TABLE OF CONTENTS

1 DETENTION and JURISDICTION

1 1	
	Detention
	1 10 10 11 11 11 11
	Detention

- 1.2 §300(a)
- 1.3 §300(b)--Substantial Risk of Serious Physical Harm At the Time of the Jurisdiction Hearing
- 1.4 §300(b)--Domestic Violence
- 1.5 §300(b)--Failure or Inability to Adequately Supervise
- 1.6 §300(b)--Failure to Protect From Conduct of Third Party
- 1.7 §300(b)--Failure to Provide Food, Clothing, Shelter or Medical Treatment
- 1.8 §300(b)--Mental Illness/Developmental Disability
- 1.9 §300(b)--Substance Abuse
- 1.10 §300(c)
- 1.11 §300(d)
- 1.12 §300(e)
- 1.13 §300(f)
- 1.14 §300(g)
- 1.15 §300(i)
- 1.16 §300(i)
- 1.17 §331
- 1.18 §342
- 1.19 §387
- 1.20 Venue/Residency
- 1.21 Amendments to Conform to Proof
- 1.22 Waiver of Trial Rights/Submission/No Contest/Admission

2 UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT (UCCJEA) FAMILY CODE §3400 et seq./ HAGUE CONVENTION PERSONAL JURISDICTION

2.1 UCCJEA

- 2.1.1 Emergency Jurisdiction
- 2.1.2 Home State
- 2.1.3 First State Custody Order Gets Priority
- 2.1.4 Forum Non Conveniens
- 2.2 Service On Foreign Nationals Under the Hague Convention
- 2.3 Service of Process/Personal Jurisdiction Over Parents

3 DISPOSITION--SECTIONS 360/361/361.2/362

- 3.1 §360--Guardianship/Informal Supervision
- 3.2 §361--Removal/Risk/Reasonable Efforts to Prevent Need for Removal/Alternatives to Removal
- 3.3 Limitations on Parent's Rights
- 3.4 §361.2-Placement With Noncustodial Parent
- 3.5 §362/361.5(a)--Child Welfare Services/Right to Reunification Services/Services That May or May Not Be Ordered/ Adequacy of Service Plan

4 DISPOSITION--DENIAL OF REUNIFICATION SERVICES

- 4.1 §361.2--Services When Child Placed With Noncustodial Parent
- 4.2 §361.5(a)--Entitlement to Reunification Services
- 4.3 §361.5(b)(1)-Whereabouts Unknown
- 4.4 §361.5(b)(2)--Mentally Incapable of Utilizing Services
- 4.5 §361.5(b)(3)--Prior Abuse
- 4.6 §361.5(b)(4)--Caused the Death of Another Child
- 4.7 §361.5(b)(5)--Section 300(e) Jurisdiction
- 4.8 §361.5(b)(6)--Severe Physical or Sexual Abuse
- 4.9 §361.5(b)(7)--Parent Not Receiving Services for Sibling Under (b)(3), (5) or (6)
- 4.10 §361.5(b)(10)&(b)(11)--Previous Failure to Reunify/Reasonable Effort to Treat the Problems Leading to Prior Removal
- 4.11 §361.5(b)(12)--Conviction of a Violent Felony
- 4.12 §361.5(b)(13)--Extensive History of Substance Abuse/Resistance to Treatment/Failed or Refused Previously Ordered Treatment
- 4.13 §361.5(b)(14)--Waiver of Reunification Services
- 4.14 §361.5(b)(15)-Willful Abduction of Child from Placement
- 4.15 §361.5(c)--Reunification is in the Child's Best Interests
- 4.16 §361.5(e)--Incarcerated Parent

5 REASONABLE SERVICES REUNIFICATION SERVICES VISITATION

§361.5(a)/§361.5 (e)/§362(b)/§362.1

- 5.1 Reasonable Services--In General
- 5.2 Reasonable Services--Incarcerated Parent
- 5.3 §362.1--Visitation Requirements

6 REVIEW HEARINGS

- 6.1 §364-Child In Custody of Parent From Whom Child Was Removed At Time of Review Hearing
- 6.2 §§361.2(a)-(c), 366.21(e)(6)--Child In Custody Previously Noncustodial Parent At Time of Review Hearing
- 6.3 Reunification Timelines--§§361.5(a), 366.21(e)-(g), 366.22
 - 6.3.1—Child Not Removed From Parental Custody at Disposition
 - 6.3.2 Six Months from Disposition/Child Under Three
 - 6.3.312 Months From Date of Entry into Foster Care--§§361.5 (a)(1)(A), 366.21(f) and (g)
 - 6.3.4 18 Months From Date of Removal--§§361.5(a)(3), 366.22
- 6.4 Substantial Risk of Detriment If Child Returned
- 6.5 Permanent Plan of Long-Term Foster Care Ordered at Review Hearing--§§366.21(g)(4), 366.22(a)(3), 366.25(a)(3)

7 SECTION 366.26

- 7.1 Constitutionality/Due Process
- 7.2 Notice--§294
- 7.3 Adequacy of the .26 Report--§366.26(b)/Court's Duty to Order A Bonding Study
- 7.4 Adoption is Preferred Permanent Plan/Child's Interest in Permanency Without Undue Delay
- 7.5 §366.26(c)--Parental Unfitness/Detriment Finding Required for Termination of Parental Rights
- 7.6 Likelihood of Adoption--§366.26(c)(1)
- 7.7 180-Day Continuance to Search for an Adoptive Home--§366.26(c)(3)
- 7.8 Relative Placement Exception--\\$366.26(c)(1)(A)/former \\$366.26(c)(1)(D)
- 7.9 Parental-Benefit Exception--366.26(c)(1)(B)(i)
 7.9.1 Regular Visitation and Contact
 7.9.2 Child Would Benefit from Continuing Parent-Child Relationship
- 7.10 Child Over 12 Does Not Consent to be Adopted--366.26(c)(1)(B)(ii)
- 7.11 Residential Treatment Exception--§366.26(c)(1)(B)(iii)
- 7.12 Foster Parent Exception
- 7.13 Sibling Exception--\$366.26(c)(1)(B)(v)
- 7.14 Indian Child Exception--366.26(c)(1)(B)(vi)
- 7.15 Best Interests Not A Separate Exception to Adoption--§366.26(c)(4)
- 7.16 No Preference for Family Preservation Where Child is Adoptable
- 7.17 Requirement for Termination of Both Parents' Rights
- 7.18 Bars to Termination of Parental Rights-§366.26(c)(2)(A)
- 7.19 Tribal Customary Adoption
- 7.20 Legal Guardianship/Visitation Orders--§366.26(b)(3), (c)(4)(A), (c)(4)(C)

- 7.21 Court Required to Consider the Child's Wishes--§366.26(h)(1)
- 7.22 Finality of Order Terminating Parental Rights--§366.26(i)
- 7.23 Prospective Adoptive Parent (PAP) Status--§366.26(n)
- 7.24 Right to Appeal

8 §390/DISMISSAL/EXIT ORDERS

- 8.1 Dismissal at Detention or Jurisdiction
 - 8.1.1 §300 Petition
 - 8.1.2 §387 Petition
- 8.2 §350(c)--Right to Introduce Evidence Before Dismissal
- 8.3 Dismissal After Jurisdiction Sustained
- 8.4 §364--Dismissal After Return to Custodial Parent
- 8.5 Exit Orders--§362.4

9 POST-PERMANENCY REVIEWS/ GUARDIANSHIPS--§§366.3/366.4

- 9.1 Court's Authority at §366.3 Review Hearings
- 9.2 Termination of a Dependency Guardianship
- 9.3 §366.3(e)--Parents' Right To Participate in Post-Permanency Hearings
- 9.4 §366.3(f)--Considering Return to Parental Custody
- 9.5 Modification of Permanent Plan
- 9.6 Dismissal

10 EVIDENTIARY ISSUES

- 10.1 Hearsay-Admissibility
- 10.2 Hearsay-Sufficiency/Insufficiency to Support Findings10.2.1 Jurisdictional Findings/§35510.2.2 Sufficiency of Hearsay to Support Other Findings
- 10.3 §355.1 Evidentiary Presumptions
- 10.4 Admissibility of Other Testimony/Evidence
- 10.5 Offers of Proof/Right to Present Testimony
- 10.6 Standard of Proof/Burden of Proof/§350 "Nonsuit"
- 10.7 Expert Testimony/Bonding Studies/Evidence: Necessity, Admissibility, Weight
- 10.8 Right To Discovery
- 10.9 Privileges
 - 10.9.1 Work Product
 - 10.9.2 Evidence Code §1040--Governmental Privilege
 - 10.9.3 Fifth Amendment Right Against Self-Incrimination
 - 10.9.4 Physician-Patient Privilege
 - 10.9.5 Psychotherapist-Patient Privilege

11 PROCEDURAL ISSUES

- 11.1 Court's Authority--In General
 - 11.1.1 Court's Authority to Make Reasonable Orders for Care of Child—§362
 - 11.1.2 Separation of Powers
 - 11.1.3 Application of the Code of Civil Procedure (CCP) to Dependency Proceedings/CCP §170.6
 - 11.1.3.1 Applicability of the Code of Civil Procedure 11.1.3.2 CCP §170.6
- 11.2 §241.1
- 11.3 §§213.5/340.5--Restraining Orders
- 11.4 Continuances/§352
- 11.5 Rehearing/Referees/Commissioners
 - 11.5.1 Rehearings
 - 11.5.2 Commissioners/Referees
- 11.6 Submission
 - 11.6.1 Submission on the Recommendations
 - 11.6.2 Advisement of Rights
- 11.7 Collateral Estoppel
- 11.8 Mediation/Settlement Agreements
- 11.9 §375/Transfer of Jurisdiction
- 11.10 Special Immigrant Juvenile Status
- 11.11 Servicemembers Civil Relief Act
- 11.12 Relinquishment for Adoption
- 11.13 Terminating Probate Guardianships/§728
- 11.14 Sanctions
- 11.15 Due Process/Notice
- 11.16 Due Process/Appointment of GAL for Parent
- 11.17 Due Process/Right To Be Present/Right to Cross-Examine 11.17.1 Penal Code 2625--Incarcerated Parent's Right to Attend
 - Hearings
- 11.18 Due Process/Timeliness of Report
- 11.19 Due Process/Offers of Proof/Right to a Contested Hearing
- 11.20 Due Process/Modification of Prior Orders/ Reconsideration

12 NONMINOR DEPENDENTS

- 12.1 §303-Continued Jurisdiction After Age 18
- 12.2 §391--Aging Out
- 12.3 §11403--Eligiblity for Financial Assistance

13 SECTION 388 PETITIONS

13.1	Statutory Interpretation 13.1.1 Changed Circumstances 13.1.2 New Evidence
	13.1.3 Best Interests
	13.1.4§300(a)(2)Granting Services After a By-Pass 13.1.5§300(b)Sibling Relationships
	13.1.6§300(c)Early Termination of Services
	Before the Section 366.26 Hearing
13.3	Summary DenialShowing Required for Prima Facie Case
	13.3.1 Summary Denial Affirmed
12 /	13.3.2Summary Denial Reversed
13.4	Scope of Court's Authority/Burdens of Proof 13.4.1Holding a Hearing On Documents or On Whether To Hold a
	Hearing.
13.5	Petitions Filed After The Section 366.26 Hearing
	Petitions for A Placement Change/Return to Parent
	14 INDIAN CHILD WELFARE ACT
	14 INDIAN CHILD WELFARE ACT
14.1	Who Is An Indian Child
	14.1.1 The Former "Existing Indian Family" Doctrine
14.2	Who Is A "Parent"/Standing to Raise ICWA Issues
14.3	Indian Custodians
	Placement In Foster Care
14.5	Notice
	14.5.1 Duty of Inquiry
116	14.5.2Duty to Give Notice
14.0	Adequacy of Notice 14.6.1Waiver/Forfeiture of Right To Raise Notice Issues On Appeal
14 7	Tribe's Right To Intervene
	Transfers to Tribal Jurisdiction
	Active Efforts
14.10	Qualified Expert Witness
14.11	Placement Preferences
	14.11.1 PlacementStatutory Requirements
1 1 10	14.11.2 Good Cause To Not Follow The Placement Preferences
	Burdens of Proof/Required Standard of Proof
	Full Faith and Credit The Indian Child Expension to the Termination of Parantal Rights
	The Indian Child Exception to the Termination of Parental Rights Tribal Customary Adoption
	Limited Remand After Reversal on Appeal
1	Zimit z ziminia i ita i atam on i ippani

15 PARENTAGE

- 15.1 Meaning of "Parent" In Dependency Cases
- 15.2 Conclusive Presumptions of Parentage
- 15.3 Kelsey S. Fathers/Equitable (Jerry P.) Fathers
- 15.4 Presumed Parents
 - 15.4.1--Voluntary Declarations of Paternity; FC §7570 et seq.
 - 15.4.2--Setting Aside A Voluntary Declaration of Paternity 15.4.3--Family Code §7611(d)
- 15.5 Absence of A Biological Connection Does Not Preclude Presumed Father Status
- 15.6 Rebutting Presumed Parent Status
- 15.7 FC 7612(c)--More Than Two Presumed Parents
- 15.8 Adjudicated Fathers
- 15.9 Biological Parents
- 15.10 Paternity Testing
- 15.11 Alleged Fathers--Rights and Duties of Alleged Fathers
- 15.12 Alleged Fathers--Right to Be Served With JV-505
- 15.13 Finality of Parentage Orders

16 PLACEMENT

- 16.1 Court's Authority/Discretion to Order a Specific Placement
- 16.2 ICPC--Interstate Compact on the Placement of Children
- 16.3 §387/388--Move to a More Restrictive Placement/Placement Changes
- 16.4 Placement with Previously Noncustodial Parent Post-Disposition
- 16.5 §362.7--Placement with a Nonrelative Extended Family Member (NREFM)
- 16.6 §361.3/361.4--Relative Placement
 - 16.6.1--§361.4--Approval of a Relative's Home for Placement
 - 16.6.2 -- Relative Placement At Disposition
 - 16.6.3 --Relative Placement After Disposition Where Placement Change is Not Otherwise Necessary
 - 16.6.4 -- Relative Placement After Services Have Been Terminated
 - 16.6.5 -- After the Section 366.26 Hearing Has Been Held 16.7
- 16.7 §16002--Sibling Placement and Contact
- 16.8 7-Day Notice/Grievance Review/Judicial Review
- 16.9 Placement for Adoption
- 16.10 §366.26(n)--Agency Decision To Remove From An Adoptive Placement
- 16.11 Prohibition on Placing Dependents and Delinquents in the Same Facility

17 DE FACTO PARENTS/PROSPECTIVE ADOPTIVE PARENTS/ EDUCATIONAL RIGHTS AND REPRESENTATIVES

17.1	De Facto Parents	

- 17.1.1--Who Can Be A De Facto Parent?
- 17.1.2--Rights of De Facto Parents
- 17.1.3--Denial of De Facto Parent Status
 - 17.1.3.1 Denial Reversed
 - 17.1.3.2 Denial Affirmed
- 17.1.4Termination of De Facto Parent Status
- 17.1.5-De Facto Parent Status Affirmed
- 17.2 Prospective Adoptive Parents--§366.26(n)
- 17.3 Educational Rights

18 RIGHT TO COUNSEL/COMPETENT COUNSEL/ CAPTA GALs

- 18.1 Parents' Right to Appointed Counsel
 - 18.1.1 Parent's Right to Represent Self
- 18.2 Child's Right to Counsel
 - 18.2.1 Child's Attorney As CAPTA-GAL
- 18.3 Duties of Counsel
 - 18.3.1 Parent's Counsel
 - 18.3.2 Child's Counsel
- 18..4 Protecting Legal Interests Outside Of Dependency Proceeding
- 18.5 Conflicts Of Interest
- 18.6 Compensation
- 18.7 Withdrawal/Substitution of Counsel
- 18.8 Right to Competent Counsel/Ineffective Assistance of Counsel
- 18.9 *Marsden* Hearings

19 STATUTORY WRIT PETITIONS

- 19.1 Client Authorization
- 19.2 Compliance with Timelines
- 19.3 Appellate Remedy When No .26 Is Set
- 19.4 Duty of Trial Counsel to File Writ Petition
- 19.5 Adequacy of the Petition
- 19.6 Failure to File Petition As Bar to Issues That May Be Raised In A Later Appeal

20 APPELLATE REVIEW

20.1	Appealability
	20.1.1§395 Final Judgment Rule
	20.1.2Findings Not Appealable
	20.1.3—Order Resulting from a Settlement Not Appealable
	20.1.4Jurisdictional Findings Nonjusticiable Where Other
	Jurisdiction Findings Are Not Challenged
	20.1.5—Limited Ability to Raise Ineffective Assistance of Appointed
	Trial Counsel
	20.1.6Order Setting the §366.26 Hearing Not Appealable Unless
	Advisement of Writ Rights Was Not Given
	20.1.7Post26 Adoptive Placement Decisions Not Appealable
	Unless Order Results From A Section 388 Petition
	20.1.8§366.26(c)(3) Orders Continuing .26 Hearing for 180 Days
	20.1.9Order Denying A Section 331 Petition
	20.1.10Dismissal
	20.1.11Subject Matter Jurisdiction
20.2	Filing the Notice of Appeal
20.2	20.2.1Authority to File
	20.2.2Timeliness of Notice of Appeal
	20.2.3Adequacy of the Notice
20.3	
20.5	20.3.1Party Aggrieved by Order From Which Appeal Is Taken?
	20.3.2-\\$388 Petitions
	20.3.3Alleged/Biological Father
	20.3.4Siblings
	20.3.6Nonparty Standing to Appeal
20.4	Waiver/Forfeiture of Right to Appeal
20.1	20.4.1Waiver
	20.4.2Forfeiture of Right to Raise Issue
20.5	Mootness
	Disentitlement Doctrine
20.7	Standards of Review
20.7	20.7.1Substantial Evidence/Implied Findings
	20.7.2-Burden of Proof in the Trial Court Pre26 Hearing
	20.7.3-Burden of ProofExceptions to Termination of Parental
	Rights
	20.7.4Credibility of Witnesses
20.8	Structural Error vs. Trial Error/Prejudice vs. Harmless Error
20.9	
20.10	8
20.10	1
20.11	
20.12	Limited Reversal—ICWA Notice Cases
20.13	
20.17	soope of That Court surfacetion I chaing Appear

- 20.15 Appointment of Appellate Counsel 20.15.1--Parents' Right to Appellate Counsel 20.15.2--Duties of Minor's Appellate Counsel
- 20.16 Form or Content of Appellate Briefs
- 20.17 No Issues
- 20.18 Oral Ruling vs. Written Order
- 20.19 Traditional Writs in Lieu of or In Addition to Appeal 20.19.1--Coram Vobis
 - 20.19.2--Habeas Corpus
 - 20.19.3--Writs of Mandamus and Other Extraordinary Writs