

October 26, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY INFORMATION NOTICE NO. I-87-21

The purpose of this letter is to remind county child welfare service agencies and probation departments of the requirement to provide the caregiver with a hearing notice and an optional Caregiver Information Form (JV-290).



KIM JOHNSON
DIRECTOR

GAVIN NEWSOM
GOVERNOR

October 26, 2021

ALL COUNTY INFORMATION NOTICE NO. I -87-21

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CDSS ADOPTION REGIONAL OFFICES

SUBJECT: HEARING NOTICE AND CAREGIVER INFORMATION FORM
(JV-290)

REFERENCE: [WELFARE AND INSTITUTIONS CODE SECTION \(WIC\) 293](#), [WIC 294](#), [WIC 295](#), [WIC 346](#), [WIC 361.5](#), [WIC 366.21](#), [WIC 366.22](#), [WIC 366.25](#), [WIC 366.26](#), [WIC 366.3](#), [WIC 366.31](#), [WIC 391](#), [WIC 16010.4](#); [CAREGIVER INFORMATION FORM JV-290](#); [INSTRUCTION SHEET FOR CAREGIVER INFORMATION FORM JV-290 INFO FORM](#); [NOTICE OF REVIEW HEARING JV-280 FORM](#); [NOTICE OF HEARING ON SELECTION OF A PERMANENT PLAN JV-300 FORM](#); [APPENDIX I: EMERGENCY RULES RELATED TO COVID-19 \(DECEMBER 7, 2020\)](#); [CALIFORNIA RULES OF THE COURT RULE 5.534](#)

PURPOSE

The purpose of this All County Information Notice (ACIN) is to remind county child welfare service agencies and probation departments, to the extent probation departments are responsible to provide notice of dependency hearings in dual status cases, of the requirement to provide the caregiver with a hearing notice and a Caregiver Information Form (JV-290 form) and JV-290 Instruction Sheet for Caregiver Information Form (JV-290 INFO) that the caregiver may complete and submit to the juvenile court.

HEARING NOTICE REQUIREMENTS

Sections 293 through 295 of the Welfare and Institutions Code (WIC) require child welfare service agencies and probation departments, where relevant, to provide the

caregiver with notice of all court review hearings, including continued hearings, held pursuant to WIC sections 366.21, 366.22, 366.25, 366.3, 366.31 and 391; and selection and implementation (permanency) hearings held pursuant to WIC section 366.26. For example, probation departments are required to provide hearing notices when the child is adjudged a ward of the juvenile court and simultaneously adjudged a dependent of the juvenile court and the probation department is designated as the lead agency. The caregiver is defined as any individual or agency currently caring for the child which includes a foster parent, relative caregiver, non-related extended family member, legal guardian, community care facility, or foster family agency. Caregivers should receive notice of other hearings and juvenile court proceedings for purposes of ensuring the presence of the child, submitting a JV-290, and to seek the court's permission to be present for the hearing pursuant to WIC section 346. However, the county child welfare service agency or probation department when relevant, is not responsible for providing a hearing notice for all other hearings outside of these requirements.

Consistent with WIC sections 293 and 295 and the JV-280 form, notice for status review hearings must include the case name (typically the name of the child), the court case number, the date and time of the hearing, the address and department number of the juvenile court in which the child's case is to be heard. The notice must also include a statement about the nature of the hearing and any change in custody or status of the child that is recommended by the child welfare service agency or probation department. The notice must be completed, and sent to the caregiver by mail, hand delivered, or (where authorized by the county child service agency and the juvenile court) by email, no less than 15 days, but no more than 30 days, before the hearing date. Further, the notice must advise the caregiver that they may attend the hearing and may submit to the court in writing any information they consider relevant to the hearing. In addition, the social worker must provide the caregiver with the JV-290 and JV-290-INFO forms at least 10 calendar days before the hearing, as required by the California Rules of Court 5.534(k).

Consistent with WIC section 294 and the JV-300 form, notice for selection and implementation hearings must include the date, time and place of the hearing, the right to appear at the hearing, the nature of the hearing, the county's recommendation for the child's permanent plan, and a statement that the court is required to select a permanent plan of adoption, legal guardianship, placement with a fit and willing relative, or another planned permanent living arrangement for the child. Notice must be completed and served at least 45 days before the selection and implementation hearing. In addition, the social worker must provide the caregiver with the JV-290 and JV-290 INFO forms at least 10 calendar days before the hearing, as required by the California Rules of Court 5.534(k). An additional notice must be served to the caregiver if the recommendation for the child's permanent plan changes from the recommendation contained in a previous notice of hearing.

Due to the COVID-19 pandemic, the child welfare service agency or probation department, where relevant, is required to provide all participants in the dependency proceedings, including the caregiver, with notice and access to remote hearings unless other arrangements have been made with counsel for the parents and/or the children.ⁱ The notice or remote hearing access credentials or information may be provided by telephone, email, or text and it must include instructions on how to attend the hearing remotely. Additionally, each county juvenile court may have their own local rules governing remote hearings.

Social workers and probation officers also should review the local rules of their juvenile court to make sure they meet the requirements. Further, if they have any questions about what notice is required, they should consult with their counsel to make sure notice will be timely, complete, and served in a manner consistent with the law for each type of hearing.

CAREGIVER INFORMATION FORM (JV-290)

In addition to the requirement that caregivers be notified of review hearings, they must also be advised that they may attend the hearing (if applicable) and/or provide relevant information in writing to the juvenile court. Caregivers may provide relevant information in writing to the juvenile court even for hearings that they do not have a legal right to attend. It is important that they understand how to provide the juvenile court with this information in advance of each hearing. Providing written information to the juvenile court can be facilitated by the caregiver using the optional JV-290 form, and the JV-290-INFO form explains to caregivers how to complete the JV-290.

The WIC section 366.21 expressly requires the social worker or probation officer to provide the caregiver with a copy of the JV-290 form and a summary of the county's recommendation. In addition, WIC section 366.21 requires a community care facility or foster family agency to file a report or the JV-290 form with their recommendation of placement for the child in its care prior to any hearing that may result in the child returning to their parent, legal guardian, adoption, or Tribal Customary Adoption. More generally, WIC section 16010.4(e)(1) reflects the Legislature's findings that caregivers should have knowledge of, among other things, their rights to receive notice of hearings and attend certain dependency hearings.

The WIC section 16010.4(e)(3) also mandates that caregivers be informed about the JV-290 form, which allows the caregiver to provide information directly to the juvenile court. This form is optional on the part of the caregiver and has to be filed with juvenile court at least five (5) days before the hearing or seven (7) days if the form is mailed to the juvenile court, as discussed in the JV-290 INFO form. The caregiver may also write a letter to the juvenile court in lieu of submitting the JV-290 form.

The JV-290 form may be submitted to the juvenile court online, by mail, or drop-box. The process and timeframes for each county juvenile court varies so the caregiver should check with their [local juvenile court](#) regarding the COVID-19 filing processes.

INTEGRATED CORE PRACTICE MODEL COMPONENTS AND PRACTICE BEHAVIORS

In addition, child welfare service agency and probation departments should use the Integrated Core Practice Model (ICPM) to improve delivery of timely, effective, and integrated services to children, youth, and families. The ICPM is a framework that the state has agreed to implement in conjunction with all 58 counties. The model has six key practice components which form the basis of collaborative work with children, youth, and families involved with child welfare service agencies and probation departments. These key practice components are engagement, assessment, teaming, service planning and delivery, monitoring and adapting, and transitioning.

Practice behaviors for the hearing notice and form requirements listed by ICPM components may include, but are not limited to the following:

- *Engagement* - Actively support the caregivers in the juvenile court process and in advance plan and prepare them for the hearing; Review the summary of recommendation, what the recommendation indicates, why the recommendation was made, and explain what will happen next if the recommendation is followed. Share with the caregiver that they have a voice in court.
- *Assessment* – Check in with the caregiver to ensure the caregiver understands the JV-290 form.
- *Teaming* – Support and advocate for the caregiver by including their information in the court report when requested by the caregiver and when the caregiver cannot file a JV-290 form or has not provided a report to the juvenile court regarding their recommendation for placement.
- *Service Planning and Delivery* - Make every effort to ensure the caregivers' information is provided to the juvenile court by providing the notice and JV-290 form in advance along with the juvenile court report recommendation summary.
- *Monitoring and Adapting* - Apply conflict resolution practices to address conflict and concerns, inquire and explore solutions and intentionally listen to the caregiver and family in order to resolve concerns and provide needed supports to maintain placement as needed; Follow up with the caregiver to ensure the caregiver is opting to file the JV-290 form or include information provided by the caregiver in the juvenile court report and determine if additional support is needed.
- *Transitioning* – Support the caregiver and youth to transition from the placement when the child reunifies with their parent or legal guardian or the hearing results in a placement change by planning transitions with the caregiver, child and

family; If possible, schedule a child and family team meeting with the child's team prior to any placement change to develop the best possible transition plan.

If you have any questions or need additional guidance regarding the information in this letter, contact the Concurrent Planning Policy Unit at ConcurrentPlanningPolicyUnit@dss.ca.gov.

Sincerely,

Original Document Signed By

VALERIE EARLEY, CHIEF
Resource Family Support & Permanency Branch
Children and Family Services Division

ⁱ County child welfare service agencies and probation departments should be aware of rule 6 of the emergency rules of court issued in response to the COVID-19 pandemic and Governor Newsom's declaration of emergency. The emergency rules are subject to expire 90 days after the Governor lifts the declaration of emergency but are subject to changes made by the Judicial Council of California. Reference: [APPENDIX I: EMERGENCY RULES RELATED TO COVID-19](#) (DECEMBER 7, 2020)