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**FILED**  
Superior Court of California  
County of Los Angeles

*A* **OCT 19 2017**

Sherri R. Carter, Executive Officer/Clerk  
By *Nancy DiGiambattista* Deputy  
N. DiGiambattista

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES — CENTRAL DISTRICT**

ADVOKIDS, HEATHER WHELAN,  
PATRICK J. GUSKE, and CARRIE  
CHUNG,

Petitioners and Plaintiffs,

vs.

COUNTY OF LOS ANGELES, LOS  
ANGELES COUNTY DEPARTMENT OF  
CHILDREN AND FAMILY SERVICES,  
PHILLIP BROWNING and DOES 1-10,

Respondents and Defendants.

) CASE NO. BS150163  
) *[Assigned to the Hon. Mary H. Strobel,*  
) *Department 82]*

) **~~PROPOSED~~ STIPULATED JUDGMENT**

) **Petition Filed: 8/6/14**

) **Trial Date: 11/29/16**

Petitioners and Plaintiffs Advokids, Heather Whelan, Patrick J. Guske and Carrie Chung and Respondents and Defendants County of Los Angeles (sued as the Los Angeles County Department of Children and Family Services) and Philip Browning have entered into this Stipulated Judgment to resolve all pending and remaining claims raised in the First Amended Petition for Writ of Mandate under Code of Civil Procedure § 1085 and Complaint for Injunctive and Declaratory Relief under Code of Civil Procedure § 526a in the above-captioned matter to avoid the uncertainty, time, and expense of further litigation.

///

DEFINITIONS

1. For purposes of this Stipulated Judgment, the following definitions shall apply:

A. "Caregivers" refers to the current caregiver providing care for a child under the supervision of the Los Angeles County Department of Children and Family Services, which includes foster parents, relative caregivers, pre-adoptive parents, nonrelative extended family members and group home providers.

B. "County" refers to County of Los Angeles.

C. "CSW" refers to Children's Social Worker.

D. "DCFS" refers to Los Angeles County Department of Children and Family Services.

E. "DCSF's current Director" refers to Philip Browning who has been sued in this action only in his official capacity or his successor in office.

F. "FCSS" refers to the Foster Care Search System, a computer system operated by DCFS.

G. "FFA" refers to foster family agency.

H. "First Amended Petition" refers to the First Amended Petition for Writ of Mandate under Code of Civil Procedure § 1085 and Complaint for Injunctive and Declaratory Relief under Code of Civil Procedure § 526a.

I. "JV-290" refers to the Judicial Council Caregiver Information Form.

J. "JV-290 INFO" refers to the Judicial Council Instruction Sheet for Caregiver Information Form.

K. "Juvenile court hearings" refers to all juvenile court hearings in which caregivers are entitled to participate pursuant to the following statutes and rules of court: Welfare and Institutions Code §§ 291(a)(8), 291(c)(1), 293(a)(6), 293(c), 293(d), 293(f), 294(a)(8), 294(c)(1), 294(e), 295(a)(6), 295(d), 361.5(f), 364, 366.21(a), 366.21(c), and 366.23; California Rule of Court rules 5.534(n), 5.534(n)(2), 5.534(n)(3), 5.534(n)(4), and 5.708(b).

L. "Mr. Browning" refers to Philip Browning.

M. "Parties" refers to Petitioners and Respondents in this action.

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1 N. "Petitioners" refers to Petitioners and Plaintiffs Advokids, Heather Whelan,  
2 Patrick J. Guske and Carrie Chung.

3 O. "Respondents" refer to Respondents and Defendants County, DCFS and  
4 DCFS's current Director.

5 P. "SCSW" refers to Supervising Children's Social Worker.

6 Q. "Seven-Day Notice" refers to the Seven Day Notice of Intent to Remove  
7 Foster Child, also known as Notice of Intent to Terminate Placement (Form 489-3).

8 R. "SNAP" refers to Simple Notice Application and is a computer system  
9 designed and maintained by the County to help CSWs fulfill court notice requirements.

10 **RECITALS**

11 2. This action arises out of DCFS's mailing of the requisite written notices of juvenile  
12 court hearings together with the JV-290 and JV-290 INFO forms to current caregivers and FFAs for  
13 children in DCFS's jurisdiction and DCFS's compliance with the regulations and other  
14 requirements that entitle caregivers to written notice and an opportunity to object and be heard  
15 when foster children are removed from their homes.

16 3. On August 6, 2014, Petitioners filed this action.

17 4. On November 24, 2014, Petitioners filed the First Amended Petition, which is the  
18 operative pleading in this action.

19 5. On July 2, 2015, Respondents filed their Answer to the First Amended Petition.

20 6. Since January 11, 2016, the Parties have engaged in good faith settlement  
21 discussions to resolve the issues in this action.

22 7. This Stipulated Judgment is a compromise of disputed claims, and Respondents'  
23 compromise of these claims is not and should not be deemed or construed as an admission of  
24 liability. Respondents have asserted and continue to assert defenses to the First Amended Petition  
25 and have expressly denied and continue to deny any wrongdoing or legal liability arising out of any  
26 of the facts or conduct alleged in the subject action. Respondents expressly deny any violation of  
27 State or federal laws, and expressly affirm a commitment to comply with all laws.

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10-25-2017



1 the number of hearing notices by type of hearing (e.g., periodic review hearings, selection and  
2 implementation hearings). DCFS shall make these statistical reports available to SCSWs for all the  
3 CSWs under his or her supervision and to DCFS's Director. On a quarterly basis beginning six  
4 months from the entry of this Stipulated Judgment and continuing for the duration of this Stipulated  
5 Judgment as set forth in paragraph 25, DCFS shall also prepare and make available to Petitioners'  
6 counsel an aggregate statistical report for all CSWs for the preceding three months on (a)-(d) above  
7 plus a breakdown of the number of notices by type of hearing.

8 14. DCFS shall continue to use JV-290 and JV-290-INFO forms in the languages  
9 besides English provided by the Judicial Council of California. Those other languages are currently  
10 Spanish, Chinese, Korean, Cambodian, Hmong, Russian and Vietnamese.

11 15. Except as described below, DCFS shall continue to comply with DCFS Child  
12 Welfare Policy Manual § 0100-502.52, entitled "Seven Day Prior Written Notice to Foster Parents  
13 of Intent to Remove a Child and Grievance Review Regarding Placement/Removal of a Child from  
14 a Foster Home" (revised 4/20/16), and California Department of Social Services Manual of Policies  
15 and Procedures § 31-440.21-.26.

16 16. DCFS shall provide all caregivers of children placed into out-of-home placements  
17 with a blank grievance request form (DCFS 4161) and a copy of the written DCFS grievance  
18 procedure regulations conforming to the California Department of Social Services Manual of  
19 Policies and Procedures § 31-020 *et seq.* at the time of placement and again at a time that DPSS  
20 first notifies the caregiver of the decision to make a placement change. DCFS shall make the blank  
21 grievance request form (DCFS 4161) and grievance procedure regulations available at DCFS field  
22 office locations and to the public on the DCFS website.

23 17. No later than six months from entry of this Stipulated Judgment, DCFS shall issue a  
24 new blank grievance request form (DCFS 4161), a true copy of which is attached hereto and  
25 marked as Exhibit B. This new blank grievance request form shall set forth, among other things,  
26 when, where and how a caregiver may submit a completed grievance to DCFS or its designee and  
27 will include a toll free number and either an e-mail address or facsimile number for submitting the  
28 completed grievance.

1           18.     FCSS generates Seven-Day Notices (DCFS Form 489-3) and blank grievance  
2 request forms (DCFS Form 4161). FCSS also provides for the storage and management of data  
3 showing employee compliance with DCFS requirements for providing caregivers with Seven-Day  
4 Notices and grievance-related documents. DCFS shall continue to use FCSS whenever they intend  
5 to remove a child from the custody of the current caregiver. No later than six months from entry of  
6 this Stipulated Judgment, FCSS shall be programmed to ensure that either: (a) the Seven-Day  
7 Notices have been mailed in accordance with the law, or (b) DCFS has documented the reasons for  
8 not sending the Seven-Day Notice. The CSW shall include copies of the Seven-Day Notice, Form  
9 4161 and 4161-I in the Contact Notebook.

10           19.     No later than six months from entry of this Stipulated Judgment, DCFS shall  
11 generate quarterly statistical reports on: (a) the total number of foster children who were removed  
12 from their caregivers' homes; and (b) the number of foster children who were removed from  
13 caregivers' homes without advance provision of Seven-Day Notice, and for each such removal the  
14 reason(s) notice was not given. DCFS shall make these statistical reports available on a quarterly  
15 basis to such personnel as DCFS may in its discretion designate. On a quarterly basis beginning six  
16 months from the entry of this Stipulated Judgment and continuing for the duration of this Stipulated  
17 Judgment as set forth in paragraph 25, DCFS shall prepare and make available to Petitioners'  
18 counsel an aggregate report for the preceding three months on (a)-(b) above.

19           20.     No later than six months from the date of entry of this Stipulated Judgment, DCFS  
20 shall establish a toll free number whereby caregivers, their attorneys and/or other advocates can  
21 report instances when a caregiver asserts that his/her rights have been violated with regard to  
22 hearing notices, JV-290, JV-290-INFO forms, the Seven-Day Notice, removal of the foster child  
23 from his or her home and the grievance review procedure. The toll free number shall warn callers  
24 not to expect any response from DCFS to their calls. As to complaints involving the Seven-Day  
25 Notice, removal of the foster child from his or her home and the grievance review procedure, the  
26 toll free number shall also include information about how to file a grievance. As to all other  
27 complaints, DCFS shall evaluate the complaint and, if warranted, investigate further and take such  
28 corrective measures as it deems appropriate and, to the extent permitted by applicable law, report

1 those corrective measures to the complaining party in a timely manner.

2 21. The obligations on Respondents set forth in Paragraphs 9-20 above are subject to  
3 modification due to subsequent changes in applicable state and/or federal law or to other  
4 subsequent relevant changes made by state, local and/or federal governments, including but not  
5 limited to changes related to applicable technologies that frustrate Respondents' ability to comply  
6 with their settlement obligations. If Respondents intend to implement any such modification, they  
7 will endeavor to provide Petitioners' counsel at least 30-days advance notice in writing of the  
8 intended modification and the basis for such modification, unless circumstances prevent advance  
9 notice.

10 22. DCFS shall provide necessary and appropriate training to all applicable employees  
11 with regard to SNAP and FCSS as well as their obligations under the law and this Stipulated  
12 Judgment concerning the mailing of hearing notices of juvenile court hearings, JV-290 and JV-290  
13 INFO forms, Seven-Day Notices, grievance review request forms to current caregivers and  
14 complying with the grievance process on removal of foster children from the caregivers' homes.

15 23. No later than 90 days after entry of this Stipulated Judgment, Petitioners' counsel  
16 shall request one or more meetings and/or conference calls with the Presiding Judge of the Juvenile  
17 Court to develop a workable protocol when juvenile court judges determine that proper notices  
18 have not been sent to caregivers in accordance with Rule of Court, rule 5.534(n), particularly in  
19 cases where the caregiver is not represented by counsel, is not present in the courtroom and has not  
20 submitted written information about the child for the court's consideration at the hearing.  
21 Petitioners' counsel will invite Respondents to participate in any such meetings and conference  
22 calls with the Presiding Judge or his designee and Respondents will participate if any such meetings  
23 and conference calls are held.

24 24. No later than thirty (30) days after entry of this Stipulated Judgment, Respondents  
25 will pay Petitioners' counsel the amount of \$500,868.00 as an all-inclusive sum to address and  
26 resolve any and all of the claims by Petitioners' counsel for attorneys' fees and costs, including  
27 expert costs, retrospectively and prospectively for the duration of court jurisdiction for this  
28 Stipulated Judgment. However, Petitioners' counsel will be entitled to an award of fees in addition

1 to the above-mentioned sum for the time spent on a motion to enforce the terms of this Stipulated  
2 Judgment if they file and prevail on such a motion.

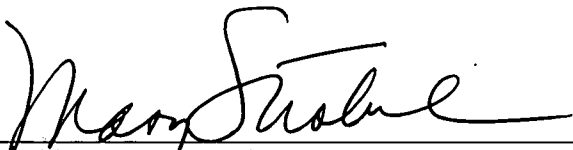
3 25. The Court will retain jurisdiction over this Stipulated Judgment for twenty-four (24)  
4 months after its entry. Before filing any motion to enforce or modify the terms of the Stipulated  
5 Judgment, counsel for the moving party shall contact counsel for the opposing party to discuss  
6 thoroughly, preferably in person, the substance of the contemplated motion and any potential  
7 resolution. Any such motion shall not be filed until 10 days after the parties have conferred to  
8 discuss the motion. At the end of the twenty-four-month period, Petitioners shall dismiss the action.

9 *Nothing in this judgment obligates the court  
10 to develop the protocols described in paragraph 23.*

ORDER

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13 **IT IS SO ORDERED.**

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16 Dated: 10/19/17

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Honorable Mary H. Strobel  
Los Angeles Superior Court



# **EXHIBIT A**

10/25/2017

# Noticing Process for Juvenile Court Proceedings

0300-306.05 | Revision Date: 12/09/15

## Overview

This policy guide provides procedures on how to properly notice all appropriate parties for court hearings.

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  - Responsible Parties

  - Notice Recipients

  - Method of Service and Time Frame

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  - Responsible Parties

  - Notice Recipients

  - Method of Service and Time frame

### Procedure

- Notification of Mailing Address

  - Case-Carrying CSW Responsibilities

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## Version Summary

This policy guide was updated from the 10/16/14 version to include instructions for CSWs that court reports for status review hearings must be provided to applicable parties ten (10) days prior to the hearing and that the date of mailing of the court report is to be documented on the JV-510, Proof of Service. Clarification was added regarding the generation of populated JV-290 and JV-290-INFO in SNAP (Simple Notice Application). Clarifies that for initial petition/detention including ex-parte application, the detaining CSW is responsible for notification of siblings and attorneys and; IDC is responsible for submitting DCFS 4217, Children's Social Worker's Report and Order of Court for Removal of Prisoner from County Jail. Policy and instructions have been added regarding the JV-140, Notification of Mailing Address form, thereby canceling FYI 15-39 dated 11/09/15.

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# POLICY

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## Notification of Mailing Address

Upon his or her appearance before the court, each parent or guardian is asked to designate for the court, his or her permanent mailing address. The court advises each parent or guardian that the designated mailing address will be used by the court and DCFS for notice purposes unless and until the parent or guardian notifies the court or DCFS of a new mailing address, in writing, via the JV-140, Notification of Mailing Address form.

## Specialized Notice Requirements

### Incarcerated Parents

Regardless of the type of custody facility or whether an incarcerated parent is incarcerated in Los Angeles County, other parts of California, or out of state, notice rules for the specified hearing must be followed.

If a parent is incarcerated in the state of California, the CSW must call the Department of Corrections and Rehabilitation (916) 324-2203 to determine where a parent is incarcerated. [Back to Top](#) ^

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to obtain the correct address.

- If a parent is in federal custody, the CSW must contact the United States Bureau of Prisons (202) 307-3126.

CSWs are only required to submit a removal order for an incarcerated parent for the following two (2) hearings:

- Jurisdictional/Dispositional hearings to adjudicate a child as a dependent of the court.
- WIC 366.26 hearings to terminate parental rights (TPR)
  - It is not legally required for an incarcerated parent to be present at a WIC Section 366.26 hearing in order to appoint a legal guardian or when the permanent plan is a permanent placement living arrangement.

It is best practice to request a removal order for all appearance hearings when a parent is incarcerated in a Los Angeles County or local facility/jail.

- There is no mechanism to transport out-of-state inmates or individuals in federal custody to the dependency court.

## Parents Who Reside Outside of the United States

DCFS has a legal obligation to comply with the Hague Service Convention, including all noticing requirements, when a parent resides outside of the United States in a country that is a member of the Hague Convention, even when it is not court ordered for a parent to be noticed per the Hague Convention.

- The CSW must use the State Department website to look up the type of notices required in the parent(s)' country of residence.
  - If the country requires the notice to be in Spanish, CWS/CMS has the option to populate the notice in Spanish.
- If the parent's address is not available, use standard notice procedures (i.e. due diligence, publication, etc.) and follow Hague Notice and International Noticing Tips.

Notice under the Hague Service Convention is required for two (2) types of hearings:

- Adjudication/Disposition hearings, if the parent has not made a general appearance.
- WIC 366.26 hearings, when the DCFS recommendation is to terminate parental rights, and the parent has not made a general appearance.

## Sensitive Cases

If a child's case is marked as sensitive, contact the Sensitive Cases Unit for assistance in obtaining addresses and contact information for noticing. Sensitive cases include but are not limited to involved parties who are:

- Celebrities;
- Public figures;
- Elected officials;
- DCFS employees;
- Some active Los Angeles County law enforcement employees.

## Children Age Ten (10) and Older

In addition to the required notice, if a child is ten (10) years of age or older, he/she has the right to attend a hearing and must be given the opportunity to attend, even if he/she is incarcerated/institutionalized. CSWs [Back to Top ^](#)

must arrange for the child's transportation if the child wishes to attend the hearing.

If the child was not properly notified or if he/she wished to be present and was not given the opportunity to be present at a hearing, the court will continue the hearing to allow the child to be present unless the court finds that it is in the best interests of the child not to continue the hearing.

## Non-Minor Dependents (NMDs)

Once a youth turns eighteen (18) and becomes a nonminor dependent, the parent's attorneys are relieved at the hearing, at which point no notice is required for a parent, unless he/she is receiving continued family reunification (FR) services.

- For youth who fall under Indian Child Welfare Act (ICWA), the child's tribe must continue to receive notification of hearings unless the NMD has elected not to have the provisions of ICWA continue to apply to his/her case after turning age eighteen (18).

A CSW is required to give notice of review hearings and termination of jurisdiction hearings involving NMDs to the following individuals:

- The NMD;
- Any known siblings of the NMD, if that sibling is either the subject of a dependency court proceeding or has been adjudged to be a dependent child of the juvenile court;
  - If the sibling is ten (10) years of age or older, notice the sibling, the sibling's caregiver, and the sibling's attorney;
  - If the sibling is under ten (10) years of age, notice the sibling's caregiver and the sibling's attorney;
    - These requirements only apply when the sibling(s)' hearing is calendared on a different day or in a different court than the NMD's hearing.
- The current caregiver of the NMD;
- The caregiver of the NMD may attend the hearings and can submit relevant written information for filing and distribution to the parties and attorneys.

If NMDs are not able to attend a court hearing in person, telephonic court appearances are allowed.

If the court is considering the termination of jurisdiction of an NMD, the CSW must ensure that the NMD is present in court unless he/she does not wish to appear in court. The exception is when the NMD has elected a telephonic appearance or when efforts were made to locate the NMD but were unsuccessful and when those efforts have been documented.

## Caregiver's Notice and Right to be Heard

The child/NMD's current caregiver is entitled to receive notice of, and to have the opportunity to be heard at, hearings specified herein. The right to be heard includes the right to submit written information to the court, including by using the JV-290, Judicial Council Caregiver Information Form, or by submitting a letter to the court.

- The JV-290 INFO, Judicial Council Instruction Sheet for Caregiver Information Form, provides the caregiver with directions on how to complete the form and file it with the court.

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## Simple Notice Application (SNAP)

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Notices for all court hearings can be populated on CWS/CMS or through Simple Notice Application (SNAP).

- SNAP is a computer system designed and maintained by the County Counsel to help CSWs fulfill court notice requirements, including Indian Child Welfare Act (ICWA) notices.
- All court information in SNAP comes directly from the Juvenile Automated Data Enhancement (JADE) system.
- All case related information in SNAP comes from CWS/CMS. SNAP maintains information on hearing dates, the individuals who are required to be noticed, and the method that notices are to be provided.
- SNAP will generate the JV-290 and JV-290-INFO forms.
  - Requires CWS/CMS caregiver/child relationship to be: "court/client caretaker" and;
  - An exact match of the child's and caretaker's addresses.
- If a parent is incarcerated, SNAP can be used to prepare the In-and-Out or Statewide removal order.
  - When a removal order is created, SNAP automatically creates two (2) notices for the parent(s): one (1) that is addressed to the parent(s) in the facility and one (1) to their last known address.
- If a parent resides in Mexico, SNAP automatically generates all required forms pursuant to the Hague Service Convention.
- SNAP helps to ensure that ICWA notices are correct before they are sent out by allowing CSWs to communicate with the County Counsel beforehand to increase the probability of accuracy in ICWA notices, thus eliminating the need for future revisions.
- It is strongly recommended that SNAP be used for ICWA notices.

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## Mailing Court Reports with Notices

If a court report is completed and approved by a SCSW at the time the notice(s) are completed, a CSW is to mail the court report, any attachments, and the notice to the parents and any child if who is over twelve (12) years of age. Court reports for status review and WIC 366.26 hearings must be provided to applicable parties ten (10) days prior to the hearing.

- Date of mailing of the court report is to be documented, for each party, on the JV-510, Proof of Service.
- Confidential and privileged attachments should not be mailed. These include, but are not limited to:
  - Confidential addresses;
  - Locations of persons in domestic violence shelters;
  - Reproductive information concerning minors;
  - Information concerning some sexually transmitted diseases.
- When a CSW has a question regarding the confidentiality and/or the privileged disclosure of information contained in an attachment, he/she must consult the trial County Counsel or an out-stationed County Counsel.
- The identity of the reporting party is confidential and must not be disclosed.
- Anything from the County Counsel's office to the CSW is privileged and must not be attached to court reports.

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## Children Under the Provisions of the Indian Child Welfare Act (ICWA) or American Indian Children from Federally Recognized Tribes

The following requirements are in addition to the requirements listed for each hearing, unless otherwise specified or amended.

### Responsible Parties

The CSW responsible for providing notice for the hearing.

### Notice Recipients

In addition to the parties requiring notice for a specified hearing, if a child may come under the provisions of the Indian Child Welfare Act (ICWA), or is an Indian child from a federally recognized tribe, notice must be provided to the following parties along with the documents listed under Method of Service and Time frame, unless otherwise specified or amended:

Person/Entity to be Noticed	Exceptions/Further Requirements
Parent and/or legal guardian	
All federally recognized tribes in which the child may claim or may be eligible for membership by tribal affiliation (tribe/Rancheria), if known	<p>Notice must be sent to the individuals at the address on the list of designated agents for service developed by the Bureau of Indian Affairs (BIA) and to the contact person and address from the California Department of Social Services (CDSS).</p> <ul style="list-style-type: none"> <li>• Refer to the Existing Tribal Organization located in the Resource Management Section of CWS/CMS to obtain the address of federally recognized tribes.</li> <li>• If the address of the tribe is unknown, contact the Indian Child Welfare Unit at (626) 938-1846 or (626) 938-1838 for assistance in locating updated tribal information.                         <ul style="list-style-type: none"> <li>• To obtain the address of the federally recognized tribe(s), refer to the federal register at BIA Tribe Listing and the CDSS list of tribes at CDSS Tribe Listing.</li> </ul> </li> <li>• Contact the County Counsel's ICWA Notice Program to confirm the address of the tribe(s).</li> <li>• Notice the tribal Chairperson, unless the tribe has designated another agent for service in the BIA list of designated agents.</li> <li>• If the tribe has not designated another agency for service in the BIA list of designated agents and the name of the tribal Chairperson is unknown, address notice to the tribe as follows: "Tribal Chair Person, [Name of Tribe]."</li> </ul> <p>For NMDs, only send notice when the NMD has elected to have ICWA continue to apply past his/her eighteenth (18th) birthday.</p>
Indian Custodian	

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	<ul style="list-style-type: none"> <li>• The ICWA-030 and ICWA-030(A) are also available on CWS/CMS under LA County specific templates and on LA Kids in the Forms section.</li> <li>• ICWA-030(A), Attachment to Notice of Child Custody Proceedings for Indian Child.</li> <li>• To be used only if all tribes served were not listed on the ICWA-030.</li> <li>• ICWA 010(A), Indian child Inquiry Attachment</li> <li>• Petition</li> <li>• Child's birth certificate, if available</li> </ul>
<b>Delivery Method</b>	<p>Either:</p> <ul style="list-style-type: none"> <li>• Certified Mail Return Receipt Requested; or</li> <li>• Registered Mail Return Receipt Requested</li> </ul>
<b>Time Frame</b>	<p>At least thirty (30) days prior to the hearing, when possible:</p> <ul style="list-style-type: none"> <li>• The ICWA-030 must be received: <ul style="list-style-type: none"> <li>• By any tribe, at least ten (10) days prior to the hearing</li> <li>• By federal agencies, at least fifteen (15) days prior to the hearing</li> </ul> </li> </ul> <p>For detention hearings:</p> <ul style="list-style-type: none"> <li>• Notice must be given as soon as possible after the filing of the petition.</li> <li>• Proof of Notice must be filed with the court within ten (10) days after the filing of the petition.</li> </ul>
<b>Exceptions/Further Requirements</b>	<ul style="list-style-type: none"> <li>• The notice must contain the following statements: <ul style="list-style-type: none"> <li>• That the parent or Indian custodian and the tribe have a right to intervene at any point in the proceedings;</li> <li>• That the parent or Indian custodian and the tribe will upon request be granted up to twenty (20) additional days to prepare for the proceedings.</li> </ul> </li> <li>• The ICWA-030 accompanies the required notice to the parent/legal guardian (JV-300), which must be updated to reflect the permanency option of Tribal Customary Adoption (TCA) for American Indian children, if recommended by the child's Indian tribe. <ul style="list-style-type: none"> <li>• If a 366.26 hearing is continued to file the Tribal Customary Adoption Order (TCAO), use the JV300, Notice of Hearing on Selection of a Permanent Plan – Juvenile, to notice all appropriate parties, including the child's tribe.</li> </ul> </li> <li>• As proof of sending notice, the CSW must file the following with the court before the hearing: <ul style="list-style-type: none"> <li>• Copies of notices sent – ICWA 030; ICWA 030A; ICWA-010(A), Petition, regular notice of hearing</li> <li>• All return receipts <ul style="list-style-type: none"> <li>• For any responses from the tribes, BIA and Secretary of the Interior.</li> </ul> </li> </ul> </li> </ul>

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## Initial Petition/Detention Hearing, Including Ex Parte Application

### Responsible Parties

The detaining CSW must provide either oral or written notice for both detained and non-detained petitions. The CSW and Clerk must, by law, serve the notice and a copy of the petition when a petition is filed. The CSW must document the method of notice provided for all parties in the Detention Report.

When filing a petition on a child with siblings on an open case, the Case-Carrying CSW/Emergency Response/Command Post (ERCP) CSW must notice the required persons by telephone or in writing (Notification Letter) at least twenty-four (24) hours prior to the hearing.

For continued Initial Petition/Detention Hearings, the detaining CSW or Dependency Investigator (DI) CSW is responsible for providing notice to all required persons entitled to receive notice.

### Notice Recipients

The following parties must be served a notice for initial petitions and detention hearings, including Ex Parte Applications:

Person Required to be Noticed	Exceptions/Further Requirements
Mother(s)	<ul style="list-style-type: none"> <li>Unless parental rights have been terminated.</li> </ul>
Father(s)	<ul style="list-style-type: none"> <li>To all presumed and alleged, unless parental rights have been terminated.</li> </ul>
Legal guardian(s)	<p>If a parent/legal guardian resides out-of state or his/her whereabouts are unknown:</p> <ul style="list-style-type: none"> <li>Send the notice to any adult relative residing within the county or, if there are none, to the adult relative residing nearest to the court.</li> <li>List the name(s) and address(es) of the relative in the indicated space on the cover sheet of the petition.</li> <li>Provide notice of the hearing and, if possible, a copy of the petition to the relative who will serve as a substitute for the parent/legal guardian.</li> </ul>
Child(ren)	<ul style="list-style-type: none"> <li>When ten (10) years of age or older.</li> </ul>
Attorney(s)	<ul style="list-style-type: none"> <li>If any</li> </ul>
Any known sibling(s), if that sibling is either the subject of a dependency court proceeding or has been adjudged to be a dependent child of the juvenile court	<p>The following requirements only apply when the sibling's hearing is calendared on a different day or in a different court than the child's hearing.</p> <ul style="list-style-type: none"> <li>If the sibling is ten (10) years of age or older, notice the sibling, the sibling's caregiver, and the sibling's attorney.</li> <li>If the sibling is under ten (10) years of age, notice the sibling's caregiver and the sibling's attorney.</li> </ul>
Probate Court	<ul style="list-style-type: none"> <li>If the probate court granted legal guardianship.</li> </ul>

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Child Court Appointed Special Advocate (CASA)	• If any
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### Method of Service and Time Frame

For initial petition and detention hearings, there are separate notices for the Edelman Children's Court and the Antelope Valley court. The responsible CSW must provide notice according to the following guidelines:

	Child in Custody	Child Not in Custody
<b>Type of Notice</b>	<ul style="list-style-type: none"> <li>• Notification Letter</li> <li>• JV-100, Juvenile Dependency Petition</li> </ul>	<ul style="list-style-type: none"> <li>• Notification Letter</li> <li>• JV-100, Juvenile Dependency Petition</li> </ul>
<b>Delivery Method</b>	<ul style="list-style-type: none"> <li>• Oral notice by telephone, voicemail, or at a CFT meeting                             <ul style="list-style-type: none"> <li>• If oral notice is used, CSW must file a declaration stating so and for whom.</li> </ul> </li> <li>• Written (Notification Letter) via first class mail, if unable to provide oral notice.</li> </ul>	<ul style="list-style-type: none"> <li>• First class mail in the recipient's primary language.                             <ul style="list-style-type: none"> <li>• If the parent/legal guardian is unable to read, provide oral notice.</li> </ul> </li> </ul>
<b>Time Frame</b>	As soon as possible, but at least twenty-four (24) hours prior to the hearing: <ul style="list-style-type: none"> <li>• Notification Letter must be sent by 4:00pm on the day the child is detained.</li> </ul>	As soon as possible, and at least ten (10) days prior to the hearing.
<b>Exceptions/ Further Requirements</b>	If CSW was either unable to mail a Notification Letter and a JV-100 by 4:00pm due to the timing of the detention or if the parent/legal guardian is unable to read, provide oral notice.	

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### Method of Service and Time Frame for Continued Initial Petition/Detention Hearing

	Child in Custody	Child Not in Custody
<b>Type of Notice</b>	<ul style="list-style-type: none"> <li>• CT-NOTPET, Notice of Hearing on Petition.</li> <li>• JV-100, Juvenile Dependency Petition</li> <li>• JV-505, Statement Regarding Parentage</li> <li>• JV-510, Proof of Service - Juvenile</li> <li>• Copy of the Petition                             <ul style="list-style-type: none"> <li>• Send to all parties entitled to receive notice.</li> </ul> </li> </ul>	Use the same forms as a child who is detained.

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<b>Delivery Method</b>	First class mail in the recipient's primary language.	First class mail in the recipient's primary language.
<b>Time Frame</b>	As soon as possible, but at least five (5) days prior to the hearing. <ul style="list-style-type: none"> <li>• However, if the hearing is set in less than five (5) days, notice must be given at least twenty-four (24) hours prior to the hearing.</li> </ul>	As soon as possible, and at least ten (10) days prior to the hearing.
<b>Exceptions/ Further Requirements</b>	<ul style="list-style-type: none"> <li>• For children retained in custody, a Notification Letter is only necessary if the detaining CSW was unable to provide oral notice for the initial hearing.</li> <li>• If the person requiring notice is in criminal custody, send the written notice and petition to the place on incarceration within the required time frame.</li> </ul>	If the person requiring notice is in criminal custody, send the written notice and petition to the place of incarceration within the required time frame.

For ex parte applications, telephonic notice of the request must be provided no less than twenty-four (24) hours in advance of the hearing. The date and time if the hearing must be approved by the court.

## Jurisdictional/Dispositional Hearing (PRC)

### Responsible Parties

The Dependency Investigator (DI) CSW or the e case-carrying CSW in a vertical case management section is responsible for providing notices.

### Notice Recipients

The following parties must be served a notice:

<b>Person Required to be Noticed</b>	<b>Exceptions/ Further Requirements</b>
Mother(s)	<ul style="list-style-type: none"> <li>• Unless parental rights have been terminated.</li> </ul>
Father(s)	<ul style="list-style-type: none"> <li>• All presumed and alleged, unless parental rights have been terminated.</li> </ul>
Legal guardian(s)	<p>If a parent/legal guardian resides out-of state or their whereabouts are unknown:</p> <ul style="list-style-type: none"> <li>• Send the notice to any adult relative residing within the county or, if there are none, to the adult relative residing nearest to the court.</li> <li>• List the name(s) and address(es) of the relative in the indicated space on the cover sheet of the petition.</li> <li>• Provide notice of the hearing and, if possible, a copy of the petition to the relative who will serve as a substitute for the Top</li> </ul>

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	<p>legal guardianship, or planned living arrangement."</p> <ul style="list-style-type: none"> <li>• JV-510, Proof of Service - Juvenile</li> <li>• JV-505, Statement Regarding Paternity (Juvenile Dependency):                             <ul style="list-style-type: none"> <li>• If not filed in the case records, give to all alleged father(s).</li> </ul> </li> <li>• JV-290, Juvenile Council Caregiver Information Form:                             <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.                                     <ul style="list-style-type: none"> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> </li> </ul> </li> <li>• JV-290 INFO, Juvenile Council Caregiver Information Form Letter:                             <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.                                     <ul style="list-style-type: none"> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> </li> </ul> </li> <li>• DCFS JV-290 Cover Letter, Cover Letter:                             <ul style="list-style-type: none"> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> </li> </ul>	
<b>Delivery Method</b>	<ul style="list-style-type: none"> <li>• When required person was not present at initial hearing:                             <ul style="list-style-type: none"> <li>• Personal service or by certified mail return receipt requested (CMRRR). All CMRRR evidence of mailing and any returned receipts must be filed with the court.</li> </ul> </li> <li>• When required person was present at initial hearing:                             <ul style="list-style-type: none"> <li>• Personal service or first class mail.</li> </ul> </li> </ul>	Personal service or by first class mail.
<b>Time Frame</b>	<ul style="list-style-type: none"> <li>• As soon as possible and at least five (5) days calendar days prior to the hearing.</li> <li>• If hearing is set less than five (5) days prior, then at least twenty-four (24) hours prior to the hearing.</li> </ul>	At least ten (10) calendar days prior to the hearing.
<b>Exceptions/ Further Requirements</b>	If the recommendation is "No Reunification Services":	Same exceptions/further requirements, as a child who is <a href="#">Back to Top</a>

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- Send a summary of recommendation for disposition with the JV-290, JV-290 INFO and DCFS JV-290 Cover Letter to the current caregiver. Do not send the jurisdiction/disposition report.
- Include the summary of recommendations on the CT-NOTPET notice form.
- If the caregiver returns the JV-290 to the CSW instead of the court, submit the JV-290 to court prior to the hearing.
  - If received after the report has been sent to court, forward the JV-290 with a Last Minute Information (LMI) for the Court.
- If not received in time to forward with a LMI, fax the JV-290 to the Juvenile Court Services (JCS) liaison.

If any parent's/legal guardian's whereabouts are unknown:

- Initiate a Due Diligence search according to established procedures.
- Send the notice to all potential or last known addresses identified on the Due Diligence Report.

For Subsequent jurisdictional/dispositional hearings:

- Send notices for all hearings for which there is sufficient time to send the notice within statutory limits, unless specifically ordered by the court not to do so.

Notice under the Hague Service Convention is required if the parent resided outside the United States and has not made a general court appearance.

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## **WIC 364, 366.21, 366.22, 366.25, 366.3 or 366.31 Status Review Hearing**

### **Responsible Parties**

The case-carrying CSW must provide notice to the following parties when a WIC 364, 366.21, 366.22, 366.25, 366.3 or 366.31

366.3 or 366.31 Status Review Hearing has been calendared.

## Notice Recipients

The following parties must be served a printed notice:

<b>Person Required to be Noticed</b>	<b>Exceptions/Further Requirements</b>
Mother(s)	<ul style="list-style-type: none"> <li>• Unless parental rights have been terminated</li> <li>• No notice is required for a parent of a nonminor dependent (NMD), unless requested by the NMD or the parent who is receiving continued family reunification (FR) services.</li> </ul>
Father(s)	<ul style="list-style-type: none"> <li>• Unless parental rights have been terminated.               <ul style="list-style-type: none"> <li>• For WIC 364, 366.21, 366.22, &amp; 366.25 hearings, notice:                   <ul style="list-style-type: none"> <li>• Presumed father</li> <li>• Any man receiving services per court order</li> </ul> </li> <li>• For WIC 366.3 hearings, notice both:                   <ul style="list-style-type: none"> <li>• Presumed father</li> <li>• Alleged father, if the recommendation is to set a new 366.26 hearing</li> </ul> </li> </ul> </li> <li>• No notice is required for a parent of a nonminor dependent (NMD), unless requested by the NMD or the parent is receiving continued family reunification (FR) services.</li> </ul>
Legal guardian(s)	
Child(ren) or NMD(s)	<ul style="list-style-type: none"> <li>• If ten (10) years or older,               <ul style="list-style-type: none"> <li>• For NMDs, notice must be sent to any known siblings of the NMD, the current caregiver of the NMD, and the NMD's court appointed special advocate (CASA).</li> <li>• If the NMD cannot attend the court hearing in person, telephonic court appearances are allowed.</li> <li>• If the court is considering termination of jurisdiction, ensure that the NMD is present in court unless any of the following apply:                   <ul style="list-style-type: none"> <li>• He/she does not wish to appear in court;</li> <li>• He/she elects a telephonic appearance;</li> <li>• Unsuccessful efforts have been made to locate the NMD and these efforts have been documented.</li> </ul> </li> </ul> </li> </ul>
Attorney(s)	<ul style="list-style-type: none"> <li>• All of record, unless the attorney was present in court when the hearing was scheduled.</li> </ul>
Any known sibling, if that sibling is either the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court	<ul style="list-style-type: none"> <li>• If the sibling is ten (10) years of age or older, notice the sibling, the sibling's caregiver, and the sibling's attorney.</li> <li>• If the sibling is under ten (10) years of age, notice the sibling's caregiver and the sibling's attorney.</li> <li>• These requirements only apply when the sibling's hearings is calendared on a different day or in a different court than the</li> </ul>



	child's hearing.
CASA	<ul style="list-style-type: none"> <li>• If applicable</li> </ul>
Child or NMD's current caregiver	<ul style="list-style-type: none"> <li>• Caregivers include a foster parent, pre-adoptive parent, relative caregiver, non-relative extended family member (NREFM), community care facility, or foster family agency (FFA) having custody of the child.                     <ul style="list-style-type: none"> <li>• If notice is sent to the FFA and not directly to the caregiver's home certified by the FFA, the FFA must provide timely notice to the child's caregiver.</li> </ul> </li> </ul>

### Method of Service and Time Frame

The responsible party is to provide printed notice according to the following guidelines:

<b>Type of Notice</b>	<p>JV-280, Notice of Review Hearing – Juvenile (except NMDs)</p> <ul style="list-style-type: none"> <li>• Generate in Simple Notice Application (SNAP) or from Court Notebook in CWS/CMS.</li> </ul> <p>JV-510, Proof of Service – Juvenile (except NMDs)</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> </ul> <p>JV-290, Juvenile Council Caregiver Information Form</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> <li>• Give the form only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> <p>JV-290 INFO, Juvenile Council Caregiver Information Form</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> <p>DCFS JV-290 Cover Letter</p> <ul style="list-style-type: none"> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul>
<b>Delivery Method</b>	First class mail, certified mail return receipt requested (CMRRR), or personal service within the same time frames.
<b>Time Frame</b>	<p>Notice of Review Hearing:</p> <ul style="list-style-type: none"> <li>• No earlier than thirty (30) days but no later than fifteen (15) days prior to the hearing.</li> </ul> <p>Status Review Report and Transitional Independent Living Case Plan for youth fourteen (14) and over:</p> <ul style="list-style-type: none"> <li>• In California, at least seventeen (17) calendar days prior to the hearing.</li> <li>• Outside of California, at least twenty-two (22) calendar days prior to the hearing.                     <ul style="list-style-type: none"> <li>• Mail to all parties, attorneys, and the CASA.</li> <li>• Do not send a copy of the report to the caregiver.</li> </ul> </li> </ul> <p>For a child or NMD's current caregiver or facility:</p>

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	<ul style="list-style-type: none"> <li>• At least ten (10) calendar days before the hearing provide: <ul style="list-style-type: none"> <li>• JV-280 or JV-281;</li> <li>• A summary of the recommendations for disposition and any recommendations for change in custody or status;</li> <li>• JV-290 and JV-290-INFO.</li> </ul> </li> </ul>
<b>Exceptions/Further Requirements</b>	<ul style="list-style-type: none"> <li>• If the parent's/legal guardian's whereabouts are unknown, send notice by CMRRR to his/her court-designated permanent mailing address and to all possible addresses identified in the Due Diligence Affidavit.</li> </ul>

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## WIC 366.26 Hearing

### Responsible Parties

Notice must be provided to the individuals listed in the table below for a WIC 366.26 hearing by the following individuals:

- When the recommendation is adoption or legal guardianship, the Dependency Investigator (DI) or the case-carrying CSW in a vertical case management section.
- When the recommendation is Planned Permanent Living Arrangement (PPLA), the case-carrying CSW.

### Notice Recipients

The following parties must be served a notice:

<b>Person Required to be Noticed</b>	<b>Exceptions/Further Requirements</b>
Mother(s)	Unless either: <ul style="list-style-type: none"> <li>• Parental rights have been terminated; or</li> <li>• An adoption relinquishment has been filed per Family Code Section 8700</li> </ul>
Father(s)	Unless either: <ul style="list-style-type: none"> <li>• Parental rights have been terminated; or</li> <li>• An adoption relinquishment has been filed per Family Code Section 8700; or</li> <li>• An alleged father has denied paternity and waived the right to notice of future hearings on form JV-505, Statement Regarding Paternity (Juvenile Dependency)</li> </ul>
Child(ren)	<ul style="list-style-type: none"> <li>• When ten (10) years of age or older</li> </ul>
Grandparents of the child	If both the following apply: <ul style="list-style-type: none"> <li>• Their addresses are known; and</li> <li>• The parent's whereabouts are unknown</li> </ul>
Attorney(s)	<ul style="list-style-type: none"> <li>• All of record, unless the attorney was present in court when the hearing was scheduled</li> </ul>

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Any known sibling(s) if that sibling is either the subject of a dependency court proceeding or has been adjudged to be a dependent child of the juvenile court.	The following requirements only apply when the sibling's hearing is calendared on a different day or in a different court than the child's hearing. <ul style="list-style-type: none"> <li>• If the sibling is ten (10) years of age or older, notice the sibling, the sibling's caregiver, and the sibling's attorney.</li> <li>• If the sibling is under ten (10) years of age, notice the sibling's caregiver and the sibling's attorney.</li> </ul>
Child Court Appointed Special Advocate (CASA)	<ul style="list-style-type: none"> <li>• If applicable</li> </ul>
Current caregiver of the child	<ul style="list-style-type: none"> <li>• Caregivers include a foster parent, pre-adoptive parent, relative caregiver, and non-relative extended family member (NREFM).</li> </ul>

## Method of Service and Time Frame

The responsible party is to provide printed notice according to the following guidelines:

<b>Type of Notice</b>	<p>JV-300, Notice of Hearing on Selection of a Permanent Plan – Juvenile</p> <ul style="list-style-type: none"> <li>• Generate in Simple Notice Application (SNAP) or from Court Notebook in CWS/CMS.</li> </ul> <p>JV-310, Proof of Service – Juvenile Hearing Under Section 366.26 of the Welfare and Institutions Code Section</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> </ul> <p>JV-290, Juvenile Council Caregiver Information Form</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> <p>JV-290 INFO, Juvenile Council Caregiver Information Form</p> <ul style="list-style-type: none"> <li>• Generate in SNAP or from Court Notebook in CWS/CMS.</li> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> <p>DCFS JV-290 Cover Letter</p> <ul style="list-style-type: none"> <li>• Give only to child's current caregiver, if applicable, in his/her primary language.</li> </ul> <p>JV-505, Statement Regarding Paternity (Juvenile Dependency), if it is not on file.</p>
<p><b>Delivery Method and Time Frame for:</b></p> <p>Mother(s) and Father(s), all presumed and alleged</p> <p style="text-align: center;">09/25/2017</p>	<p>If the Department's recommendation is adoption, notice may be by any of the following method of service:</p> <ul style="list-style-type: none"> <li>• Court orders parent to return for the 366.26 hearing and orders notice to the parent by first class mail at the parent's usual place of residence or business only. <ul style="list-style-type: none"> <li>• Notice must be mailed at least fifty-five (55) calendar days before the hearing.</li> </ul> </li> <li>• Certified Mail Return Receipt Requested (CMRRR) mailed to parent's last know mailing address.</li> </ul> <p style="text-align: right;"><a href="#">Back to Top</a></p>

	<ul style="list-style-type: none"> <li>• Must be mailed at least fifty-five (55) calendar days before the hearing.</li> <li>• The signed return receipt must be signed by the parent and filed in court for notice to be deemed legally sufficient.</li> <li>• Personal service (i.e. hand delivery of the notice) at least forty-five (45) calendar days before the hearing.</li> <li>• Substituted personal notice:</li> <li>• Notice is hand delivered to a competent person at least eighteen (18) years of age at the parent's usual place of residence or business.             <ul style="list-style-type: none"> <li>• Notice must be immediately followed by the mailing of a second notice to the parent by first class mail at the place where the notice was delivered at least fifty-five (55) calendar days before the hearing.</li> </ul> </li> </ul> <p>If the Department's recommendation is legal guardianship or planned permanent living arrangement, only first class mail sent to the parent's usual place of residence is needed. However, CSWs may also provide notice using any of the four(4) methods of service listed above under the adoption recommendation section.</p>
<p>Out of state parent</p>	<p>If the Department's recommendation is adoption, legal guardianship, or planned living arrangement, notice may be by any of the following methods:</p> <ul style="list-style-type: none"> <li>• CMRRR mailed to the parent's usual place of residence or business at least fifty-five (55) calendar days before the hearing.             <ul style="list-style-type: none"> <li>• All CMRRR evidence of mailing and any returned receipts must be filed with the Court.</li> </ul> </li> <li>• Court orders parent to return to the 366.26 hearing and orders notice to the parent by first class mail at the parent's usual place of residence or business only, which must be mailed at least fifty-five (55) calendar days before the hearing.</li> <li>• Personal service at least forty-five (45) calendar days before the hearing.</li> <li>• Substituted personal service</li> </ul>
<p>Whereabouts unknown parent</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">10/25/2017</p>	<p>Due Diligence Search must be submitted to court at least ninety (90) calendar days before the hearing to obtain a court finding that the due diligence is legally sufficient. Once the court has deemed the due diligence to be legally sufficient, the CSW may then notice as follows:</p> <ul style="list-style-type: none"> <li>• If the Department's recommendation is adoption, and if the parent has an attorney, notice:             <ul style="list-style-type: none"> <li>• The parent's attorney of record by CMRRR mailed to the parent's attorney at least fifty-five (55) calendar days before the hearing (addressed to the parent "in care of" the attorney); and</li> <li>• The grandparents, if their identities are known, by first class mail at least fifty-five (55) calendar days before the hearing.</li> </ul> </li> <li>• If the Department's recommendation is adoption, and if the parent has no attorney, notice is as follows: <a href="#">Back to Top</a></li> </ul>

	<ul style="list-style-type: none"> <li>• The court shall order service by publication of the notice citation, which must run in a newspaper once a week for four (4) consecutive weeks with the last publication appearing no later than thirty (30) days prior to the WIC 366.26 hearing, not including the day of the hearing; and</li> <li>• The grandparents, if their identities and addresses are known, by first class mail at least fifty-five (55) calendar days before the hearing.</li> <li>• If the Department's recommendation is legal guardianship or planned permanent living arrangement, no further notice to the parent is required. However, notice must be sent to the grandparents, if their identities and addresses are known by first class mail at least 55 calendar days before the hearing.</li> </ul>
<p>Whereabouts unknown parent is subsequently found</p>	<ul style="list-style-type: none"> <li>• If the Department's recommendation is adoption and the parent is in California, immediately serve notice by one of the following; <ul style="list-style-type: none"> <li>• CMRRR mailed to parent's last know mailing address and signed by the parent, at least fifty-five (55) calendar days before the hearing. All CMRRR evidence of mailing and any returned receipts must be filed with the Court.</li> <li>• Personal service at least forty-five (45) calendar days before the hearing.</li> </ul> </li> <li>• Substituted personal service</li> <li>• If the Department's recommendation is adoption and the parent is out of state, immediately serve notice by one of the following methods of service: <ul style="list-style-type: none"> <li>• CMRRR mailed to the parent's usual place of residence or business at least fifty-five (55) calendar days before the hearing. All CMRRR evidence of mailing and any returned receipts must be filed with the court.</li> <li>• Personal service at least forty-five (45) calendar days before the hearing.</li> <li>• Substituted personal service</li> </ul> </li> <li>• If the Department's recommendation is legal guardianship or planned permanent living arrangement and the parent is in California, immediately serve by first class mail to the parent's usual place of residence or business at least fifty-five (55) calendar days before the hearing.</li> <li>• If the Department's recommendation is legal guardianship or planned permanent living arrangement and the parent is out of state, notice may be provided by any of the following methods: <ul style="list-style-type: none"> <li>• CMRRR mailed to the parent's usual place of residence or business at least fifty-five (55) calendar days before the hearing. All CMRRR evidence of mailing and any returned receipts must be filed with the court.</li> <li>• Personal service at least forty-five (45) calendar days before hearing</li> <li>• Substituted personal service</li> </ul> </li> </ul>

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<p>Parent's identity is unknown or name is uncertain</p>	<p>Due Diligence Search must be submitted to court at least ninety (90) calendar days before the hearing to obtain a court finding that the due diligence is legally sufficient. Once the court has deemed the due diligence to be legally sufficient, CSW may then notice as follows:</p> <ul style="list-style-type: none"> <li>• If the Department's recommendation is adoption, the court has the option of ordering publication or ordering no further notice.</li> <li>• If the Department's recommendation is legal guardianship or planned permanent living arrangement, no further notice to the parent is required.</li> </ul>
<p>Child ten (10) years or older</p> <p>Sibling(s) (only if known, is a subject of dependency court, or if sibling's case is calendared on a different day and/or in a different court)</p> <p>Grandparent(s) (only if whereabouts, identity, and address are known)</p> <p>All attorneys of record (only if not present in court at time 366.26 hearing date was set)</p> <p>Current Caregiver</p> <p>CASA</p>	<p>If the Department's recommendation is adoption, legal guardianship or planned permanent living arrangement, notice must be by first class mail sent to the person's usual place of residence or business at least fifty-five (55) calendar days before the hearing.</p>
<p><b>Exceptions/Further Requirements</b></p> <p style="text-align: right; vertical-align: bottom;">10/25/2017</p>	<p>Removal orders for incarcerated parents must be issued according to established procedures.</p> <ul style="list-style-type: none"> <li>• Parties other than the CSW can personally notice parents:             <ul style="list-style-type: none"> <li>• In most counties, the Sheriff's Department performs this service.</li> </ul> </li> <li>• Procedures for out-of-county personal service must be adhered to.</li> </ul> <p>Notice must be given to a parent who resides in a country under the Hague Service Convention if all of the following apply:</p> <ul style="list-style-type: none"> <li>• He/she resides outside the United States; and</li> <li>• He/she has not made a general appearance; and</li> <li>• The recommendation is termination of parental rights (TPR).</li> </ul> <ul style="list-style-type: none"> <li>• If a WIC 366.26 hearing is continued, regardless of the type of notice required, or the manner in which it is served, once the court has made the initial finding that WIC 366.26 notice has been properly given to the parent or any entitled person, subsequent notice for any continuation of the hearing may be by: <a href="#">Back to Top</a></li> </ul>

- First Class Mail to any last known address at least fifty-five (55) calendar days before the hearing; or
  - Per court order
- If after the initial WIC 366.26 hearing, the Department's recommendation for a permanent plan subsequently changes from that contained in the notice previously found to be proper by the court, notice for the new recommendation must be provided to the parent and to any person entitled to receive notice as indicated above.

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## PROCEDURE

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### Notification of Mailing Address

#### CSW Responsibilities

1. Contact the trial attorney County Counsel to request a copy of the JV-140 if a copy has not been received within one week of the parent's first court appearance.
  - Ensure that the address on the JV-140 matches the address on CWS/CMS and is designated as the parent's permanent address.
2. When a parent has moved, but there is no JV-140 with the new address, send the hearing notice to the address designated on the JV-140 and a second notice to where the parent is currently residing.
  - Advise the parent to notify the court of their change of address by submitting new or updated JV-140 to the court or to seek the assistance of their attorney.

### Noticing Parties for an Initial Petition/Detention Hearing, Including Ex Parte Application

1. Provide notice to the required parties using the required method of service and time frame, taking note of any exceptions or further requirements.
  - a. Make every attempt to notice dependent siblings and their attorneys of the time and place of the hearing.
    - i. Search CWS/CMS to locate all dependent siblings and attorneys.
    - ii. If, due to the hour of the day the child was detained, it is not possible to notice dependent siblings and their attorneys, document in the Detention Report the names, addresses, telephone numbers and the reason(s) why this task was not completed (e.g., child was detained after 10:00 p.m.) so that Intake and Detention Control (IDC) can follow up.
    - iii. Continue efforts to notice the sibling(s) and attorney(s) on the following business day and submit a DCFS 4216, Last Minute Information for the Court, if necessary.
  - b. If appropriate, ensure that notice requirements for Indian children are followed.

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Document in the Detention Report and in the Court Notebook all parties that have been provided notice of the hearing.

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- a. Include the names of the person, his/her relationship to the child, and the date and time that notice was provided.

### **IDC CSW Responsibilities**

1. Confirm the Detention Hearing date with the parent(s) and/or legal guardian(s).
  - a. Read the initial petition to the noticed party.
  - b. Complete the court report addendum.
2. If the parent is in custody in a county incarceration facility, complete the DCFS 4217, Children's Social Worker Report and Order of Court for Removal of Prisoner from County Jail and submit to IDC support staff.
- IDC support staff will log and send the log to Juvenile Court Services (JCS) Liaison support staff for processing.
  - a. Send the completed DCFS 4217 to the Juvenile Court Services (JCS) clerk as soon as possible but no later than three (3) business days prior to the hearing for processing.
  - b. Complete the JV 450, Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance, for parties incarcerated in state custody or in other county/city jails outside of Los Angeles County.
    - Send the completed JV-450 to the JCS Liaison Office in an envelope labeled, "Affidavit and Order for Removal of Prisoner."
    - If this is an Antelope Valley case, send it to the JCS Liaison Office for the Antelope Valley Court.
3. If the detaining CSW has not already done so, contact the dependent siblings, their attorneys, and the court appointed special advocate (CASA) and provide oral notice.
  - a. Document in the Detention Report and in the Court Notebook that the person(s) have been provided notice of the hearing.
    - i. Include the names of the person, his/her relationship to the child, and the date and time that notice was provided.

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## **Noticing Parties for an Initial Petition/Detention Hearing that is Continued**

### **Detaining CSW/DI CSW Responsibilities**

1. Provide notice to the required parties using the required method of service and time frame, taking note of any exceptions or further requirements.
  - a. Select the appropriate recommendation.
  - b. Send a copy of the initial petition and the notice to all persons entitled to receive the notice.
  - c. Ensure that requirements for Indian children are met.
2. Submit a removal order for any incarcerated parent.
3. Document the method of notice and the date it was provided to all parties in the court report.
4. Print the notices and proofs of service.
  - a. Attach them to the court report with any signed receipts for notices sent by certified mail.
  - b. Retain copies in the case file.

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## Noticing Parties When a Jurisdictional/Dispositional Hearing is Calendared

### DI CSW or Case-Carrying CSW Responsibilities

1. If necessary, initiate a due diligence search for any parent/legal guardian whose whereabouts are unknown.
  - a. Select the appropriate recommendation.
2. Provide notice to the required parties using the required method of service and time frame, taking note of any exceptions or further requirements, including the JV-290 Caregiver Information Form and Cover Letter, if applicable.
  - a. Ensure that requirements for Indian children are met.
3. Submit a removal order for any incarcerated parent.
4. Document the method of notice and the date it was provided to all parties in the Court Notebook and in the court report.
5. Print the notices, JV-290, if applicable, and proofs of service.
  - a. Attach them to the court report with any signed receipts for notices sent by certified mail.
  - b. Retain copies in the case file.

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## Noticing Parties for a WIC 364, 366.21, 366.22, 366.25, 366.3 or 366.31 Status Review Hearing

### Case-Carrying CSW Responsibilities

1. Provide notices using the required method of service and time frame, taking note of any exceptions or further requirements, including the JV-290, Caregiver Information Form and Cover Letter, if applicable.
  - a. Select the appropriate recommendation.
  - b. Ensure that requirements for Indian children are met.
  - c. Ensure that requirements for nonminor dependents (NMDs) are met.
2. Submit a removal order for any incarcerated parent.
3. Document the method of notice and date provided for all parties in the Court Notebook and court report.
4. Print the notices, JV-290, if applicable, and proofs of service.
  - a. Manually document the date the court report was mailed next to each party on the JV-10. Stating: "Court report mailed on {insert date}."
  - b. Attach them to the court report with any signed receipts for notices sent by certified mail.
  - c. Attach them to the court report with any signed receipts for notices sent by certified mail.
    - i. For youth fourteen (14) and over, also attach the 90-day Transition Plan, if applicable.
  - d. Retain copies in the case file.

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## Noticing Parties for a WIC 366.26 Hearing

### DI CSW or Case-Carrying CSW Responsibilities

1. Provide notices using the required method of service and time frame, taking note of any exceptions or further requirements, including the JV-290, Caregiver Information Form and Cover Letter, if applicable.
  - a. Select the appropriate recommendation.
  - b. Ensure that requirements for Indian children are met.
  - c. Ensure that requirements for nonminor dependents (NMDs) are met.
2. Submit a removal order for any incarcerated parent.
3. Document the method of notice and date provided for all parties in the Court Notebook and court report.
4. Print the notices, JV-290, if applicable, and proofs of service.
  - a. Manually document the date the court report was mailed next to each party on the JV-10. Stating: "Court report mailed on {insert date}."
  - b. Attach them to the court report with any signed receipts for notices sent by certified mail.
  - c. Retain copies in the case file.

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## APPROVALS

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None

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## HELPFUL LINKS

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### Attachments

Hague Notice and International Noticing Tips  
County Counsel's ICWA Notice Program  
Notice Chart Reference Guide (05/2017)

### Forms

#### CWS/CMS

CT-NOTPET, Notice of Hearing on Petition  
DCFS 4216, Last Minute Information for the Court  
ICWA-020, Parental Notification of Indian Status  
ICWA-030, Notice of Child Custody Proceeding for Indian Child  
ICWA-030(A), Attachment to Notice of Child Custody Proceeding for Indian Child  
JV-100, Juvenile Dependency Petition (Version One)  
JV-281, Notice of Hearing – Non-minor  
JV-282, Proof of Service – Non-minor

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- JV-280, Notice of Review Hearing, Juvenile
- JV 290, Judicial Council Caregiver Information Form
- JV-365, Termination of Juvenile Court Jurisdiction-Non-minor
- JV 450, Order for Prisoner's Appearance at Hearing Affecting Prisoner's Parental Rights and Waiver of Appearance
- JV-510, Proof of Service - Juvenile
- JV-300, Notice Of Hearing On Selection Of A Permanent Plan - Juvenile
- JV-310, Proof Of Service -- Juvenile Hearing Under Section 366.26 of the Welfare and Institutions Code Section
- JV-505, Statement Regarding Paternity (Juvenile Dependency)
- JV-550, Order for Prisoner's Appearance at Hearing Affecting Prisoner's Paternal Rights

## LA Kids

DCFS 4216, Last Minute Information for the Court  
 DCFS 4217, Children's Social Worker Report and Order of the Court for Removal of Prisoner from County Jail  
 ICWA-010(A), Indian Child Inquiry Attachment  
 ICWA-020, Parental Notification of Indian Status  
 ICWA-030, Notice of Child Custody Proceeding for Indian Child  
 ICWA-030(A), Attachment to Notice of Child Custody Proceeding for Indian Child  
 JV-100, Juvenile Dependency Petition (Version One)  
 JV-140, Notification of Mailing Address  
 JV-290, Caregiver Information Form with Cover Letter  
 JV290-INFO, Instruction Sheet for Caregiver Information Form  
 Notice of Hearing on Petition w/ JV 510  
 Notification Letter-Detention Hearing Antelope Valley Court  
 Notification Letter-Detention Hearing Edmund Edelman Court

## Hard Copy

JV-505, Statement Regarding Paternity (Juvenile Dependency)

## Referenced Policy Guides

0050-503.85, Sensitive Referrals/Cases  
 0080-508.05, Fast Track to Permanency (FTP)  
 0300-306.27, Out of County Personal Service  
 0300-306.30, Notice of Publication for a WIC 366.26 Hearing  
 0300-306.45, Removal Orders  
 0300-306.75, Due Diligence  
 0300-306.80, Transportation Requests to Bring Children/Youth to Court  
 1200-500.05, Adopting and Serving Children Under the Indian Child Welfare Act (ICWA)

## Statutes

California Rules of Court (CROC), Rule 5.708(c) - States that at least 10 calendar days before the hearing, the [Back to Top](#)

social worker must file the report and provide copies to the parent or legal guardian and his or her counsel, to counsel for the child, to any CASA volunteer, and , in the case of an Indian child, to the child's identified Indian tribe.

CROC, Rule 5.534(m) – States the requirements for caregiver notices and their right to be heard (WIC Sections 290.1–297, 366.21) for cases filed under section 300 et seq.

CROC, Rule 5.903(c) – States the requirements for notices for nonminor dependent status review hearings (224.1(b), 295, 366(f), 366.1, 366.3).

Welfare and Institutions Code Section (WIC) 224.2 – Explains the notice requirement for Indian child custody proceedings.

WIC Section 290.1 – Explains the notice requirements when detaining a child.

WIC Section 290.2 – Explains the notice requirement when an initial petition has been filed.

WIC Section 291 – Explains the notice requirement for the Jurisdictional/Dispositional Hearing.

WIC Section 292 – Explains the notice requirements for the WIC 364 Status Review Hearing.

WIC Section 293 – Explains the notice requirements for the WIC 366.21, WIC 366.22, and WIC 366.25 Status Review Hearings.

WIC Section 294 – Explains the notice requirements for the selection and implementation hearing held pursuant to Section 366.26.

WIC Section 295 – Explains the notice requirements for the review hearings held pursuant to Sections 366.3 and 366.31, and for termination of jurisdiction hearings held pursuant to Section 391.

WIC Section 349 (d) – States, in part, that if the minor is ten (10) years of age or older and he/she is not present at the hearing, the court will determine whether the minor was properly notified of his/her right to attend the hearing and inquire whether the minor was given an opportunity to attend.

WIC Section 316.1 - States the requirement that the parent(s)/guardian(s) provide a permanent mailing address to the court and; be advised that the address will be used by the court and DCFS and remain unchanged until the parent/guardian provides written notification to DCFS or the court of a new mailing address. The JV-140 form must be used for this purpose.

WIC Section 361.5(e)(2) – States that DCFS will use the prisoner locator system developed by the Department of Corrections and Rehabilitation to facilitate timely and effective notice of hearings for incarcerated parents.

WIC Section 366.05 - Sets forth requirements and time frames for provision of Status Review Supplemental Reports to pertinent parties.

WIC Section 366.21 (c) – States that the JV 290, Judicial Council Caregiver Information Form must be sent to the child's foster parent, relative caregivers, or foster parents approved for adoption, in the caregiver's primary language when available, along with information on how to file the form with the court. This section requires a copy of the court report also be sent.

WIC Section 366.21 (d) – States, in part, that prior to any hearing involving a child in the physical custody of a community care facility or foster family agency that may result in the return of the child to the physical custody of his or her parent/legal guardian, or in adoption or the creation of a legal guardianship, the facility or agency will file with the court a report or a Judicial council Caregiver Information Form (JV 290), containing its recommendation for disposition.

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WIC Section 388(e)(3) – States that the court will allow for telephonic appearances by a nonminor former dependent or delinquent for court hearings where he/she declines, elects, or is unable to attend.

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# EXHIBIT B

10/25/2017

### GRIEVANCE REVIEW

#### IDENTIFYING INFORMATION (Provide the following information)

Complainant's name: _____	
foster parent; legal parent/guardian, relative/non-relative extended family member	
Address: _____	Phone: _____
Child's Case Number: _____	
CSW's Name: _____	Phone: _____
SPA: _____	Office Address: _____

#### GRIEVANCE (Describe your concerns. Attach additional pages, if necessary)


#### REQUESTED ACTION (Describe how you would like the situation to be resolved)


SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

An explanation of the Grievance Review procedure and instructions are on the reverse of this form. If you need assistance completing this form or have questions about the Grievance Review procedure, contact the DCFS Office of the Ombudsman, 888-889-9800, or by fax at 213-487-4431, or by e-mail: [Pinquiries@dcfs.lacounty.gov](mailto:Pinquiries@dcfs.lacounty.gov)

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## DCFS GRIEVANCE REVIEW PROCEDURES

California Department of Social Services' (CDSS) Manual of Policies and Procedures (MPP) Division 31, Section 020 requires a grievance process to review complaints from foster parents (which includes approved relative and non-relative extended family members caregivers), legal parents, legal guardians and children regarding the placement or removal/replacement of a child or non-minor dependent from a foster home. CDSS also requires that DCFS provide you with a copy of the grievance procedure regulations. The DCFS 4161-I, California Department of Social Services Grievance Procedure Regulations form contains the exact text of the State of California regulations.

All issues will be resolved in the best interest of the child.

If your grievance is regarding the pending **removal of a foster child or non-minor dependent from your home**, contact the child's Children's Social Worker (CSW) to discuss your concerns. You may request a Grievance Review Hearing by submitting a completed DCFS 4161, Grievance Review form, to the CSW's Regional Administrator (RA) within **10 calendar days** from the date you became aware of the action under complaint. The RA must receive the DCFS 4161 at least **2 calendar days** prior to the expected date of removal of the child from a foster home.

If your grievance is regarding the **placement of a foster child or non-minor dependent in your home**, contact the child's Children's Social Worker (CSW) to discuss and attempt to resolve your concerns. You may request a Grievance Review Hearing by submitting a completed DCFS 4161, Grievance Review form to the CSW's Regional Administrator (RA). The RA must receive the DCFS 4161 within **10 calendar days** from the date you became aware of the action which is under complaint.

**THE ORIGINAL DCFS 4161 MUST BE SUBMITTED TO THE REGIONAL ADMINISTRATOR AT THE FOLLOWING ADDRESS:**

[AUTO-POPULATION FIELD]

**IF YOU WOULD LIKE TO SUBMIT THE DCFS 4161 VIA FACSIMILE OR E-MAIL, PLEASE REFER TO THE ENCLOSED DIRECTORY. YOU CAN OBTAIN THE FACSIMILE AND E-MAIL INFORMATION BY MATCHING THE ADDRESS ABOVE WITH THE ADDRESS ON THE DIRECTORY.**

**REGARDLESS OF THE MANNER BY WHICH YOU CHOOSE TO SUBMIT THE DCFS 4161, YOU ARE STRONGLY ADVISED TO MAKE A COPY FOR YOUR RECORDS.**

You will receive written notification of the Grievance Review Hearing via certified mail, within five (5) calendar days prior to the Grievance Review Hearing via the DCFS 4161-N, Grievance Review: Notice of Hearing form. The Notice will advise you of the date, time, and place of the hearing. You may bring a representative with you to the hearing. If you wish to authorize the release of information to your representative, you must complete the DCFS 4161-R, Grievance Review: Representative Agreement form, and submit it to the child's CSW. At the hearing, the Review Agent will require your representative to sign a DCFS 4161-C, Grievance Review: Representative Statement of Confidentiality form and, if not already on file, the DCFS 4161-R.

You may obtain additional forms from the child's CSW or you may request them from the DCFS Policy section by e-mail: [Policy@dcfs.lacounty.gov](mailto:Policy@dcfs.lacounty.gov)

List of relevant forms:

DCFS 4161, Grievance Review  
DCFS 4161-I, California Department of Social Services (CDSS) Grievance Procedure Regulations  
DCFS 4161-R, Grievance Review: Representative Agreement

**If you need assistance completing this form or have questions about the Grievance Review procedure, contact: the DCFS Office of the Ombudsman, 888-889-9800, or by fax at 213-487-4431, or by e-mail: [Pinquiries@dcfs.lacounty.gov](mailto:Pinquiries@dcfs.lacounty.gov)**

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