

CROSSOVER ISSUES BETWEEN FAMILY LAW AND DEPENDENCY:

AN ATTORNEY'S VIEW

Reasons matters come from family law to the dependency court:

1. **VENUE SHOPPING**-a party is unhappy with the way things are proceeding in family law case, usually because a custody order does not favor them. They then call the DCFS Hotline and lodge a complaint of abuse or neglect. DCFS MUST investigate within 72 hours. If DCFS determines there is abuse or neglect, they open a case and give 72 hour notice to the parents for a hearing. **(See handout on dependency proceedings)** *Once a case is opened in dependency court, all issues of custody and visitation are under the jurisdiction of that court.*
2. **CUSTODY DISPUTE**-often, particularly in family law cases with older children, a child favors the more liberal parent (the less authoritarian parent) and makes an allegation of abuse or neglect in order to be placed with the more liberal parent. This can happen in a number of ways:
 - a. **The child calls in a referral,**
 - b. **The child tells minor's counsel of some alleged abuse or neglect,**
 - c. **The child reveals some alleged abuse or neglect to a teacher,**
 - d. **The child reveals some alleged abuse or neglect to a therapist,**
 - e. **The child reveals some alleged abuse to a relative or other 'friendly' adult who then make a referral,**
 - f. **The child makes a statement in court and the Judge is obligated to make a referral.**
3. **HOTLINE REFERRALS**-are anonymous and protected under the law. **There is no way to obtain information regarding who called in the referral.**
4. **DOMESTIC VIOLENCE**-many family law matters start with DV. Again, if the child was witness to any of the DV, then DCFS can come in and file a case for alleged abuse or neglect. In these instances, they can file against one parent or both. If a couple has a history of DV yet have remained together, DCFS will file to remove the child from the perpetrator and from the other parent for a 'failure to protect.' Even when a matter gets a hotline referral for some other reason and DCFS discovers a history of DV, they will remove the children based on the current situation, current situation and DV history or just on the DV history alone. On many DV calls to police they will arrive with or call in

shortly after a DCFS social worker. Thus, even if the police don't make an arrest, DCFS may detain the children based on the allegations of DV.

5. **DOMESTIC VIOLENCE RESTRAINING ORDERS**-when a matter is referred to DCFS and they open a case in dependency court, even though it was originally filed in family law, the dependency court will have jurisdiction over the TRO or RO. It is important to understand for any family law attorney that it is MUCH easier to obtain a RO in dependency court. DUE PROCESS is seldom followed and many permanent orders are granted WITHOUT hearing.
6. **SEX ABUSE**-this is the elephant in the room for dependency court. The most common scenario is a family law matter is ongoing, one or both parents are remarried or co-habiting with a new partner. A child of the original marriage, most often a teenage girl, does not like the new partner/step dad or wants to live full time with the other parent. Thus they make an allegation of sexual abuse (anything from fondling, seeing them naked, lewd comments, etc.) and the matter will be referred to DCFS for investigation. What is critical to understand here is that the burden of proof is on the accused. It is the stated policy and the law, that if a child makes these statements to a social worker and they are put into the social workers report, it is a presumption under the law that the statements are TRUE, even when the child later recants. [Welfare and Institutions Code §355(b)]

WIC 355(b) A social study prepared by the petitioning agency, and hearsay evidence contained in it, is admissible and constitutes competent evidence upon which a finding of jurisdiction pursuant to Section 300 may be based, to the extent allowed by subdivisions (c) and (d).

(1) For the purposes of this section, "social study" means any written report furnished to the juvenile court and to all parties or their counsel by the county probation or welfare department in any matter involving the custody, status, or welfare of a minor in a dependency proceeding pursuant to Articles 6 (commencing with Section 300) to 12 (commencing with Section 385), inclusive, of Chapter 2 of Division 2.

7. **EMOTIONAL ABUSE**-this is another area where a revelation to a therapist, teacher or other mandated reporter can cause the matter to be referred to DCFS, resulting in a case being opened in dependency court.
8. **PHYSICAL ABUSE**- this is another area where a observation of ANY unexplained injury by a therapist, teacher, doctor or other mandated reporter can cause the matter to be referred to DCFS, resulting in a case being opened in dependency court.

9. **DRUGS**-This is another type of matter that involves police calling in DCFS social workers when an arrest of a parent who has children in the home. Again, if there is an open family law matter, the custody and jurisdiction of the children comes to the dependency court.

10. **STATUTORY REQUIREMENTS FOR DETAINING CHILDREN**-any child detained by DCFS must be justified under WIC §300:

- (a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child's parent or guardian...
- (b) The child will suffer serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child...
- (c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian...
- (d) The child has been sexually abused, or there is a substantial risk that the child will be sexually abused...
- (e) The child is under the age of five years and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child...
- (f) The child's parent or guardian caused the death of another child through abuse or neglect.
- (g) The child has been left without any provision for support; physical custody of the child has been voluntarily surrendered pursuant to Section 1255.7 of the Health and Safety Code...
- (i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household...
- (j) The child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions...

11. **JURISDICTION/UCCJEA**-Unless a judicial officer spent some time in family law, then there is a great likelihood they are unfamiliar with UCCJEA.

- a. Often there might be a judgment from another jurisdiction that requires California to comply with Family Code §§3421-3430.
- b. Parties are here on vacation
- c. Parties have just moved here
- d. One parent is here and another resides in another state
- e. The child is not a resident of California

- f. The child is not present in this state
- g. Emergency jurisdiction: Family Code §3424(a)

- (a) A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to, or threatened with, mistreatment or abuse.

12. ABILITY TO REPRESENT A PARENT IN DEPENDENCY-Representing a parent in dependency court is governed by WIC 317.5(a) All parties who are represented by counsel at dependency proceedings shall be entitled to competent counsel.

- a. Further, local rules must also be complied with:

CALIFORNIA LOCAL COURT RULES
LOS ANGELES COUNTYSUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES COURT RULES
CHAPTER SEVENTEEN. SUPERIOR COURT, JUVENILE DIVISION
DEPENDENCY AND DELINQUENCY
PROCEEDINGS
Rule 17.16. Legal Representation

See attachment.

13. FALSE ALLEGATIONS-one of the tools the Family Code provides for in the event that a matter was brought before the dependency court and was proven to be false is Family Code §3027.1:

(a) If a court determines, based on the investigation described in Section 3027 or other evidence presented to it, that an accusation of child abuse or neglect made during a child custody proceeding is false and the person making the accusation knew it to be false at the time the accusation was made, the court may impose reasonable money sanctions, not to exceed all costs incurred by the party accused as a direct result of defending the accusation, and reasonable attorney's fees incurred in recovering the sanctions, against the person making the accusation. For the purposes of this section, "person" includes a witness, a party, or a party's attorney.

(b) On motion by any person requesting sanctions under this section, the court shall issue its order to show cause why the requested sanctions should not be imposed. The order to show cause shall be served on the person against whom the sanctions are sought and a hearing thereon shall be scheduled by the court to be conducted at least 15 days after the order is served.

(c) The remedy provided by this section is in addition to any other remedy provided by law.

14. **CONFIDENTIALITY**-in order to obtain proof to file a motion under Family Code §3027.1 you need to be careful not to run afoul of the confidentiality laws under WIC. If you need records for your motion or any other purpose related to family law matter, you can request them by filing JV-569, JV570, JV571, JV572, JV573, JV574 and JV575. The relevant code related to the forms is WIC §827.

15. **CUSTODY ORDERS**- when a matter is dismissed from dependency or jurisdiction is terminated; it is often done with a custody order, JV200/CUSTODY ORDER-JUVENILE-FINAL JUDGMENT. All too often dependency attorneys have little or no training in family law and these orders can prejudice your client's rights in family law. If you are able to obtain any input on the final order, it will assist your client. Otherwise your client faces the burden of showing a significant change in circumstances and best interest of the child in order to modify the judgment.

- a. Cases may also terminate with a legal guardianship or termination of parental rights.

Understanding Dependency Court-What your attorney didn't tell you! By Robert Howell

One of the issues most often raised by my clients when I am substituted in for their court appointed attorney is that the whole process is overwhelming and their attorney never took the time to explain to them what was going on. I always attempt to educate my client's to the process, the law and the terminology. What follows is simple analogy I use to explain the process.

Most people watch television and have seen some show that purports to represent what happens in a case involving the criminal court system. Therefore, I use the analogy of a process-criminal proceeding, something most people are familiar with-to help explain the dependency court system. It goes as follows:

DEPENDENCY

Detention hearing-the time at which you are served with the allegations against you and you enter a plea-usually a "general denial"

PRC-pretrial resolution conference-

This hearing is to see if a compromise can be reached on the allegations against you in order to settle your matter and avoid an adjudication/trial

Adjudication-the time at which you present your evidence and witnesses to convince the trier of fact (Judge) that some or all of the allegations against you are not true. In dependency your only option is to make your case before a Judge. The burden on county counsel is to prove the case against you by a 'preponderance of the evidence' (more likely than not).

Disposition (case plan)-if the Judge finds the allegations true, then you will be ordered to complete certain programs before the court will consider returning your children to you.

CRIMINAL

Arraignment hearing-the time you learn of the charges against you and you enter a plea-usually "not guilty"

PTH-pretrial hearing-usually one of many hearings that precede the trial to allow the defense an opportunity to plead down the charges against you or for other motions usually regarding dismissal or evidence issues

Trial-the time at which you present your evidence and witnesses to prove your innocent of the charges against you. You have a choice to plead your case to a Judge or to a jury. The burden on the prosecution is to prove their case "beyond a reasonable doubt."

Sentencing-If you are found guilty then you will be sentenced, which could mean jail time probation, fines or a combination of all three.

This is obviously a simplification of both processes, but it is often useful to the client to help them understand what the overall process involves. The important point here is that a little time spent with the client can go a long way to help alleviate their anxiety about going to dependency court and can help them be better prepared to help you when and if the matter in dependency proceeds to adjudication.

CA R LOS ANGELES SUPER CT Rule 17.16

Superior Court of California, County of Los Angeles, Court Rules, Rule 17.16

WEST'S ANNOTATED CALIFORNIA CODES

CALIFORNIA LOCAL COURT RULES

LOS ANGELES COUNTY

SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES COURT RULES

CHAPTER SEVENTEEN. SUPERIOR COURT, JUVENILE DIVISION DEPENDENCY AND DELINQUENCY PROCEEDINGS

Rule 17.16. Legal Representation

(a) Appointment of Counsel for Adults. A "client" is defined as any parent, or guardian, or other adult who has been determined by the Court to have standing. A client is entitled to be represented by competent legal counsel if they so desire. Competency is defined by Rule 5.660 of the California Rules of Court.

When it appears to the Court that a client is presently financially unable to afford and cannot for that reason employ counsel, the Court shall appoint counsel unless the client has made a knowing and intelligent waiver of the right to counsel.

Attorneys shall be appointed to represent clients in dependency proceedings at the earliest possible stage of proceedings when parties must appear before the Juvenile Court and at all subsequent proceedings. Appointed counsel shall continue to represent the client unless properly relieved by the Court.

All attorneys representing clients in the dependency court shall affirmatively inquire of their client as to whether he/she has reason to believe that any child appearing in the dependency court has Indian heritage under the **Indian Child Welfare Act (ICWA)**. Every effort should be made by counsel to assist confirmation of a child's Indian status and tribal membership.

Any client who is appointed legal counsel by the Court shall go to the financial office in the Children's Court, or as directed, on the date of the appointment, or as soon thereafter as possible, for a determination of the client's ability to reimburse the County for the cost of appointed counsel. It shall be the responsibility of appointed counsel to make sure the client has all of the necessary paperwork for the financial office and has given the client directions on how to get there.

(b) Appointment of Counsel for Children.

(1) At the arraignment and detention hearing, or as soon thereafter as possible, the Court shall appoint counsel for each child who is the subject of any dependency petition who shall also serve in the capacity of a Child Abuse Prevention and

Treatment Act (CAPTA) Guardian ad Litem for the child, unless the Court finds that the child would not benefit from the appointment of counsel for any purpose and makes this finding, and the reasons therefor, on the record. See Rule 5.660 of the California Rules of Court for the specific factual findings that the Court must make in order to not appoint counsel for a child.

(2) If, pursuant to California Rules of Court, rule 5.660, the Court does not appoint an attorney for the child, the Court shall make a referral for the appointment of a CASA (Court-Appointed Special Advocate) for the child to act in the capacity of a GAL (Guardian ad Litem).

(3) Any appointment of counsel for a child shall first be referred to the Children's Law Center of Los Angeles (CLC) for representation.

(4) In the event that no CLC attorney is available to represent a child, an attorney from the Welfare and Institutions Code section 317 attorney panel who, by training and experience, is competent to represent the interests of children in dependency court proceedings shall be appointed to represent the child.

(5) No child shall be represented by any attorney from County Counsel, or by any other attorney representing the Department of Children and Family Services (DCFS).

(c) Eligibility for Appointment as Counsel for Adults.

(1) *California State Bar Membership.* The attorney must be in good standing with the California State Bar at all times in order to be appointed to represent any party in dependency proceedings.

(2) *Education/Training.* An attorney must complete a minimum of 8 hours of training or education in the area of juvenile dependency law or be able to show recent experience which demonstrates a competency in the area of juvenile dependency law to become eligible for appointment to represent any party in a dependency proceeding.

i. The attorney shall have a solid familiarity with Welfare and Institutions Code statutory requirements, the Evidence Code, local and state court rules, court policies, relevant case law, the practice guidelines set forth in the Local Rules, and the substantive, ethical, and procedural issues unique to the Dependency Court.

ii. The attorney shall be familiar with the various stages of the court proceedings from arraignment and detention through review of permanency hearings. This includes, but is not limited to, the following: the structure and functioning of the Juvenile Court, the Court-Appointed Special Advocate program (CASA), DCFS programs, policies, and procedures, issues related to reunification, placement, reasonable efforts, adoption, and permanency, and familiarity with the Court Mediation program.

iii. The attorney shall be familiar with appellate and other review procedures including writs, rehearings, appeals, and other extraordinary remedies.

iv. An attorney new to Dependency Court must observe and/or be available to participate in each type of dependency hearing from detention through review of a permanency plan prior to accepting an appointment in Dependency Court.

v. With the exception of CLC attorneys, an attorney new to Dependency Court should work and consult with an assigned mentor (experienced dependency attorney) for the first three months of initial appointment. A mentor shall be assigned to the new attorney by the Juvenile Courts Bar Association (JCBA) or the Court to which the attorney is assigned.

vi. An attorney new to Dependency Court shall visit three types of placements used to house dependent children such as emergency shelters, foster homes, or group homes.

vii. All attorneys shall be familiar with the effects of racial, cultural, ethnic, sexual orientation issues, and language differences with regard to child rearing, treatment, and placement practices and issues.

(d) Eligibility for Appointment as Counsel for Children In addition to meeting the eligibility requirements for appointment as counsel for adults as provided in Local Rule 17.16(c) above, the attorney shall be familiar with the following areas:

(1) Child development stages including a child's cognitive, emotional, and social growth stages, language development, and patterns of child growth related to neglect and non-organic failure to thrive.

(2) Interviewing techniques for children. The techniques used by the attorney should be age-appropriate and take into consideration the type of abuse the child is alleged to have suffered.

(3) Child development as it relates to children as witnesses and the impact of the court process on the child.

(4) The types of placements available to children, and issues related to placement including, but not limited to:

i. A working knowledge of licensing requirements for foster care and relative placements.

ii. The impact of multiple placements on the child, and the importance of maintaining sibling groups versus the best interests of each child in the sibling group.

iii. The effect placement will have on visitation issues and on the delivery of services to children in placement.

(5) The educational, medical, mental health, dental, and other resources available for children in the dependency court system, and the funding therefor, and the means of identifying the need for and the accessing of such resources.

(6) A working knowledge of the emancipation laws, and the resources available to assist the dependent child to emancipate, including, but not limited to, knowledge of DCFS's Independent Living Program, the requirements for and the availability of transitional housing, and the availability of funding to assist emancipating children in living independently.

(7) Familiarity with the Court's policy regarding joint reports for Welfare and Institutions Code section 300/602 children pursuant to Welfare and Institutions Code section 241.1; and familiarity with all other policies and protocols regarding dependent children contained in Chapter Seventeen of the Los Angeles Superior Court Local Rules.

(e) General Practice Guidelines for Court-Appointed Attorneys in Dependency Court.

(1) The attorney shall make inquiries necessary to determine at the outset of the proceedings whether a conflict exists in the representation of a party.

(2) At a party's first appearance, the attorney shall verify with the client, to the extent the information is known, the names, addresses, telephone numbers, and relationships of all persons entitled to receive notice of the proceedings, including the birth dates of each party and child. The attorney shall also inquire as to the name, address, telephone number, and relationship of all known relatives and/or non-relative family members for possible placement of any detained child. If any relative and/or non-relative family member is identified, then the Los Angeles County Dependency Court form entitled "Relative Information Sheet" shall be completed and filed with the Court.

(3) At a mother and/or father's first appearance, the attorney shall make inquiry of the client as to the applicability of ICWA, and so inform the Court, in order for the Court to comply with Local Rule 17.8(a).

(4) At a mother and/or father's first appearance, the attorney shall make inquiry of the client as to paternity issues in order to resolve the status of paternity. The Los Angeles County Dependency Court paternity questionnaire form shall be completed by mother and father in all cases and filed with the Court. The "Paternity -- Waiver of Rights" form (Judicial Council form JV-505) shall be completed by any person claiming paternity status or non-paternity, which shall also be filed with the Court.

(5) The attorney should have a complete familiarity with the facts of the case by reviewing the court file, especially when appointed to represent a party in the middle of an ongoing case, and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise conducting an independent investigation.

(6) The attorney should make all reasonable efforts to ensure that the client understands the court processes, proceedings, and the potential and actual consequences of the proceedings. Special efforts should be taken to ensure that a client understands these matters if the client demonstrates any evidence of being developmentally delayed, or exhibits signs that he/she is suffering from any cognitive or emotional problems which would affect the client's ability to comprehend any aspect of the dependency proceedings.

(7) The attorney shall maintain a current business address and working telephone number and promptly notify clients of any change of address or telephone number. The attorney should provide the client with his or her business card.

(8) The attorney shall show courtesy and respect to judicial officers, DCFS social workers, CASA, DCFS court officers, courtroom personnel, witnesses and all counsel.

(9) The attorney should be aware of children present in the courtroom, so that discussions of sensitive case issues, whether pertaining to a particular child or other children, are not overheard by the children or made in an insensitive manner.

(10) Settlement should be considered as soon as enough information is known about the case to make settlement discussions meaningful. In every case, the attorney should consider whether the client's interests could best be served and whether the case could be more appropriately resolved by mediation or other settlement discussions. In that regard, the attorney should be familiar with the Court Mediation program. Mediation is an integral part of the Dependency Court procedures which can be utilized at any state of a proceeding.

(f) Practice Guidelines for Representing Children in Dependency Court. In addition to the general practice guidelines, attorneys representing children shall have the following additional duties and responsibilities:

(1) The attorney shall be thoroughly familiar with the requirements of Welfare and Institutions Code section 317(e) for the representation of children, Rule 5.660 of the California Rules of Court regarding standards of representation, and Rule 5.660 of the California Rules of Court regarding caseload size.

(2) The attorney or his/her staff shall separately interview each child four years of age or older unless it is determined that the child has sufficient language skills to communicate at an earlier age. The attorney shall ascertain the child's wishes, needs, and background. Interviews should be done in an atmosphere where the child feels comfortable and privacy is ensured.

(3) At the initial interview, where possible, the attorney shall inform the child, in language the child can comprehend, the nature of dependency proceedings, the role of a lawyer, the child's rights including the right to confidentiality, and the nature of the subject matter of any petition and the contents of any related report.

(4) The attorney should be actively involved in, and vigorously advocate at, every stage of the proceedings involving a child client and take any necessary legal steps that would promote and advance a child's right to receive all appropriate reunification and permanent placement services and all other services and resources to meet the child's educational, dental, medical, and mental health needs.

(g) Eligibility for Continued Practice in Dependency Court.

(1) *Education/Training.*

i. Attorneys must complete a total of 12 hours of continuing education credits each year. This training shall include, but not be limited to mandatory attendance at the annual conference sponsored by the Juvenile Court and the California State University, Los Angeles, and at least five hours of training offered at the Children's Court, or, in lieu thereof, other training approved by the Juvenile Court.

ii. Ongoing training shall also include, but not be limited to, summaries of current changes in the dependency laws and statutes, summaries of recent and relevant case law, and information and instruction on child development, child abuse and neglect, family reunification and preservation, reasonable efforts, domestic violence, substance abuse, special education, mental health, government benefits, and cultural diversity issues.

(2) *Evidence of Competence.* The attorney shall file in the Office of the Presiding Judge, a certification of satisfaction, signed under penalty of perjury, of the continuing education requirements specified in this Rule not later than February 15 of each year (Appendix 4). Failure to comply with this requirement may result in the Court not appointing the attorney to represent clients.

(h) Caseloads for Children's Attorneys. The Superior Court for the County of Los Angeles hereby adopts any caseload standards for children's attorneys established by the Judicial Council.

Current with amendments received through through 1/1/2010

- ## THE COURT FINDS AND ORDERS

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- Martin Dean's**
ESSENTIAL FORMS™

Family Code, § 3020 et seq.; Penal Code, § 136.2;
Welfare and Institutions Code, §§ 302(d), 304, 362.4, 726.5;
Cal. Rules of Court, rule 5.700
www.courtinfo.ca.gov

CHILD'S NAME: 	CASE NUMBERS: JUVENILE: FAMILY:
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5. ☐ **Father's visitation rights.** The father may visit the minor children as follows:
☐ All children listed in item 3 ☐ The following children (*name each*):
- a. ☐ As arranged by the parents
b. ☐ As set forth on form JV-205
c. ☐ Supervised as set forth on form JV-205
d. ☐ No visitation
6. ☐ Mother ☐ Father may not change the residence of the children for more than 30 days without notice to the other parent under Family Code section 3024 unless there is prior written agreement to the change.
7. ☐ **Child abduction prevention orders are attached on form FL-341(B).**
8. ☐ **Paternity.** (*Name*): _____ was declared
the father of (*names*): _____
- by court order (*specify county and case number*):
☐ juvenile court ☐ family court ☐ other (*specify*): _____
on (*dates*): _____
9. **As of the date below, the juvenile court**
- a. ☐ has terminated jurisdiction over the children listed in item 3; requests for any modifications of these orders must be brought in the family court case in which these orders are filed under Welfare and Institutions Code section 302(d) or 726.5(c).
- b. ☐ has not terminated jurisdiction over the children listed in item 3; requests to modify these orders must be brought in juvenile court. When the juvenile court terminates jurisdiction over the children, requests for modifications must be brought in family court.
10. ☐ This order reflects a change in physical custody of the child or children to the custody of a formerly noncustodial parent for the reasons stated on the record.
11. ☐ A criminal protective order on form CR-160 is in effect: case number (*specify*): _____
(*expiration date*): _____ in (*specify county, if known*): _____
- Conflicting Orders**
If a criminal restraining order (form CR-160) conflicts with a juvenile custody or visitation order (form JV-200 or JV-205), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile restraining order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)
12. **Other orders (*specify*):**
- ☐ Continued on Attachment 12.
☐ Restraining order (form JV-250) is attached.
13. The ☐ clerk of the juvenile court ☐ parent given custody ☐ parent's attorney ☐ county counsel must transmit this order within 10 calendar days to the clerk of the court of any county in which a custody proceeding involving the child is pending or, if no such case exists, to the clerk of the court of the county in which the parent given custody resides. The clerk of the receiving court must, immediately upon receipt of this order, file the order in the pending case or, if no such case exists, open a file without a filing fee and assign a case number.

CHILD'S NAME: 	CASE NUMBERS: JUVENILE: FAMILY:
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14. The clerk of the receiving court must send by first-class mail an endorsed filed copy of this order, showing the case number of the receiving court, to:

- a. ☐ Mother (*name and address*):
- b. ☐ Father (*name and address*):
- c. ☐ Children (*names and addresses*):
- d. ☐ Children's attorney (*name and address*):
- e. ☐ Social worker (*name and address*):
- f. ☐ Probation officer (*name and address*):
- g. ☐ Other (*names and addresses*):

and to the originating juvenile court with a completed clerk's certificate of mailing (*see below*).

Date:

JUDICIAL OFFICER OF THE JUVENILE COURT

CLERK'S CERTIFICATE OF MAILING
(*To be completed by clerk of receiving court*)

I certify that I am not a party to this cause and that an endorsed filed copy of the foregoing order was mailed as follows: Each copy was enclosed in an envelope with postage fully prepaid. The envelopes were addressed to the originating court and to each person whose name and address are given in item 4. Each envelope was sealed and deposited with the United States Postal Service

at (*place*):

on (*date*):

Date:

Clerk, by _____, Deputy

If you are requesting a court order to obtain the juvenile case file of a child who is alive, fill out all items on this form, and file it with the court. You must also fill out and file Proof of Service - Request for Disclosure (form JV-569).

If you are a member of the public requesting the juvenile case file of a child who is deceased, you can:

- a. *Fill out items 1-4 and 7 on this form and file it with the court. You must then provide a copy of this form to the Custodian of Records of the county child welfare agency, who will then provide notice of this request.*

Or

- b. *Do not complete the form and request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.*

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

① Your name: _____
Relationship to child (if any): _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: _____
Lawyer (if any) (name, address, telephone numbers, and State Bar number): _____

② Name of child (if known): _____

③ Child's date of birth (if known): _____

④ a. ☐ A petition regarding the child in ② has been filed under

☐ Welfare and Institutions Code section 300

☐ Welfare and Institutions Code section 601

☐ Welfare and Institutions Code section 602 or

- b. ☐ I believe the child in ② died as a result of abuse or neglect. Approximate date of death: _____
If you checked box b, you may skip items 5 and 6.

Note: You must provide a copy of this form to all interested parties if you know their names and addresses.

Your name: _____

5 The records I want are: *(Describe in detail. Attach more pages if you need more space.)*

☐ Continued on Attachment 5.

6 The reasons for this request are:

- a. ☐ Civil court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- b. ☐ Criminal court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- c. ☐ Juvenile court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____
- d. ☐ Other *(specify)*: _____
Case number: _____ Hearing date: _____

7 I need the records because: *(Describe in detail. Attach more pages if you need more space.)*

☐ Continued on Attachment 7.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date: _____

Type or print your name▶ _____
Sign your name