
34 Education Code sections 56050 and 56055; Government Code sections
35 7579.5 and 7579.6; and title 20 chapter 33 (commencing with section 1400)
36 of title 20 of the United States Code; and part 300 (commencing with section
37 300.1) of title 34 of the Code of Federal Regulations, unless the court orders
38 otherwise. The An appointed educational representative rights holder holds
39 educational and privacy rights is entitled to access to educational and
40 developmental-services records and information to the extent permitted by
41 law, including by sections 4514 and 5328, and to the same extent as the

1 child's a parent, as ~~defined~~ that term is used in title 20 United States Code
2 section 1232g and defined in title 34 Code of Federal Regulations section
3 part 99.3.

4
5 (14)-(22) * * *

6
7 (23) “Nonminor” means a dependent or ward of the court at least 18 years of age
8 and not yet 21 years of age who remains subject to the court’s dependency or
9 delinquency jurisdiction under section 303(a) but does not otherwise qualify
10 as a “nonminor dependent.”

11
12 (24) “Nonminor dependent” means a ~~person~~ dependent or ward of the court at
13 least 18 years of age and ~~no more than 20~~ not yet 21 years of age, or a
14 nonminor under the transition jurisdiction of the court, who:

15
16 (A) was under an order ~~for a~~ of foster care placement on his or her 18th
17 birthday; ~~and~~

18
19 (B) is currently in foster care under the placement and care authority of the
20 county welfare department, the county probation department, or an
21 Indian tribe that entered into an agreement under ~~Welfare and~~
22 ~~Institutions Code~~ section 10553.1; ~~who~~ and

23
24 (C) is participating in a Transitional Independent Living Case Plan; ~~and~~
25 ~~who is meeting at least one of the education, training, or work~~
26 ~~requirements in Welfare and Institutions Code section 11403(b) or is~~
27 ~~incapable of meeting one of those requirements due to a medical~~
28 ~~condition.~~

29
30 (24)(25) * * *

31
32 (25)(26) * * *

33
34 (26)(27) * * *

35
36 (27)(28) * * *

37
38 (28)(29) * * *

39
40 (29)(30) * * *

41
42 (30)(31) * * *

1 ~~(31)~~(32) * * *

2

3 ~~(32)~~(33) * * *

4

5 ~~(33)~~(34) * * *

6

7 ~~(34)~~(35) * * *

8

9 ~~(35)~~(36) * * *

10

11 ~~(36)~~(37) * * *

12

13 ~~(37)~~(38) * * *

14

15 (39) “Transition dependent” means a ward at least 17 years and five months of
16 age and not yet 18 years of age who is subject to the transition jurisdiction of
17 the court under section 450.

18

19 ~~(38)~~(40) * * *

20

21 ~~(39)~~(41) * * *

22

23 ~~(40)~~(42) * * *

24

25 ~~(41)~~(43) * * *

26

27

28 **Rule 5.518. Court-connected child protection/dependency mediation**

29

30 **(a)–(d)** * * *

31

32 **(e) Education, experience, and training requirements for dependency**
33 **mediators**

34

35 * * *

36

37 (1)–(3) * * *

38

39 (A) * * *

40

41 (i)–(v) * * *

42

1 (vi) ~~The requirements of the laws incorporated in rule~~
2 ~~5.651(a)(3) rights to educational and developmental services~~
3 ~~recognized or established by state and federal law and the~~
4 ~~strategies for appropriately addressing the individual needs~~
5 ~~of persons with disabilities;~~

6
7 (B)–(K) * * *

8
9 (f)–(j) * * *

10
11
12 **Rule 5.534. General provisions—all proceedings**

13
14 (a)–(c) * * *

15
16 **(d) Burden of proof (§§ 350, 701.1)**

17
18 (1) Meeting the burden of proof:

19
20 (A) In any hearing under section 300 in which the county welfare
21 agency has the burden of proof, after completion of the agency’s
22 case, and the presentation of evidence by the child, the court may,
23 on motion of any party or on the court’s own motion, order
24 whatever action the law requires if the court, based on all the
25 evidence then before it, finds that the burden of proof ~~is~~has not
26 been met.

27
28 (B) In any hearing under section 601 or 602, after the completion of
29 the petitioner’s case, the court may, on the motion of any party, or
30 on the court’s own motion, order whatever action the law requires
31 if the court, based on all the evidence then before it, finds that the
32 burden of proof is~~has~~ not been met.

33
34 (2) If the motion is denied, the child—in a hearing under section 300 or
35 section 601 or section 602 hearing,—or the parent or guardian—in a
36 hearing under section 300 hearing,—may offer evidence.

37
38 **(e) De facto parents**

39
40 On a sufficient showing, the court may recognize the child’s present or
41 previous custodians as a de facto parents and grant him or her standing to
42 participate as a party parties in the dispositional hearings and any hearing

1 thereafter at which the status of the dependent child is at issue. The de facto
2 parent may:

3
4 (1)–(3) * * *

5
6 **(f) Relatives**

7
8 (1) On a sufficient showing, the court may permit a relatives of the child,
9 nonminor, or nonminor dependent to:

10
11 (A)–(B) * * *

12
13 (2) A relatives of the child ~~have~~ has the right to submit information about
14 the child to the court at any time. Written information about the child
15 may be submitted to the court using *Relative Information* (form JV-
16 285) or in a letter to the court.

17
18 (3) When a relative is located through the investigation required by rule
19 5.637, the social worker or probation officer must give that relative:

20
21 (A) The written notice required by section 309 or 628 and the
22 “Important Information for Relatives” document as distributed in
23 California Department of Social Services All County Letter No.
24 09-86;

25
26 (B)–(C) * * *

27
28 (4) When form JV-285 or a relative’s letter is received by the court, the
29 ~~court~~-clerk must provide the social worker, all ~~unrepresented~~ self-
30 represented parties, and all attorneys with a copy of the completed form
31 or letter.

32
33 (5) When form JV-287 is received by the court, the ~~court~~-clerk must place
34 it in a confidential portion of the case file.

35
36 **(g) Right to counsel (§§ 317, 633, 634, 700)**

37
38 At each hearing, the court must advise any self-represented child, parent, or
39 guardian of the right to be represented by counsel and, if applicable, of the
40 right to have counsel appointed, subject to a claim by the court or the county
41 for reimbursement as provided by law.
42

1 (h) **Appointment of counsel (§§ 317, 353, 633, 634, 700)**

2
3 (1) * * *

4
5 (2) In cases petitioned under section 601 or ~~section~~ 602:

6
7 (A)–(C) * * *

8
9 (i) * * *

10
11 (j) **Appointment of educational ~~representative~~ rights holder (§§ 319, 361,**
12 **366, 366.27, 726, 727.2; Gov. Code, §§ 7579.5–7579.6)**

13
14 (1) If the court limits, even temporarily, the rights of a parent or guardian
15 to make educational or developmental-services decisions for ~~the~~ a child
16 under rule 5.650, the court must immediately proceed under rule
17 5.650(b) 5.651 to appoint an responsible adult as educational
18 representative rights holder for the child.

19
20 (2) If a nonminor or a nonminor dependent chooses not to make
21 educational or developmental-services decisions for him- or herself or
22 is deemed by the court to be incompetent, and the court finds that the
23 appointment of an educational rights holder would be in the best
24 interests of the nonminor or nonminor dependent, the court must
25 immediately proceed under rule 5.651 to appoint or continue the
26 appointment of a responsible adult as educational rights holder for the
27 nonminor or nonminor dependent.

28
29 (k)–(n) * * *

30
31 (o) **Periodic reports (§ 365)**

32
33 The court may require the petitioner or any other agency to submit reports
34 concerning a child, nonminor, or nonminor dependent subject to the
35 jurisdiction of the court.

36
37 (p) * * *

38
39
40 **Rule 5.575. Joinder of Agencies**

41
42 (a) **Basis for joinder (§§ 362, 365, 727)**

1 ~~After a child has been adjudged a dependent child or a ward of the court, The~~
2 ~~court may, at any time after a petition has been filed, following notice and a~~
3 ~~hearing, join in the court proceedings any government agency or private~~
4 ~~service provider (as defined in § 362(e) section 362) that the court~~
5 ~~determines has failed to meet a legal obligation to provide services to the a~~
6 ~~child for whom a petition has been filed under section 300, 601, or 602; to a~~
7 ~~nonminor; or to a nonminor dependent. The court may not impose duties on~~
8 ~~an agency beyond those required by law.~~

9
10 **(b) Notice and Hearing**

11
12 ~~On application by a party, counsel, or CASA volunteer, or on the court's~~
13 ~~own motion, the court may set a hearing and require notice to the agency or~~
14 ~~provider subject to joinder.~~

15
16 ~~(1)—Notice of the hearing on joinder to the agency or provider must be~~
17 ~~given to the agency on *Notice of Hearing on Joinder—Juvenile* (form JV-~~
18 ~~540). The notice must clearly describe the legal obligation at issue, the facts~~
19 ~~and circumstances alleged to constitute the agency's failure to meet that~~
20 ~~obligation, state the allegations of the agency's or provider's failure to meet~~
21 ~~a legal obligation, as well as and any issues or questions the court wants~~
22 ~~expects the agency or provider to address at the hearing.~~

23
24 ~~(2)(1) The hearing must be set to occur within 30 calendar days of the~~
25 ~~signing of the notice by the court. The hearing will proceed under the~~
26 ~~provisions of rule 5.570(h) or (i), as appropriate.~~

27
28 ~~(3)(2) The clerk of the juvenile court must cause the notice to be served~~
29 ~~on the agency or provider and the persons prescribed by sections 291~~
30 ~~and 658 either personally or and all parties, attorneys of record, and any~~
31 ~~CASA volunteer or educational rights holder by first-class mail within~~
32 ~~5 court days after of the signing of the notice.~~

33
34 ~~(4)(3) Nothing in this rule prohibits agencies from meeting before the~~
35 ~~hearing to coordinate the delivery of services. The court may request,~~
36 ~~by using section 8 of form JV-540, that agency representatives meet~~
37 ~~before the hearing and that the agency or agencies submit a written~~
38 ~~response to the court. Any such response must be filed at least 5 court~~
39 ~~days before the hearing.~~

40
41 **(e) Conduct of hearing**

1 The hearing must be conducted under rule 5.570(f) or (g). The court may not
2 impose duties on a government agency or private service provider beyond
3 those required by statute.
4
5

6 **Rule 5.650. Appointment of educational representative Limitation of rights**
7 **to make educational or developmental-services decisions**
8

9 (a) **Parent's or guardian's educational rights limited Order** (§§ ~~319, 361,~~
10 ~~366, 366.27, 366.3, 726, 727.2;~~ 20 U.S.C. § 1415; 34 C.F.R. §§ ~~300.519,~~
11 ~~300.300~~)
12

13 At the dispositional hearing and each subsequent review or permanency
14 hearing, the court must determine whether the rights of a parent or guardian
15 to make educational or developmental-services decisions for the child should
16 be limited. If necessary to protect a child who is adjudged a dependent or
17 ward of the court under section 300, 601, or 602, the court may limit a
18 parent's or guardian's rights to make educational or developmental-services
19 decisions for a the child who is declared adjudged a dependent or ward of the
20 court under section 300, 601, or 602 by making appropriate, specific orders
21 on *Order Designating Educational Rights Holder* (form JV-535). The court
22 must identify the authorized educational rights holder on form JV-535
23 regardless of whether the court limits the parent's or guardian's rights., but
24 the limitations may not exceed those necessary to protect the child. Before
25 disposition, the court may temporarily limit a parent's or guardian's right to
26 make educational decisions under section 319(g). The court may limit a
27 parent's or guardian's educational rights regardless of whether the child is, or
28 may be eligible for, special education and related services.
29

30 (1) ~~If the court temporarily limits the parent's or guardian's right to make~~
31 ~~educational decisions under section 319(g), the court must reconsider~~
32 ~~the need, if any, to limit educational rights at the disposition hearing.~~
33

34 (2) ~~The child's initial evaluation for special education services need not be~~
35 ~~postponed to await parental or guardian consent or appointment of an~~
36 ~~educational representative if one or more of the following~~
37 ~~circumstances are met:~~
38

39 (A) ~~The court has limited or temporarily limited the educational rights~~
40 ~~of the parent or guardian, and consent for an initial assessment~~
41 ~~has been given by an individual appointed by the court to~~
42 ~~represent the child;~~
43

1 ~~(B) The local education agency cannot discover the whereabouts of~~
2 ~~the parent or guardian; or~~

3
4 ~~(C) The parent's rights have been terminated or the guardianship has~~
5 ~~been set aside.~~

6
7 ~~(3) If the court determines that the child is in need of any assessments,~~
8 ~~evaluations, or services, including special education, mental health, and~~
9 ~~other related services, the court must direct an appropriate person to~~
10 ~~take the necessary steps to request those assessments, evaluations, or~~
11 ~~services.~~

12
13 **(b) Temporary order (§ 319)**

14
15 At the initial hearing on a petition filed under section 325 or at any time
16 before a child is adjudged a dependent or the petition is dismissed, the court
17 may, on making the findings required by section 319(g)(1), use form JV-535
18 to temporarily limit a parent's or guardian's rights to make educational or
19 developmental-services decisions for the child. An order made under section
20 319(g) expires either at the conclusion of the hearing held under section 361
21 or on dismissal of the petition.

22
23 If the court does temporarily limit the parent's or guardian's rights to make
24 educational or developmental-services decisions, the court must, at the
25 dispositional hearing, reconsider the need to limit those rights and must
26 identify the authorized educational rights holder on form JV-535.

27
28 **(c) No delay of initial evaluation for services**

29
30 The child's initial evaluation for special education or developmental services
31 need not be postponed to await parental or guardian consent or the
32 appointment of an educational rights holder if one or more of the following
33 circumstances is met:

34
35 (1) The court has limited, even temporarily, the educational or
36 developmental-services decisionmaking rights of the parent or
37 guardian, and consent for an initial assessment has been given by an
38 individual appointed by the court to represent the child;

39
40 (2) The local educational agency or regional center cannot discover the
41 whereabouts of the parent or guardian; or
42

1 (3) Parental rights have been terminated or the guardianship has been set
2 aside.

3
4 **(d) Judicial Determination**

5
6 If the court determines that the child is in need of any assessments,
7 evaluations, or services—including special education, mental health,
8 developmental, and other related services—the court must direct an
9 appropriate person to take the necessary steps to request those assessments,
10 evaluations, or services.

11
12 **(e) Filing of order**

13
14 Following the dispositional hearing and each statutory review hearing, unless
15 the court specifically orders otherwise, the child’s attorney must complete
16 form JV-535 and any required attachments to reflect the court’s orders and
17 submit the completed form within five court days for the court’s review and
18 signature. The court may direct the child’s attorney to attach *Additional*
19 *Findings and Orders Attachment* (form JV-535(A)) to document the court’s
20 findings.

21
22
23 **Rule 5.651. Appointed educational rights holder**

24
25 **(b)(a) Order and aAppointment of educational representative (§§ 319,**
26 **361, 366, 366.27, 366.3, 726, 727.2; Gov. Code, § 7579.6; 20 U.S.C.**
27 **§ 1415; 34 C.F.R. § 300.519)**

28
29 ~~The court must use *Findings and Orders Limiting Right to Make Educational*~~
30 ~~*Decisions for the Child, Appointing Educational Representative, and*~~
31 ~~*Determining Child’s Educational Needs* (form JV-535) when it limits the~~
32 ~~rights of a parent or guardian to make educational decisions for the child. In~~
33 ~~its order, Whenever it limits, even temporarily, the rights of a parent or~~
34 ~~guardian to make educational or developmental-services decisions for a~~
35 ~~child, the court must document that use form JV-535 to appoint a responsible~~
36 ~~adult as educational rights holder or to document that one of the following~~
37 ~~circumstances exists: one of the following actions in (1) or (2) has been~~
38 ~~taken, or, in the alternative, that a finding under (3) has been made:~~

39
40 (1) ~~The court has appointed an educational representative for the child;~~

41
42 (2) ~~The court has ordered a permanent plan for the child, and the court~~
43 ~~finds that the foster parent, relative caregiver, or nonrelative extended~~

1 ~~family member~~ The child is a dependent child or ward of the court and
2 has a court-ordered permanent plan of placement with an identified
3 foster parent, relative caregiver, or nonrelative extended family
4 member. The identified caregiver may exercise educational
5 decisionmaking rights as provided in under Education Code section
6 56055 and developmental-services decisionmaking rights rule
7 5.502(13) under section 361 or 726 and is not prohibited from
8 exercising educational those rights by section 361, or 726, or 4701.6(b),
9 or by 34 Code of Federal Regulations section 300.519 or 303.19422; or

10
11 ~~(3)~~(2) The court cannot identify a responsible adult to serve as the
12 child's educational ~~representative;~~ rights holder under section 319, 361,
13 or 726 or under Education Code section 56055, and

14
15 (A) The child is a dependent child or ward of the court and is or may
16 be eligible for special education and related services or already
17 has a valid individualized education program, and the court; is
18 referring

19
20 (i) Refers the child to the responsible local educational agency
21 for the appointment of a surrogate parent under section 361
22 or 726, Government Code section 7579.5, and title 20
23 United States Code section 1415, and rules 5.502 and 5.650;
24 and

25
26 (ii) Will, with the input of any interested person, make
27 developmental-services decisions for the child; or

28
29 (B) The appointment of a surrogate parent is not warranted, child is
30 not eligible for special education and related services, there is no
31 foster parent to exercise the authority granted by section 56055 of
32 the Education Code, and the court will, with the input of any
33 interested person, make educational and developmental-services
34 decisions for the child.

35
36 (C) If the court must temporarily make educational or developmental-
37 services decisions for a child before disposition, it must order that
38 every effort be made to identify a responsible adult to make future
39 educational or developmental-services decisions for the child.

40
41 **(b) Nonminors and nonminor dependents (§§ 361, 726, 366.3)**

1 The court may, using form JV-535, appoint or continue the appointment of
2 an educational rights holder to make educational or developmental-services
3 decisions for a nonminor or a nonminor dependent if:

4
5 (1) The nonminor or nonminor dependent has chosen not to make
6 educational or developmental-services decisions for him- or herself or
7 is deemed by the court to be incompetent; and

8
9 (2) The court finds that the appointment or continuance of a rights holder
10 would be in the best interests of the nonminor or nonminor dependent.

11
12 (c) **Limits on appointment (§§ 319, 361, 726; Ed. Code, § 56055; Gov. Code,**
13 **§ 7579.5(i)–(j); 34 C.F.R. §§ 300.519, 303.19422)**

14
15 (1) The court must determine whether ~~should consider appointing~~ a
16 responsible adult relative, nonrelative extended family member, foster
17 ~~parent, family friend, mentor, or CASA volunteer~~ or other adult known
18 to the child is available and willing to serve as the educational
19 ~~representative~~ rights holder and, if one of those adults is available and
20 willing to serve, should consider appointing that person before
21 appointing or temporarily appointing a responsible adult not known to
22 the child.

23
24 (2) The court may not appoint any individual as the educational
25 ~~representative~~ rights holder if that person is excluded under, or would
26 have a conflict of interest as defined by, section 361(a) or 726(b);
27 Education Code section 56055; Government Code section 7579.5(i)–
28 (j); title 20 United States Code section 1415(b)(2); or 34 Code of
29 Federal Regulations section 300.519 or 303.19422.

30
31 (d) ~~Referral to local educational agency to for appointment a of surrogate~~
32 ~~parent for a child who is or may be eligible for special education and~~
33 ~~related services~~ **(§§ 361, 726; Gov. Code, § 7579.5; 20 U.S.C. § 1415)**

34
35 (1) If the court has limited a parent’s or guardian’s right to make
36 educational decisions for a child ~~but and~~ cannot identify an a
37 responsible adult to act as educational representative rights holder, for
38 ~~the child~~ and the child is or may be eligible for special education and
39 related services or already has an individualized education program, the
40 court must use form JV-535 to refer the child to the responsible local
41 educational agency for prompt appointment of a surrogate parent under
42 Government Code section 7579.5.

- 1 (2) If the court refers a child to the local educational agency for
2 appointment of a surrogate parent, the court must order that *Local*
3 *Educational Agency Response to JV-535—Appointment of Surrogate*
4 *Parent* (form JV-536) be attached to form JV-535 and served by first-
5 class mail on the local educational agency ~~along with form JV-535~~, no
6 later than ~~seven calendar~~ five court days after from the date of the order
7 is signed.
8
- 9 (3) The court must direct the local educational agency that when the local
10 ~~education~~ agency receives form JV-535, requesting prompt
11 appointment of a surrogate parent, the ~~local education~~ agency must
12 make reasonable efforts to ~~assign~~ identify and appoint a surrogate
13 parent within 30 calendar days ~~after~~ of service of the court's referral.
14
- 15 (A) Whenever the local educational agency appoints a surrogate
16 parent for a dependent or ward under Government Code section
17 7579.5(a)(1), it must notify the court on form JV-536 within
18 ~~seven calendar~~ five court days of the appointment and, at the
19 same time, must send copies of the notice to the child's attorney
20 and the social worker or probation officer identified on the form.
21
- 22 (B) If the local educational agency does not appoint a surrogate parent
23 within 30 days of receipt of ~~the form~~ a judicial request, within the
24 ~~next seven calendar days~~ it must notify the court within the next
25 five court days on form JV-536 of the following:
26
- 27 (i) * * *
- 28
- 29 (ii) Its continuing ~~reasonable~~ efforts to ~~assign~~ identify and
30 appoint a surrogate parent.
31
- 32 (4) Whenever ~~the a~~ surrogate parent resigns or the local educational agency
33 terminates the appointment of a surrogate parent, ~~for a dependent or~~
34 ~~ward under Government Code section 7579.5(h) or replaces the a~~
35 ~~surrogate parent for any other reason, or appoints another surrogate~~
36 parent, it must notify the court, and the child's attorney, and the social
37 worker or probation officer on form JV-536 within ~~seven calendar~~ five
38 court days of the resignation, termination, ~~or~~ replacement, or
39 appointment. The child's attorney, the social worker, or the probation
40 officer may request a hearing for appointment of a new educational
41 ~~representative~~ rights holder by filing *Request for Hearing Regarding*
42 *Child's Education Access to Services* (form JV-539) and must provide

1 notice of the hearing as provided in ~~(g)(2)(f)~~. The court may, on its own
2 motion, ~~may~~ direct the clerk to set a hearing.
3

4 **(e) Transfer of parent’s or guardian’s educational or developmental-**
5 **services decisionmaking rights to educational representative rights**
6 **holder**
7

8 When ~~the court appoints an educational representative is appointed~~ rights
9 holder after limiting a parent’s or guardian’s educational or developmental-
10 services decisionmaking rights, the educational those decisionmaking rights
11 of the parent or guardian—including the right to notice of educational or
12 developmental-services meetings and activities, participation in educational
13 or developmental-services meetings and activities, and decisionmaking
14 authority regarding the child’s education or developmental services,
15 including the authority under section 4701.6, Education Code section 56028,
16 ~~title 20 United States Code sections 1232g and 1401(23), and 34 Code of~~
17 ~~Federal Regulations section 300.30, and Education Code section 56028~~—are
18 transferred to the educational ~~representative~~ rights holder unless the court
19 specifies otherwise in its order.
20

21 (1) When returning a child to a parent or guardian, the court must consider
22 the child’s educational and developmental services needs. The parent’s
23 or guardian’s educational and developmental-services decisionmaking
24 rights are reinstated when the court returns custody to the parent or
25 guardian unless the court finds that the parent is not able to act in the
26 child’s best interest when making decisions regarding education or
27 developmental services.
28

29 (2) If the court appoints a guardian for the child under rule 5.735 or 5.815,
30 all of the parent’s or previous guardian’s educational and
31 developmental-services decisionmaking rights transfer to the newly
32 appointed guardian unless the court determines that the guardian is not
33 able to act in the child’s best interest when making decisions regarding
34 education or developmental services.
35

36 **(f) Authority and responsibilities of educational representative (§§ 317, 319,**
37 **360, 361, 635, 706.5, 726, 4514, 4646–4648, 4700–4731, 5328; Ed. Code,**
38 **§§ 56055, 56340, 56345; Gov. Code, §§ 7579.5, 95014–95020; 34 C.F.R.**
39 **§ 300.519)**
40

41 (1) The educational ~~representative~~ rights holder is responsible for
42 investigating the child’s, nonminor’s, or nonminor dependent’s
43 educational and developmental-services needs, determining whether

1 those needs are being met, and ~~representing~~ acting on behalf of the
2 child, nonminor, or nonminor dependent in the identification,
3 evaluation, and educational placement of the child and with the
4 provision of the child's free, appropriate public education. This
5 includes representing the child in all matters relating to the
6 child's provision of educational and developmental services including to
7 ensure:
8

- 9 (A) The stability of the child's-pupil's school placement. At any
10 hearing following a change of educational placement, the
11 educational rights holder must submit a statement to the court
12 indicating whether the proposed change of placement is in the
13 pupil's best interest and whether any efforts have been made to
14 keep the pupil in the school of origin;
15
16 (B) Placement in the least restrictive educational program appropriate
17 to the ~~child's~~ pupil's individual needs;
18
19 (C) The ~~child's~~ pupil's access to academic resources, services, and
20 extracurricular and enrichment activities;
21
22 (D) The child's, ~~nonminor's~~, or ~~nonminor dependent's~~ access to any
23 educational and developmental services and supports necessary
24 needed to meet state standards for academic achievement and
25 functional performance, or to promote community integration, an
26 independent, productive, and normal life, and a stable and healthy
27 environment;
28
29 (E) ~~School~~ The prompt and appropriate resolution of school
30 disciplinary matters; and
31
32 (F) ~~Other aspects of~~ The provision of any other elements of a free,
33 appropriate public education; and
34
35 (G) The provision of any appropriate early intervention or
36 developmental services required by law, including by the
37 California Early Intervention Services Act or the Lanterman
38 Developmental Disabilities Services Act.

- 39
40 (2) The educational ~~representative~~ rights holder must also: has the
41 following additional responsibilities:
42

- 1 (A) ~~Meeting~~ with the child, nonminor, or nonminor dependent at least
2 once and as often as necessary to make educational or
3 developmental-services decisions that are in the best interest of
4 the child, nonminor, or nonminor dependent;
5
6 (B) ~~Being~~ culturally sensitive to the child, nonminor, or nonminor
7 dependent;
8
9 (C) ~~Complying~~ with all federal and state confidentiality laws,
10 including section 827 and Government Code section
11 ~~7579.1(f)~~7579.5(f);
12
13 (D) ~~Participating~~ Participate in, and making-make decisions regarding,
14 all matters affecting the child's, nonminor's, or nonminor
15 dependent's educational and developmental-services needs—
16 including the individualized family service planning process, the
17 individualized education program planning process, the individual
18 program planning process, the fair hearing process (including
19 mediation and any other informal dispute resolution meetings),
20 and as otherwise specified in the court order—in a manner
21 consistent with the child's, nonminor's, or nonminor dependent's
22 best interest; and
23
24 (E) ~~Having~~ Have knowledge and skills that ensure adequate
25 representation of the child's, nonminor's, or nonminor
26 dependent's needs and interest with respect to education and
27 developmental services.
28
29 (3) Before each statutory review hearing, the educational rights holder
30 must provide information and recommendations concerning the child's,
31 nonminor's, or nonminor dependent's educational or developmental-
32 services needs to the assigned social worker or probation officer; and
33 either
34
35 (A) Make written recommendations to the court concerning the
36 child's, nonminor's, or nonminor dependent's educational or
37 developmental-services needs; or
38
39 (B) Attend the review hearing and participate in any part of the
40 hearing that concerns the child's, nonminor's, or nonminor
41 dependent's education or developmental services.
42

1 (4) The educational representative rights holder acts as and holds the rights
2 of the parent or guardian in all educational matters with respect to all
3 decisions regarding the child's education and developmental services,
4 and has a right is entitled to the following:
5

6 (A) To the rights afforded the access records and to authorize the
7 disclosure of information to the same extent as a parent or
8 guardian under the Family Educational Rights and Privacy Act,
9 title 20 United States Code section 1232g;

10
11 (B) To the right of a parent receive notice of and participate in all
12 meetings or proceedings relating to school discipline issues,
13 meetings, and proceedings;
14

15 (C) To represent advocate for the interests of a child, nonminor, or
16 nonminor dependent with exceptional needs in matters relating to:
17

18 (i) the identification and assessment of those needs;
19

20 (ii) instructional or service planning and program
21 development—including the development of an
22 individualized family service plan, an individualized
23 educational program, an individual program plan, or the
24 provision of other services and supports, as applicable;
25

26 (iii) educational placement, reviewing and revising placement in
27 the least restrictive program appropriate to the child's,
28 nonminor's, or nonminor dependent's educational or
29 developmental needs;
30

31 (iv) the review or revision of the individualized family service
32 plan, the individualized education program, or the individual
33 program plan;
34

35 (v) and other aspects of the provision of a free, appropriate
36 public education;
37

38 (D) To attend and participate in the child's, nonminor's, or nonminor
39 dependent's individualized family service plan, individualized
40 education program, individual program plan, and other
41 educational or service planning meetings; to consult with persons
42 involved in the provision of the child's, nonminor's, or nonminor
43 dependent's education or developmental services; and to sign any

1 consents to education- or development-related services and plans;
2 and

3
4 (E) Notwithstanding any other provision of law, to consent to the
5 child's, nonminor's, or nonminor dependent's individualized
6 family service plan, individualized education program, or
7 individual program plan, including any related nonemergency
8 medical services, mental health treatment services, and
9 occupational or physical therapy services provided under chapter
10 26.5 of title 4 sections 7570–7587 of the Government Code.

11
12 (5) The educational rights holder may provide the contact information for
13 the child's, nonminor's, or nonminor dependent's attorney to the local
14 educational agency.

15
16 (g) **Educational representative's Term of service; resignation (§§ 319, 361,**
17 **726; Gov. Code § 7579.5)**

18
19 (1) ~~The~~ An appointed educational representative rights holder must make
20 educational or developmental-services decisions ~~for the child~~ until:

21
22 (A) The conclusion of the dispositional hearing or the dismissal of the
23 petition, if the rights holder is appointed under section 319(g);

24
25 (B) ~~The court restores~~ The rights of the parent or guardian to make
26 educational or developmental-services decisions for the child are
27 fully restored;

28
29 ~~(B)~~(C) The child dependent or ward reaches 18 years of age, unless
30 the child he or she chooses not to make his or her own educational
31 or developmental-services decisions or is deemed incompetent by
32 the court, in which case the court may, if it finds that continuation
33 would be in the best interests of the nonminor or nonminor
34 dependent, continue the appointment until that person reaches 21
35 years of age or the court's jurisdiction is terminated;

36
37 ~~(C)~~(D) The court appoints another responsible adult as educational
38 representative rights holder for the child, nonminor, or nonminor
39 dependent under this rule;

40
41 ~~(D)~~(E) * * *

1 ~~(E)~~(F) The court ~~finds that the~~ designates a foster parent, relative
2 caregiver, or nonrelative extended family member ~~may to~~ make
3 educational or developmental-services decisions for the child
4 ~~under Education Code section 56055(a)-because:~~

5
6 (i) ~~The Reunification services have been terminated and the~~
7 child's court-ordered permanent plan is placement child is
8 placed in a planned permanent living arrangement with that
9 identified caregiver under section 366.21(g)(35), 366.22,
10 366.26, 366.3(i), 727.3(b)(5), or 727.3(b)(6); and

11
12 (ii) ~~The court has limited the parent's or guardian's educational~~
13 rights; and

14
15 ~~(iii)~~—The foster parent, relative caregiver, or nonrelative extended
16 family member is not otherwise excluded from making
17 education or developmental-services decisions by the court,
18 by section 361 or 726, or by 34 Code of Federal Regulations
19 section 300.519 or 303.19422.
20

21 (2) If ~~the~~ an appointed educational representative rights holder resigns
22 ~~from the~~ his or her appointment, he or she must ~~provide~~ give notice to
23 the court and to the child's attorney and may use *Educational*
24 ~~Representative or Surrogate Parent Information Rights Holder~~
25 Statement (form JV-537) to provide this notice. Once notice is
26 received, the child's or nonminor dependent's attorney or the social
27 worker or probation officer may request a hearing for appointment of a
28 new educational representative rights holder by filing form JV-539.
29

30 The attorney for the party requesting the hearing and must provide
31 notice of the hearing ~~to the following:~~

32
33 (A) The parents or guardians, unless otherwise indicated on the most
34 recent form JV-535, parental rights have been terminated, or the
35 child has reached 18 years of age;

36
37 (B) Each attorney of record;

38
39 (C) The social worker; ~~the~~ or probation officer;

40
41 (D) The Court Appointed Special Advocate (CASA) volunteer; and

42
43 (E) All other persons required to be given notice under section 293.

1
2 The hearing must be set within 14 days of receipt of the request for
3 hearing. The court may, on its own motion, ~~may~~ direct the clerk to set a
4 hearing.
5

6 **(h) Service of order**
7

8 If the order identifies or appoints a new or different educational rights
9 holder, the clerk will provide a copy of ~~the~~ completed and signed form JV-
10 535, form JV-535(A) if attached, and any received form JV-536 or JV-537
11 to:
12

- 13 (1) The child, if 10 years of age or older, ~~nonminor, or nonminor~~
14 dependent;
- 15
- 16 (2) The ~~child's~~ attorney, for the child, ~~nonminor, or nonminor~~ dependent;
17
- 18 (3) The social worker ~~and the or~~ probation officer;
19
- 20 (4) The ~~local~~ foster youth ~~educational~~ liaison, as defined in Education
21 Code section 48853.5; ~~and~~
22
- 23 (5) The county office of education foster youth services coordinator;
24
- 25 (6) The regional center service coordinator;
26
- 27 (7) The educational ~~representative~~ rights holder; and
- 28
- 29 (8) The immediately preceding educational rights holder, if any,
30

31 ~~at the end of the proceeding or no later than seven calendar~~ five court days
32 ~~after~~ from the date of the order is signed.
33

34 The clerk will make the form available to the parents or guardians, unless
35 otherwise indicated on the form, parental rights have been terminated, or the
36 child has reached 18 years of age and reunification services have been
37 terminated; to the CASA volunteer; and, if requested, to all other persons
38 provided entitled to notice under section 293. ~~Whoever is directed by the~~
39 court on form JV 535 must provide a copy of the form to the local education
40 agency.
41

42 **(i) Education and training of educational ~~representative~~ rights holder**
43

1 If the educational ~~representative rights holder~~ asks for assistance in obtaining
2 education and training in the laws incorporated in rule ~~5.651(a)~~5.652(a), the
3 court must direct the clerk, social worker, or probation officer to inform the
4 educational ~~representative rights holder~~ of all available resources, including
5 resources available through the California Department of Education, the
6 California Department of Developmental Services, ~~and the local educational~~
7 agency, and the local regional center.
8

9 **(j) Notice of and participation in ~~juvenile court~~ hearings**
10

11 (1) The educational ~~representative rights holder~~ must receive notice of and
12 be permitted to participate in all juvenile court regularly scheduled
13 hearings regarding or affecting the child's and other judicial hearings
14 that might affect education and developmental services, including joint
15 assessment hearings under rule 5.512 and joinder proceedings under
16 rule 5.575. This includes the notice and participation provided in rule
17 5.530 for all regularly scheduled juvenile hearings, rule 5.512 for joint
18 assessment hearings, and rule 5.575 for joinder proceedings.
19

20 (2) The educational ~~representative rights holder~~ may use form JV-537 to
21 explain ~~the child's any educational or developmental-services needs to~~
22 the court. The court may allow the educational ~~representative rights~~
23 holder to be present for the purposes of participating in the portions of
24 the juvenile court hearing that concern the child's education, including
25 school placement, and of responding to questions or issues raised by
26 the form. The court may allow the educational representative to
27 participate in any mediation as provided in rule 5.518 at and to
28 participate in any nonjudicial hearing or mediation that could affect
29 education or developmental services.
30

31 **Advisory Committee Comment**
32

33 Under the Individuals With Disabilities Education Act (IDEA), the court may appoint a surrogate
34 parent for a child to ~~represent the a child's rights~~ in all matters relating to the
35 identification, assessment, evaluation, and educational placement of the child and to the provision
36 of the child's free, appropriate public education. (20 U.S.C. § 1415(b)(2); 34 C.F.R. § 300.519.)
37 Under Welfare and Institutions Code sections 361 and 726, the court ~~may~~must appoint a
38 responsible adult as an educational representative or rights holder to represent ~~make decisions~~
39 regarding the child's educational or developmental-services needs when the parent's educational
40 rights to make those decisions have been limited. When the court appoints an educational
41 representative rights holder, that person is responsible for representing all protecting the child's
42 rights and interests with respect to educational or developmental-services needs, including any
43 special education and related services needs. When making this appointment, the court and all
44 court participants are encouraged to look to all persons in the child's life, including relatives,

1 ~~nonrelated extended family members, and those persons with whom the child has an important~~
2 ~~relationship, to represent the child's educational needs.~~

3
4 If the court limits the parent's decisionmaking rights and cannot find anyone identify a
5 responsible adult to appoint as the child's educational representative rights holder, and special
6 education needs are not indicatedthe appointment of a surrogate parent is not warranted, sections
7 361 and 726 ~~state that~~ authorize the court ~~can~~ to make educational or developmental-services
8 decisions for the child with the input of interested persons. However, If, however, the court
9 cannot find someone identify a responsible adult to appoint as educational representative-rights
10 holder and there is reason to believe that the child needs special education is indicated and related
11 services, the court must refer the matter-child to the local educational agency (LEA) for the
12 appointment of a surrogate parent. Sections 361 and 726 do not permit authorize the court to
13 make educational decisions for a child in these easescircumstances. The surrogate parent
14 assigned-appointed by the LEA acts as a parent for the purpose of making educational-decisions
15 with respect to special education and related services and the provision of a free, appropriate
16 public education on behalf of the child. (Gov. Code, § 7579.5(c); Ed. Code, § 56028; 34 C.F.R.
17 § 300.30(b)(2); see 20 U.S.C. §§ 1401(9), 1414(d).) The appointment of a surrogate parent
18 notwithstanding, the court holds the authority under sections 361 and 726 to make developmental-
19 services decisions if it cannot identify a responsible adult to do so.

20
21
22 **Rule 5.6515.652. Educational and developmental-services rights of children**
23 **before the juvenile court**

24
25 **(a) Applicability (§§ 213.5, 319, 358, 358.1, 364, 366.21, 366.22, 366.23,**
26 **366.26, 366.28, 366.3, 727.2, 4500 et seq., 11404.1; Gov. Code, § 7579.1;**
27 **20 U.S.C. § 1400 et seq.; 29 U.S.C. § 794; 42 U.S.C. § 12101 et seq.)**

28
29 This rule incorporates all rights with respect to education or developmental
30 services recognized or established by state or federal law and applies: has the
31 following applicability and incorporates the rights established by the
32 following laws:

- 33
34 (1) ~~The rule applies To all any children~~ To all any children for whom a petitions have has been
35 filed under section 300, 601, or 602 until the petition is dismissed or
36 the court has terminated jurisdiction over the child, nonminor, or
37 nonminor dependent; and
- 38
39 (2) ~~The rule applies To every judicial hearing before the court affecting or~~
40 related to, or that might affect, the child's, nonminor's, or nonminor
41 dependent's education or receipt of developmental services, including
42 the initial/detention, jurisdictional, dispositional, and all regularly
43 scheduled review hearings; and.
- 44
45 (3) ~~The rule incorporates the rights established by the following laws: the~~
46 Individuals With Disabilities Education Act (20 U.S.C. § 1400 et seq.),

1 the Americans With Disabilities Act (42 U.S.C. § 12101 et seq.);
2 section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.);
3 and the education rights of foster children as provided in Assembly Bill
4 490 (Stats. 2003, ch. 862) and Assembly Bill 1858 (Stats. 2004, ch.
5 914).

6
7 **(b) Conduct of hearings related to, or that may affect, a child's education or**
8 **developmental services**

9
10 (1) To the extent the information is available, at the initial or detention
11 hearing the court must consider:

12
13 (A) Who holds educational and developmental-services
14 decisionmaking rights;

15
16 (B) Whether If the child-pupil was enrolled in, and is attending, the
17 child's-pupil's school of origin as defined in Education Code
18 section 48853.5(e)(f);

19
20 (C) If the child-pupil is no longer attending the school of origin,
21 whether;

22
23 (i) In accordance with the child's-pupil's best interest, the
24 foster youth educational liaison, as ~~defined~~described in
25 Education Code section 48853.5(b), in consultation with,
26 and with the agreement of, the child-pupil and the parent, ~~or~~
27 guardian, or ~~other appointed~~ educational ~~representative~~
28 rights holder, recommends that the child's-pupil's right to
29 attend the school of origin be waived;

30
31 (ii) ~~Prior to~~ Before making any recommendation to move a
32 ~~foster child-the~~ pupil from his or her school of origin, the
33 educational liaison provided the child-pupil and the ~~person~~
34 ~~holding the right to make educational decisions for the child~~
35 pupil's educational rights holder with a written explanation
36 ~~stating of~~ the basis for the recommendation and how this
37 recommendation serves the ~~foster child's-pupil's~~ best
38 interest as provided in Education Code section
39 ~~48853.5(d)(3)~~48853.5(e)(7);

40
41 (iii) Without ~~obtaining~~ having granted a waiver, the child-pupil
42 was not afforded his or her right to attend his or her school

1 of origin under Education Code section
2 48853.5(d)(1)~~48853.5(e)(1)~~; and

3
4 (iv) The ~~child~~ pupil was immediately enrolled in the new school
5 as provided in Education Code section
6 48853.5(d)(4)~~48853.5(e)(8)~~;

7
8 (D) Whether the parent's or guardian's educational or developmental-
9 services decisionmaking rights should be temporarily limited and
10 an educational rights holder appointed using form JV-535; and

11
12 (E) Taking into account other statutory considerations regarding
13 placement, whether the out-of-home placement:

14
15 (i) Is the environment best suited to meet the ~~unique~~
16 exceptional needs of ~~a children~~ with disabilities and to serve
17 the child's best interest if he or she has a disability; and

18
19 (ii) * * *

20
21 (2) At the dispositional hearing and at all subsequent hearings ~~provided for~~
22 described in (a)(2), the ~~juvenile~~-court must:

23
24 (A) ~~address and~~ Consider and determine whether the child's,
25 nonminor's, or nonminor dependent's general and special
26 educational, physical, mental health, and developmental-services
27 needs, including any need for special education and related
28 services, are being met;

29
30 (B) Identify the educational rights holder on form JV-535; and

31
32 (C) Direct the rights holder to take all appropriate steps to ensure that
33 the child's, nonminor's, or nonminor dependent's educational and
34 developmental-services needs are met. identify a plan for meeting
35 those needs, and provide a clear, written statement using *Findings*
36 and *Orders Limiting Right to Make Educational Decisions for the*
37 *Child, Appointing Educational Representative, and Determining*
38 *Child's Educational Needs* (form JV 535), specifying the person
39 who holds the educational rights for the child.

40
41 The court's findings and orders must address the following:
42

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- (A) Whether the child’s educational, physical, mental health, and developmental services needs are being met;
- (B) ~~Any~~ What services, assessments, or evaluations, including those for developmental services or for special education and related services, ~~that the child, nonminor, or nonminor dependent~~ may need;
- (C) Who ~~is directed to~~ must take the necessary steps for the child, nonminor, or nonminor dependent to ~~begin receiving~~ receive any necessary assessments, evaluations, or services;
- (D) If ~~the child’s~~ a pupil’s educational placement changed during the ~~reporting period~~ under review, whether:
 - (i) The ~~child’s~~ pupil’s educational records, including any evaluations of a ~~child~~ pupil with a disability, were transferred to the new educational placement within two business days of the request for the ~~child’s~~ pupil’s enrollment in the new educational placement; and
 - (ii) The ~~child~~ pupil is enrolled in and attending school; ~~and~~
- (E) Whether the parent’s or guardian’s educational or developmental-services decisionmaking rights should be limited or, if previously limited, whether those rights should be restored;
 - (i) If the court finds that the parent’s or guardian’s educational or developmental-services decisionmaking rights should not be limited or should be restored, the court must ~~direct~~ explain to the parent to his or her rights and responsibilities in regard to the child’s education and developmental services as provided in rule 5.6501(e) and (f); or
 - (ii) If the court finds that the parent’s or guardian’s educational or developmental-services decisionmaking rights should be or remain limited, the court must ~~determine who will hold the child’s educational~~ designate the holder of those rights. The court must explain to the parent or guardian why the court is limiting his or her educational or developmental-services decisionmaking rights and must ~~direct the parent or guardian to~~ explain the rights and responsibilities of the

1 educational rights holder ~~representative~~ as provided in rule
2 5.6501(e) and (f); and

3
4 (E) Whether, in the case of a nonminor or nonminor dependent who
5 has chosen not to make educational or developmental-services
6 decisions for him- or herself or has been deemed incompetent, it
7 is in the best interests of that person to appoint or to continue the
8 appointment of an educational rights holder.
9

10 (c) **Reports for hearings related to, or that may affect, a child's education or**
11 **developmental services**

12
13 This subdivision applies at all hearings, including dispositional and joint
14 assessment hearings. The court must ensure that, to the extent the
15 information was available, the social worker and the probation officer
16 provided the following information in the report for the hearing:
17

- 18 (1) The child's, nonminor's, or nonminor dependent's age, behavior,
19 educational level, and developmental achievement status, and any
20 discrepancies ~~in~~ between the person's age and his or her level of
21 achievement in education and in or level of cognitive, physical, and
22 emotional development;
23
24 (2) ~~Identification of~~ The child's, nonminor's, or nonminor dependent's
25 educational, physical, mental health, or developmental-services needs;
26
27 (3) Whether the ~~child~~ pupil is participating in developmentally appropriate
28 extracurricular and social activities;
29
30 (4) Whether the ~~child~~ pupil is attending a comprehensive, regular, public or
31 private school;
32
33 (5) Whether the child, nonminor, or nonminor dependent may have
34 physical, mental, or learning-related disabilities or other special
35 education needs and is in need of or is already receiving characteristics
36 indicating a need for developmental services or special education and
37 related services as provided by the laws incorporated in rule 5.651(a)(3)
38 state or federal law;
39
40 (6) If the child is 0 to 3 years old, whether the child may be eligible for or
41 is already receiving early education services or services available under
42 the California Early Intervention Services Act (Gov. Code, § 95000 et

1 seq.); ~~and whether those services are appropriate, if the child is already~~
2 receiving services, the specific nature of those services;
3

4 (7) If the child is between 3 and 5 years old and is or may be eligible for
5 special education and related services, whether the child is receiving
6 the early educational opportunities provided by Education Code section
7 56001 and, if so, the specific nature of those opportunities;
8

9 (8) Whether the child, nonminor, or nonminor dependent is receiving
10 ~~appropriate special education and related services or any other services~~
11 through a current individualized education program and, if so, the
12 specific nature of those services. A copy of the current individualized
13 education program should be attached to the report unless disclosure
14 would create a risk of harm. In that case, the report should explain the
15 risk;
16

17 (9) Whether the child, nonminor, or nonminor dependent is or may be
18 eligible for regional center services or is already receiving ~~regional~~
19 ~~center developmental services~~ and, if that person is already receiving
20 developmental services, the specific nature of those services. Copies A
21 copy of the any current individualized family service plan as defined in
22 section 1436 under title 20 of the United States Code and the current
23 life quality assessments as defined in Welfare and Institutions Code
24 section 4570 or individual program plan should be attached to the
25 report unless disclosure would create a risk of harm. In that case, the
26 report should explain the risk;
27

28 (10) Whether the parent's or guardian's educational or developmental-
29 services decisionmaking rights have been or should be limited or
30 restored;
31

32 (11) If the social worker or probation officer recommends that the court
33 limiting the parent's or guardian's rights to make educational or
34 developmental-services decisions, the reasons those rights should be
35 limited and the actions that the parent or guardian may take to restore
36 those rights if they are limited;
37

38 (12) If the parent's or guardian's educational or developmental-services
39 decisionmaking rights have been limited, ~~who holds the identity of the~~
40 child's designated or appointed educational rights holder or surrogate
41 parent;
42

1 (13) Recommendations and case plan goals to meet the child's, nonminor's,
2 or nonminor dependent's identified educational, physical, mental
3 health, and developmental services needs;
4

5 (14) Whether any orders to direct an appropriate person to take the
6 necessary steps for the child to ~~begin receiving~~ receive assessments,
7 evaluations, or services, including those for developmental services or
8 for special education and related services, are requested; and
9

10 (15) In the case of a joint assessments, a separate statements by ~~each of the~~
11 ~~two departments regarding the child welfare department and the~~
12 probation department, each addressing whether ~~the respective social~~
13 ~~worker and probation officer believe that~~ the child may have a
14 disability and whether the child ~~is in needs~~ of developmental services
15 or special education and related services or ~~requires~~ qualifies for any
16 assessment or evaluation as required by title 20 United States Code
17 section 1412(a)(3), Education Code section 56425, or section 504 of
18 the Rehabilitation Act of 1973 required by state or federal law.
19

20 (d) **Continuances or stay of jurisdiction, stay, or suspension (§§ 357, 358,**
21 **702, 705)**
22

23 If ~~any continuance provided for in~~ the court continues the dispositional
24 hearing under rules 5.686 and or 5.782 or stays of jurisdiction provided for in
25 the proceedings or suspends jurisdiction under rule 5.645 ~~is granted~~, the
26 child must continue to receive all services or accommodations required by
27 ~~the laws incorporated in rule 5.651(a)(3)~~ state or federal law.
28

29 (e) **Change of placement affecting the child's pupil's right to attend the**
30 **school of origin**
31

32 This subdivision applies to all changes of placement, including the initial
33 placement and ~~all~~ any subsequent changes of placement.
34

35 (1) At any hearing that relates to or may affect the ~~child's~~ pupil's education
36 and that follows a removal of the ~~child~~ pupil from the school of origin,
37 the placement agency must demonstrate that, and the court must find
38 that determine whether:
39

40 (A) The social worker or probation officer notified the court, the
41 ~~child's~~ pupil's attorney, and the educational ~~representative~~ rights
42 holder or surrogate parent, no more than one court day after
43 making the determination, that the proposed placement or change

1 of placement would result in a removal of the child from the
2 child's school of origin. The court must find that the notice was
3 provided within 24 hours, excluding nonjudicial days, of the
4 social worker's or probation officer's determination that the
5 proposed change of placement would result in removal of the
6 child from the school of origin.
7

8 (B) If the child-pupil had a disability and an active individualized
9 education program ~~prior to~~ before removal, the social worker or
10 probation officer, at least 10 days before the change of placement,
11 notified in writing the local educational agency that provided a
12 special education program for the child-pupil prior to removal and
13 the receiving special education local plan area, as ~~defined~~
14 described in Government Code section 7579.1, of the impending
15 change of placement.
16

17 (2) After receipt of the notice in (1):
18

19 (A) The child's-pupil's attorney must, as appropriate, discuss the
20 proposed move from the school of origin with the child-pupil and
21 the person who holds educational rights. The child's-pupil's
22 attorney may request a hearing by filing *Request for Hearing*
23 *Regarding Child's Education* (form JV-539). If requesting a
24 hearing, the child's attorney must:
25

26 (i) * * *

27
28 (ii) Provide notice of the ~~court~~ hearing date, which will be no
29 later than seven calendar days after the form was filed, to
30 the parents or guardians, unless otherwise indicated on form
31 JV-535, parental rights have been terminated, or the pupil
32 has reached 18 years of age and reunification services have
33 been terminated; the social worker; ~~the~~ or probation officer;
34 the educational ~~representative~~ rights holder or surrogate
35 parent; the foster youth educational liaison, ~~as defined in~~
36 ~~Education Code section 48853.5~~; the Court Appointed
37 Special Advocate (CASA) volunteer; and all other persons
38 required by section 293.
39

40 (B)-(C) * * *
41

42 (3) If removal from the school of origin is disputed, the child-pupil must be
43 allowed to remain in the school of origin pending this hearing and

1 pending the resolution of any disagreement between the ~~child-pupil,~~
2 parent, guardian, or educational ~~representative-rights holder~~ and the
3 ~~school district~~local educational agency.
4

5 (4) If the court sets a hearing in response to a request or on its own motion,
6 ~~the child's attorney, or the person who holds educational rights requests~~
7 ~~a hearing, at the hearing the court must find that the social worker or~~
8 probation officer must provided a report no later than two court days
9 after ~~form JV 539 was filed and the hearing is set that the report~~
10 included~~s~~ the information required by (b)(1)(C)(i) and (ii) and as well
11 as the following:
12

13 (A) Whether the ~~foster child-pupil~~ has been allowed to continue his or
14 her education in the school of origin ~~for the duration of the~~
15 ~~academic school year~~ to the extent required by Education Code
16 section 48853.5;
17

18 (B) Whether a dispute exists regarding the request of a ~~foster child~~
19 pupil to remain in the school of origin and whether the ~~foster~~
20 ~~child-pupil~~ has been afforded the right to remain in the school of
21 origin pending resolution of the dispute;
22

23 (C) Information addressing whether the information-sharing and other
24 requirements in section 16501.1(c)(2) and Education Code section
25 49069.5 have been ~~followed~~ met;
26

27 (D) Information addressing how the proposed change serves the best
28 interests~~s~~ of the ~~child-pupil~~;
29

30 (E) The responses ~~to the proposed change of placement from of the~~
31 ~~child-pupil,~~ if over 10 years old;~~;~~ the ~~child's-pupil's~~ attorney;~~;~~ the
32 parent, ~~or~~ guardian, or other educational rights holder; the foster
33 youth educational liaison, ~~as defined in Education Code section~~
34 ~~48853.5;~~ and the child's CASA volunteer to the proposed change
35 of placement, specifying whether each person agrees or disagrees
36 with the proposed change and, if any person disagrees, stating
37 why; and
38

39 (F) ~~A statement from the person holding educational rights regarding~~
40 ~~whether the proposed change of placement is in the child's best~~
41 ~~interest and what efforts have been made to keep the child in the~~
42 ~~school of origin;~~ and
43

1 (G) A statement from the social worker or probation officer
2 confirming that the ~~child-pupil~~ has not been segregated in a
3 separate school, or in a separate program within a school, based
4 on ~~the child's status as a child-placement~~ in foster care.
5

6 **(f) Court review of proposed change of placement affecting the child's right**
7 **to attend the school of origin**
8

9 (1) At ~~the~~a hearing set under (e)(2), the court must:

10
11 (A) Determine whether the proposed placement meets the
12 requirements of this rule and Education Code sections 48853.5
13 and 49069.5 and whether the proposed plan is ~~based on~~in the best
14 interests of the ~~child-pupil~~;

15
16 (B) Determine what actions are necessary to ensure the ~~child's-pupil's~~
17 educational and developmental-services ~~disability~~ rights; and

18
19 (C) Make ~~the necessary any~~ findings and orders needed to enforce
20 ~~these~~those rights, which may include an order to set a hearing
21 under section 362 to join the necessary agencies regarding
22 provision of services, including the provision of transportation
23 services, so that the ~~child-pupil~~ may remain in his or her school of
24 origin.
25

26 (2) When considering whether it is in the ~~child's-pupil's~~ best interest to
27 remain in the school of origin, the court must consider the following:

28
29 (A) Whether the parent, guardian, or ~~other~~appointed educational
30 representative rights holder believes that remaining in the school
31 of origin is in the ~~child's-pupil's~~ best interest;
32

33 (B) How the proposed change of placement will affect the stability of
34 the ~~child's-pupil's~~ school placement and the ~~child's-pupil's~~ access
35 to academic resources, services, and extracurricular and
36 enrichment activities;
37

38 (C) Whether the proposed school placement would allow the ~~child~~
39 pupil to be placed in the least restrictive educational program; and
40

41 (D) Whether the ~~child-pupil~~ has the educational and developmental
42 services and supports ~~necessary~~, including those for special

1 education and related services, necessary to meet state academic
2 achievement standards.

3
4 (3) * * *

5
6 **Advisory Committee Comment**

7
8 ~~This rule incorporates the requirement of, and rights established by, Assembly Bill 490~~
9 ~~(Steinberg; Stats. 2003, ch. 862), Assembly Bill 1858 (Steinberg; Stats. 2004, ch. 914), the~~
10 ~~Individuals With Disabilities Education Act (IDEA), the Americans With Disabilities Act (ADA),~~
11 ~~and section 504 of the Rehabilitation Act of 1973. This rule does not limit these requirements or~~
12 ~~rights. To the extent necessary, this rule establishes procedures to make these laws meaningful to~~
13 ~~children in foster care.~~

14
15 ~~With the passage of Assembly Bill 490, A~~ child in, or at risk of entering, foster care has a
16 statutory right to a meaningful opportunity to meet the state's academic achievement standards to
17 which all students are held. To afford the child this right, the juvenile court, advocates, placing
18 agencies, care providers, ~~and~~ educators, and service providers must work together to maintain
19 stable school placements and ensure that the child is placed in the least restrictive educational
20 programs and has access to the academic resources, services, and extracurricular and enrichment
21 activities that are available to other students. This rule, sections 362 and 727, and rule 5.575
22 provide procedures for ensuring coordinating the provision of services to ensure that the child's
23 educational and developmental-services needs are met.

24
25 Congress has found that improving the educational performance of children with disabilities is an
26 essential prerequisite to ensuring their equality of opportunity, full participation in education, and
27 economic self-sufficiency. Children in foster care are disproportionately represented in the
28 population of children with disabilities and ~~inherently~~ face systemic challenges to attaining self-
29 sufficiency. Children in foster care have rights arising out of federal and state law, including the
30 IDEA, the ADA, and section 504 of the Rehabilitation Act of 1973. To comply with federal
31 requirements regarding the identification of children with disabilities and the provision of
32 services to those children who qualify, the court, parent or guardian, placing agency, attorneys,
33 CASA volunteer, local educational agencies, and educational ~~representatives~~ rights holders must
34 affirmatively address the child's educational and developmental-services needs. The court must
35 continually inquire about the educational and developmental-services needs of the child and the
36 progress being made to enforce any rights the child has under these laws.

37
38
39 **Rule ~~5.652~~5.653.** * * *

40
41
42 **Rule 5.660. Attorneys for parties (§§ 317, 317.6, 353, 366.26, 16010.6, 366.26)**

43
44 (a)-(c) * * *

45
46 (d) **Competent counsel**

1 * * *

2

3 (1)–(4) * * *

4

5 (5) *Attorney contact information*

6

7 The attorney for a child for whom a dependency petition has been filed
8 must provide his or her contact information to the child’s caregiver no
9 later than 10 days after receipt of the name, address, and telephone
10 number of the child’s caregiver. If the child is 10 years of age or older,
11 the attorney must also provide his or her contact information to the
12 child for whom a dependency petition has been filed no later than 10
13 days after receipt of the caregiver’s contact information. The attorney
14 may give contact information to a child for whom a dependency
15 petition has been filed who is under 10 years of age. At least once a
16 year, if the list of educational liaisons is available online from the
17 Department of Education, the child’s attorney must provide his or her
18 contact information to the foster youth educational liaison of each local
19 educational agency serving the attorney’s clients in foster care in the
20 county of jurisdiction as required by section 317(e)(4).

21

22 (6) * * *

23

24 (e)–(g) * * *

25

26

27 **Rule 5.695. Findings and orders of the court—disposition**

28

29 (a)–(b) * * *

30

31 (c) **Limitations on parental control (§§ 245.5, ~~319, 361, 362~~; Gov. Code,**
32 **§ 7579.5)**

33

34 (1)–(2) * * *

35

36

37 (3) The court must consider whether it is necessary to limit the rights of the
38 parent or guardian to make educational or developmental-services
39 decisions for the child. If the court limits ~~the~~ those rights, it must
40 follow the procedures ~~stated in rules 5.650–5.651.~~

41

42 (d)–(e) * * *

43

1 (f) **Family-finding determination** (§ 309)
2

3 (1) ~~The~~ If the child is removed, the court must consider whether the social
4 worker has used-exercised due diligence in conducting the investigation
5 to identify, locate, and notify the child’s relatives. The court may
6 consider the activities listed in (g) as examples of due diligence~~the~~
7 ~~activities listed in subdivision (g) of this rule.~~
8

9 If the disposition hearing is continued, the court may set a hearing to be
10 held at any time after 30 days from the date of removal or as soon as
11 possible thereafter to consider whether the social worker has used
12 exercised due diligence in conducting the investigation to identify,
13 locate, and ~~contact~~ notify the child’s relatives.
14

15 (2) ~~The court must make one of the following findings:~~
16

17 (A) ~~The social worker has used due diligence in conducting its the~~
18 ~~investigation to identify, locate, and notify the child’s relatives; or~~
19

20 (B) ~~The social worker has not used due diligence in conducting its~~
21 ~~investigation to identify, locate, and notify the child’s relatives. If~~
22 ~~the court makes this finding, the court may order the social~~
23 ~~worker to use due diligence in conducting an investigation to~~
24 ~~identify, locate, and notify the child’s relatives—except for any~~
25 ~~individual the social worker identifies who is inappropriate to~~
26 ~~notify under rule 5.637(b)—and may require a written or oral~~
27 ~~report to the court at a later time.~~
28

29 (2) If the court finds that the social worker has not exercised due diligence,
30 the court may order the probation officer to exercise due diligence in
31 conducting an investigation to identify, locate, and notify the child’s
32 relatives—except for any individual the social worker identifies as
33 inappropriate to notify under rule 5.637(b)—and may require a written
34 or oral report to the court.
35

36 (g) **Due Diligence** (§ 309)
37

38 When making the finding-inquiry ~~required under paragraph in (f)(2) of this~~
39 ~~rule~~, the court may consider, among other examples of due diligence ~~to~~
40 ~~identify, locate, and notify the child’s relatives,~~ whether the social worker
41 has done any of the following:
42

43 (1)–(7) * * *

1
2 **(h) Provision of reunification services (§ 361.5)**

3
4 (1)–(13) * * *

5
6 (14) If, with the exception of (6)(A), the court orders no reunification
7 services for every parent otherwise eligible for such services under
8 ~~(f)~~(1) and (2), the court must conduct a hearing under section 366.26
9 within 120 days and

10
11 (A) Order that the social worker provide a copy of the child’s birth
12 certificate to the caregiver as required by section 16010.5(b)–(c);
13 and

14
15 (B) Order that the social worker provide a child 16 years of age or
16 older with a certified copy of his or her birth certificate unless the
17 court finds that provision of the birth certificate would be
18 inappropriate.

19
20 (15)–(19) * * *

21
22 **(i)–(l) * * ***

23
24
25 **Rule 5.708. General review hearing requirements**

26
27 **(a) * * ***

28
29 **(b) Notice of hearing (§ 293)**

30
31 The petitioner or the ~~court~~ clerk must serve written notice of review hearings
32 on *Notice of Review Hearing* (form JV-280), in the manner provided in
33 section 293, to all persons required to receive notice under section 293 and to
34 any CASA volunteer or educational rights holder ~~who has been appointed on~~
35 in a given case.

36
37 **(c)–(e) * * ***

38
39 **(f) ~~Child’s~~ Educational and developmental-services needs (§§ 361, 366,**
40 **366.1, 366.3)**

41
42 The court must consider the child’s, nonminor’s, or nonminor dependent’s
43 educational and developmental-services needs, including whether it is

1 necessary to limit the rights of the parent or legal guardian to make
2 educational or developmental-services decisions for the child. If the court
3 limits those rights or, in the case of a nonminor or nonminor dependent who
4 has chosen not to make educational or developmental-services decisions for
5 him- or herself or has been deemed incompetent, finds that appointment
6 would be in the best interests of the nonminor or dependent, the court must
7 appoint a responsible adult as the educational rights holder as defined in rule
8 5.502(13). Any limitation on the rights of a parent or guardian to make
9 educational or developmental-services decisions for the child must be
10 specified in the court order. The court must follow the procedures in rules
11 5.650 and 5.651, following the requirements and procedures in rules 5.650
12 and 5.651 and in section 361(a).

13
14 **(g) Case plan (§§ 16001.9, 16501.1)**

15
16 The court must consider the case plan submitted for the hearing and must
17 ~~find as follows~~ determine:

- 18
19 (1) Whether the child was actively involved, to an age- and
20 developmentally appropriate degree, in the development of his or her
21 own case plan and plan for permanent placement ~~as age and~~
22 ~~developmentally appropriate;~~ or
23
24 ~~(2) The child was not actively involved in the development of his or her~~
25 ~~own case plan and plan for permanent placement. If the court makes~~
26 ~~such a finding finds that the child was not appropriately involved,~~ the
27 court must order the agency to actively involve the child in the
28 development of his or her own case plan and plan for permanent
29 placement, unless the court finds that the child is unable, unavailable,
30 or unwilling to participate; ~~and~~
31
32 ~~(3)~~(2) Whether each parent was actively involved in the development of
33 the case plan and plan for permanent placement; ~~or~~
34
35 ~~(4) Each parent was not actively involved in the development of the case~~
36 ~~plan and plan for permanent placement. If the court makes such a~~
37 ~~finding finds that any parent was not actively involved,~~ the court must
38 order the agency to actively involve ~~each that~~ parent in the
39 development of the case plan and plan for permanent placement, unless
40 the court finds that ~~each the~~ parent is unable, unavailable, or unwilling
41 to participate; ~~and~~
42

1 ~~(5)~~(3) In the case of an Indian child, whether the agency consulted with
2 the child's tribe and the tribe was actively involved in the development
3 of the case plan and plan for permanent placement, including
4 consideration of ~~whether~~ tribal customary adoption is as an appropriate
5 permanent plan for the child if reunification is unsuccessful; ~~or~~

6
7 ~~(6)~~—~~In the case of an Indian child, the agency did not consult with the~~
8 ~~child's tribe. If the court makes such a finding~~ finds that the agency did
9 not consult the tribe, the court must order the agency to ~~consult with the~~
10 ~~tribe~~ do so, unless the court finds that the tribe is unable, unavailable,
11 or unwilling to participate; ~~and~~

12
13 ~~(7)~~(4) For a child 12 years of age or older ~~and~~ in a permanent placement,
14 ~~the court must make a finding~~ whether ~~or not~~ the child was given the
15 opportunity to review the case plan, sign it, and receive a copy. If the
16 court finds that the child was not given this opportunity, the court must
17 order the agency to give the child the opportunity to review the case
18 plan, sign it, and receive a copy.

19
20 (h)–(m) * * *

21
22 (n) **Requirements upon setting a section 366.26 hearing (§§ 366.21, 366.22,**
23 **366.25)**

24
25 * * *

26
27 (1) The court must terminate reunification services to the parent or legal
28 guardian; and

29
30 (A) Order that the social worker provide a copy of the child's birth
31 certificate to the caregiver as required by section 16010.5(b)–(c);
32 and

33
34 (B) Order that the social worker provide a child 16 years of age or
35 older with a copy of his or her birth certificate unless the court
36 finds that provision of the birth certificate would be inappropriate;

37
38 (2)–(6) * * *

39
40 (o) * * *

1 **Rule 5.790. Orders of the court**

2
3 (a) * * *

4
5 (b) **Conditions of probation (§§ 725, 726, 727, 729.2, 729.9, 729.10)**

6
7 (1)—If the child is placed on probation, with or without wardship, the court
8 must set reasonable terms and conditions of probation. Unless the court finds
9 and states its reasons on the record that any of the following conditions is
10 inappropriate, the court must:

11
12 ~~(A)~~(1) Require the child to attend school;

13
14 ~~(B)~~(2) Require the parent to participate with the child in a counseling or
15 education program; and

16
17 ~~(C)~~(3) Require the child to be at the child's residence between 10:00 p.m.
18 and 6:00 a.m. unless accompanied by a parent or a guardian or an adult
19 custodian.

20
21 ~~(2)—If the child is declared a ward, the court may limit the control over the~~
22 ~~child by a parent or guardian. Orders must clearly specify the~~
23 ~~limitations.~~

24
25 (c)–(e) * * *

26
27 (f) **Family-finding determination (§ 628(d))**

28
29 (1) If the child is detained and at risk of entering foster care, the court must
30 consider whether the probation officer has exercised due diligence in
31 conducting the investigation to identify, locate, and notify the child's
32 relatives. The court may consider the activities listed in (g) as examples
33 of due diligence.

34
35 If the dispositional hearing is continued, the court may set a hearing to
36 be held 30 days from the date of detention or as soon as possible
37 thereafter to consider whether the probation officer has exercised due
38 diligence in conducting the investigation to identify, locate, and notify
39 the child's relatives.

40
41 (2) If the court finds that the probation officer has not exercised due
42 diligence, the court may order the probation officer to exercise due
43 diligence in conducting an investigation to identify, locate, and notify

1 the child’s relatives—except for any individual the probation officer
2 identifies who is inappropriate to notify under rule 5.637(b)—and may
3 require a written or oral report to the court.
4

5 **(g) Due Diligence**

6
7 When making the inquiry required under (f), the court may consider, among
8 other examples of due diligence, whether the probation officer has done any
9 of the following:

- 10
11 (1) Asked the child, in an age-appropriate manner and consistent with the
12 child’s best interest, about his or her relatives;
13
14 (2) Obtained information regarding the location of the child’s relatives;
15
16 (3) Reviewed the child’s case file for any information regarding relatives;
17
18 (4) Telephoned, e-mailed, or visited all identified relatives;
19
20 (5) Asked located relatives for the names and locations of other relatives;
21
22 (6) Used Internet search tools to locate relatives identified as supports; or
23
24 (7) Developed tools, including a genogram, family tree, family map, or
25 other diagram of family relationships, to help the child or parents to
26 identify relatives.

27
28 **(h) Wardship orders (§§ 726, 727, 727.1, 730, 731)**

29
30 The court may make any reasonable order for the care, supervision, custody,
31 conduct, maintenance, support, and medical treatment of a child ~~declared~~
32 adjudged a ward of the court.
33

34 (1)–(4) * * *

- 35
36 (5) The court may limit the control exercised over the ward by a parent or
37 guardian. Orders must clearly specify all limitations. In particular, the
38 court must consider whether it is necessary to limit the rights of the
39 parent or guardian to make educational or developmental-services
40 decisions for the child. If the court limits ~~this right~~ those rights, it must
41 follow the procedures ~~stated~~ in rules 5.650–5.651.
42

1 (gh) * * *

2
3 (hi) * * *

4
5
6 **Rule 5.810. Reviews, hearings, and permanency planning**

7
8 (a) **Six-month status review hearings (§§ 727.2, 11404.1)**

9
10 * * *

11
12 (1)–(2) * * *

13
14 (3) *Findings and orders (§ 727.2~~(d)~~(e))*

15
16 The court must consider the safety of the ward and make findings and
17 orders that determine the following:

18
19 (A)–(B) * * *

20
21 (C) Whether it is necessary to limit the rights of the parent or
22 guardian to make educational or developmental-services decisions
23 for the child. If the court limits ~~this right~~ those rights or, if the
24 ward is 18 years old or older and has chosen not to make
25 educational or developmental-services decisions for him- or
26 herself or has been deemed incompetent, finds that it is in the best
27 interests of the ward, ~~it~~ the court must appoint a responsible adult
28 as the educational representative rights holder as defined in rule
29 5.502(13). Any limitation on the rights of a parent or guardian to
30 make educational or developmental-services decisions for the
31 child must be specified in the court order. The court must follow
32 the procedures ~~stated~~ in rules 5.650 and 5.651;

33
34 (D)–(E) * * *

35
36 (F) In the case of a child who is 16 years of age or older or a
37 nonminor, the court must determine the services needed to assist
38 the child or nonminor in making the transition from foster care to
39 independent living; ~~and~~

40
41 (G) Whether ~~or not~~ the child or nonminor was actively involved in the
42 development of his or her own case plan and plan for permanent
43 placement. If the court ~~makes such a finding~~ finds that the child or

1 nonminor was not actively involved, the court must order the
2 probation department to actively involve the child or nonminor in
3 the development of his or her own case plan and plan for
4 permanent placement, unless the court finds that the child or
5 nonminor is unable, unavailable, or unwilling to participate; and
6

7 (H) Whether each parent was actively involved in the development of
8 the case plan and plan for permanent placement. ~~;~~ ~~or~~

9
10 ~~(I) Each parent was not actively involved in the development of the~~
11 ~~case plan and plan for permanent placement. If the court makes~~
12 ~~such a finding finds that any parent was not actively involved~~, the
13 court must order the agency to actively involve ~~each that~~ parent in
14 the development of the case plan and plan for permanent
15 placement, unless the court finds that ~~each the~~ parent is unable,
16 unavailable, or unwilling to participate.
17

18 (4) Basis for Findings and Orders (§ 727.2(e))
19

20 The determinations required by (a)(3) must be made on a case-by-case
21 basis, and the court must reference, in its written findings, the probation
22 officer's report and any other evidence relied on in reaching its
23 decision.
24

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

27 * * *

28
29 (1) * * *

30
31 (2) Findings and orders (§ 727.2(e), 727.3(a))
32

33 At each permanency planning hearing, the court must consider the
34 safety of the ward and make findings and orders regarding the
35 following:
36

37 (A)–(C) * * *

38
39 (D) The permanent plan for the child or nonminor, as described in (3);
40

41 (E) Whether or not the child or nonminor was not actively involved in
42 the development of his or her own case plan and plan for
43 permanent placement. If the court finds that the child or nonminor

1 was not actively involved, ~~in the development of his or her own~~
2 ~~case plan and plan for permanent placement,~~ the court must order
3 the probation officer to actively involve the child or nonminor in
4 the development of his or her own case plan and plan for
5 permanent placement, unless the court finds that the child or
6 nonminor is unable, unavailable, or unwilling to participate; and
7

8 (F) Whether each parent was actively involved in the development of
9 the case plan and plan for permanent placement. ~~;~~ ~~or~~

10
11 ~~(G) Each parent was not actively involved in the development of the~~
12 ~~case plan and plan for permanent placement. If the court makes~~
13 ~~such a finding finds that any parent was not actively involved,~~ the
14 court must order the agency to actively involve ~~each~~ that parent in
15 the development of the case plan and plan for permanent
16 placement, unless the court finds that ~~each~~ the parent is unable,
17 unavailable, or unwilling to participate.
18

19 (3)–(4) * * *

20
21 (c) **Postpermanency status review hearings (§ 727.2)**

22 * * *

23
24
25 (1) * * *

26
27 (2) *Findings and orders* (§ 727.2(g))

28
29 At each postpermanency status review hearing, the court must consider
30 the safety of the ward and make findings and orders regarding the
31 following:

32
33 (A)–(C) * * *

34
35 (D) Whether ~~or not~~ the child or nonminor was actively involved in the
36 development of his or her own case plan and plan for permanent
37 placement. If the court ~~makes such a finding~~ finds that the child or
38 nonminor was not actively involved, the court must order the
39 agency to actively involve the child or nonminor in the
40 development of his or her own case plan and plan for permanent
41 placement, unless the court finds that the child or nonminor is
42 unable, unavailable, or unwilling to participate.
43

1 (d) **Notice of hearings; service; contents (§ 727.4)**
2

3 Not earlier than 30 nor later than 15 calendar days before each hearing date,
4 the probation officer must serve written notice on all persons required to
5 receive notice under section 727.4, as well as the ~~child's present current~~
6 caregiver, any CASA volunteer or educational rights holder, and ~~the all~~
7 counsel of record. A *Notice of Hearing—Juvenile Delinquency Proceeding*
8 (form JV-625) must be used.
9

10 (e) **Report (§§ 706.5, 706.6, 727.2(c), 727.3(a)(1), 727.4(b))**
11

12 Before each hearing described above, the probation officer must investigate
13 and prepare a social study report, ~~including an updated case plan~~, that must
14 include an updated case plan and all of the information required in sections
15 706.5, 706.6, 727.2, and 727.3.
16

17 (1)–(2) * * *

18
19 (f) * * *
20

Clerk stamps date here when form is filed.

**Draft
Not approved by
the Judicial Council**

This form can be used to ask the court to change an order, to ask the court to dismiss your case, to ask the court to terminate reunification services, or to ask the court to recognize your relationship with your sister or brother. After filling out this form, take it to the clerk of the court.

Fill in court name and street address:

Superior Court of California, County of

Fill in name:

Name of Child or Youth:

Fill in case number, if known:

Case Number:

1 Your information:

a. I am the:

- child or youth mother father legal guardian
- foster parent relative (specify): _____
- social worker probation officer attorney
- other _____

b. My name: _____

c. My address: _____

d. My city, state, zip code: _____

e. My telephone number: _____

f. If you are an attorney:

My client's name: _____

My client's address (if confidential, see item 3): _____

My client's relationship to the child or youth: _____

My State Bar number: _____

2 Type of request (check the appropriate box below and add specific details in items 6–9, as applicable):

- a. I am asking the court to change an order.
- b. I am asking the court to terminate its jurisdiction.
- c. I am asking the court to terminate reunification services.
- d. I am asking the court to recognize my relationship with my brother or sister.
 - (1) I am related to him or her on our mother's side on our father's side.
 - (2) I am related to him or her by blood or adoption by marriage.

3 If you want to keep your address or your client's address confidential, fill out Confidential Information (Request to Change Court Order) (form JV-182) and do not write the address on this form.

Check here if form JV-182 is attached.

4 Child's or youth's information:

a. Name: _____

b. Date of birth: _____

c. Attorney (if known): _____

d. The child or youth lives with or in a (check all that apply):

- parent legal guardian relative
- foster home group home I don't know

e. Name of the person the child or youth lives with or the place where he or she lives: _____

Address: _____

Check here if unknown.



Name of child or youth: _____

- 5 Information about parents, legal guardians, and others:
- a. Names of parents or legal guardians: _____
 Check here if unknown.
 - b. Address of parent/legal guardian: _____
 Check here if unknown.
 - c. Address of parent/legal guardian: _____
 Check here if unknown.
 - d. Indian tribe (if applicable and known): _____
 - e. CASA volunteer (if applicable and known): _____
 - f. Educational rights holder (if applicable and known): _____
 - g. Social worker or probation officer (if applicable and known): _____

If you are asking the court to recognize your relationship with your brother or sister but not asking the court to change an order, you may skip to item 8.

- 6 On (date, if known): _____ the judge made the following order that I think should be changed:
- _____
- _____
- _____

- 7 What has happened since that order that might change the judge's mind? (Give new information that the judge did not have when the order was made):
- _____
- _____
- _____

- 8 What new order or orders do you want the judge to make now?
- _____
- _____
- _____

- 9 Why would the requested order or action be better for the child or youth?
- _____
- _____
- _____

- 10 Check here if you need more space for any of the answers. Attach a sheet of paper and write "JV-180" at the top of the page. Number of pages attached: _____



Case Number: _____

Name of child or youth: _____

11 I have had a copy of my request sent to the people listed below, as applicable. I have checked the correct box to the right of each name to show whether, as far as I know, that person agrees with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 386 and rules 5.524 and 5.570 of the California Rules of Court.

Name	Agree	Disagree	Don't Know	Not Applicable
Child (if 10 years old, or older) or youth:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's or youth's attorney:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Probation officer:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current caregiver/foster parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preadoptive parent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CASA volunteer:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educational rights holder:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian tribe:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian custodian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling (if petition filed & 10+ years old):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's caregiver:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's attorney:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County counsel:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12 You can ask the judge to make a decision without a court hearing if all the people listed above agree with your request. Check here if you want a decision without a hearing.

13 If anyone disagrees with your request, please explain why (if known):

14 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to the best of my knowledge.

Date: _____

Type or print your name

Sign your name

To the social worker or probation officer: If the parent or guardian needs help completing this form, please ensure that he or she receives assistance.

To the parent or guardian: Complete and sign this form. If you need more space to answer, attach one or more sheets of paper to this form and write "JV-225" at the top of each page. The information requested on this form is necessary to meet the medical, dental, mental health, educational, and developmental needs of your child. The court has directed you to provide your child's medical, dental, mental health, educational, and developmental-services information. The court has also directed you to provide your medical, dental, mental health, and educational information and, if you know, the same information about the other parent or guardian. If you need help, the social worker or probation officer will help you fill out this form.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

① Your name: _____
 Your relationship to child: _____
 Your home address: _____
 City: _____ State: _____ Zip code: _____
 Your mailing address: _____
 City: _____ State: _____ Zip code: _____
 Your telephone number: _____

② Your child's name: _____
 a. Your child's date of birth: _____
 b. Where was your child born? _____
 City: _____ State: _____ Country: _____

c. Hospital: _____
 d. Your child's birth weight: _____

Child's Health

③ Does your child have any physical or mental health challenges? Yes No
 If yes, is your child receiving any assistance, services, or treatment for these problems? (Explain):
 a. Allergies: _____
 b. Injuries: _____
 c. Diseases: _____
 d. Disabilities: _____
 e. Other: _____
 f. Other: _____

④ Has your child ever been admitted to the hospital for care or treatment of any of the conditions in item ③?
 Yes No
 If yes, please explain: _____

⑤ Is your child taking any medication? Yes No
 If yes, please list each medication and explain why your child is taking it:

Medication and dosage	Reason for taking medication	Date began
_____	_____	_____
_____	_____	_____
_____	_____	_____



Child's name: _____

6 When was your child last seen by a doctor?

Date: _____

Doctor's name: _____

Office address: _____

Mailing address (if different): _____

Telephone number: _____

7 When was your child last seen by a dentist?

Date: _____

Dentist's name: _____

Office address: _____

Mailing address (if different): _____

Telephone number: _____

8 List the names of all doctors, nurses, dentists, hospitals, clinics, and other health-care providers and healers who have seen your child within the past two years:

Name	Address (city, state, zip code)	Date of last visit	Reason for visit
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9 What doctor, nurse, dentist, hospital, clinic, or other person has your child's health records?

a. Medical records: _____

b. Dental records: _____

c. Mental health records: _____

10 When was your child's eyesight last tested?

Date of examination: _____

Who examined your child's sight? _____

Address (include city, state, zip code): _____

Telephone number: _____

11 Does your child wear glasses or contact lenses? Yes No

12 Does your child wear a hearing aid? Yes No

13 Is your child covered by an insurance policy?

a. Medical Yes No (If yes, specify insurance policy): _____

b. Dental Yes No (If yes, specify insurance policy): _____

c. Vision Yes No (If yes, specify insurance policy): _____

Child's Education

14 When your child was living with you, what school did your child attend?

Name of school: _____

Address (include city, state, zip code): _____

a. Is your child still allowed and able to attend this school? Yes No

b. If no, did you agree to give up your child's right to remain at this school? Yes No



Child's name: _____

14 c. When your child was living with you, was your child receiving or had your child received any assistance or help at school or any assessments, evaluations, services, or accommodations to help your child with any physical, mental, or learning-related disabilities or other special educational needs? Yes No

(1) If yes, what assessments, evaluations, services, or accommodations was your child receiving?

(2) Who gave your child these educational or developmental services?

d. Has your child ever been referred to a regional center for developmental services? Yes No

If yes, list the name and location of the regional center and the date of the referral.

e. If applicable, do you have a copy of your child's individualized education program (IEP), section 504 plan, individualized family service plan (IFSP), individual program plan (IPP), or quality assurance assessment?

Yes No

f. What language did your child first learn to speak? _____

g. What is his or her primary language? _____

h. What language do you most often use when speaking to your child? _____

i. Has your child ever been identified as limited English proficient or as an English Language Learner by a school?

Yes No

j. Has your child ever been enrolled in a specialized program to learn English? Yes No

15 List all other schools or day care your child has attended:

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

16 a. What grade is your child in? _____

b. Does he or she have any special needs? Yes No

If yes, please describe: _____

c. If your child is three years old or younger, do you believe that your child may be eligible for services to help with motor, developmental, or other delays? Yes No

If yes, explain why:

What assessments, evaluations, services, treatment, or accommodations do you believe your child may need for the delay?



Child's name: _____

- d. Do you believe **your** child may have a disability? Yes No
If yes, please describe:

What assessments, evaluations, services, treatment, or accommodations do you believe your child may need for the disability?

- 17** a. Has your right to make educational decisions for **your** child been limited? Yes No

If yes, who has the right to make educational decisions for your child?

Name: _____

Relationship to child: _____

- b. Has your right to make developmental services decisions for your child been limited? Yes No

If yes, who has the right to make developmental-services decisions for your child? same as a.

Name: _____

Relationship to child: _____

Biological Parent's Health and Education (*State law requires you to provide this information about yourself. If you do not want to provide this information, please talk to your attorney.*)

- 18** a. When were you last seen by a doctor and dentist? _____

(1) What medical problems run in your family?

- (2) Do you have medical problems or disabilities? Yes No

If yes, please describe:

- (3) What medications do you take?

Medication

Reason for taking medications

_____	_____
_____	_____
_____	_____

- b. What is your educational history?

(1) School last attended (*name, city, state*): _____

(2) Last grade completed: _____

- 19** a. If you know, provide the following information about your child's other parent:

(1) Name of other parent: _____

(2) Relationship to child: _____



Child's name: _____

19 a. (3) Other parent's medical problems and disabilities

(Please include physical, mental, developmental, and learning problems):

(4) The child's other parent takes the following medications:

Medication

Reason for taking medication

_____	_____
_____	_____
_____	_____

(5) The following medical problems run in the family of my child's other parent:

b. My child's other parent has the following educational history:

(1) School last attended: _____

(2) Last grade completed: _____

I declare that the information on this form is true and correct to the best of my knowledge.

Date: _____

Type or print parent's/guardian's name

▶ _____
Parent/guardian signs here

Date: _____

Type or print social worker's name

▶ _____
Social worker signs here

Date: _____

Type or print probation officer's name

▶ _____
Probation officer signs here

CHILD'S NAME:	CASE NUMBER:
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General Information

1. Child's or nonminor's date of birth:

2. School information:
 - a. School district:

 - b. School (*name and address*):

 - c. Foster youth educational liaison (Ed. Code, § 48853.5) (*name and contact information*):

3. Regional center (*name and address*):

Service coordinator (*name and contact information*):

4. County welfare agency information:
 - a. Assigned social worker or probation officer (*name and contact information*):

 - b. Supervising social worker or probation officer (*name, address, and contact information*):

5. Child's or nonminor's attorney (*name, address, and contact information*):

THE COURT FINDS AND ORDERS

6. The child is the subject of a petition filed under section 325. The child's parent or guardian is unavailable, unable, or unwilling to exercise educational or developmental services rights; the agency has made diligent efforts to locate and secure the participation of the parent or guardian in educational and developmental services decisionmaking; and the child's educational and developmental services needs cannot be met without the temporary appointment of a responsible adult as educational rights holder.

7. Limitation of the rights of the parent(s) or guardian(s) to make educational developmental services decisions is necessary to protect the child.

8. The appointment of an educational rights holder is in the best interests of the nonminor dependent.

9. The dependent ward nonminor dependent is at least 18 years old and has chosen not to make educational developmental services decisions for him- or herself. is not competent to make educational or developmental services decisions for him- or herself.

10. The court has not ordered or has terminated reunification services for the parent or guardian, and the child or nonminor dependent is placed with an identified caregiver under section 366.21(g)(5), 366.22, 366.26, 366.3(i), or 727.3(b)(5)–(6).

11. There is is not a responsible adult relative, nonrelative extended family member, or other adult known to the child who is available and willing to serve as the child's educational rights holder.

CHILD'S NAME:	CASE NUMBER:
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12. The local educational agency must make reasonable efforts to appoint a surrogate parent for the child under Government Code section 7579.5 within 30 days of the receipt of this order. The LEA must notify the court on attached form JV-536 within five court days of the date of the appointment, termination, resignation, or replacement of a surrogate parent.
13. The appointment of a surrogate parent under section 7579.5 of the Government Code is not warranted.
14. The child is receiving special education, general education accommodations and modifications, early intervention services, or developmental services. Yes No
15. The child is receiving services under the following plan (*check all that apply and attach a copy of each plan*):
- Individualized education program (IEP)
 - Section 504 plan
 - Individualized family service plan (IFSP)
 - Individual program plan (IPP)
 - Other (*explain*):
16. The child needs the following educational or developmental assessments, evaluations, or services (*check all that apply*):
- The child is 0–3 years old, is at risk for a disability or has a developmental delay, and requires assessment or evaluation for services.
 - The child is 0–3 years old, has a disability, and requires the development of an IFSP.
 - The child is 3 years old or older, may have a disability, and requires intake and assessment or evaluation for services.
 - The child is 3 years old or older, has a disability, and requires the development of an IEP, IPP, or Section 504 plan.
17. The appointed educational rights holder must (*check all that apply*):
- Submit to the LEA a written referral for assessment for special education and related services, including services under section 504 of the Rehabilitation Act of 1973.
 - Submit to the regional center a written referral for a initial intake and eligibility assessment or evaluation.
 - Submit to the LEA a written referral for assessment for an assessment, evaluation, or services or a written request to convene the IEP team to develop, review, or revise the child's IEP.
 - Submit a written request to the regional center to convene the IFSP team to develop, review, or revise the child's IFSP.
 - Submit a written request to the regional center to convene the IPP team to develop, review, or revise the child's IPP.
 - Other:
18. The following person is directed to take whatever steps are necessary to request any assessments, evaluations, or services identified in item 15 or 16 (*name and address unless confidential*):
19. The current educational program and school placement are in the best interests of the child, nonminor, or nonminor dependent.
20. The current IFSP, IPP, or other developmental services plan is in the best interests of the child, nonminor, or nonminor dependent.
21. The child or nonminor dependent is is *not* attending his or her school of origin.
If not, the educational rights holder has has *not* waived the right to attend the school of origin.
22. The placement agency has considered educational stability and the opportunity to be educated in the least restrictive setting necessary when making educational and school placement decisions for the child.
23. The child is currently expelled from school and is eligible to be readmitted on or after (*date*):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER	CASE NUMBER:

Educational Rights Holder for Child, Nonminor, or Nonminor Dependent

1. The following adult is the educational rights holder as defined in rule 5.502(13) of the California Rules of Court
 - a. Name:
 - b. Address:
 - c. Telephone: _____
 - d. E-mail: _____
 - e. Relationship to child, nonminor, or nonminor dependent:

2. The adult designated in 1a. is (check one)
 - a. The first educational rights holder designated by the court for this child, nonminor, or nonminor dependent.
 - b. The same educational rights holder as last designated by the court.
 - c. A different educational rights holder from the one last designated by the court.

3. The court cannot identify a parent, guardian, or other responsible adult to act as the educational rights holder. The court, with input from any interested person, will make educational developmental services decisions.

(Before the dispositional hearing) The child's attorney and the social worker or probation officer must make every effort to identify a responsible adult to make future educational or developmental services decisions for the child.

4. Providing the information on this form or on form JV-535(A), if attached, to the parent or guardian (check one)
 - a. **will** create a safety risk (for example, because of the placement's confidentiality). The information **may not** be disclosed to the parent or guardian.
 - b. **will not** create a safety risk. The information **may** be disclosed to the parent or guardian.

Having considered the evidence and made the findings required by law, THE COURT ORDERS that

5. The rights of (name): _____ (name): _____

<input type="checkbox"/> mother	<input type="checkbox"/> mother
<input type="checkbox"/> father	<input type="checkbox"/> father
<input type="checkbox"/> guardian	<input type="checkbox"/> guardian

to make educational developmental services decisions for the child, nonminor, or nonminor dependent

 - a. are retained.
 - b. are fully restored.
 - c. are temporarily limited under section 319(g).
 - d. are limited under section 361(a) or 726(b).
 - e. have been terminated under section 366.26 or 727.31.

CHILD'S NAME:	CASE NUMBER:
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- 6. The appointment of any previous educational rights holder or developmental services decision maker is terminated.
- 7. The adult identified in 1a. is the successor guardian or conservator and, as such, holds decisionmaking rights.
- 8. The adult identified in 1a. is the caregiver and, by law, holds educational and developmental services decisionmaking rights.

Appointment of Educational Rights Holder

- 9. The responsible adult named in 1a. is appointed as educational rights holder for the child, nonminor, or nonminor dependent.
- 10. The appointed educational rights holder is authorized to make educational developmental services decisions for the child, nonminor, or nonminor dependent to the extent permitted by law.
- 11. The appointed educational rights holder is authorized to have access to the child's, nonminor's, or nonminor dependent's educational developmental services records and information to the extent permitted by law.
- 12. The court refers the child to the local educational agency for appointment of a surrogate parent under section 7579.5 of the Government Code.

Duties of Appointed Educational Rights Holder

- 13. The appointed educational rights holder must comply with all state and federal confidentiality laws, including section 827 and Government Code section 7579.5(f), and may share information only to the extent necessary to further the interests of the child, nonminor, or nonminor dependent.
- 14. The appointed educational rights holder must meet with the child; investigate the child's educational and developmental-services needs and whether those needs are being met; and, before each scheduled review hearing, provide information and recommendations to the social worker or probation officer and either make written recommendations to the court or attend the review hearing and participate in any portion of the hearing that concerns the child's education or development. The rights holder may submit written recommendations on *Educational Rights Holder Statement* (form JV-537) or in any other suitable format.

Service of Order

- 15. If 2a. or 2c. is checked, the clerk will provide a copy of this form and any attachments to the child (if 10 years old or older), nonminor, or nonminor dependent; the attorney for the child, nonminor, or nonminor dependent; the social worker or probation officer; the local foster youth educational liaison; the county office of education foster youth services coordinator; the regional center service coordinator, if applicable; the educational rights holder; and any previous educational rights holder in person or by first-class mail no later than five court days after the order is signed. The clerk may also make the form available to the parent or guardian (unless otherwise indicated in 4, or parental rights have been terminated, or the child has reached 18 years of age and reunification services have been terminated), the CASA volunteer, and if requested, to any other person entitled to notice under section 293.
- 16. The assigned social worker or probation officer must notify the educational rights holder of the date, time, and location of each court hearing.

This order applies to any local educational agency, school, school district, or regional center in the State of California.

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME :	
LOCAL EDUCATIONAL AGENCY RESPONSE TO JV-535—APPOINTMENT OF SURROGATE PARENT	CASE NUMBER:

This form must be completed and returned to the court at the address listed above within seven calendar days of the date of the appointment, termination, or replacement of a surrogate parent.

1. a. Child's school:
 b. Address of child's school:
 c. School personnel contact (*name, title, and telephone*):

2. a. Name of surrogate parent:
 b. Address:
 c. Telephone:
 d. Relationship to child:

3. The appointed surrogate parent does not have a conflict of interest with the child. (Welf. & Inst. Code, §§ 361, 726; 34 C.F.R. §§ 300.519, 303.422; Gov. Code, § 7579.5(i), (j).)

4. The appointed surrogate parent will represent the child on educational issues as required by state and federal law.

5. The appointed surrogate parent agrees that this representation is continuous. If the surrogate parent is not able to represent the child's educational needs, the surrogate parent will inform the local educational agency.

6. The previous surrogate parent resigned or was terminated under section 7579.5(h) of the Government Code.
 - a. Name of previous surrogate parent:
 - b. Address:
 - c. Telephone:
 - d. Relationship to child:

7. The local educational agency has not appointed an surrogate parent within 30 days as required by rule 5.651(d).

Date: _____

_____ (TYPE OR PRINT NAME)

_____ (LOCAL EDUCATIONAL AGENCY REPRESENTATIVE'S SIGNATURE)

_____ (TITLE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME :	
EDUCATIONAL RIGHTS HOLDER STATEMENT	CASE NUMBER:

To the educational rights holder: You must submit written information and recommendations to the assigned social worker or probation officer. You must also provide information to the court in writing or in person at scheduled review hearings. This optional form may assist you in providing written information to the court. Please type or print clearly in ink and submit the form well in advance of the hearing but no later than seven days prior to the hearing. Please provide five additional copies to the clerk.

1. a. Child's date of birth:
 b. Child's age:
 c. Child's school:
 d. Child's grade level:

2. a. Name of educational rights holder:
 b. Address:
 c. Telephone:
 d. Relationship to child or youth:
 e. I was appointed on (date):
 f. I was appointed by (name):
 - (1) Local educational agency in (school district):
 - (2) Juvenile court in (county):
 - (3) Other (specify):

9. I am resigning from my appointment.

3. Since my appointment, or since my last form JV-537 statement, I have performed the following actions on behalf of the child or youth (specify):

4. I do not have any new or additional information since the last court hearing.
5. I have new or additional information since the last court hearing (e.g., changed school, school discipline):

6. Based on my observations of the child's physical, emotional, mental, and social development, I believe the child
 - a. (0-3 years old) may be eligible for early intervention services.
 - b. may have a disability (explain):

7. The child has the following disabilities (specify):

8. The child has the following educational or developmental-services needs (specify):

CHILD'S NAME: _____	CASE NUMBER: _____
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9. The child requires the following services to meet his or her educational **or developmental** needs (*specify*):

10. The child is receiving the following educational **al or developmental** services or accommodations (*explain*):

a. These services or accommodations are are not appropriate (*explain*):

b. Date of most recent individualized education plan (IEP), section 504 plan, **individual program plan (IPP), or individualized family service plan (IFSP)**:

11. On (*date*): _____ I made a request for assessments from the

- a. regional center (*name*): _____
- b. local educational **al** agency (*name*): _____
- c. other (*name*): _____

12. a. Type of assessments requested (*check all that apply*):

- (1) **IEP**
- (2) Section 504 plan
- (3) **IFSP**
- (4) **IPP**
- (5) **Educationally related mental health services** assessments
- (6) Psycho-educational assessment
- (7) Other (*specify*): _____

b. Reason requested (*specify*): _____

13. If you need more space to respond to any section above, please check this box and attach additional pages.

Number of pages attached: _____

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF EDUCATIONAL **RIGHTS HOLDER** OR SURROGATE PARENT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS REGARDING TRANSFER FROM SCHOOL OF ORIGIN	CASE NUMBER:

1. a. Hearing date: _____ Room: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorneys present: _____

THE COURT FINDS AND ORDERS

2. The social worker probation officer provided a report no later than two court days after form JV-539 was filed. The report included the information required by rule 5.652(e)(4) of the California Rules of Court.
3. The court has read and considered the report.
4. The social worker probation officer provided notice as required by rule 5.652(e) of the California Rules of Court.
5. As soon as the county placing agency became aware of the need to transfer the child in foster care out of the school of origin, the county placing agency contacted the appropriate person at the local educational agency.
 a. Name of local educational agency contact:
 b. Title:
 c. Telephone:
 d. Date of contact:
6. Before recommending that the child be moved from the school of origin, the educational liaison provided the child and the parent or educational rights holder with a written explanation of the recommendation and how this change will serve the child's best interest (date explanation provided):
7. a. The child and the parent or educational rights holder, in consultation and agreement with the educational liaison, waive the child's right to be enrolled in the school of origin.
 b. There is a disagreement between the child; the parent, guardian, or educational rights holder; and the educational liaison regarding the child's request to remain in his or her school of origin.
 (1) The educational liaison must provide written communication explaining why it is not in the child's best interest to remain in the school of origin.
 (2) The child must be allowed to remain in and attend the school of origin pending resolution of the dispute.

CHILD'S NAME: _____	CASE NUMBER: _____
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8. The county placing agency
- notified the local educational agency of the date the child will leave the school of origin (*date notice provided*):
 - requested from the local educational agency that the child be transferred out of the school of origin (*date of request*):
 - made the following efforts to maintain the child in the school of origin (*describe and provide details*):
 - Notified the current and prospective local educational agencies of the change of placement at least 10 days before the placement change because the child has a disability or individualized education plan (*date notice provided*):
9. Within two business days of receiving the request, the local educational agency
- transferred the child out of the school of origin and delivered the child's educational information and records to the next educational placement.
 - compiled the complete educational records of the child, including a determination of seat time, full or partial credits earned, current class records, immunizations, other records, and, if applicable, a copy of the child's plan adopted under section 504 of the Rehabilitation Act of 1973 or individualized education program adopted under the Individuals With Disabilities Education Act.
 - calculated the grades and credits of the child as of the date the child left the school. No grade was lowered because of the child's absence caused by the child's removal from the school of origin.
10. If applicable, the court has asked the social worker, probation officer, and other interested parties why the educational requirements on this form have not been met.
- The following actions are necessary to protect the child's educational and developmental-services rights (*specify*):
 - The court sets the matter for a hearing under Welfare and Institutions Code section 362 to consider whether to join in these proceedings the following agencies to address the provision of the following services (*specify*):

Date:

 JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME :	
<div style="text-align: center;"> REQUEST FOR HEARING REGARDING CHILD'S ACCESS TO SERVICES </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Appointment of Educational Rights Holder </div> <div style="text-align: center;"> <input type="checkbox"/> Review of Proposed Removal From School of Origin </div> </div>	CASE NUMBER:

NOTICE OF HEARING

1. A hearing on this application will be held as follows :

a.	Date:	Time:	Dept:	Div:	Room:
	b. Address of court: <input type="checkbox"/> is shown above		<input type="checkbox"/> is (specify):		

2. On (date): _____ the educational **rights holder** resigned or is no longer serving in that capacity the surrogate parent resigned or was terminated. I am requesting a hearing for appointment of an educational **rights holder**.

Date: _____

(TYPE OR PRINT CHILD'S ATTORNEY'S NAME)

SIGNATURE OF CHILD'S ATTORNEY

3. On (date): _____, the social worker or probation officer informed me that the child's placement will be changed and that this will result in the child's removal from the school of origin. Based on the information provided to me by the social worker or probation officer, I am requesting a hearing for the court to review the proposed removal of the child from the school of origin.

Date: _____

(TYPE OR PRINT CHILD'S ATTORNEY'S NAME)

SIGNATURE OF CHILD'S ATTORNEY

(TYPE OR PRINT NAME OF **EDUCATIONAL RIGHTS HOLDER**)

(SIGNATURE OF **EDUCATIONAL RIGHTS HOLDER**)