

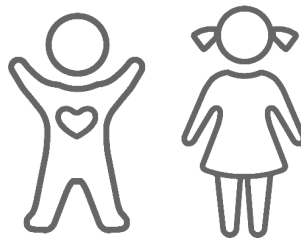
INCARCERATED PARENTS MANUAL: Chapter 1

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JUVENILE DEPENDENCY COURT: Child Custody and Visiting Rights Manual for Incarcerated Parents

This manual (written in 2023) is for incarcerated parents in California prisons and jails whose children are the subject of a juvenile dependency court case. This manual mostly addresses what happens to a child who was living in the home of a parent who has been arrested. It starts with your arrest. It then describes the various steps in a dependency court case and the options available to you, as well as to the child's non-custodial parent. Its focus is to help you maintain your relationship with your child, both during your incarceration and after your release.

It provides the information and tools you need to start having visits with your children. Most of the time, family visits benefit prisoners, their children, the community and even the jails and prisons themselves. We would like to see all of these institutions and people work together to make more visits happen and for these visits to be as good as they can be.



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Note on reproduction: You are welcome to copy and distribute this manual, but please do not charge for the copies.

Note to attorneys: Legal services providers and other attorneys may distribute this manual to incarcerated people, formerly incarcerated people, and/or their loved ones who contact them for legal assistance.

Disclaimer for non-attorneys: This manual is not intended to answer all of your legal questions or take the place of an attorney. Legal Services for Prisoners with Children (LSPC) does not provide direct legal representation. We have provided current information to the best of our ability. However, laws and procedures change frequently. It is your responsibility to check relevant legal cases, codes, court rules and forms when using this manual.

Section 1: THREE COURTS OVERVIEW

Courts that hear child custody cases

Three different kinds of courts handle cases that concern the custody of children of incarcerated parents. This manual provides information about the **juvenile dependency court**. The other two courts are the **family court** and the **probate court**. If your child's case is in either of these two courts, please see LSPC's custody and visiting rights manuals for those courts.

The **family court** hears disputes between parents. This includes divorces (dissolutions of marriage) and dissolutions of domestic partnerships. It also hears custody cases between unmarried parents, called Petitions to Establish Parental Relationship or Petitions for Custody and Support of Minor Children.

The **probate court** hears guardianship petitions filed by *private parties* other than parents (such as relatives or friends) who want to be appointed guardian of a child. One source of confusion is that a guardianship can also be established in the dependency court.¹ It is like a probate court guardianship, but it is created in a different court using different procedures.

The **juvenile dependency court** hears cases brought by a *county agency* that believes a child is being abused or neglected. The name of the child welfare department may differ, depending on the county, but is often called Child Protective Services (CPS) or the Department of Children and Family Services (DCFS). This manual will use the term "CPS" when referring to that type of agency.

A major difference between these courts is that low income parents are provided with court-appointed attorneys in dependency court. It is very important to take advantage of this service. In dependency court, your parental rights are at stake. What happens can drastically affect your relationship with this child, any other children you may have, and even children you may have in the future. Also, the rules are highly technical and complicated. This manual cannot cover the rules for all situations. You will need your lawyer to explain the rules as they apply to you and to provide you with competent advice. Finally, there are strict deadlines that can be difficult, or impossible, to meet. Your lawyer can advocate for more time under certain circumstances that may apply to you.

Be aware, though, that appointed attorneys are underfunded, and the quality of legal representation varies. That is why it is so important for you to understand this court system. The information in this manual will help you advocate for yourself and your child, with your attorney, the social worker and the court. A flowchart of dependency court stages is attached at the back of this manual as Attachment 1.²

► **Juvenile Dependency Proceedings flowchart – Attachment #1**

¹ If a guardianship involves Child Protective Services and the parents are given court-appointed attorneys, then that would be a juvenile dependency court case, not a probate court case.

² This flowchart and the appeals chart in Section 6 are provided here with permission from Advokids. Advokids is a non-profit legal resource for children in foster care in California and their advocates. advokids.org/

Section 2: YOUR ARREST AND YOUR CHILD

Immediate actions

If your child is with you when you're arrested, the arresting or booking officer *may* allow you to arrange care for your child before being booked. If so, call as soon as possible:

- The child's other parent
- A responsible relative of the child or
- A responsible friend—someone your child knows and trusts.

If your child is *not* with you, the arresting officers are not required by law, but *may let you* make arrangements for your child at this time. If so, let the school, day care center, or other caregiver know:

- That you will not be able to pick up your child and
- That your relative/friend/babysitter will be picking up the child or
- Who they can call to care for your child.

If you do not have family who can care for your child, contact a trusted friend to care for your child.

If CPS does not become involved initially, or if your child is immediately released to the other parent, then you may be able to arrange care for your child with another relative or a friend during your incarceration without any juvenile court involvement. See below for information on alternative arrangements.

CPS emergency response

If your child is *not* immediately picked up by a parent, relative or friend, the county Child Protective Services (CPS) will be contacted. CPS will take temporary custody of your child while it looks for placement options. Your child can be placed with relatives or friends without going into foster care if the relatives or friends have no hits on a criminal background check, no history of child abuse or serious neglect, and pass a brief home inspection.

If your child is brought to CPS, act as quickly as possible:

- Call a relative or friend immediately to see if they can take care of your child, including relatives of your child's other parent.
- Ask them if they would have any hits on a criminal background check or have had a CPS case in the past for abuse; if so, you may want to find another placement who can get approved more quickly and then work on transitioning your child to your preferred placement.
- Have your proposed caregiver call CPS immediately.
- Tell them to bring any proof that exists about their relationship (birth certificate, signed letter from you, passport).

CPS will do an emergency assessment of relatives who come forward to care for your child. [Cal. Welf. & Inst. Code § 361.4.] This assessment includes a criminal background check (including pending criminal charges), verification of their relationship to the child, and a visit to the home to ensure that the environment is safe. CPS may also consider a nonrelative extended family member as a caregiver. [Cal. Welf. & Inst. Code § 309(d).]

If CPS cannot reach a parent, or if the home suggested by a parent cannot get emergency clearance, CPS will place the child in an emergency shelter or foster home on a temporary basis while it tries to contact your child's (other) relatives. Relatives who cannot get emergency clearance may still get approved for placement later, but this takes time.

CPS will release your child to a parent, guardian, or responsible relative who poses no risk or danger to your child. [Cal. Welf. & Inst. Code § 309(a).] If CPS does not place a child with a relative within 48 hours, CPS *must* file papers in court to make the child a dependent of the court.

BE PERSISTENT: Getting your child out of foster care in the home of a stranger is one of the most important things in any dependency case to avoid termination of your parental rights and to increase your visitation. Relatives should call and email the social worker right away and keep doing so until they get a response. They should also come to court to tell the judge that they are requesting placement. Ask your public defender, chaplain, community services or medical staff for information or help.

DON'T RUN OUT THE CLOCK: Relatives are only legally preferred caregivers at the beginning of a case. At each stage, the obligation of CPS and the court to place your child with relatives or friends lessens. If your child is placed with strangers and does not reunify with you, they will almost certainly be adopted.

Alternative arrangements

If CPS does not become involved, then you may be able to arrange care for your child with the child's other parent, another relative or a friend without any juvenile court involvement.

The other parent: If a non-custodial parent comes forward to take custody of your child, they may not need to get a court order to formalize this arrangement. However, that parent *could* seek a court order in a pre-existing family court case or file a new case to establish legal custody. If your child's other parent files any of these legal actions, you should be served with the legal documents and you will have an opportunity to respond. Even if you agree that your child's other parent should have custody while you are incarcerated, you may wish to establish your right to have visits with your child. Information about these kinds of cases is provided in LSPC's "Family Court: Child Custody and Visiting Rights Manual for Incarcerated Parents."

Other temporary caregivers: Especially if your incarceration is not lengthy, there are two different legal arrangements that might be helpful when your child is temporarily living with a relative or friend: a Caregiver's Authorization Affidavit and a Power of Attorney for Minor Child.

The **Caregiver's Authorization Affidavit** is a two-page form signed by a qualified relative to ensure that a child's medical and educational needs are met. It allows relatives to enroll a child in school and to consent to school-related medical care on behalf of a child. It is good for one year and can be renewed. A copy is attached to this manual as Attachment 1.

► ***Caregiver's Authorization Affidavit – Attachment #2***

Limitations:

- This authorization is for temporary situations.
- The caregiver may not be eligible for CalWORKS or other benefits.
- It can be revoked at any time.
- It does not give the caregiver legal custody of your child.

A **Power of Attorney for Minor Child** can give the caregiver more authority to make decisions about a child, depending on what is specified in the document. It is signed by a parent and can be used to authorize a relative or a friend to act as a caregiver to a child.³ Ordinarily, the parent's signature is notarized. If a notary is not available, the parent's signature can be witnessed by two adults (not the designated caregiver). A copy of each of these forms is attached to this manual.

► ***Power of Attorney for Minor Child – with notary – Attachment #3***

► ***Power of Attorney for Minor Child –with witnesses – Attachment #4***

Limitations:

- The form must be notarized or signed by two witnesses.
- It is not a court order.
- It is not binding on the other parent or a court.

Court-ordered custody options: If your incarceration is lengthy and your child is not being cared for by the other parent, but is with another family member or friend, you can consider two other options: a probate court guardianship or a custody order in family court. Under either option, you can seek visiting rights and a change of custody upon your release. Both are likely preferable over dependency court involvement. Please refer to LSPC's manuals on probate court guardianships and family court for more information on these legal arrangements.

However, this manual assumes that your child's situation is in the juvenile dependency court.

³ A power of attorney is created by one person (called the "principal") to grant to another person (called the "agent" or "attorney-in-fact") the authority to make important decisions on their behalf concerning "property, personal care, or any other matter." [Cal. Prob. Code § 4123(a).] The website for the California court system explicitly states that a power of attorney may be used by a parent to give another adult the right to make important decisions about their child. See: www.selfhelp.courts.ca.gov/guardianship/other-options

Section 3: EARLY STAGES OF THE JUVENILE DEPENDENCY COURT

Overview of dependency court stages

Here is a summary of the process and timeline in the juvenile dependency court:

- **Petition:** After CPS takes physical custody of your child (because it believes your child is in danger of abuse or neglect), it has to file a petition with court. The petition lists the charges against you, which are called “allegations.”
- **Detention:** A detention hearing will be held within three court days after your child was removed. You will be given the petition and the report detailing the initial evidence against you. This is an emergency hearing where the judge will decide where your child will live temporarily.
- **Jurisdiction and Disposition:**
 - A jurisdiction hearing must be held within 15 days if your child was removed. The judge must decide if the allegations in the petition are true.
 - A disposition hearing is often combined with the jurisdiction hearing. At it, the judge decides whether or not to order reunification services for the parent(s), with a case plan and visiting schedule. The judge also decides where your child will be placed.
- **Review hearings:** If reunification services were ordered, the family works on following the case plan, with review hearings every six months. When a child is not living with a parent during this period, you have only a short time to prove that you have fixed the issues that led to removal. The minimum is six months and the (very rare) maximum is 24 months since your child entered foster care. If successful, your child is returned to you.
- **Permanency:** If the reunification period ends without your child being returned, or if reunification services were never ordered, the court will no longer consider returning your child to a parent (absent a new motion from you). Instead, the court’s options, in order of legal preference, are:
 - Adoption (with termination of parental rights)
 - Tribal Customary Adoption
 - Legal guardianship
 - Continued foster care.

A more detailed flowchart of these stages appears at the back of this manual as Attachment 1.

► *Juvenile Dependency Proceedings flowchart – Attachment #1*

Note about forms: Standard court forms are available on the California Judicial Council website: www.courts.ca.gov/forms. Forms used in juvenile court begin with the letters **JV**, such as **JV-180**.

Initial petition

If you are unable to arrange placement for your child after your arrest and CPS believes your child is at risk of abuse or neglect that meets the legal definition, CPS will file a juvenile dependency petition.

Generally, CPS files this petition if it believes "there is a substantial risk that the child will suffer serious physical harm or illness by the failure or inability of the parent or guardian to adequately

supervise or protect the child." [Cal. Welf. & Inst. Code § 300.] For incarcerated parents, CPS often files a petition under § 300(g), which states that "the child's parent has been incarcerated or institutionalized and cannot arrange for the care of the child." If CPS has not checked to see if you can arrange for care, you can contest this as an issue in court at the jurisdictional hearing.

If your child is not released to a responsible adult, the social worker must file a petition within 48 hours of your child being taken by CPS; otherwise, the petition *must* be filed "as soon as possible." [Cal. Welf. & Inst. Code § 313(a); Cal. Rules of Court, rule 5.670(a).] If a petition is filed, you (and your child's other parent) have:

- The right to be notified
- The right to be present
- The right to an interpreter, if needed
- The right to a lawyer at each of the following court hearings:
 - Detention hearing
 - Jurisdictional hearing
 - Dispositional hearing
 - Status review hearings
 - Permanent plan hearing.

Even though you are incarcerated, you can protect your child and your rights. If a petition is filed:

- Request an attorney: As soon as you know that there is a case regarding your child, call or write CPS and let them know where you are and that you want a lawyer.
- Inform CPS of all relatives: Make sure you let CPS know the names of all relatives on both sides of the family (both parents' families) who may be available to care for your child. If your child's placement changes, this will help ensure that your child remains in family care.
- Ask to be present at every court hearing.
- Ask relatives and close friends who know your child to be present in court. [Cal. Rules of Court, rule 5.534(a), (b).]
- Talk to your lawyer: You have a right to understand what is happening in court. Tell your lawyer what you want for your child. Ask questions.
- Talk to your child's social worker: make sure they know you care.
- Ask for visits (in-person and/or video visits) and/or phone calls with your child. Maintaining regular contact with your child is key.
- Go to any parenting, counseling, AA/NA meetings, or other classes offered.
- Find out what specific programs and services are available at your facility and pursue them.
- Tell the court if specific counseling or other treatment services are not offered at your facility. You should not be penalized for not participating in services that you do not have access to. [Cal. Welf. & Inst. Code § 361.5(a)(3).]
- Use the sample letters to the judge, social worker, and attorney (Attachments 5, 6 and 7). Court addresses are attached as Attachment 8.

► ***Sample letters to judge – Attachment #5***

► ***Sample letter to social worker – Attachment #6***

► ***Sample letter to attorney – Attachment #7***

► California Juvenile Dependency Court addresses – Attachment #8

Special tip for non-custodial incarcerated parent

If you are an incarcerated parent whose child is the subject of a dependency court petition but your child was not in your legal custody when removed from their home, then you may request legal custody of your child – with the right to make your own arrangements about where your child will live. [*In re V.F.* (2007) 157 Cal.App.4th 962.]

If CPS did not check whether or not you could arrange care for your child, you can raise this at the jurisdictional hearing if the petition alleges, under § 300(g), that “the child’s parent has been incarcerated . . . and cannot arrange for the care of the child.”

The importance of visiting

The importance of visiting cannot be overemphasized. While your child is living with someone else, and developing a parental connection with them, it is critical that you maintain as strong a relationship with your child as possible, despite your incarceration. In many cases, it is the most important factor in determining whether parental rights are preserved or lost. Visiting with a parent must be ordered for “as frequently as possible, consistent with the well-being of the child.” [Cal. Welf. & Inst. Code § 362.1(a)(1).]

Visiting can be supplemented with phone or video calls, letters and emails (where available). Section 8 of this manual describes in detail how to request a visiting schedule with your child at different stages of a dependency court case.

Paternity

The situation that this manual primarily addresses is that of an incarcerated parent whose child was living with them at the time of their arrest – while the other parent was living somewhere else. In some circumstances, an incarcerated parent may learn that their child is in dependency court due to an issue involving the custodial parent, but that parent is not incarcerated. In all circumstances, the dependency court is required to reach out to the non-custodial parent.

It is important for all parents to understand the legal rights of fathers under California law. The law distinguishes between *presumed*, *natural*, and *alleged* fathers.⁴

- A **presumed father** has the most rights. He is entitled to reunification services and child custody. This status is based on:
 - Marriage to the mother before the child’s birth [Cal. Fam. Code § 7611]
 - A signed Voluntary Declaration of Paternity (usually signed by both parents at birth or shortly after) [Cal. Fam. Code § 7573]
 - A parenting relationship with the child, by proving that you “received the child into your home and openly held out the child as your natural child.” [Cal. Fam. Code § 7611(d)]. This means that you have had your child in your home overnight and that you have told other people that this is your child. A man who has been prevented

⁴ **Please note:** These rules also apply to co-parents of any gender in same-sex couples.

by the mother from physically receiving the child may be declared a presumed father. [Adoption of Kelsey S. (1992) 1 Cal. 4th 816, 849-850.]

- A **natural (or biological) father** is one who has established paternity through DNA testing. He is not entitled to reunification services, but a court could order them if in the child's best interest. [Cal. Welf. & Inst. Code § 361.5(a).]
- An **alleged father** is someone who claims (or the child's mother claims) that he is the father. He is only entitled to notice and an opportunity to appear and assert a position regarding his status.

Juvenile court form **JV-505** (Statement Regarding Parentage) can be filled out to assert one's position regarding parentage and to ask the court to make a determination. A presumed father (whether the custodial parent or not) is entitled to an attorney. He can seek reunification services (especially where his release is in the near future) or to have a member of his family be awarded custody as a guardian or foster family. He can also seek visiting rights.

► **Statement Regarding Parentage (JV-505) – Attachment #9**

When a child is declared a dependent of the juvenile dependency court, the parental rights of both parents are at stake. In most cases, where one parent is able to reunite with a child or maintain their parental rights under a guardianship or foster family situation, the other parent's parental rights are not terminated. For this reason, it can be wise for parents who want to maintain a relationship with their child to work together, through their attorneys, for their common good.

Transportation to court

California law gives incarcerated parents the right to be transported to court for jurisdictional and dispositional hearings in dependency court, and for hearings that seek to terminate their parental rights. [Cal. Pen. Code § 2625(d).] The court should automatically issue an order for you to be transported to these hearings. It is called an Order for Prisoner's Appearance at Hearing Affecting Parental Rights (**JV-450** form). The court must send a copy of this order to the warden or sheriff not less than 15 days from the date a prisoner is to be transported. You should also receive a copy of it, along with a **JV-451** form (Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights). You can state on the **JV-451** form that you want to appear in person or, instead, you can choose to appear by phone or video-conference, if the technology is available. The court is not authorized to proceed with these hearings without you personally present in one of these ways, unless you have signed a waiver.

If you do not receive this order, or if you want to be transported to court (or appear by phone or video-conferencing) for other dependency court hearings, you can write to the court to request such an order, or ask your attorney to request one. Keep track of your child's hearing dates. Ask your lawyer and social worker to let you know of any changes in court dates.

Detention hearing

If your child was taken into custody and not released to a parent or guardian, a detention hearing will be scheduled "before the end of the next court date after a petition is filed," excluding weekends and holidays. [Cal. Welf. & Inst. Code § 315.] This hearing is to decide where your child will live during the court proceedings: whether the child can go home safely to a parent, will remain in foster

care or can be placed with a relative or other responsible adult known to the family. The court will also consider whether visiting should occur between the child and others, including the child's siblings. [Cal. Rules of Court, rule 5.670(c)(1), (2).]

At this hearing, the court will appoint lawyers for the parents, and usually for the child. An older child may be able to effectively advocate for themselves, but would then be assigned a CASA volunteer (Court Appointed Special Advocate). If the social worker is present, do speak with them so they can get to know you. Tell them you want visits and/or phone calls with your child.

To determine where your child should live on an emergency basis, the court will consider the reports from the social worker, police officer, or any other documents submitted. The parent, the child, and the guardian have the right to confront and cross-examine the people who prepared any report or any other document submitted to the court. You cannot be forced to testify against yourself. [Cal. Rules of Court, rule 5.674(c).]

The court may rely solely on the written reports mentioned above. Those reports must include:

- A statement of reasons why the child was removed from the parent's custody
- A description of the services provided, and of any available services that would prevent the need for the child to remain in the court's custody (such as a parent's residence in a substance abuse treatment facility where the child could live)
- Identification of the need for the child to remain in the court's custody
- Information about a non-custodial parent or any relative with whom the child might be placed.

[Cal. Rules of Court, rule 5.676(c).]

If the court does not return a child to a parent at this hearing, it will either maintain the child in the temporary foster care already arranged by CPS or place the child in an alternative foster home with a relative or nonrelative extended family member. If a relative or nonrelative is to be considered, a social worker will conduct an investigation and make a recommendation to the court. The assessment includes a criminal records check and any prior report alleging child abuse. [Cal. Rules of Court, rule 5.678.] The potential foster family must meet the qualifications of a "resource family" (families who sign up to be foster parents generally). Most criminal background hits can be cleared eventually, through a waiver process. Out-of-state relatives can be approved, but this takes the most time. Relatives who care for a child who is a dependent of the court can get financial help and services through CPS.

Regardless of where your child is placed, ask the court for an order allowing you to visit with your child. This order can include phone calls as well as asking the caregiver to send you photographs, schoolwork or other items, and to keep you informed of school progress, medical issues, etc.

The court will also schedule a jurisdictional hearing. If the court decides to detain your child (that is, to continue your child in foster care), the hearing will be within 15 days; it will be within 30 days if not detained. [Cal. Welf. & Inst. Code § 334.]

At this, and at every hearing, it is important that you or your attorney object to any false or misleading statements, any ruling you disagree with, or anything else (inside the courtroom or elsewhere) that is unfair to you. Failure to object promptly can be considered a waiver of the right to raise the issue later on appeal.

Indian Child Welfare Act (ICWA)

The Indian Child Welfare Act is a federal law that plays a large role in dependency court cases that involve American Indian children. The law is based on the belief that it is in the best interest of an American Indian child that the role of the tribal community in the child's life be protected. It applies to temporary placement situations and to court proceedings that result in adoption or termination of parental rights. ICWA does *not* apply to disputes between parents in a divorce action. [25 U.S.C. § 1903 *et seq.*]

If you and/or your child are of Native American heritage, you should tell your lawyer or the dependency court social worker immediately. If the court finds that you and/or your child are active members of an Indian tribe, it must work towards maintaining the stability of this tie to the tribe when determining placement of your child in a foster home or in the home of a guardian, as well as in the decision to terminate parental rights. The court will do this by contacting the tribe to seek its input and assistance.

There are many special rules that apply to Indian children, in areas such as jurisdiction, notice, evidence rules, placement preferences and other procedures. This manual only describes a few of them. Be sure to let your attorney know if this law may apply to you because it may benefit your situation. Your attorney has access to resources such as the CEB book on juvenile dependency law. Also helpful is the ICWA Judge Benchbook Guide (available on the California Indian Legal Services website).

De facto parent

A *de facto* parent is someone who has assumed the role of a parent on a day-to-day basis, such as a stepparent or grandparent. This means that the person has provided emotional support, taken care of the child's physical needs, and given the child affection for a substantial period of time just as a natural parent would do. [Cal. Rules of Court, rule 5.502(10).] A *de facto* parent who is your relative or friend can advocate for your rights. If you have someone like this, you can encourage them to apply for *de facto* parent status, using the **JV-295** application form.

On the application, they tell the court about their relationship with your child and the ways they have parented them on a regular basis. The application can be filed before the dispositional hearing and granted at that, or any later, hearing.

If the petition is granted, the *de facto* parent is entitled to certain procedural rights, such as the right to attend hearings, present evidence and be represented by counsel, but a *de facto* parent does not have rights to reunification services, custody or visits. [Cal. Rules of Court, rule 5.534(d).]

Be aware that a foster parent can petition to be recognized as a *de facto* parent. This person may be adversarial to you and may even want to adopt your child.

Jurisdictional hearing

At the jurisdictional hearing, the court decides whether the facts in the petition are true and whether they are serious enough to make a legal finding that the court must exercise its authority over your child. The law lists ten different factual circumstances that require this finding. [Cal. Welf. & Inst. Code § 300(a)-(j).] It is important to read the petition carefully to see what is alleged in your case. Mere

incarceration is insufficient. As noted above, if you have been able to make arrangements for the care of your child with a willing caregiver, § 300(g) should not apply. In cases involving incarcerated parents, a common allegation is that the child is at risk of harm due to the inability of the parent to adequately protect the child, under § 300(b).

The court will base its decision on the dependency petition, the social worker's report, and anything else presented at the hearing. If the judge finds that the allegations in the petition are true, and that these allegations show that your child is at a risk of harm, the court will "sustain the petition."

You have the right to disagree with the allegations and to:

- Receive reports and inspect documents
- Have a hearing on the issues in the petition
- Cross-examine witnesses
- Subpoena witnesses and present evidence on your own behalf
- Remain silent.

[Cal. Rules of Court, rule 5.534(g)(1), (2).]

Where the allegations are *clearly true*, parents may be asked to admit them or plead "no contest." Advocates recommend instead that parents submit the decision to the court on the report. Submitting the decision keeps open the ability to appeal the sufficiency of the evidence later. [*In re Tommy E.* (1992) 7 Cal.App.4th 1234.] A frivolous objection might hurt future efforts to work with your social worker to reunify with your child.

However, it is important to object to and refute any false or unproven allegations. For example, a claim that your child was left in harm's way could be speculative, unlikely or remote. The information in the petition can be used against you in future proceedings. Your attorney may, or may not, recommend contesting the allegations at an evidentiary hearing. You have a right to such a trial and it is your decision to make.

If the judge finds the allegations to be true by a preponderance of the evidence, the court will take legal custody of your child and conduct a dispositional hearing, when the court will decide who your child should live with on a more permanent basis. The dispositional hearing could happen the same day.

If you don't already have a court order for visits or phone calls with your child, you should ask for them now. The closer you are bonded with your child, the more likely a future court will support your efforts to maintain that relationship.

Dispositional hearing

Along with the jurisdictional hearing, this is the most significant hearing for how the rest of your case will go. After the judge finds the petition to be true (meaning that your child is considered abused or neglected under the law), the judge must decide what to do with your child. This usually means making the child a dependent of the court. CPS recommends a case plan for you and your child and the court will determine one.

Alternatives to a dependency finding: These are: a voluntary legal guardianship or foster care, with or without services, a return to a parent with informal supervision and services, or dismissal.

To avoid a dependency finding with ongoing supervision by the dependency court, parents whose child is outside of their care can agree at this stage to a voluntary legal guardianship, after an assessment of the proposed guardian by CPS. [Cal. Welf. & Inst. Code § 360.] This is a good option if parents anticipate being unable to complete reunification services within a year (see below), which is difficult to do while incarcerated. A guardianship provides a stable living situation for a child with a relative or friend, can include visiting rights for the child's parents, and can be terminated later in favor of the child's return to a parent's custody if it is in the child's best interest.

Dependency finding: If the judge makes your child a dependent of the court, the court will assume on-going authority over them. If your child is not already living with a parent, you will either be granted reunification services or by-passed for those services. If you are granted reunification services, CPS is required to give you a case plan for you to follow that will lead to your child being returned to you; CPS is also required to provide you with reasonable services to assist you in completing this case plan. A judge's decision not to provide you with reunification services is, essentially, a decision that the judge **does not** intend to return your child to you.

Reunification services decision: The law requires a good faith plan to reunify a parent and child; however, there are 16 grounds that can disqualify a parent from being provided with these services. [Cal. Welf. & Inst. Code § 361.5(b).] This is a partial list:

- The court cannot find you or does not know where you are.
- The court finds that you have a mental disability which prevents you from taking care of your child (two psychiatric evaluations are necessary here).
- You have a history of drug or alcohol abuse and have resisted treatment.
- The court has already taken this child or their sibling away from you due to physical or sexual abuse, returned that child to you, and that child is again being removed for physical or sexual abuse.
- The court has found that you caused the death of a child through abuse or neglect.
- The child is under the age of five and has suffered severe physical abuse by you or someone you know (and you knew, or should have known, of the abuse).
- The court finds that you (or someone else with your consent) have severely sexually or physically abused the child or their sibling, and decides that your child would not benefit from reunification services with you.
- The court finds that you willfully abandoned your child, which placed the child in serious danger.
- A California court terminated reunification services for you with another child and you have not made a reasonable effort to deal with the reasons that led to that child's removal from you.
- Your parental rights of another child were terminated and you have not dealt to the court's satisfaction with the reasons that led to that child's removal from you.
- You have told the court that you do not want reunification services and that you do not want custody of your child.
- The court finds that you have taken a child from a placement, and have refused to return the child or tell the social worker where the child is.
- You have been convicted of a violent felony as defined in Penal Code section 667.5(c).

[Cal. Welf. & Inst. Code § 361.5(b).]

However, even where a disqualifier is found, you can still be given reunification services if you can show, by clear and convincing evidence, that reunification is in your child's best interest. [Cal. Welf. & Inst. Code § 361.5(c)(2).] To do this, you can present evidence of your earlier history and relationship with your child (documented behavior), that you regularly visit with your child, and any other significant factors.

If **no** disqualifier is present, the law states that the court *shall* order reunification services to an incarcerated parent, unless it would be detrimental to the child. On the issue of detriment here, the court looks at:

- Your child's age
- The strength of your relationship
- Your sentence
- Your crime, to the extent that it is substantially related to the welfare of your child or your ability to exercise custody and control regarding your child
- Effect on your child if no services are offered
- Your child's wishes if your child is older than 10
- Any other factors that the parties want the court to consider.

[Cal. Welf. & Inst. Code § 361.5(e)(1).]

If you are seeking reunification services, you must work with your attorney to present reasons and facts why those services are appropriate in your case, based on the factors outlined above.

Maintaining contact with your child: To support your effort to reunify with your child, you can tell the court about services or programs at your facility that will help you maintain a connection with your child while incarcerated. If you are in state prison, you may be able to get a transfer to a prison closer to your child, or to one of the Custody to Community Transitional Reentry Programs (CCTRP). The Alternative Custody Program may be available to you. If your child is under age 6, you may be eligible for the Community Mother Infant Program (CPMP) where your child could live with you. In addition to the regular visiting room visits, you may be eligible for overnight family visiting. Services such as TransMETRO and Get On The Bus could help your child's caregiver with transportation. Video visits, phone calls, letters and emailing (when available) are also ways to stay connected, depending on your child's age. Tell your attorney and the social worker all of the ways that are available to you to stay close to your child.

Your rights at this hearing: It is very important to object at this hearing to any factual errors or false allegations in reports, evidence, or argument presented at the hearing. If you do not raise these issues, a later court can prevent you from raising these issues on appeal. [*In re S.B.* (2004) 32 Cal.4th 1287.]

You have the right:

- To review the CPS plan for you and your family, and for your lawyer to challenge any false claims or inaccurate statements in the report. [Cal. Rules of Court, rule 5.690(a)(2).]
- To request reunification services with a robust visiting plan
- To produce evidence and to say what you want about where your child should live

- If your child is placed in foster care, to ask that your child be placed either in the county where you are incarcerated, or in the county where your child's other parent or previous caregiver lives, or an adjacent county [Cal. Welf. & Inst. Code §§ 361.2(g)(1), (2).]
- To request orders allowing you to stay in touch with your child, even if reunification services were not ordered, such as orders for:
- Collect phone calls between you and your child on a regular basis [*In re John B.* (1984) 159 Cal.App.3d 268.]
- Visits with your child
- A plan to transport your child for visits
- To request services for yourself, your child, or your extended family.

Denial of reunification services: The court has broad discretion to order reunification services, or not. If the court does not order reunification services for either parent, it could approve a voluntary guardianship at this hearing. This means a guardianship that you consent to. [Cal. Welf. & Inst. Code § 360(a).] In this case, the court could terminate or maintain the court's jurisdiction. [Cal. Rules of Court, rule 5.695(a)(3),(4).] If no other permanent arrangement is made at this hearing, the court will schedule a permanent plan hearing. This is known as a "bypass order." See Section 5.

Special Immigrant Juvenile Status: If an undocumented child is made a dependent of the juvenile dependency court and the court has denied reunification services with the parents, a federal law may provide an immigration benefit to that child. The Special Immigrant Juvenile Status (SIJS) law is a way for a minor to apply to become a permanent resident of the United States (get a "green card") and apply for US citizenship in five years. The juvenile dependency court must make written findings that reunification with parents is not viable and return to the prior country is not in the child's best interest. (Form **JV-357**.) These findings are then submitted to immigration authorities; this must be done before the child turns 18. Your child's attorney should assist with this; or you can ask the court to appoint an immigration attorney for your child or order the agency to provide immigration services. You can use this on-line directory to find legal assistance in your child's county.

www.immigrationadvocates.org/legaldirectory/

Section 4: THE CASE PLAN PERIOD AND REUNIFICATION SERVICES

Family reunification services

If the judge at the jurisdictional hearing ordered reunification services, then the county has a duty to provide court-ordered services to assist you to reunite with your child. The assumption is that you will successfully comply with the case plan and that your child will be returned to you. Among other things, the court wants to see that you have insight into why your child is no longer in your care and that you have a plan to avoid ever having your child in that situation again. The case plan must be realistic, given the fact of your current incarceration. [Cal. Welf. & Inst. Code § 361.5(e)(i).] You should not be ordered to participate in a program that you don't have access to. Although it may be difficult, you have the responsibility to participate in the programs and services ordered. Failure to participate in court-ordered services can cause you to lose your child.

Visiting, and maintaining contact generally, is a key component in a reunification plan. It should be "as frequently as possible," consistent with your child's well-being. [Cal. Welf. & Inst. Code § 362.1(a)(1).] CPS has a duty to facilitate visits. [*In re Precious J.* (1996) 42 Cal.App.4th 1463.] Visiting that

automatically increases over time can be built into a case plan. One law book observes that “nothing is more valuable than showing the best possible parenting in the worst possible circumstances.” You can look for resources on “parenting from the inside.”

Time deadlines for reunification

Juvenile court law provides time deadlines for parents to meet the requirements of the reunification plan and reunify with their children. These deadlines apply to incarcerated parents. Parents of children **three years of age or older** at the date of removal shall receive 12 months of court-ordered services beginning with the dispositional hearing and ending 12 months after the child enters foster care. [Cal. Welf. & Inst. Code § 361.5(a)(1)(A).] However, parents of children **under three years** of age are guaranteed only six months from the dispositional hearing, but can receive up to 12 months, at the discretion of the court. [Cal. Welf. & Inst. Code § 361.5(a)(1)(B).]

A child is considered to have entered foster care when either (a) the jurisdictional hearing is complete, or (b) 60 days after the child was initially removed from the physical custody of the parent or previous caregiver, whichever comes first. [Cal. Welf. & Inst. Code § 361.49.] However, this time can be extended if the court grants a continuance.

There are special rules where the child has siblings, especially if a sibling is under age three, and where a minor is approaching age 18.

Please note: Your child’s other parent may have been ordered to receive reunification services. If that parent can successfully complete the program, custody of your child could be awarded to that parent, and the dependency court case would be dismissed. The court would issue an “exit” order, which is a court order that transfers your child’s case out of the dependency court and into the family court system, under a new case number. While you may not think that the other parent is the best caregiver for your child, an advantage to you is that your parental rights will not be terminated as long as the other parent has custody. This is because the purpose of terminating parental rights is to place your child up for adoption. Once you are released, you can seek to modify the order that gave the other parent custody while you were incarcerated. You could also seek expanded visiting while you are still incarcerated. Unlike the dependency court, the family court is designed to mediate custody and visiting arrangements between separated parents as circumstances change.

Status review hearings during reunification services period

After the dispositional hearing, if your child has not been returned to you, the court must review your child's case every six months at a court hearing. Before each hearing, the social worker will write a progress report and will make recommendations based on it. These reports must document the barriers to an incarcerated parent’s access to transportation, visiting and phone services and to their ability to maintain contact with their child. [Cal. Welf. & Inst. Code § 361.5(e)(1)(D)(ii).]

You have a right to have a copy of the report at least 10 days before the hearing. *READ the report.* Tell your lawyer if you do not agree with what is written.

The court will look at your progress or completion of your case plan, good and regular visits, and your insight and rehabilitation (such as participation in sobriety programs). The court must make a finding that there would, or would not, be detriment for your child to be returned to you. [Cal. Welf. &

Inst. Code § 366.21(e)(2).] The court also determines whether or not reasonable services were offered and provided to you. [Cal. Welf. & Inst. Code § 366(a)(1)(B).] The court must take into account the particular barriers to an incarcerated or institutionalized parent's access to those court-mandated services and their ability to maintain contact with the child. [Cal. Welf. & Inst. Code § 366.21(e).]

Based on these factors and the evidence presented, the court may:

- Order your child returned to you, or placed with a noncustodial parent and issue an "exit order" to family court where future hearings on custody and visiting will be heard (JV-200: Custody Order – Juvenile – Final Judgment)
- Order six more months of services at the six- or 12-month review hearing
- Continue the case at the 18-month review hearing for further reunification services
- Terminate reunification services and order a permanent plan of foster care where adoption or guardianship is not realistic [Cal. Welf. & Inst. Code § 366.21(g)(5)]
- Terminate reunification services and set a permanent plan hearing (also called a 26 hearing).

[Cal. Rules of Court, rule 5.710.]

Time extensions for reunification services

It is best to complete your case plan without having to seek an extension. The longer it takes you to meet your goals could be viewed as evidence that you will never be able to do so. Of course, sometimes you have no control over things, such as your sentence length, CPS' ability to provide you with reasonable services, or other barriers due to your incarceration itself. You can seek an extension of time for these or other reasons.

Extension to 18 months: At the 12-month review hearing (also called a permanency hearing), termination of services is the norm. However, services *may* be extended to 18 months (from the date the child was removed from your physical custody) if it can be shown that there is a *substantial probability* that your child will be returned to you within the extended time period, or you can show that reasonable services were not provided to you. [Cal. Welf. & Inst. Code § 361.5(a)(3)(A).] To find substantial probability that your child will be returned, the court must find that:

- You have consistently and regularly contacted and visited with your child.
- You have made significant progress in resolving problems that led to the removal of your child from your home.
- You have demonstrated the capacity and ability to (1) complete the objectives of your treatment plan and (2) to provide for the child's safety, protection, physical and emotional well-being, and special needs.
- An extension is in your child's best interests.

[Cal. Welf. & Inst. Code § 366.21(g)(1)-(3).]

In determining whether to extend services up to 18 months, the court can consider any obstacles to your ability to access services and whether you made a good faith effort to maintain contact with your child, so long as there is a substantial probability that your child will be returned to you within the extended period or that reasonable services have not been provided. [Cal. Welf. & Inst. Code § 361.5(a)(3)(A).]

Extension to 24 months: If services have been offered for the maximum 18-month time limit, the court has discretion to extend reunification services up to a 24-month period for certain parents under limited circumstances. A parent who has been *recently released* from incarceration may be granted an extension if:

- The permanent plan is that the child will be returned to the parent within the extended time period (or reasonable services have not been provided)
- The parent and child have consistent and regular visits and contacts
- The parent is making significant and consistent progress in establishing a safe home
- The parent is making progress in resolving problems that lead to the child's removal
- The parent has a treatment plan
- Reunification is in the child's best interest.

[Cal. Welf. & Inst. Code §§ 361.5(a)(4)(A), 366.22(b)(3)(c).]

NOTE: The court may not order a 26 hearing to be held unless there is clear and convincing evidence that reasonable services have been provided or offered to a parent or legal guardian who is eligible for those services. [Cal. Welf. & Inst. Code § 366.22(b)(3)(C)(i).]

Scheduling a permanent plan hearing

At some point, the court will terminate court-ordered reunification services. If the court has not returned the child to a parent, the court's focus will be to determine a permanent placement for the child. Often, this means that the court will schedule a permanent plan hearing, which must be held within 120 days of the termination of services. At this hearing, termination of parental rights and placing the child for adoption is generally considered the preferred outcome.

However, If at the end of the 18 month reunification period, your child cannot be safely returned to the care and custody of a parent without court supervision, *but* the child clearly desires contact with you, the court shall take the child's desire into account in devising a permanent plan. [Cal. Welf. & Inst. Code § 361.5(a)(3)(B).] This means that a guardianship or permanent foster home placement may be selected: parental rights would not be terminated and you could be given visitation.

If the court terminates services and schedules a permanent plan hearing, you have the right to an *immediate appeal* of that decision by filing a writ, described in Section 6 below.

Pending the permanent plan hearing, parental visiting must continue, unless detrimental to the child. [Cal. Welf. & Inst. Code § 366.21(h).] However, its length and frequency can be reduced.

Section 5: PERMANENT PLAN HEARING (366.26 HEARING)

Permanent plan hearing (366.26 hearing)

If you were not offered family reunification services, or if your reunification services were terminated, and no other steady living arrangement for your child has been approved, the court will set a permanent plan hearing. (It is sometimes termed a "selection and implementation hearing" but most frequently is referred to as a "26 hearing" (pronounced "two-six").) At this hearing, the court will read the

social worker's recommendations for a long-term plan for your child, so that they will have a permanent, stable place to live. This hearing usually takes place between 12 and 18 months after your child was detained. If no family reunification services have been offered, this hearing may take place much earlier. [Cal. Welf. & Inst. Code § 366.26.]

The court will consider these permanent plans in this order of preference:

- Termination of parental rights and adoption
- Tribal customary adoption
- Legal guardianship
- Long-term foster care placement with a relative or non-relative.

[Cal. Welf. & Inst. Code § 366.26(b).]

You have the right to full and adequate notice, to a copy of the report 45 days before the hearing, to be present, to have counsel, to present evidence, to cross-examine witnesses and to advocate for the best outcome for your child. It is important to work closely with your lawyer in preparation for this hearing.

As you can see from their descriptions below, your best chance of being able to maintain an on-going connection with your child is with their permanent placement with a relative or friend known to you, in either a guardianship or long-term foster care. Adoption by a relative or friend also allows you that possibility, but an adoptive parent can refuse to allow visits with a minor child and you would have no legal recourse. With a guardianship or foster care, you are able to seek visiting rights from a judge. As time goes by, you can seek to modify those arrangements which possibly could lead to your regaining custody. It is extremely important to maintain a positive relationship with your child's caregiver.

Termination of parental rights and referral of child for adoption

This may happen if reunification efforts have failed or if you were never offered reunification services at all. If your parental rights are terminated, you will no longer have any right to care for, or even visit, your child in the future.

These are considered a sufficient basis to terminate parental rights:

- Reunification services were not offered, or they were terminated.
- The whereabouts of a parent have been unknown for six months.
- The parent has failed to visit or contact their child for six months. (However, the court will take into account the particular barriers to an incarcerated parent's or guardian's ability to maintain contact with their child.)
- The parent has been convicted of a felony indicating parental unfitness.

[Cal. Welf. & Inst. Code § 366.26(c)(1).] In order to free a child for adoption, the parental rights of both parents must be terminated. The court must also find by clear and convincing evidence (if it has not already), that the return of the child to either parent would cause a risk of detriment to the child's physical or mental well-being, and that the child is likely to be adopted. [Cal. Welf. & Inst. Code §§ 361, 361.2, 366.22(c)(1).]

When deciding whether to terminate parental rights, the court must also consider whether this action would be detrimental to the child. The court considers several factors when determining detriment. The two most common factors that preclude adoption are:

- A child 12 years of age or older objects to termination of parental rights.
- The parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship (the “beneficial parent-child relationship” exception).

A parent seeking the “beneficial relationship” exception can ask for and present a bonding study, as well as presenting other evidence (such as letters and testimony from the child) to prove the parent’s importance in their child’s life.

Other factors are:

- There would be substantial interference with a child’s sibling relationship.
- The child is currently placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances, but is willing and capable of providing the child with a stable and permanent environment and be their legal guardian. Also, the removal of the child from this caregiver would be detrimental to the emotional well-being of the child (with exceptions).
- The child is an Indian child, and there is a compelling reason to determine that termination of parental rights would not be in the best interest of the child, such as the child’s tribal connection or tribal placement.

[Cal. Welf. & Inst. Code § 366.26(c)(1)(B).]

If parental rights are terminated, the child welfare agency will move forward with adoption proceedings.

Legal guardianship with a relative, friend or other person

A legal guardianship suspends, but does not terminate, your parental rights. The court can grant legal guardianship at this hearing if it finds that termination of parental rights or adoption is not in the child’s best interests or that termination would be detrimental to the child. [Cal. Welf. & Inst. Code § 366.26(c)(4)(A).] A legal guardian may be a relative, friend, or foster parent.⁵ Once the court appoints a legal guardian, that guardian has full legal responsibility for a child, including making education, housing and medical decisions. A legal guardian can apply for Kin-GAP, CalWORKS, or other benefits for a child.

⁵ However, if (a) one of your children is under six **and** (b) you do not qualify for the “beneficial relationship” exception, the only way to avoid the termination of your parental rights and adoption would be if the guardian is a *relative*.

If you are at risk of having your parental rights terminated and you are comfortable with your child's current living situation, you might consider legal guardianship as an alternative to the termination of parental rights. It might be helpful to discuss legal guardianship with the caregiver or foster care provider before the 26 hearing. If the caregiver agrees to become a legal guardian, you can notify the judge at the 26 hearing that you want to enter into a voluntary legal guardianship. At this point, the court can grant the guardianship immediately, agree to consider the guardianship, or not grant the guardianship at all. If the court agrees to consider the guardianship, the court will continue the hearing and set a date for the receipt of the guardianship papers and home study. [Cal. Welf. & Inst. Code § 360(a); Cal. Rules of Court, rule 5.735.]

If legal guardianship is granted, you are no longer entitled to reunification services, but the court must make a visiting order unless it finds that visits would be detrimental to your child. [Cal. Welf. & Inst. Code § 366.26(c)(4)(C); Cal. Rules of Court, rule 5735(c)(2).]

Long-term foster care

This placement can be with a family member or whomever the child has been living with temporarily. The law favors adoption or guardianship, but this option is available where those placements are not realistic or are not in the child's best interests. This is most likely to be granted with older children.

Parental rights are not terminated under this option. The court would have continuing oversight over the child's living arrangements. A parent could seek visiting rights if not already in place.

Post-permanency planning hearings

These hearings are held every six months after a permanent plan is selected until the case is closed. (In some cases, this review may be conducted by an agency, and not the court itself.) You have a legal right to attend this hearing unless your parental rights have been terminated. If you are unable to get to court, try to send a relative in your place. These review hearings may be another opportunity to change a visiting or custody order. [Cal. Welf. & Inst. Code § 366.3(d)(1).]

Section 6: HOW TO APPEAL COURT DECISIONS

388 motion to change interim court order at the trial court level

A 388 motion (or petition) is one of the most important ways that parents can make changes in their cases.⁶ A 388 motion asks the dependency court to reconsider and change or modify its previous order, or make a new order, in an ongoing case. "388" refers to the statute that governs how to make this request. [Cal. Welf. & Inst. Code § 388.]

⁶ These motions can also be filed by others who have an interest in the child, such as family members, the child, foster parents, other caregivers, and sometimes the child welfare agency. Parents whose parental rights have been terminated cannot file a 388 motion.

Common 388 motions made by parents include requests for:

- Reversal of an order denying reunification services
- Reversal of an order denying an extension of reunification services
- Changes in a visiting order
- Reversal of a order for guardianship or foster care placement
- Moving a child to a relative's home.
- Restarting the case because a parent was not properly notified, especially when the parent was incarcerated
- Returning the child to legal guardianship.

In this motion, you must show two things:

- That there has been a “change of circumstances” or “new evidence” uncovered since the time the judge made the order you are requesting be changed, and
- That the best interests of your child will be promoted by your proposed change.

If you do not have an attorney now, or if your attorney is unwilling or unable to assist you, you can make the request yourself.

388 motion procedure

A 388 motion is filed using Form **JV-180**. A blank form is attached as Attachment 10.

► *Request to Change Court Order (JV-180) – Attachment #10*

It is important that you make the strongest case you can in your written motion, because the court does not have to hold a hearing on your request. If you need more space to explain your answers, you can attach another sheet of paper. If you have helpful documents, attach them. Be sure to request that you be transported to court if a hearing is ordered.

Make two copies of everything before mailing the form to the court. Mail the original and one set to the court and enclose a self-addressed, stamped envelope. The court clerk will file your original, stamp the copy “file-endorsed,” and mail your copy back in the envelope you provided. A list of mailing addresses for California juvenile dependency courts is attached as Attachment 8.

► *California Juvenile Dependency Court addresses – Attachment #8*

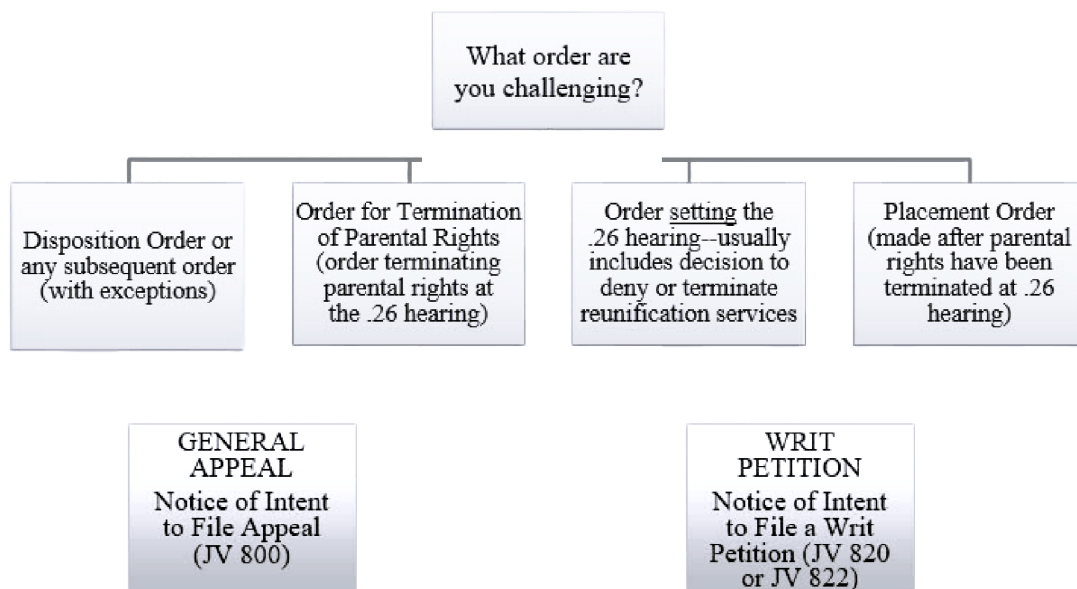
In some cases, a court might grant your request without a hearing. This might occur if everyone is in agreement or if the court feels that there is no logical opposition. Otherwise, the court will grant a hearing if your request satisfies a “prima facie” standard of proof. This means that, if everything you say is true and you can prove it, your motion would be granted.

If you are granted a hearing on your 388 motion, you will have the burden of proof – because you are asking for a change. This means that you will have to go first and provide your evidence, either through witnesses or documents. For documents to be admitted into evidence, they have to be either agreed to by the other parties or verified by a live witness. To prepare for a hearing you should gather witnesses and documents that will prove your case and provide them to your attorney in advance.

See section 8 for more information on how to prepare for, and present your case, at a 388 hearing.

Overview of appellate court appeals

There are two basic kinds of appeals: a direct (or general) appeal and a writ petition. A direct appeal is a traditional appeal, brought at the conclusion of a case. A writ petition (sometimes called an “extraordinary” or emergency petition), is brought while the case is in progress, to appeal certain court decisions. There are technical rules that determine which issues can be raised with each type of appeal. Here is a simple chart:



Emergency appeal to the appeal court

If you object to an order made at any hearing at which a 26 (permanent plan) hearing is set, you may file a Petition for Extraordinary Relief, also called a Rule 8.452 Writ. The setting of the 26 hearing is a common writ challenge. Ask your lawyer to file it. If your lawyer is unable to do so, you can file it yourself. If you do not seek writ review of such an order, you give up further review of it in a later appeal. [Cal. Welf. & Inst. Code § 366.26 (l).]

Possible issues to raise in a Rule 8.452 Writ Petition:

1. If the 26 Hearing was set at a dispositional hearing:
 - Jurisdictional issues [*Kimberly R. v. Superior Court* (2002) 96 Cal.App.4th 1067.]
 - Challenges to sufficiency of evidence [*In re Marquis D.* (1995) 38 Cal.App.4th 1813.]
 - Wrongful denial of services [*Renee J. v. Superior Court* (2002) 96 Cal.App.4th 1450.]

2. If the 26 Hearing was set after reunification services were terminated:
 - Failure to provide reasonable services [*Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158 (incarcerated father).]
 - Failure to implement reunification plan [*Steve J. v. Superior Court* (1995) 35 Cal.App.4th 798.]
 - Erroneous termination of services [*In re David D.* (1994) 28 Cal.App.4th 94.]
3. If a 388 petition was denied at a hearing that sets a 26 Hearing, the 388 denial can be raised by writ. [*In re Anthony B.* (1999) 72 Cal.App.4th 1017.]

Procedure for filing a rule 8.452 writ petition

First, you must file a Notice of Intent to File Writ and Request for Record in the juvenile court, using form **JV-820**. It must be filed within seven days if you were present at the hearing, or, if you were not present, within 12 days after the order was mailed. This will notify the court to send you the court record. The Notice must be authorized by you and signed by either you or your attorney. [Cal. Rules of Court, rule 8.450(e)(3).]

► Notice of Intent to File Writ Petition (JV-820) – Attachment #11

Review the record. When you receive the clerk's transcript, make sure it includes:

- The petition
- Any notice of hearings
- All court minutes
- Any report or other document submitted to the court
- The jurisdictional and dispositional findings and orders
- The judgment or order appealed from
- Any application for rehearing
- The notice of appeal and any order pursuant to the notice
- Any transcript of a sound or sound-and-video recording offered under rule 2.1040
- Any application for additional record and any order on the application
- Any opinion or disposition order of a reviewing court in the same case
- Any written motion, notice of motion, opposition, attachments, and written opinion.

[Cal. Rules of Court, rules 8.407(a).] If one of the above is missing, you can write to the juvenile dependency court appeal clerk and request that the missing items be included. The court will mail you the relevant reporters' transcripts when they are available. [Cal. Rules of Court, rules 8.450(h)(1), (i)(2).]

File the writ petition, using form **JV-825**. This petition must be served on the other party and filed in the Court of Appeal within 10 days from the date of the filing of the record. [Cal. Rules of Court, rule 8.452(c).]

► Petition for Extraordinary Writ (JV-825) – Attachment #12

If the appeal court dismisses your writ without addressing the merits, you will be able to re-raise the issues later on a direct appeal. [Cal. Welf. & Inst. Code § 366.26(l)(1)(C).]

Appeal process after the disposition hearing

A dispositional order is appealable if it does not also set a section .26 hearing. Final orders at a 26 hearing are also appealable. Your trial counsel has the duty (1) to tell you if there are arguably meritorious grounds that exist for reversal and (2) to file a timely notice of appeal from the court's dispositional order. An appeal court *will not* re-weigh the facts; however, an appeal court *will* review whether the procedures in the lower court were proper. The notice of appeal must be filed within 60 days of the final order. [Cal. Rules of Court, rule 8.406(a)(1).] To file this notice, you do not have to wait for a formal written judgment: the pronouncement of the order in open court and its recording in the minutes can constitute a final order.

It is important to file the notice promptly. The longer your child is in temporary or permanent placement, the more likely the court will find that returning the child to you would be harmful and will deny the appeal.

Right to counsel on appeal: You have a constitutional right to counsel in the appeal process for dependency proceedings. [*In re J.W.* (2002) 29 Cal.4th 200.] Once you file your Notice of Appeal, the court must appoint a lawyer for you (assuming that you are indigent). That lawyer will contact you for information and to explain the appeal process. Five appellate projects throughout the state assign and supervise appointed counsel in these cases. You can write to the office for your county for information on your case.

► **California Appellate Projects contact information – Attachment #13**

Possible grounds for appeal include:

- Final orders, such as a disposition order or an order terminating parental rights
- Jurisdictional findings or dispositional orders based on incorrect standard of proof. [*Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242.]
- Lack of properly specific grounds for jurisdiction
- Sufficiency of evidence to detain (unless moot) [*In re Raymond G.* (1991) 230 Cal.App.3d 964.]
- Inadequate notice of any hearing [*In re B.G.* (1974) 11 Cal.3d 679, 688 (failure to notify); *In re Brendan P.* (1974) 184 Cal.App.3d 910 (failure to timely notify).]
- Improper denial of the parent's request for a continuance [*In re C.P.* (1985) 165 Cal.App.3d 270; Cal. Welf. & Inst. Code § 352(a).]
- Denial of due process rights to present evidence or cross-examine witnesses
- Court's failure to give parent a hearing on a Section 388 Petition when parent sufficiently pleads changed circumstances
- Court's denial of paternity test to alleged father [*In re Baby Boy V.* (2006) 140 Cal.App.4th 1108.]
- Sufficiency of evidence that a child is adoptable
- Erroneous ruling that a child would not benefit from continuing contact with a parent
- Ineffective assistance of counsel.

An ineffective assistance of counsel can also be raised in an appeal, but often is raised in a habeas petition. To establish this claim, you must show that your trial level lawyer acted unreasonably in comparison to competent attorneys (such as by failing to present important evidence or to make

important objections). You must also show that, if your lawyer had acted differently, there is a reasonable probability that the outcome of the case would have been different. [*Strickland v. Washington* (1984) 466 U.S. 668.] Be sure to tell your appeal counsel the ways that you were dissatisfied with your attorney's performance in the dependency court.

Your appeal attorney should consider whether a writ is an appropriate and expeditious way to get your issues reviewed. To expedite the appeal process, your attorney can file a motion for calendar preference. [Cal. Rules of Court, rule 8.240.]

Note: A child may be able to appeal issues that a parent cannot

Section 7: TERMINATION OF PARENTAL RIGHTS

If your parental rights have been terminated, your legal options are quite limited. However, there are some things you may be able to do to have a continuing relationship with your child, even if only after your child becomes an adult.

Appeal: If your parental rights were recently terminated, you may be able to appeal. (See Section 6 above.)

Child's petition: If your parental rights were terminated but your child has not been adopted, your child may file a 388 petition to reinstate your parental rights under certain circumstances:

- If adoption is no longer the permanent plan: If your child has not been adopted after three years since the termination of your parental rights and the court determines that adoption is no longer the permanent plan, your child may bring a petition to reinstate your rights.
- If adoption is unlikely: If your child and the social service agency both agree that adoption is unlikely, your child may bring a petition even before three years have passed.

This would probably happen in the case of an older child, and/or a child who has had an appointed attorney. The court must grant these petitions if it finds that your child is now unlikely to be adopted and that reinstatement of parental rights is in your child's best interest. [Cal. Welf. & Inst. Code § 366.26(i)(3).]

Contract agreement for contact: As a routine matter, adoptions in dependency court are "closed adoptions," allowing for **no** contact between the birth parents and their child. Even so, sometimes the parties enter into a "post adoption contract." This can be helpful by setting terms and boundaries which allow you to have contact with your child post adoption. However, these agreements are **not binding**. The adoptive parents can change their minds later and forbid contact, and the courts will not interfere.

Informal agreement for contact: Even if you did not have an agreement for contact, the adoptive parents *may* allow you to have contact with your child. This would be easier to work out where the child was adopted by someone you know. You can ask your attorney to find out whether the adoptive parents might be open to you maintaining contact. You will need to show that your contact will be positive for the child and the new family. It can be difficult to accept that someone else is now the legal parent of your child. You will need to show that your contact with your child will be good for the child and the new family, and will not be disturbing or disruptive.

Contact with your adult child: Once your child turns 18, it should be easier to restore contact. Even if you don't know where your child is, your child may find you. Adopted children often want to meet and/or restore contact with their birth parents. The internet is a powerful tool to put people in touch with each other. Your child may try to locate you this way.

State agency assistance: The State of California has created a way to help adopted children and their birth parents reconnect. You can fill out the Consent for Arranging Contact form (**AD 904**) and file it with the state. If your adult child does the same, the state will connect you up. The form is attached here as Attachment 14 and has additional instructions.

► ***Consent for Arranging Contact form (AD 904) – Attachment #14***

Self-help: If your parental rights were terminated and you have no way of being in contact with your child now, you are suffering a profound loss. You will never be able to make up for the time you have lost with your young child. However, there are things that you can do now to ease your suffering and to help with a possible reunion with your child in later years. You can regularly write letters to your child which you can give to them if and when you meet again. This will show your child that you always loved, and never forgot, them. You can engage in a ritual on their birthdays. You can express your feelings in poetry or art. You can connect with other parents facing similar loss to receive, and give, support. You can maintain hope for a future that includes them in your life when they are adults. Parenting doesn't end when children turn 18, but continues throughout our lives. You can work on being the person you want your child to know when you meet again.

Section 8: GETTING VISITS WHILE INCARCERATED

For purposes of this section of the manual, we assume that your child has been declared a dependent of the juvenile dependency court, that your child has been placed with a relative caregiver (perhaps in a dependency court guardianship), with a foster family or in a group home, but that your parental rights have not been terminated. If this is your situation, and your child's case is being actively reviewed by the court, then you probably have an attorney who is representing you. Ask that attorney to seek an order requiring the caregiver to bring your child to visit you, or allow someone else to do so. In-person visits can be more meaningful, but video visits may be quicker and easier to arrange. Requesting an order should be done at the earliest opportunity possible, in order to strengthen your chance of maintaining your parental rights.

If you have an attorney

Write your attorney and explain why it is in your child's best interest to maintain a relationship with you, why visits are important, and what the visiting arrangements are like in your institution. Be sure to request contact visits (not behind glass). Let your attorney know if you can contribute financially for transportation. If you have someone who would be willing to transport your child so the caregiver does not have to, let your attorney know this, including who it is and how to reach them. If you are in state prison, tell your attorney about the TransMETRO and Get On The Bus programs that provide free transportation for visitors to state prisons.

Tell your attorney (if it is true) that you have tried to work out an arrangement with the caregiver, but were unsuccessful. Ask your attorney to "make a record" about your request – providing

the court with all of the information and evidence to support your request. This can include what your relationship with your child has been and is now, any classes or self-help groups you have or are participating in, your plans for the future, etc. Your attorney can raise this issue at any of the court hearings described above.

If you file the request on your own

If you do not have an attorney now, or if your attorney is unwilling or unable to assist you, or if you want to modify the current court order about visits, you can fill out a **JV-180** form ("Request to Change Court Order"), called a 388 petition, to make this request yourself. A copy of this 3-page form is attached to this manual as Attachment 10.

► Request to Change Court Order (JV-180) – Attachment #10

The order you are seeking to change is the placement order that placed your child with another adult but did not order visitation for you, or ordered more limited visiting than you would like. If you need more space to explain your answers, you can attach another sheet of paper. The two things you have to prove to the judge are (1) that visiting with you is in the best interest of your child, and (2) that something significant has changed since the last time the judge issued court orders about your child. You can request that a visiting schedule allow for increased visits over time automatically.

You can also make related requests that will help you maintain your relationship with your child, such as for regular (collect) phone calls; that your letters to your child be read to them; that photographs be mailed to you regularly; that you be kept informed about school activities, grades, health issues, etc. You can also make a request that, if the court orders a hearing on your motion, you be transported to court for the hearing OR you be allowed to appear in court by telephone or video-conferencing. This request could be written as part of question 8 on the **JV-180** form.

It is important that you make the strongest case you can in your papers, because the court does not have to hold a hearing on your request. If you have helpful documents, attach them. They could include: letters from your child asking to see you, copies of letters you have sent your child, a statement from a relative stating that your child misses you and wants to see you, certificates that you have earned, character reference letters for you from people on the outside or inside who support your request and state why, and any helpful written information about the visiting program at your facility. Tell the court about the TransMETRO and Get On The Bus services or any other available transportation assistance (such as another family member or friend). For more information on 388 motions, see section 6 above.

Mailing the form to the court

Before mailing the form to the court, be sure to make two copies of everything. Keep one copy for yourself. Mail the original and one set to the court and enclose a self-addressed, stamped envelope. A list of mailing addresses for the juvenile dependency courts in all 58 California counties is attached to this manual.

► Juvenile dependency court addresses – Attachment #8

If you do not have an attorney, the clerk will mail copies of your **JV-180** to the people who are required to be notified under court rules.

Initial court ruling

The court clerk will file your original, stamp the copy “file-endorsed” and mail your copy back in the envelope you provided. The judge will read your request and make a decision to either (1) deny your request without a hearing or (2) set your request for a hearing. The court will notify you of its decision and reasons for it on form **JV-183** (Court Order on Form **JV-180**). If the court orders a hearing, you will need to prepare.

Marshal your witnesses and evidence

Your lawyer should prepare for the hearing and present the case to the judge. However, you can and should be proactive. Whether you have a lawyer or are representing yourself, these tips should be helpful.

Most hearings are not lengthy. However, you may have an uphill battle so it is good to present as strong a case as you can. If you have family or friends who are supporting your motion, they can help you tremendously by attending the court hearing, if their presence is allowed. Their physical presence in the courtroom can give you strength and will let the judge know that you have support.

Also, you may want them on hand as possible witnesses. If someone has firsthand knowledge that you are a good and loving parent, or that the caregiver has been unreasonable in some ways, that person might make a good witness for you. Tell your witnesses what testimony you think they can offer and make sure they are comfortable with it. Consider carefully which witnesses you want. Ask yourself whether or not your witness could somehow be used against you – for example, if they know negative things about you that might come out in court if they were cross-examined.

Consider also whether you have any more exhibits. If so, bring them to court with you, have your support person bring them to court that day, or mail them in before the hearing. Always have a copy to give to the other side and one for yourself.

Write down your main points

It is easy to get flustered and forget things during a court hearing. It will be helpful to make a list of your main points – the strongest facts you have to support your requests. Also, try to anticipate what the social worker, county counsel or caregiver might say to prevent visitation, and write down in advance your best responses to those arguments. You or your attorney may have an opportunity to ask the caregiver questions. Write down a few questions to ask the caregiver that will either bring out favorable information about you or will reveal negative information about the caregiver’s position. Finally, make a checklist of all the things that you have asked for in your papers (frequency and length of visits and phone calls, copies of report cards, photographs, etc.).

Do a mock court hearing

One effective way to prepare for this court hearing, especially if you are representing yourself, is by role-playing with your friends. Ask someone to pretend to be your child’s caregiver, and others to be the social worker, county counsel and judge. You be yourself. Have the “judge” ask you to describe your request, ask the “caregiver” for a response, and ask the social worker for their recommendation.

The “judge” can ask you questions and allow you to ask the caregiver questions. Then, the judge can make a ruling. Afterwards, have a discussion about what you did well and what you could have done better.

Logistics of your court appearance

If you got a court order to be transported to court for your hearing, you may have to be proactive at your institution to make sure you are transported in time. Be polite but persistent! The judge has ordered that you be brought to court, but *you* will have to make it happen.

If you got an order to appear by telephone or video-conferencing, be sure that you understand what you need to make this happen. It may take several steps, over several days, to arrange this, such as getting a permission slip or ducat. On the hearing day, allow yourself plenty of time to get to the office where the phone or video equipment is located. Once you are connected to the courtroom, tell them right away if you are having difficulty hearing (or seeing) the judge and other people in the courtroom, and ask if they can hear you. Listen carefully to the proceedings. The judge should tell you when it is your turn to speak. If you are not getting a chance to speak, you can ask, “Your Honor, may I say something?”

Your witnesses and supporters

Ask your witnesses and supporters to arrive a bit early to the courtroom. Before court goes into session, they can introduce themselves to the court clerk or bailiff as being in court for your case. This could be helpful for the judge, especially if there is any difficulty in getting you transported to court or connected over the phone. You can ask your witnesses or supporters to deliver new exhibits to the court. The original goes to the court and copies go to the opposing side and to you.

Being sworn as a witness

Unless you have an attorney, you will have two roles to play during the court hearing. You are your own attorney, and you are the party (or person) who is seeking a court order. You, and any other witnesses or parties, will be sworn to tell the truth.

Your presentation

Since you are the party whose motion is being heard, the judge may call on you first. Your attorney will ask you questions. Be prepared to state your case simply and briefly. Speak slowly and clearly. State what you want and why it is reasonable and in your child’s best interest. It is fine to repeat main points from your declarations or exhibits, but you do not need to repeat every detail. Be conscious of the time. You may have only a few minutes. Tell the judge if you have any witnesses to present. If you have additional exhibits to present, do so now. Explain what they are. Give the original to the court and a copy to the other side. Keep a copy for yourself.

The judge or county counsel may ask you questions. It is best to admit the truth, but provide a helpful context. For example, if the judge asks how often you have seen your child in the last five months, and the answer is “not at all,” you can answer (if true) “[The caregiver] has refused to let me see my child when I tried, so I have been unable to see her at all. I have written to my daughter every week.”

If you are presenting a witness, you would do so at this point. The general rule is that you have to ask open-ended questions of your witnesses. This means you have to ask a question like, “Please tell the judge what you know about me as a parent,” and *not* a leading question like, “You think that I am a great parent, don’t you?” Even if your witness does not testify, you can tell the judge that you have a witness present in court who could corroborate you on certain facts.

Opposing party’s presentation

If the social worker or county counsel opposes your request for visits, they will have an opportunity to present their case. Do not interrupt. If you disagree with what is being said, write yourself a note. The court should give you a chance to ask questions of any opposing witnesses. You may have some questions already prepared, and you may think of some during the presentation. The questions can bring out facts favorable to you, or unfavorable to the other side. You *can* ask leading (yes/no) questions of an opposing party or witness. For example, you can ask, “Didn’t I bring my son to the doctor regularly when he was in my care?” Or, “Isn’t it true that you have not accepted any of my phone calls to speak with my son?”

Your rebuttal

When the other side finishes its presentation, you can ask the court if you can reply. Don’t just repeat your original presentation. Instead, use this time to refute what the opposing party has said. You can tell the judge if certain unfavorable facts are untrue. Even if an unfavorable fact is true, you can put it in an understandable context.

The court’s ruling

Listen carefully to the judge’s decision. Take notes. If you don’t understand some part of it, ask that the judge explain it. If the judge has forgotten to rule on something that you asked for, remind them. For example, the judge may have made a ruling about visits, but forgotten your request about phone calls. (This is why it is helpful to have a written list of your requests.) The court’s ruling should be put in writing on form **JV-184** (Order After Hearing on Form **JV-180**) and be given or mailed to you.

Next court date

If there is not already a future court date scheduled in your case, it might be helpful to ask for one. It will make it easier to seek the court’s assistance if any problems occur with the visiting plan. Remember to ask for an order that you be transported to court, or that you are given a telephone or video-conference appearance, as appropriate, at any future hearings.

Section 9: ENFORCING YOUR ORDER

If you have obtained a court order for visits, phone calls or anything else that will help you maintain a relationship with your child, *CONGRATULATIONS!* Hopefully, your child’s caregiver will comply with the order. Here are some things you can do to help make this happen.

Visiting protocols

Provide the caregiver with the information or forms they need to get pre-screened, if necessary, at your facility. Find out what paperwork they may need to bring with them, such as your child's birth certificate, a copy of the court order, etc. CDCR requires all of this, as explained on its website: www.cdcr.ca.gov/visitors/prepare-to-visit/ Notably, if the person bringing your child to visit you does not have a court order showing legal custody, they must bring a notarized document signed by the legal custodian authorizing the visitor to bring your child to visit you, called a "Written Consent for Minor Visitation," attached here as Attachment 15.

► ***Written Consent for Minor Visitation form – Attachment #15***

There may be restrictions on what a visitor wears or brings in. It may also be helpful to prepare your visitor to be searched and to describe what the visiting area is like, such as the availability of bathrooms or vending machines.

Relationship with caregiver

This is a good time to again express your appreciation to your child's caregiver for the important work they are doing to care for your child. Set up a communication system with the caregiver – through phone, letters or through a third party. Express your intention to do everything you can to make the visits or other contact as positive for your child as possible. Make your requests clear. For example, suggest a reasonable date for the first visit to occur.

Of course, you must hold up your end. Be reasonable and flexible. Prepare in advance for things to talk about and activities to do with your child. Get to the visiting room on time. Be patient and kind with your child during these visits. Thank the caregiver for their efforts.

Informal approach

Keep records: Keep copies of letters and/or a diary of your contact with the caregiver about visiting arrangements, and a description of the visits and calls you have with your child.

If difficulties develop and you cannot resolve them amicably with the caregiver, look for assistance from others. The social worker assigned to your child's case is the obvious person to turn to. Other helpful intermediaries could be your counselor, a prison chaplain, or other family members.

Going back to court

388 Motion: If the caregiver does not comply with the order and is being unreasonable, you should act promptly to notify the social worker and the court. You can file a written declaration telling the court what has happened and raise the issue at the next hearing. Alternatively, you can file a new **JV-180** to request a change in the visiting or custody order due to the caregiver's non-compliance.

These actions will get the attention of the court and show the caregiver that you are serious. A new motion for modification seeks a change in the previous court order based on a change of circumstances from the last court hearing. If nothing external has particularly changed, it can be

challenging to find a way to bring a modification motion. Perhaps what has changed is the caregiver's willingness or ability to comply with the court order, and you seek a change in the prior order to require a more willing person to transport your child to you.

Filing for contempt of court: A contempt proceeding does not seek a change in the court order, but punishment for the party who *intentionally* disobeyed the previous court order when they had the ability to comply. Being accused of contempt of court sometimes motivates people to comply with court orders. Demonstrating that the caregiver has violated a court order can jeopardize the caregiver's credibility and standing with the court. Family court contempt forms could probably be used.

However, please consider carefully whether taking this step may do more harm than good, in the long run, towards your ability to maintain a parental relationship with your child. They are rarely used in the dependency court. Since it is in the best interest of your child that you and your child's caregiver work cooperatively together, a contempt proceeding should only be used as a last resort.

Section 10: REUNIFICATION AFTER RELEASE

Informal approach

Depending on your relationship with your child's caregiver (whether it be the other parent, a foster family or a legal guardian), you may be able to arrange a new visiting scheduling directly with them, unless forbidden by the current court order.

It is also important to remember that everyone's greatest concern should be the "best interests of the child." We believe that, in most cases, a child's best interest includes being able to maintain a lifelong relationship with their parents, incarcerated or not. However, this does not mean that it is in a child's best interest to be moved from one home to another immediately upon a parent's release from prison or jail.

Children may have school or daycare routines that ought not be disrupted. At the same time, a formerly incarcerated person may have a lot of work to do to reestablish him or herself, with a home, a job, etc. It is not uncommon for a returning parent to want immediate custody of his or her child, while a caregiver has a different opinion, and the court is the ultimate authority on this issue.

Everyone's circumstances are unique, but a middle ground approach may be the best. Limited visiting that starts immediately can be expanded over time, as everyone gets comfortable with the new routine. A child should not be the subject of a legal tug-of-war. Instead, loving adults can cooperate with each other to make sure that the child's needs are met. Raising children is a lot of work. Ideally, you and your child's caregiver can find a way to work together and develop a sensible arrangement of custody and visitation. If you are unable to work things out with your child's caregiver upon your release, you can return to court to request a modification of the current order.

Motion to modify current court order in juvenile dependency court

If your child is under the continuing supervision of the dependency court, either in foster care or through a guardianship, you have the right to a free, court-appointed lawyer. To help your lawyer work for you, contact them when you are released. Let them know about your progress during incarceration.

Give your lawyer copies of your records. You or your lawyer can file a 388 Petition (on form **JV-180**) to seek a change in the current order. You can seek visiting (or increased visiting), a change of custody to you, and/or the termination of the legal guardianship.

However, keep in mind that, in the eyes of the juvenile court, living with the current caregiver was the appropriate “permanent plan” for your child. You will have to show a change of circumstances from the previous court order and how your request is in the best interest of your child. Your release from prison or jail may be a change of circumstance that would justify a court taking a fresh look at the present court order, particularly concerning visits. You will fare better in court if you can show that you have transitioned well back into the community and that your efforts to visit with your child have been reasonable. A judge may be reluctant to expand your visiting and custody rights at first. Instead, a judge might order an initial period of “supervised” visitation. However, the courts should not require every parent returning to the community to have visits supervised. You can give the judge reasons why supervised visits are not necessary for you.

A return of custody to you is a big ask. A strong showing of your current ability to support and care for your child and a successful track record in the community since your reentry are necessary, but not necessarily enough. A change of custody is more likely to be successful in circumstances where the caregiver supports it, or where problems have developed in the present caregiving arrangement, and/or where an older child wants the change. For more information on how to file a **JV-180** petition and prepare for a hearing, turn to Section 8 of this manual.

Motion to modify visiting order in family court

If the juvenile dependency court placed your child with the other parent and dismissed the juvenile court case, your request for a new custody and visiting plan will have to be filed in the family court. The dependency court would have transferred the final custody order there, and the family court would have given your case a new case number. You can turn to LSPC’s manual on family court procedures to find out how to file a motion to modify that order.

Following a visiting order

If you obtain a new visiting order, it will be important for you to take advantage of every opportunity you are given to visit with your child. If you must miss a visit, call both the social worker and the caregiver, at least 24 hours before, or as soon as you know that you cannot make it. Keep records of your visits, phone calls and letters, so you can show the effort you are making.

If supervised visits were ordered, work towards gradually increasing your visits with your child and making them feel comfortable with you. Once the court sees that your **supervised visits** are going well, you may be able to take your child for an afternoon, then an entire day, then an overnight visit, and then a weekend visit.

Continue to follow your case plan, even if family reunification services have been terminated. Go to whatever parenting, counseling or other classes that the court orders. Over time, your consistent efforts will be noted. A child custody and visitation order can be modified as circumstances change. After a reasonable period of positive visiting experiences, the reestablishment of your relationship with your child, and other markers of your successful reentry (employment, stable housing, a drug/alcohol-free lifestyle), you can petition the court again to expand your visiting rights or even request full custody.

It is important to follow court orders. If you take your child without the permission of the legally designated caregiver or the court, or fail to return your child as ordered, you could be prosecuted for a criminal offense and your probation, parole or supervised release could be revoked.

Continue to work with your lawyer. Your local county law library is another good resource. The librarians can help you obtain forms and legal research materials, as well as refer you to other legal resources in your community.

CONCLUSION

We hope that this information is helpful to you. The court system can be overwhelming. We believe that the courts should make it easier, and not harder, for incarcerated parents, and parents returning to the community from prisons and jails, to develop and maintain relationships with their children. Being incarcerated does not make someone a bad parent. Nor should parents who are released from prison or jail be stigmatized for that reason. In most cases, children want to know their parents and want their parents to be a part of their lives. Even if you do not regain primary custody, your continued positive presence in your child's life is priceless to both of you.

As more and more incarcerated and released parents petition the courts for custody and visiting rights, we believe the courts will become more understanding of your perspective. In this way, you are helping pave the way for a better tomorrow, not only for your family but also for others. We wish you success in your efforts to remain in your child's life.

ATTACHMENTS

Attachment 1: Juvenile Dependency Proceedings Flowchart

Attachment 2: Caregiver's Authorization Affidavit

Attachment 3: Power of Attorney for Minor Child (with notary)

Attachment 4: Power of Attorney for Minor Child (witnesses)

Attachment 5: Sample Letter to the Judge

Attachment 6: Sample Letter to Your Social Worker

Attachment 7: Sample Letter to Your Lawyer

Attachment 8: California Juvenile Dependency Court Addresses

Attachment 9: Statement Regarding Parentage **(JV-505)**

Attachment 10: Request to Change Court Order **(JV-180)**

Attachment 11: Notice of Intent to File Writ Petition **(JV-820)**

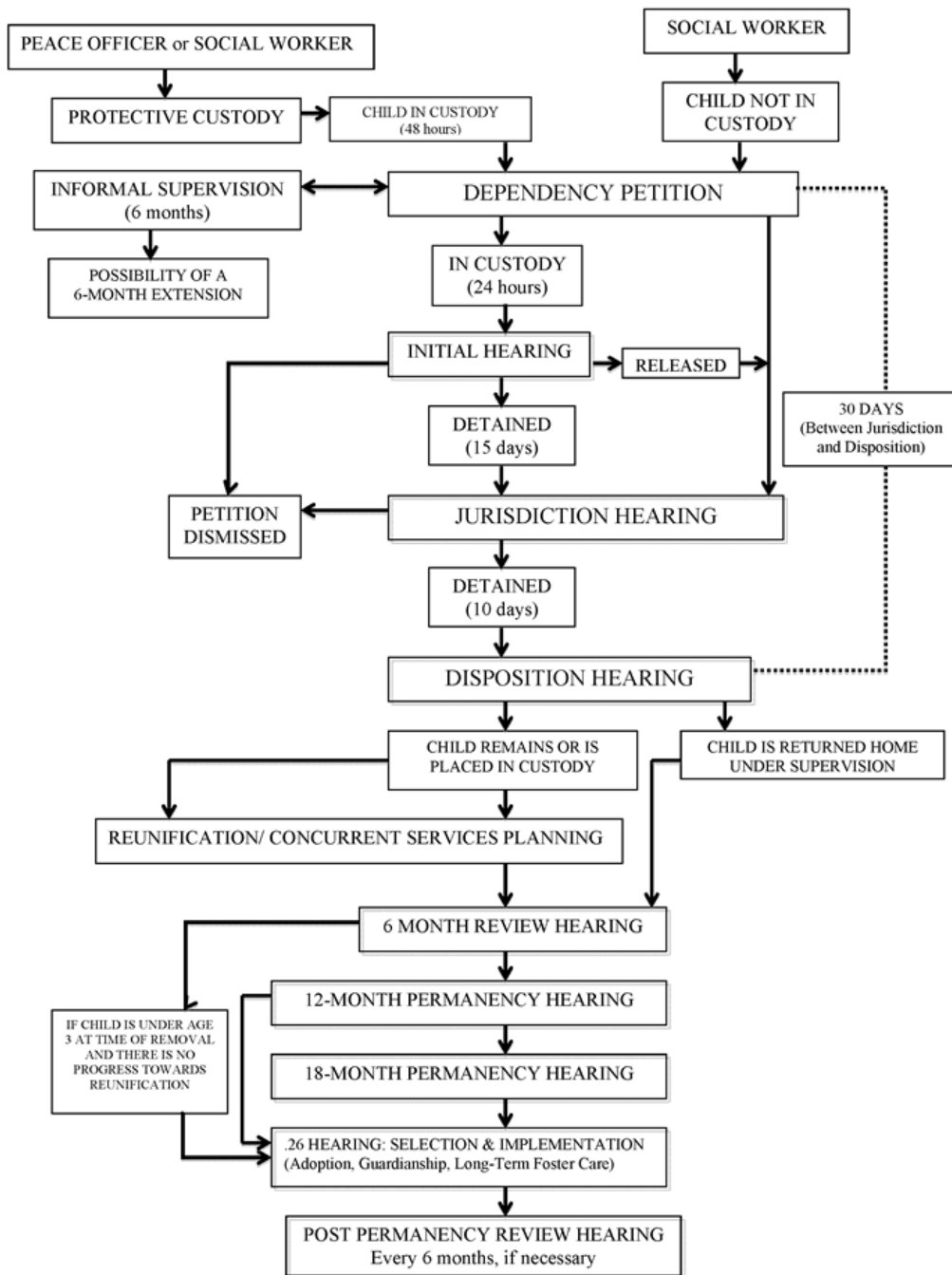
Attachment 12: Petition for Extraordinary Writ **(JV-825)**

Attachment 13: California Appellate Projects Contact Information

Attachment 14: Consent for Arranging Contact form **(AD 904)**

Attachment 15: Written Consent for Minor Visitation (CDCR Form)

(Welfare & Institutions Code Section 300 et seq.)



1. If a child is under the age of three at the time of removal, court ordered services shall not exceed six months. (See W & I Code section 361.5(a)(2) for exceptions). When calculating the 6-month period, the time shall begin either 60 days after the child was placed in protective custody or from the date of the jurisdiction hearing, whichever is earlier.
2. If a child is three years of age or older at the time of removal, court ordered services shall not exceed 12 months. (See W & I Code section 361.5(a)(2) for exceptions). The twelve-month time period is calculated the same as in footnote #1.
3. Judicial Days/Hours
4. When a minor is a dependent child of the court and remains in the home and there is a reasonable cause to believe that the minor is a person described in subdivision (a), (d) or (e) of section 300 of the Welfare and Institutions Code, court proceedings shall commence and the minor shall be committed to the care, custody and control of the probation officer.

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1 - 4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. **Print clearly.**

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____.

2. Minor's birth date: _____.

3. My name (adult giving authorization): _____.

4. My home address (street, apartment number, city, state, zip code):

5. F I am a grandparent, aunt, uncle, or other qualified relative of the minor (see page 2 of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

F I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

F I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California's driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information:**TO CAREGIVERS:**

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

POWER OF ATTORNEY FOR MINOR CHILD

I, _____, being of sound mind and body, declare the following:

1. I am the natural mother/father of _____ who was born on _____.
2. I am presently incarcerated at _____ located in _____.
3. During this time, my child _____ is being cared for by _____.
4. I wish to give full Power of Attorney to _____ with respect to the care of my child _____.
5. Specifically, I give _____ full Power of Attorney with respect to the care of _____ in matters affecting medical needs, schooling, residence, legal matters, public assistance, Medi-Cal, CalWORKS, and all other matters pertaining to well-being.
6. I understand that this Power of Attorney is not a legal custody order and that I am not giving up my parental and custody rights by signing this document.
7. This Power of Attorney will remain in effect until _____ or until revoked in writing.

Signed this _____ day of _____ (month), _____ (year).

Signature of parent

State of California

County of _____

On this _____ day of _____, in the year _____, before me, _____ [name and title of officer], personally appeared _____ [name of signer], who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that s/he executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, or the entity upon behalf which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Notary Public Signature]

POWER OF ATTORNEY FOR MINOR CHILD [witnesses]

I, _____, being of sound mind and body, declare the following:

1. I am the natural mother/father of _____ who was born on _____.
2. I am presently incarcerated at _____ located in _____.
3. During this time, my child _____ is being cared for by _____.
4. I wish to give full Power of Attorney to _____ with respect to the care of my child _____.
5. Specifically, I give _____ full Power of Attorney with respect to the care of _____ in matters affecting medical needs, schooling, residence, legal matters, public assistance, Medi-Cal, CalWORKS, and all other matters pertaining to well-being.
6. I understand that this Power of Attorney is not a legal custody order and that I am not giving up my parental and custody rights by signing this document.
7. This Power of Attorney will remain in effect until _____ or until revoked in writing.

Signed this _____ day of _____ (month), _____ (year).

Signature of parent

STATEMENT OF WITNESSES

On the date written above, I declare under penalty of perjury under the laws of California that the person who signed or acknowledged this document is personally known to me (or proved to me on the basis of convincing evidence) to be the principal, that the principal signed or acknowledged this power of attorney in my presence, that the principal appears of sound mind and under no duress, fraud, or undue influence, that I am over the age of eighteen, and that I am not the person appointed as attorney in fact (agent) by this document.

_____	[Signature of Witness #1]
_____	[Printed or typed name of Witness #1]
_____	[Address of Witness #1, Line 1]
_____	[Address of Witness #1, Line 2]
_____	[Signature of Witness #2]
_____	[Printed or typed name of Witness #2]
_____	[Address of Witness #2, Line 1]
_____	[Address of Witness #2, Line 2]

[Cal. Probate Code sections 4121 and 4122.]

SAMPLE LETTER TO THE JUDGE

(Your name)
(Your address)
(City, CA zip code)

(Date)

Honorable (Name of judge)
Superior Court of California
County of _____
(Address of court)
(City, CA zip code)

Re: Case name/number _____

Dear Judge (name):

I am writing to introduce myself. My child's name is _____, date of birth _____. I am very concerned about the welfare of my child. I am incarcerated. The next hearing is scheduled for (date of hearing).

I request that the court issue an order allowing me to attend court hearings concerning my child pursuant to Penal Code section 2625. Please send a copy of the Order for Prisoner's Appearance to the director at (name of your institution).

I also request that the court appoint an attorney to represent me at these hearings because I am indigent and cannot afford one.

I also request a court order for visits with my child. I believe that it is in my child's best interest to return to my custody and to visit and remain in contact with me in the meantime. (Add your reasons here.)

My release date is _____. I want very much to be reunited with my child upon my release from (name of institution).

Thank you for your attention to this matter.

Sincerely,

(Your signature)
Your printed name

cc: (List names of other persons you sent this letter to, such as your attorney, your social worker, the other parent, if possible.)

SAMPLE LETTER TO YOUR SOCIAL WORKER

(Your name)
(Your address)
(City, CA zip code)

(Date)

Name of social worker
(Address of social worker)
(City, CA zip code)

Re: Case name/number _____

Dear (Name):

My name is _____ and my child's name is _____
_____, date of birth .

I am writing to let you know that I wish to regain custody of my child. I hope to be reunited with my child upon my release from (name of institution) on (release date). I am very concerned about the welfare of my child. I believe it is in my child's best interest to be reunited with me when I am released. (Add reasons why your child should be with you.)

I am serving a (length of sentence) sentence, which means that I will be away from my child for (months/years). Please let me know what steps I must take to be reunited with my child when I am released.

It is very important to me that I have visits with my child while we are apart. I know that it is also important to the court in making decisions about my child's future. I am worried about what will happen if we are not able to maintain regular contact.

I have written to the court to ask that I be transported to the hearing for (date of hearing). If I am not granted custody of my child, I would like (name of relative or close friend), who is my (relationship to you), to be given custody.

Thank you for your attention to this matter.

Sincerely,

(Your signature)
Your printed name

SAMPLE LETTER TO YOUR LAWYER

(Your name)
(Your address)
(City, CA zip code)

(Date)

(Name of lawyer)
(Address of lawyer)
(City, CA zip code)

Re: Case name/number _____

Dear (Lawyer's name):

I am writing to introduce myself. I understand that you have been appointed to represent me and help me retain custody of my child (name of child), date of birth _____.

I would like to attend the court proceedings regarding the custody of my child. The next hearing is scheduled for (date of hearing). I understand that I have a right to attend these hearings under Penal Code section 2625. I request that you ask the court to have me transported from (name of institution) to every hearing.

If I am not granted physical and/or legal custody of my child, I would like (name of relative/close friend), who is my (relationship), to be given custody.

It is very important to me that I have visits with my child while we are apart. I know that it is also important to the court in making decisions about my child's future. I am worried about what will happen if we are not able to maintain regular contact. I request that you ask the court for a visiting order so that my child and I can maintain our connection with each other, now and in the future.

Thank you for your attention to this matter.

Sincerely,

(Your signature)
Your printed name

California Juvenile Dependency Court Addresses (Updated June 2023)

Alameda

2500 Fairmont Dr., Ste. C3013
San Leandro, CA 94578
510-618-1106

Alpine

1477 State, Rte. 89
Markleeville, CA 96120
530-694-2113

Amador

500 Argonaut Ln.
Jackson, CA 95642
209-257-2600

Butte Locations

One Court St.
Oroville, CA 95965
530-532-7002

Calaveras

400 Government Center Dr.
San Andreas, CA 95249
209-754-9800

Colusa

547 Market St.
Colusa, CA 95932
530-458-5149

Contra Costa

640 Ygnacio Valley Rd.
Walnut Creek, CA 94596
(925) 608-1000

Del Norte

450 H St.
Crescent City, CA 95531
707-464-8115

El Dorado

1) 295 Fair Ln.
Placerville, CA 95667
530-621-7470

2) 1354 Johnson Blvd.

South Lake Tahoe, CA 96150
530-573-3044

Fresno

1100 Van Ness Ave.
Fresno, CA 93724
559-457-2000

Glenn

1) 821 E. South St.
Orland, CA 95963
530-865-1101

Humboldt

825 5th St.
Eureka, CA 95501
707-445-7256

Imperial

939 W. Main St.
El Centro, CA 92243
760-482-2200

Inyo

1) 301 W. Line St.
Bishop, CA 93514
760-872-3038

2) 168 N. Edwards St.
Independence, CA 93526
760-872-3038

Kern

2100 College Ave.
Bakersfield, CA 93305
661-868-4270

Kings

1640 Kings County Dr.
Hanford, CA 93230
559-582-1010

Lake

255 N. Forbes St., 4th Fl.
Lakeport, CA 95453
707-263-2374

Lassen

2610 Riverside Dr.
Susanville, CA 96130
530-251-8205

California Juvenile Dependency Court Addresses (Updated June 2023)

Los Angeles

1) 1040 W. Ave. J
Lancaster, CA 93534
661-483-5924

2) 200 W. Compton Blvd.
Compton, CA 90220
310-761-4300

3) 1601 Eastlake Ave.
Los Angeles, CA 90033
323-227-4399

4) 201 Centre Plaza Dr.
Monterey Park, CA 91754
323-307-8000

5) 275 Magnolia Ave.
Long Beach, CA 90802
562-256-3100

6) 110 Regent St.
Inglewood, CA 90301
310-412-8301

7) 7281 E. Quill Dr.
Downey, CA 90242
562-658-0700

8) 42011 4th St. W.
Lancaster, CA 93534
661-483-5500

9) 400 Civic Center Plaza
Pomona, CA 91766
909-802-1100

10) 16350 Filbert St.
Sylmar, CA 91342
818-256-1180

Madera

200 S. G St.
Madera, CA 93637
559-416-5599

Marin

3501 Civic Center Dr.
San Rafael, CA 94903
415-444-7000

Mariposa

5088 Bullion St.
Mariposa, CA 95338
209-966-2005

Mendocino

1) 100 N. State St.
Ukiah, CA 95482
707-468-2000

Merced

2840 W. Sandy Mush Rd.
Merced, CA 95341
209-725-4119

Modoc

205 S. East St.
Alturas, CA 96101
530-233-6516

Mono

1) 100 Thompsons Way
Mammoth Lakes, CA 93546
760-924-5444

2) 278 Main St.
Bridgeport, CA 93517
760-932-5239

Monterey

1) 422 Natividad Rd.
Salinas, CA 93906
831-775-5400

2) 240 Church St.
Salinas, CA 93901
831-775-5400

Napa

1) 2350 Old Sonoma Rd.
Napa, CA 94559
707-299-1100

Nevada

1) 201 Church St.
Nevada City, CA 95959
530-362-4309

2) 10075 Levon Ave.
Truckee, CA 96161
530-362-4309

Orange

341 The City Dr. S.
Orange, CA 92868
657-622-6878

Placer

11270 B Ave.
Auburn, CA 95603
530-745-2100

Plumas

520 Main St., Rm. 104
Quincy, CA 95971
530-283-6305

California Juvenile Dependency Court Addresses (Updated June 2023)

Riverside

1) 30755-G Auld Rd.
Murrieta, CA 92563
951-704-7634

2) 9991 County Farm Rd.
Riverside, CA 92503
951-777-3147

3) 47-671 Oasis St.
Indio, CA 92201
760-393-2617

Sacramento

3341 Power Inn Rd.
Sacramento, CA 95826
916-875-3400

San Benito

450 4th St.
Hollister, CA 95023
831-636-4057

San Bernardino

1) 860 E. Gilbert St.
San Bernardino, CA 92415
909-269-8900

2) 14455 Civic Dr.
Victorville, CA 92392
760-245-6215

San Diego

1) 250 E. Main St.
El Cajon, CA 92020
619-456-4100

2) 2851 Meadowlark Dr.
San Diego, CA 92123
858-634-1600

San Francisco

400 McAllister St., Rm. 402
San Francisco, CA 94102
415-551-3900

San Joaquin

180 E. Weber Ave.
Stockton, CA 95202
209-992-5555

San Luis Obispo

1050 Monterey St., Dept. 12
San Luis Obispo, CA 93408
805-706-3600

San Mateo

222 Paul Scannell Dr.
San Mateo, CA 94402
650-261-5100

Santa Barbara

1) 1108 Santa Barbara St.
Santa Barbara, CA 93101
805-568-3959

2) 4285-B California Blvd.
Santa Maria, CA 93455
805-614-6579

Santa Clara

201 N. 1st St.
San Jose, CA 95113
408-792-4200

Santa Cruz

1 Second St., Rm. 300
Watsonville, CA 95076
831-786-7200

Shasta

1655 West St.
Redding, CA 96001
530-245-6789

Sierra

100 Courthouse Square
Downieville, CA 95936
530-289-3698

Siskiyou

411 4th St.
Yreka, CA 96097
530-842-8182

Solano

600 Union Ave.
Fairfield, CA 94533
707-207-7300

Sonoma

600 Administration Dr.
Santa Rosa, CA 95403
707-521-6500

Stanislaus

2215 Blue Gum Ave.
Modesto, CA 95358
209-530-3100

Sutter

1175 Civic Center Blvd.
Yuba City, CA 95993
530-822-3300

Tehama

1740 Walnut St., Dept. 5
Red Bluff, CA 96080
530-527-3563

Trinity

11 Court St.
Weaverville, CA 96093
530-623-5641

Tulare

11200 Ave. 368, Rm. 201
Visalia, CA 93291
559-738-2300

California Juvenile Dependency Court Addresses (Updated June 2023)

Tuolumne

12855 Justice Center Dr.
Sonora, CA 95370
209-533-5555

Ventura

4353 E. Vineyard Ave.
Oxnard, CA 93036
805-289-8820

Yolo

1000 Main St.
Woodland, CA 95695
530-406-6700

Yuba

215 5th St., Ste. 200
Marysville, CA 95901
530-740-1800

Clerk stamps date here when form is filed.

1 Child's name: _____

- 2 ☐ I am not the parent of this child. I do not wish to participate in juvenile court proceedings about this child. I understand that:
- a. I will receive no further notices of hearings in this matter.
 - b. I will not get a chance for custody of this child or court-ordered visitation with this child.
 - c. If the child cannot be returned to a custodial parent or guardian, it is possible that all parental rights will be terminated and the child will be adopted.
 - d. This denial applies only to the juvenile court proceedings and does not prevent the local child support agency from seeking to have another court determine that I am the child's parent for purposes of support of the child. If that occurs, I will have the right to a court trial, to confront and cross-examine witnesses and present evidence on my behalf, and to be represented by a lawyer who may be appointed if I cannot afford to hire one.

*Fill in court name and street address:***Superior Court of California, County of***Fill in case number if known:***Case Number:**

3 ☐ I know I can have an attorney for this.

- a. ☐ I want the judge to appoint an attorney for me.
- or**
- b. ☐ I give up my right to an attorney.

- 4 ☐ I do not know if I am the parent of the child and I ☐ consent to ☐ request blood or DNA testing to determine whether or not I am the biological parent. I understand that:
- a. If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - b. If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail, or one year and a day in state prison.

- 5 ☐ I believe I am the child's parent and request that the court enter a judgment of parentage. I understand that:
- a. If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - b. If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail or one year and a day in state prison.

IMPORTANT NOTICE ON PAGE 4. READ BEFORE SIGNING.

Your name: _____

- ⑥ ☐ I have already established parentage of the child by *(if known)*:
- a. ☐ A voluntary declaration signed by me on *(date)*: _____
☐ A copy is attached.
- b. ☐ A court judgment of parentage on *(date)*: _____ in *(county)*: _____
☐ A copy is attached.

- ⑦ ☐ I am married to the child's parent. Date of marriage: _____

- ⑧ ☐ I believe I am the parent of the child and request that the court find that I am the presumed parent of the child.
- a. ☐ The child lived with me from _____ to _____ and from _____ to _____.
- b. ☐ I have told the following people that the child is mine:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8b—People I Have Told the Child Is Mine" at the top. Number of pages attached: ____

- c. ☐ I have participated in the following activities with the child *(for example, school, daycare, sports)*:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8c—Child's Activities" at the top. Number of pages attached: ____

Your name: _____

8

- d.
- ☐
- I have given the following money or things to the child:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8d—Things Given to Child" at the top. Number of pages attached: _____

- e.
- ☐
- The child has spent the following time with my family:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8e—Other Information" at the top. Number of pages attached: _____

- f.
- ☐
- Other information I want the court to know is:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 8f—Other Information" at the top. Number of pages attached: _____

Date: _____

Type or print your name_____
Sign your name

Date: _____

Type or print your attorney's name_____
Signature of your attorney

Case Number:

Your name: _____

To the alleged parent of the child:

- As the child's alleged parent, you will not get services to help you get your child back. You will not automatically get the child to live with you or your relatives.
- If the judge finds that you are the child's parent, the judge may order services to help you get the child back, but does not have to order services for you.
- If you say that you are not the child's parent and will not take a test to find out if you are the parent, and do not want services to help you get the child back, you can fill out this form and not be a part of this case.
- You can have a trial and ask the judge to decide if you are the child's parent. You can pay a lawyer to be at the trial. If you cannot afford a lawyer, the judge may appoint one for you for free. At a trial, you can ask witnesses questions and give evidence to the judge.
- If you want the court to decide if you are the child's parent, fill out this form.

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.

Clerk stamps date here when form is filed.

1 Your information:

a. I am the:

- ☐ child ☐ parent ☐ legal guardian
☐ foster parent ☐ sibling or other 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: _____

My State Bar number: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Name of Child:

Clerk fills in case number when form is filed.

Case 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 order that reunification services be resumed for six months.
 e. ☐ I am asking the court to recognize my relationship with my sibling(s).
 (1) I am related to my sibling(s) through (name of parent): _____
 (2) I am related to my sibling(s) ☐ 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 information:

a. Name: _____

b. Date of birth: _____

c. Attorney (if known): _____

d. The child 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 lives with or the place where he or she lives: _____

Address: _____

☐ Check here if unknown.



Name of child: _____

Case Number: _____

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 sibling 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?

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: _____



Name of child: _____

Case Number: _____

- 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):	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child'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"/>
District attorney:	_____	<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 named 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 name



Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD TO REVIEW ORDER SETTING A HEARING UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.26 (California Rules of Court, Rule 8.450)	CASE NUMBER:

NOTICE

The juvenile court has decided it will make a permanent plan for this child that may result in the termination of your parental rights and adoption of the child. If you want a court of appeal to review the juvenile court's decision, you must first tell the juvenile court by filing a Notice of Intent. You may use this form as your Notice of Intent. In most cases, you have only 7 days from the juvenile court's decision to file a Notice of Intent. Please see page 2 for your specific deadline for filing this form.

If you are not the county welfare department, child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

1. Petitioner's name:
2. Petitioner's address:
3. Petitioner's phone number:
4. Petitioner is
 - a. ☐ parent (name):
 - b. ☐ legal guardian.
 - c. ☐ county welfare department.
 - d. ☐ child.
 - e. ☐ other (state relationship to child or interest in the case):
5. Child's name: _____ Child's date of birth: _____
6. a. On (date): _____ the juvenile court made an order setting a hearing under Welfare and Institutions Code section 366.26. Petitioner intends to file a writ petition to challenge the findings and orders made by the court on that date and requests that the clerk assemble the record.
 b. List all known dates of the hearing that resulted in the order: _____
7. The hearing under Welfare and Institutions Code section 366.26 is set for (date, if known): _____
8. ☐ Petitioner has been granted access to specified records in the juvenile case file, and a copy of the court's order under Welfare and Institutions Code section 827(a)(1)(Q), on form *Order After Judicial Review on Petition for Access to Juvenile Case File* (form JV-574), if available, is attached.

Date: _____

TYPE OR PRINT NAME	SIGNATURE OF <input type="checkbox"/> PETITIONER <input type="checkbox"/> ATTORNEY
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The *Notice of Intent to File Writ Petition* must be signed by the person who intends to file the writ petition or by the attorney of record.

PLEASE READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION AND DEADLINES

Page 1 of 2

APPELLATE CASE TITLE:

APPELLATE CASE NUMBER:

WHAT WILL HAPPEN AT THE HEARING TO MAKE A PERMANENT PLAN?

- The court may order the termination of parental rights and adoption of the child.
- The court may order a legal guardianship for the child.
- The court may order a permanent plan of placement of the child with a fit and willing relative.
- The court may order another planned permanent living arrangement if the child is 16 years old or older.
- The court may order a permanent plan of placement of the child in a foster home.

The above options are listed in the normal order of preference, because the main goal is to give the child a stable and permanent living situation.

SEE WELF. & INST. CODE, § 366.26 FOR MORE INFORMATION

HOW DO I CHALLENGE THE COURT'S DECISION TO SET A HEARING TO MAKE A PERMANENT PLAN?

- File this Notice of Intent to File Writ Petition and Request for Record in the juvenile court within the time specified below in the next box. This will let the court know you intend to file a writ petition, and the court will prepare the record.
- You will be notified after the record is filed in the Court of Appeal, and you will get copies of the record. **You have 10 days after the record is filed in the Court of Appeal to file and serve your writ petition.**
- You may use the optional Judicial Council form *Petition for Extraordinary Writ* (form JV-825) to complete your writ petition, or, if you have an attorney, your attorney can write the writ petition for you.
- After you file a writ petition in the Court of Appeal, you must send copies of the petition to all of the parties in the case, to the child's CASA volunteer, to the child's present caregiver, and to any de facto parent who has standing to participate in the juvenile court proceedings. With your writ petition, you must file a Proof of Service confirming you have sent a copy of the petition to these people.

SEE WELF. & INST. CODE, § 366.26(f); CAL. RULES OF COURT, RULES 8.450–8.452

WHEN DO I HAVE TO FILE MY NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD?

- If you were present when the court set the hearing to make a permanent plan, you must file the Notice of Intent within 7 days from the date the court set the hearing.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in California, you must file the Notice of Intent within 12 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in a state other than California, you must file the Notice of Intent within 17 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live outside the United States, you must file the Notice of Intent within 27 days from the date the clerk mailed the notification.
- If you are a party in a custodial institution you must give the Notice of Intent to custodial officials for mailing within the time specified in this box.

SEE CAL. RULES OF COURT, RULES 8.450, 5.540(c)

- If the order setting the hearing was made by a referee not acting as a temporary judge, you have an additional 10 days to file the Notice of Intent.

SEE WELF. & INST. CODE, §§ 248–252; CAL. RULES OF COURT, RULES 5.538, 5.540

WHO MUST SIGN THE NOTICE OF INTENT?

- The person who intends to file the writ petition, or
- The attorney of record for the person who intends to file the writ petition

**NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR
RECORD TO REVIEW ORDER SETTING A HEARING UNDER WELFARE AND
INSTITUTIONS CODE SECTION 366.26
(California Rules of Court, Rule 8.450)**

COURT OF APPEAL	APPELLATE DISTRICT, DIVISION	COURT OF APPEAL CASE NUMBER <i>(Court will provide):</i>
------------------------	-------------------------------------	--

<p>In re the Matter of:</p> <hr/> <p>(Name and date of birth of subject child or children)</p> <hr/> <p>Petitioners</p> <p>v.</p> <p>Superior Court of California, County of</p> <hr/> <p>Respondent</p> <hr/> <p>Real Party in Interest</p> <hr/>
--

FILE STAMP

Superior Court No.

Superior Court No.

☐ Related Appeal Pending

Appellate Court No.

PETITION FOR EXTRAORDINARY WRIT
(California Rules of Court, Rules 8.452, 8.456)

☐ STAY REQUESTED *(see item 11).*

INSTRUCTIONS—READ CAREFULLY

- Read the entire form *before* completing any items.
- This petition must be clearly handprinted in ink or typed.
- Complete all applicable items in the proper spaces. If you need additional space, add an extra page and mark the additional page box.
- If you are filing this petition in the Court of Appeal, file the original and 4 copies.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies.
- Notify the clerk of the court in writing if you change your address after filing your petition.

Individual Courts of Appeal or the Supreme Court may require documents other than or in addition to this form. Contact the clerk of the reviewing court for local requirements.

CASE NAME:	CASE NUMBER:
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1. This *Petition for Extraordinary Writ (Juvenile Dependency)* is filed on behalf of petitioner.
 - a. Name:
 - b. Address:

 - c. Phone number:
 - d. E-mail:
2. Petitioner is the

<ol style="list-style-type: none"> a. <input type="checkbox"/> child b. <input type="checkbox"/> mother c. <input type="checkbox"/> father d. <input type="checkbox"/> guardian 	<ol style="list-style-type: none"> e. <input type="checkbox"/> de facto parent f. <input type="checkbox"/> county welfare department g. <input type="checkbox"/> district attorney h. <input type="checkbox"/> other <i>(state relationship to child or interest in the case):</i>
---	--
3. The *Petition for Extraordinary Writ (Juvenile Dependency)* pertains to the following child or children *(specify number of children):* _____
 - a. Name of child:
Child's date of birth:
 - b. Name of child:
Child's date of birth:
 - c. Name of child:
Child's date of birth:
 - d. Name of child:
Child's date of birth:

☐ Continued in Attachment 3.
4. This petition seeks extraordinary relief from the order of *(name)*:
 - a. ☐ setting a hearing under Welfare and Institutions Code section 366.26 to consider termination of parental rights, guardianship, or another planned permanent living arrangement.
OR
 - b. ☐ designating a specific placement after a placement order under Welfare and Institutions Code section 366.28.
OR
 - c. ☐ other *(specify)*:
5. The challenged order was made on *(date of hearing)*:
6. The order was erroneous on the following grounds *(specify)*:

7.
 - a. ☐ Supporting documents are attached.
 - b. ☐ Because of exigent circumstances, supporting documents are not attached *(explain)*:
8. Summary of factual basis for petition *(Petitioner need not repeat facts as they appear in the record. Petitioner must reference each specific portion of the record, its significance to the grounds alleged, and disputed aspects of the record):*

☐ Additional pages attached.

CASE NAME:	CASE NUMBER:
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9. Points and authorities in support of the petition are attached (*number of pages attached*):

10. Petitioner requests that this court direct the trial court to (*check all that apply*):

- a. ☐ Vacate the order for hearing under section 366.26.
- b. ☐ Vacate the order designating a specific placement after termination of parental rights under section 366.28.
- c. ☐ Remand for hearing.
- d. ☐ Order that reunification services be
☐ provided ☐ continued.
- e. ☐ Order visitation between the child and petitioner.
- f. ☐ Return or grant custody of the child to petitioner.
- g. ☐ Terminate dependency.
- h. ☐ Other (*specify*):

11. ☐ Petitioner requests a temporary stay pending the granting or denial of the petition for extraordinary writ.

- a. Hearing date (*must specify*):
- b. Reasons for stay (*specify*):

Additional pages attached.

12. Total number of pages attached:

13 I am the ☐ petitioner ☐ attorney for petitioner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, except for matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ☐ PETITIONER ☐ ATTORNEY)

Address:

California Appellate Projects Contact Information

(Updated June 2023)

District	Counties	Contact Information
First	Alameda Contra Costa Del Norte Humboldt Lake Marin Mendocino Napa San Francisco San Mateo Solano Sonoma	First District Appellate Project 1212 Broadway, Ste.1200 Oakland, CA 94612 415-495-3119 415-495- 0166 (fax) www.fdap.org
Second	Los Angeles San Luis Obispo Santa Barbara Ventura	California Appellate Project - Los Angeles 520 S. Grand Ave., 4th Fl. Los Angeles, CA 90071 213-243-0300 213-243-0303 (fax) www.cap-la.org
Third	Alpine Amador Butte Calaveras Colusa El Dorado Glenn Lassen Modoc Mono Nevada Placer Plumas Sacramento San Joaquin Shasta Sierra Siskiyou Sutter Tehama Trinity Yolo Yuba	Central California Appellate Program 2150 River Plaza Dr., Ste. 300 Sacramento, CA 95833 916-441-3792 916-923-9398 (fax) www.capcentral.org
Fourth	Imperial Inyo Orange Riverside San Bernardino San Diego	Appellate Defenders, Inc. 555 W. Beach St., Ste. 300 San Diego, CA 92101 619-696-0282 619-696-7789 (fax) www.adi-sandiego.com
Fifth	Fresno Kern Kings Madera Mariposa Merced Stanislaus Tulare Tuolumne	Central California Appellate Program 2150 River Plaza Dr., Ste. 300 Sacramento, CA 95833 916-441-3792 916-923-9398 (fax) www.capcentral.org
Sixth	Monterey San Benito Santa Clara Santa Cruz	Sixth District Appellate Project 95 S. Market St., Ste. 570 San Jose, CA 95113 408-241-6171 www.sdap.org

CONSENT FOR ARRANGING CONTACT

This form is used as a consent to *arrange contact* between an adult adoptee, age 18 years and over, and their birth parent. Arranging contact means arrangement of a telephone call or a virtual or in-person meeting. The only identifying information that can be released is the last known email address and/or phone number, if indicated.

This form must be witnessed by either a representative of the California Department of Social Services (CDSS) or a California (CA) adoption agency licensed by the CDSS, or notarized by a Notary Public. If the signing of this form is witnessed by a CDSS or adoption agency representative, photo identification of the person signing must be obtained and noted on this form. **THIS FORM WILL BE RETURNED TO YOU IF IT IS NOT WITNESSED OR NOTARIZED.**

The consent may be sent directly to the adoption agency which handled the adoption, if known, or to the CDSS central office: Adoption Support Unit, Department of Social Services, 744 P street, MS 8-12-521, Sacramento, CA 95814. If the adoption was an independent adoption, the consent will be acknowledged and placed in the adoption file. If the adoption was an agency adoption, the consent will be returned to you with a name and address of the correct agency so you may send it directly to that agency.

Part A. *To be completed by person signing consent*

I am the:

☐ **BIRTH PARENT**

By signing this form, I voluntarily give my consent to the CDSS or the licensed adoption agency to arrange contact between myself and my adult child.

Check if you want your: ☐ email address disclosed ☐ phone number disclosed

☐ Check here if you want to receive nonidentifying background information about the family that adopted your child.

☐ **ADULT ADOPTEE**

By signing this form, I voluntarily give my consent to the CDSS or the licensed adoption agency to arrange contact between myself and my birth parent.

Check if you want your: ☐ email address disclosed ☐ phone number disclosed

☐ Check here if you want to receive nonidentifying background information about your birth parents.

I understand that the CDSS does not provide search services to locate birth parents or adoptees and that these parties must contact the CDSS or the licensed adoption agency to request a Consent for Arranging Contact form.

I understand that both the birth parent/s and the adoptee must sign a consent prior to the CDSS or the licensed adoption agency disclosing an email address and/or telephone number for the purpose of arranging contact and that signing this consent does not necessarily ensure that a contact will be made pursuant to CA Family Code section 9204.

I understand that the law prohibits the CDSS or the licensed adoption agency from soliciting, directly or indirectly, the execution of such consent.

I understand that I should keep the CDSS or the licensed adoption agency informed of my current email address and phone number.

I understand I have the right to rescind this consent at any time by notifying the CDSS or the licensed adoption agency in writing.

NAME		OTHER NAMES BY WHICH I HAVE BEEN KNOWN		
STREET ADDRESS	CITY	STATE	ZIP CODE	PHONE NUMBER
SIGNATURE		DATE	EMAIL ADDRESS	

PART B. *To be completed by a representative of the CDSS or a CA licensed adoption agency. If Part B or C is completed, do not complete Part D.*

SIGNATURE OF CDSS/ADOPTION AGENCY REPRESENTATIVE	DATE	PHONE NUMBER
AGENCY/DEPARTMENT NAME	ADDRESS	

IDENTIFICATION OF BIRTH PARENT/ADULT ADOPTEE (SPECIFY IDENTIFICATION, I.E., DRIVERS LICENSE, ETC)

PART C. ☐ *Check if applicable. Notarized signature has been previously submitted to the CDSS or a licensed adoption agency.*

PART D. *To be completed by Notary Public ONLY IF Part B or C is not completed.*

****COMPLETED BY NOTARY PUBLIC****

The Notary Public must staple the Acknowledgment document to this form, sign and date below.

SIGNATURE OF NOTARY	DATE
---------------------	------

ADDITIONAL INFORMATION

In order to locate the correct adoption file, please assist us by completing the information below. If you do not know this information, please write "unknown."

Adoptee's name, birth date, city and state of birth

All names used by birth mother at the time of the adoption (include middle and maiden name(s) and name of birth father

Full names of both adoptive parents

Written Consent for Minor Visitation

I, (Parent/Legal Guardian) give permission for:

NAME: _____ AGE: _____ DOB: _____

NAME: _____ AGE: _____ DOB: _____

NAME: _____ AGE: _____ DOB: _____

NAME: _____ AGE: _____ DOB: _____

To visit (Inmate Name and CDCR Number) _____ at a California State Prison or Institution.

With (Name of Accompanying Adult) _____ for one year. I understand this Authorization is to be updated annually and that the minor Birth Certificate, or a Certified Copy of the Birth Certificate, from the County Recorder's Office is required. Satisfactory Evidence of Proof of legal guardianship to said minor(s) is required as an attachment to this authorization form.

I understand that this authorization can only be revoked IN WRITING, and will remain in effect for one year, or until written notice of revocations is issued by the California Department of Corrections and Rehabilitation.

(Signature of Parent/Legal Guardian)

(Date)

Certificate of Acknowledgement

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of _____ On, (Date) _____

before me, (Name and Title of Officer) _____ personally appeared.

(Name Parent/Legal Guardian) _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Place Notary Seal/Stamp in the area above)

From Visiting a Friend or Loved One in Prison (Attachment 2)