

**DCFS REFERENCE GUIDE FOR DEPENDENCY NOTICE REQUIREMENTS
OFFICE OF THE COUNTY COUNSEL - LOS ANGELES COUNTY
Latest update 5/2017**

WIC 319 INITIAL PETITION HEARING			
[Notice Sections: WIC 290.1 & 290.2; Cal. ROC 5.524][Forms: JV-100 JUVENILE DEPENDENCY PETITION; JV-510 PROOF OF SERVICE-JUVENILE]			
PERSONS ENTITLED TO NOTICE	WHEN	HOW	PETITION, REPORT, or SUMMARY of RECOMMENDATION
X Mother* X Father(s)* all - Presumed and - Alleged κ X Legal Guardian(s) X Out-of-State or Whereabouts Unknown Parent/Legal Guardian: - Notice Any Adult Relative Residing in L.A. County Or, If None, the One Residing Nearest to Court X Probate Court , if Guardian appointed per Probate Code	X Child 10 yrs. or Older X Attorney(s) , unless s/he was present in court at time hearing date was set. [Also: District Attorney, if told court clerk DA wants to get notice] X Sibling(s) , if his/her own case is not calendared in the same court that day*** - Notice: - Sibling's Caregiver, - Sibling's Attorney, and - Any Sibling 10 yrs. or Older X CASA	Child Retained in Custody	PETITION (JV-100) Must Be Included with the Notice GIVE PETITION TO: X All Persons Entitled to a Copy of the Notice WHEN/HOW: X Within Same Time Frame and Method Required for Service of the Notice REPORT DELIVERY TO JCS: Per DCFS policy, report must be given to Juvenile Court Services (JCS) no later than 24 hrs. prior to the hearing to ensure JCS delivery to court no later than 10:00 a.m. on the Judicial Day prior to the hearing. PATERNITY JV 505: Attach to report if completed.
		Child Not Retained in Custody	

If Indian Child
 [Notice Sections: WIC 224.2, 291; Cal. ROC 5.481; 25 U.S.C. 1912 & 25 C.F.R. 23.11]
 [Form(s): ICWA-030 & 030(A) NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD;
 ICWA-010 INDIAN CHILD INQUIRY ATTACHMENT]

IF IT IS KNOWN OR THERE IS REASON TO KNOW AN INDIAN CHILD IS INVOLVED, IN ADDITION TO ABOVE, ALSO GIVE NOTICE AS SPECIFIED IN THIS INDIAN CHILD SECTION TO:

- X **Parent/Legal Guardian**; notice must be received 10 days before the hearing
- X **Indian Custodian(s)**; if any; notice must be received 10 days before the hearing.
- X **Tribe(s)**; notice must be received 10 days before the hearing
- X **Bureau of Indian Affairs (BIA)******; notice must be received 15 days before the hearing
- X **Secretary of Interior (SOI)******; notice must be received 15 days before the hearing.

Notice must be received prior to the hearing, regardless of whether child is detained or not. See specific timelines outlined to the left.

RMRRR or CMRRR
 Additional notice by 1st Class Mail is recommended, but not required.

Proof of Service, including copies of the notices sent, all returned mailing receipts, & any responses **must be filed in Court prior to the hearing.**

Required Forms: Indian Custodians, Tribes, BIA, & SOI: **ICWA-030/030(A)**
 Parent/Legal Guardian: **ICWA-030/030(A)**; **AND send Regular Notice Form (CT NOTPET (Rev. 8/05))**, per time frames and service requirements for non-Indian Child cases above.

Use ICWA-030/030(A) until: (1) Court determines ICWA does not apply; (2) Tribe acknowledges in writing whether child is a member of the Tribe or is eligible; or (3) Tribe intervenes. **Thereafter**, only Regular Notice Form is required for Parent/LG, Indian Custodian & Tribe; and no further notice is required to be sent to the BIA or SOI.

Must Also Send: (a) **Petition with attached copy of the ICWA-010, ICWA-020 and the**
 (b) **Child's Birth Certificate**, if it is available. Send (a) & (b) **until (1), (2), or (3) applies.**

BIA & SOI: BIA has 15 days after receiving notice to provide notice to P/LG, IC or Tribe & send a copy to Court.

Send notice to the (A) BIA & (B) SOI as follows:

(A) Bureau of Indian Affairs (BIA)
 Sacramento Area Director
 Federal Office Building
 2800 Cottage Way
 Sacramento, CA 95825

(B) Secretary of the Interior(SOI)
 U.S. Department of the Interior
 Bureau of Indian Affairs
 1849 C Street, N.W.
 Washington, DC 20240

Send the **ICWA-030/030(A)** notice form to the SOI, per "Required Forms" above, unless the SOI has provided a written waiver of notice and it has been filed in court. Contact the DCFS Indian Child Welfare Unit at (626) 938-1846 or 1838, for assistance in obtaining the names of designated Tribal Agents & the addresses for Tribes from the Federal Register.

INCARCERATED PARENT (IP)

[Penal Code 2625; WIC 361.5 (e)(2);DCFS Policy Guide (PG) 0300-306.05, PG 0080-506.16, PG 0300-306.45]

NOTICE to IP: Regardless of whether an IP is incarcerated (or ordered confined to a mental health facility) in a State or Federal facility in LA County, another part of California, or Out-of-State, **comply with all applicable notice rules for the specified hearing type, as IPs are entitled to notice of ALL hearings. IF IP IS IN A CA FACILITY: DCFS MUST USE THE CA Dept. of Corrections and Rehabilitation PRISONER LOCATOR PHONE NUMBER TO LOCATE IP's Current Location and ID number: (916) 324-2203. FOR FEDERAL INMATES: Call US Board of Prison Facilities at (202)307-3126 for IP's Current Location. Use Appendixes in PG 0080-506.16 for the addresses of all State and Federal custody facilities.**

IP's REMOVAL FROM CUSTODY FOR COURT APPEARANCE: An IP, who wants to appear in court, is entitled to be present for: Jurisdiction/Disposition Hearing; WIC 366.26 Hearing where the recommendation is TPR; or per Court Order. **Removal From LA County/Local City Jail: At least 3 or more days prior to hearing, send JCS the DCFS 4217 (neatly printed or typed) and all applicable notice forms, proofs of service and, if applicable, a copy of the Petition. Removal From CA State Prison/Facility Outside LA County/Or CYA: At least 6 weeks prior to hearing, send JCS the JV-450 (typed only).** The JV-450 is not required if IP is incarcerated outside CA, in any Federal Facility, or any Immigration Facility, as there is no mechanism to transport out-of-state or federal custody inmates. However, if Court orders removal from one of those facilities, contact County Counsel for advice. [PG 0300-306.45]

ICE Custody: A person in deportation proceedings can participate in custody proceedings by phone, teleconference, or other electronic means. Online Detainee Locator System (ODLS): <https://www.ice.gov/locator>. The ICE Detention Reporting and Information Line at 1-888-351-4024

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WIC 355/358 JURISDICTION/DISPOSITION HEARING* □			
[Notice Section: WIC 291; ROC 5.534(n)][Forms: JV-280 NOTICE OF HEARING ON PETITION; JV-510 PROOF OF SERVICE-JUVENILE]			
PERSONS ENTITLED TO NOTICE	WHEN	HOW	PETITION, REPORT, or SUMMARY of RECOMMENDATION
<ul style="list-style-type: none"> X Mother** X Father(s)** all - Presumed and - Alleged κ X Legal Guardian(s) X Out-of-State or Whereabouts Unknown Parent/Legal Guardian: - Notice Any Adult Relative Residing in L.A. County Or, If None, the One Residing Nearest to Court X Parent Resides in a Foreign Country-Hague* - International Registered Mail for Non-Hague Countries X Child 10 yrs. or Older 	<ul style="list-style-type: none"> X CASA X Attorney(s), unless s/he was present in court at time hearing date was set X Sibling(s), if his/her own case is not calendared in the same court that day*** - Notice: - Sibling's Caregiver, - Sibling's Attorney, and - Any Sibling 10 yrs. or Older X Caregiver, when the dispo hearing serves as the permanency hearing under 361.5(f). * * In addition to providing notice on the JV-280 form, see far right column on regarding Caregiver Notification Requirements. 	Child Detained	<p align="center">PETITION (JV-100) Must Be Included with the Notice</p> <p>GIVE PETITION TO: X All Persons Entitled to a Copy of the Notice</p> <p>WHEN/HOW: X A copy of the JV-100 must be included with the Notice.</p> <p align="center">REPORT</p> <p>GIVE REPORT TO: X All Parties X Attorneys [Do <u>Not</u> Give Report to Caregivers]</p> <p>WHEN/HOW: X Per WIC 355(b)(3) & Cal. ROC 5.684(c)(1), Jurisdiction report must be provided: "Within a Reasonable Time Before the Hearing." Check Minute Order for due date.</p> <p>X Per Cal. ROC 5.690(a)(2), Disposition report and copies must be to court at least 48 hrs. prior and clerk gives copies to parties and attorneys.</p> <p>DELIVERY TO COURT: X DCFS Policy Requires Juris/Dispo Report to Be in Court No Later than 48 Hours Prior to the Hearing for Distribution.</p> <p>DELIVERY TO JCS: Per DCFS Policy, report must be given to Juvenile Court Services (JCS) no later than noon 3 Judicial Days prior to the hearing to ensure delivery to court by noon 2 Judicial Days prior to the hearing.</p> <p align="center">PATERNITY</p> <p>JV 505: Attach to report if completed.</p> <p align="center">Caregiver Notification Requirements:</p> <p>For WIC 366.21, 366.22, 366.25 & 366.3, 366.26, and when the dispo hearing serves as the permanency hearing under 361.5(f), DCFS Must Also Provide Current Caregiver with:</p> <p>SUMMARY OF RECOMMENDATIONS - JV-280 - JV-290-INFO - DCFS JV-290 Cover Letter</p> <p>GIVE TO: Current Caregiver: X Foster Parent X Relative X Pre-adoptive Parent X Nonrelative Extended Family Member X Certified Foster Parent approved for adoption</p> <p>SNAP will produce the required forms with the notice. Those forms may accompany the notice to Caregiver.</p> <p>If sending separate from Notice: Send documents at least 10 calendar days prior to the hearing by - Personal Service or - 1st Class Mail</p>
		Child Not Detained	
<p>If Indian Child [Notice Sections: WIC 224.2, 291; Cal. ROC 5.481; 25 U.S.C. 1912 & 25 C.F.R. 23.11] [Form(s): ICWA-030 & 030(A) NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD; ICWA-010 INDIAN CHILD INQUIRY ATTACHMENT]</p>			
<p>IF IT IS KNOWN OR THERE IS REASON TO KNOW AN INDIAN CHILD IS INVOLVED, IN ADDITION TO ABOVE, ALSO GIVE NOTICE AS SPECIFIED IN THIS INDIAN CHILD SECTION TO:</p> <ul style="list-style-type: none"> X Parent/Legal Guardian; notice must be received 10 days before the hearing X Indian Custodian(s); if any; notice must be received 10 days before the hearing. X Tribe(s); notice must be received 10 days before the hearing X Bureau of Indian Affairs (BIA)****; notice must be received 15 days before the hearing X Secretary of Interior (SOI)**** ; notice must be received 15 days before the hearing. 		<p>Notice must be received prior to the hearing, regardless of whether child is detained or not. See specific timelines outlined to the left.</p> <p>RMRRR or CMRRR Additional notice by 1st Class Mail is recommended, but not required.</p>	
<p>Proof of Service, including copies of the notices sent, all returned mailing receipts, & any responses must be filed in Court prior to the hearing.</p>			
<p>Required Forms: Indian Custodians, Tribes, BIA, & SOI: ICWA-030/030(A) Parent/Legal Guardian: ICWA-030/030(A); AND send Regular Notice Form (CT NOTPET (Rev. 8/05)), per time frames and service requirements for non-Indian Child cases above.</p> <p>Use ICWA-030/030(A) until: (1) Court determines ICWA does not apply; (2) Tribe acknowledges in writing whether child is a member of the Tribe or is eligible; or (3) Tribe intervenes. Thereafter, only Regular Notice Form is required for Parent/LG, Indian Custodian & Tribe; and no further notice is required to be sent to the BIA or SOI.</p> <p>Must Also Send: (a) Petition with attached copy of the ICWA-010, ICWA-020 and the (b) Child's Birth Certificate, if it is available. Send (a) & (b) until (1), (2), or (3) applies.</p> <p>BIA & SOI: BIA has 15 days after receiving notice to provide notice to P/LG, IC or Tribe & send a copy to Court.</p> <p>Send notice to the (A) BIA & (B) SOI as follows:</p> <p>(A) Bureau of Indian Affairs (BIA) Sacramento Area Director Federal Office Building 2800 Cottage Way Sacramento, CA 95825</p> <p>(B) Secretary of the Interior(SOI) U.S. Department of the Interior Bureau of Indian Affairs 1849 C Street, N.W. Washington, DC 20240</p> <p>Send the ICWA-030/030(A) notice form to the SOI, per "Required Forms" above, unless the SOI has provided a written waiver of notice and it has been filed in court. Contact the DCFS Indian Child Welfare Unit at (626) 938-1846 or 1838, for assistance in obtaining the names of designated Tribal Agents & the addresses for Tribes from the Federal Register.</p>			

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- * Hague notice is required for the Adj/Disposition Hearing when the case meets the three requirements below (FYI#10-46):
 1. The parent has not made a general appearance (A general appearance means that the parent or an attorney for the parent has appeared at any hearing an any time in the case.
 2. The parent resides in a Country that is a party of the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters. Check http://www.hcch.net/index_en.php Argentina, Belize, Columbia, Mexico, and Venezuela are the only countries in Central and South America that are parties to this Hague.
 3. You have an address for the parent that resides outside of the United States.
- ** No notice required for Parent whose parental rights have been terminated.
- κ **Alleged Fathers:** Also send copy of form **JV-505 (STATEMENT REGARDING PATERNITY)** with the notice by CMRRR, if one is not on file. No notice or JV-505 is required if Alleged Father has previously filed a JV-505 denying paternity and waiving further notice. [WIC 316.2(b); ROC 5.635]
- *** **Sibling Notice** is required for "any known dependent sibling or one subject to a WIC 300 proceeding," but only if the sibling's case is calendared on a different day and/or in a different court than the child who is the subject of the petition.
- The WIC 358 Disposition phase is held as part of the Jurisdictional hearing, and requires no separate notice. However, if the Disposition phase is continued, give notice per court orders. Per DCFS Policy, unless court specifically orders no further notice, also send continued notice to all entitled persons by 1st Class Mail. **If recommendation is NO FR per WIC 361.5:** add the following language to the CT-NOTPET to inform all entitled persons that if court orders NO FR, a permanency planning hearing will be held and TPR could result [WIC 358(a)(3)]:

"The Department of Children and Family services may seek an order pursuant to WIC 361.5(b) that no reunification services shall be provided to the family, which will result in immediate permanency planning through termination of parents rights, adoption, legal guardianship, or planned permanent living arrangement."
- CMRRR** Certified Mail, Return Receipt Requested (All CMRRR evidence of mailing & any returned receipts must be filed with the court.)
- RMRRR** Registered Mail, Return Receipt Requested (All RMRRR evidence of mailing & any returned receipts must be filed with the court.)

INCARCERATED PARENT (IP)

[Penal Code 2625; WIC 361.5 (e)(2); DCFS Policy Guide (PG) 0300-306.05, PG 0080-506.16, PG 0300-306.45]

NOTICE to IP: Regardless of whether an IP is incarcerated (or ordered confined to a mental health facility) in a State or Federal facility in LA County, another part of California, or Out-of-State, **comply with all applicable notice rules for the specified hearing type, as IPs are entitled to notice of ALL hearings.**

IF IP IS IN A CA FACILITY: DCFS MUST USE THE CA Dept. of Corrections and Rehabilitation PRISONER LOCATOR PHONE NUMBER TO LOCATE IP's Current Location & ID number: (916) 324-2203. FOR FEDERAL INMATES: Call US Board of Prison Facilities at (202)307-3126 for IP's Current Location. Use Appendixes in PG 0080-506.16 for the addresses of all State and Federal custody facilities.

IP's REMOVAL FROM CUSTODY FOR COURT APPEARANCE: An IP, who wants to appear in court, is entitled to be present for: Jurisdiction/Disposition Hearing; WIC 366.26 Hearing where the recommendation is TPR; or per Court Order. **Removal From LA County/Local City Jail: At least 3 or more days prior to hearing, send JCS the DCFS 4217 (neatly printed or typed) and all applicable notice forms, proofs of service and, if applicable, a copy of the Petition.**

Removal From CA State Prison/Facility Outside LA County/Or CYA: At least 6 weeks prior to hearing, send JCS the JV-450 (typed only). The JV-450 is not required if IP is incarcerated outside CA, in any Federal Facility, or any Immigration Facility, as there is no mechanism to transport out-of-state or federal custody inmates. However, if Court orders removal from one of those facilities, contact County Counsel for advice. **[PG 0300-306.45]**

ICE Custody: A person in deportation proceedings can participate in custody proceedings by phone, teleconference, or other electronic means. Online Detainee Locator System (ODLS): <https://www.ice.gov/locator>. The ICE Detention Reporting and Information Line at 1-888-351-4024

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WIC 364 STATUS REVIEW HEARING [Child Home of Parent]		WIC 366.21, 366.22 & 366.25 STATUS REVIEW HEARING [Child in Out-of-Home Placement]		WIC 366.3 STATUS REVIEW HEARING [Review of Permanent Plan]	
[Notice Section: WIC 292; Cal. ROC 5.710]		[Notice Section: WIC 293; Cal. ROC 5.710-5.720]		[Notice Section: WIC 295; Cal. ROC 5.740]	
[ROC 5.534(n); Forms: JV-280 NOTICE OF REVIEW HEARING; JV-510 PROOF OF SERVICE - JUVENILE; JV-290 CAREGIVER INFORMATION FORMS; NMD - WIC 295, 366.3(f), 366.31, ROC 5.903, JV-281]					
PERSONS ENTITLED TO NOTICE		WHEN	HOW	PETITION, REPORT, or SUMMARY of RECOMMENDATION	
<p>X Mother*</p> <p>X Father(s)*: For WIC 364, 366.21, & 366.22 Hearings: - Presumed Father, or - Any Fther Receiving Services per Court Order</p> <p>For WIC 366.3 Hearing: - Presumed Father, - Alleged Father <i>Only If Recommendation Is to Set a New 366.26 Hearing</i></p> <p>X Parent of a Nonminor Dependent: No notice is required</p> <p>X Whereabouts Unknown Parent/Legal Guardian: Per DCFS Policy, send notice by CMRRR to (1) Court-designated Permanent Mailing Address, and (2) Any Addresses Identified by a DD Search</p> <p>X Legal Guardian(s)</p>	<p>X Attorney(s), unless s/he was present in court at time review hearing date was set</p> <p>X Sibling(s), if his/her own case is not calendared in the same court that day**</p> <p>- Notice: - Sibling's Caregiver, - Sibling's Attorney, and - Any Sibling 10 yrs. or Older</p> <p>X CASA</p> <p>For WIC 366.21, 366.22, 366.25 & 366.3 Hearings, Also Serve:</p> <p>X Current Caregiver:</p> <p>* In addition to providing notice on the JV-280 form, see far right column regarding Caregiver Notification Requirements.</p>	<p>- Not earlier than 30 days</p> <p>- Nor later than 15 days prior to hearing</p>	<p>- 1st Class Mail, - CMRRR, or - Personal Service</p> <p>(Addressed to last known address of person noticed)</p> <p>- By E-mail after party receives WIC 316.1 admonishment in court, the court permits, and the person to be served consents; children over 16 with consent of attorney; children 14/15 with consent of attorney AND via written mail as well. Does not apply to children under 14.</p>	<p>PETITION (JV-100) Not Required, Except as Noted for Indian Child</p> <p>Include SUMMARY OF RECOMMENDATION on JV-280 Notice Form</p> <p>REPORT</p> <p>GIVE REPORT TO: X All Parties X Attorneys X CASA [Do Not Give Report to Caregivers]</p> <p>WHEN / HOW: X If Given by Personal Service: Hand deliver at least 10 Calendar Days prior to the hearing, OR</p> <p>X If Sent by 1st Class /CMRRR: - Within California Mail at least 17 Calendar Days prior to the hearing - Outside State Mail at least 22 Calendar Days prior to the hearing</p> <p>DELIVERY TO COURT: X Report must Be Filed in Court at Least 10 Calendar Days Prior to the Hearing.</p> <p>DELIVERY TO JCS: Per DCFS Policy, report must be given to Juvenile Court Services (JCS) no later than 12 Judicial Days prior to the hearing to ensure delivery to court by noon 10 days prior.</p>	
<p>If Indian Child</p> <p>[Notice Sections: WIC 224.2, 292, 293, & 295; Cal. ROC 5.481: 25 U.S.C. 1912 & 25 C.F.R. 23.11] [Forms: ICWA-030 & 030(A) NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD ICWA-010 INDIAN CHILD INQUIRY ATTACHMENT]</p>					
<p>IF IT IS KNOWN OR THERE IS REASON TO KNOW AN INDIAN CHILD IS INVOLVED, IN ADDITION TO ABOVE, ALSO GIVE NOTICE AS SPECIFIED IN THIS INDIAN CHILD SECTION TO:</p> <p>X Parent/Legal Guardian; notice must be received 10 days before the hearing</p> <p>X Indian Custodian(s), if any; notice must be received 10 days before the hearing</p> <p>X Tribe(s); notice must be received 10 days before the hearing</p> <p>X Bureau of Indian Affairs (BIA)**; notice must be received 15 days before the hearing</p> <p>X Secretary of Interior (SOI)**; notice must be received 15 days before the hearing</p>		<p>Notice must be received at least 10 days prior to the hearing, regardless of whether child is detained or not. Send notice at least 30 days prior, where hearing date permits, to comply.</p>	<p>RMRRR or CMRRR</p> <p>Additional notice by 1st Class Mail is recommended, but not required.</p>	<p>Caregiver Notification Requirements:</p> <p>For WIC 366.21, 366.22, 366.25 & 366.3, 366.26, and when the dispo hearing serves as the permanency hearing under 361.5(f), DCFS Must Also Provide Current Caregiver with:</p> <p>- SUMMARY OF RECOMMENDATIONS - JV-290 - JV-290-INFO - DCFS JV-290 Cover Letter</p> <p>GIVE TO: Current Caregiver: X Foster Parent X Relative X Pre-adoptive Parent X Nonrelative Extended Family Member X Certified Foster Parent approved for adoption</p> <p>SNAP will produce the required forms with the notice. Those forms may accompany the notice to Caregiver.</p> <p>If sending separate from Notice: Send documents at least 10 calendar days prior to the hearing by - Personal Service or - 1st Class Mail</p>	
<p>Proof of Service, including copies of the notices sent, all returned mailing receipts, & any responses must be filed in Court prior to the hearing.</p>					
<p>Required Forms: Indian Custodians, Tribes, BIA, & SOI: ICWA-030/030(A) Parent/Legal Guardian: ICWA-030/030(A); AND send Regular Notice Form (JV-280), per time frames and service requirements for non-Indian Child cases above.</p> <p>Use ICWA-030/030(A) until: (1) Court determines ICWA does not apply; (2) Tribe acknowledges in writing whether child is a member of the Tribe or is eligible; or (3) Tribe intervenes. Thereafter, only Regular Notice (JV-280) is required for Parent/LG, Indian Custodian & Tribe; and no further notice is required to be sent to the BIA or SOI.</p> <p>Must Also Send: (a) Petition with attached copy of the ICWA-010, ICWA-020 and the (b) Child's Birth Certificate, if it is available. Send (a) & (b) until (1), (2), or (3) applies.</p> <p>BIA & SOI: BIA has 15 days after receiving notice to provide notice to P/LG, IC or Tribe & send a copy to Court. Send notice to the (A) BIA & (B) SOI as follows:</p> <p>(A) Bureau of Indian Affairs (BIA) Sacramento Area Director Federal Office Building 2800 Cottage Way Sacramento, CA 95825</p> <p>(B) Secretary of the Interior(SOI) U.S. Department of the Interior Bureau of Indian Affairs 1849 C Street, N.W. Washington, DC 20240</p> <p>Send the ICWA-030/030 (A) notice form to the SOI, per "Required Forms" above, unless the SOI has provided a written waiver of notice and it has been filed in court. Contact the DCFS Indian Child Welfare Unit at (626) 938-1846 or 1838, or a County Counsel ICWA Notice Specialist Attorney per DCFS FYI #05-49, for assistance in obtaining the names of designated Tribal Agents & the addresses for Tribes from the Federal Register.</p>					
<p>* No notice required for Parent whose parental rights have been terminated.</p> <p>κ Alleged Fathers: Also send a copy of form JV-505 ("STATEMENT REGARDING PATERNITY") with the notice by CMRRR, if one is not on file. No notice or JV-505 is required if Alleged Father has previously filed a JV-505 denying paternity and waiving further notice. [WIC 316.2(b); ROC 5.635]</p> <p>** Sibling Notice is required for "any known dependent sibling or one subject to a WIC 300 proceeding," but only if the sibling's case is calendared on a different day and/or in a different court.</p> <p>, DCFS Policy Regarding Mailing of Status Review Reports: WIC 364.05 & 366.05 require all Review Reports served by mailing to be sent at least 15 Calendar Days prior to the hearing if person's address is within California, and at least 20 Calendar Days prior if it is Out-of-State. Per DCFS Policy, two additional calendar days are added to the statutory time requirements in order to allow for agency processing and/or mailing.</p> <p>⇒ JV-290 Caregiver Information Forms: DCFS is required to give Current Caregivers a Summary of the Recommendations (SOR) for all Review hearings per WIC 366.21(c). In addition, Forms JV-290 & JV-290 INFO must be sent, and given in the caregiver's primary language if available. DCFS POLICY ALSO REQUIRES that the DCFS JV-290-COVER LETTER be sent with those forms. The SOR must be provided on the caregiver's JV-280 Notice form; and the JV-290, JV-290-INFO, & DCFS JV-290 COVER LETTER should all be sent with the notice. If sent separately, the JV-290-related forms must be sent at least 10 days prior to the hearing to ensure legal compliance.</p> <p>DD Due Diligence Search - See DCFS Policy 0300-306.75 ("Due Diligence") for further information.</p> <p>CMRRR Certified Mail, Return Receipt Requested (All CMRRR evidence of mailing & any returned receipts must be filed with court.)</p> <p>RMRRR Registered Mail, Return Receipt Requested (All RMRRR evidence of mailing & any returned receipts must be filed with court.)</p>					

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<p>OTHER PETITIONS [WIC 297 & 295 (f);ROC 5.524, 5.570 (g), 5.740 (c)(2)]</p>	<p>WIC 387 & WIC 342 Petitions: Same requirements per notice sections WIC 290.1, 290.2, 291, & 224.2 WIC 388 Petition (Required Form: JV-180): Same requirements per notice sections WIC 290.1, 290.2, 291 & 224.2, or by Court Order. However, for a WIC 388 Petition to Modify/Terminate a Dependency Guardianship: Give notice not less than 15 court days prior to hearing to: Guardian; Child 10 yrs+; Parent, if parental rights were not terminated; All Attorneys; CASA, and Court that established the dependency guardianship, if in another county. Parents of Nonminor Dependents do <u>not</u> need to be noticed. No notice to parent or LG of NMD unless requested by NMD(ROC 5.570(g)) WIC 388.1 Petition (Required Form: JV-180): Same requirements per notice sections</p>
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COURT ORDER REQUIRING PERSON TO APPEAR AT NEXT HEARING
[Notice Section: WIC 296]

The Court may order the Child, any Parent, Legal Guardian, or Indian Custodian who is present in court to appear at any future hearing or rehearing. Some courts will order a person back and also order that no additional notice is required. However, DCFS Policy 0330-306-05 (Rev. 08/06)(NOTICE OF HEARING FOR JUVENILE COURT PROCEEDINGS) advises that notice should be sent for all subsequent hearings, regardless of court orders for no additional notice.

INCARCERATED PARENT (IP)

[Penal Code 2625; WIC 361.5 (e)(2);DCFS Policy Guide (PG) 0300-306.05, PG 0080-506.16, PG 0300-306.45]

NOTICE to IP: Regardless of whether an IP is incarcerated (or ordered confined to a mental health facility) in a State or Federal facility in LA County, another part of California, or Out-of-State, **comply with all applicable notice rules for the specified hearing type, as IPs are entitled to notice of ALL hearings. IF IP IS IN A CA FACILITY: DCFS MUST USE THE CA Dept. of Corrections and Rehabilitation PRISONER LOCATOR PHONE NUMBER TO LOCATE IP's Current Location & ID number: (916) 324-2203. FOR FEDERAL INMATES: Call US Board of Prison Facilities at (202)307-3126 for IP's Current Location. Use Appendixes in PG 0080-506.16 for the addresses of all State and Federal custody facilities.**

IP's REMOVAL FROM CUSTODY FOR COURT APPEARANCE: An IP, who wants to appear in court, is entitled to be present for: Jurisdiction/Disposition Hearing; WIC 366.26 Hearing where the recommendation is TPR; or per Court Order. **Removal From LA County/Local City Jail: At least 3 or more days prior to hearing, send JCS the DCFS 4217 (neatly printed or typed) and all applicable notice forms, proofs of service and, if applicable, a copy of the Petition. Removal From CA State Prison/Facility Outside LA County/Or CYA: At least 6 weeks prior to hearing, send JCS the JV-450 (typed only).** The JV-450 is not required if IP is incarcerated outside CA, in any Federal Facility, or any Immigration Facility, as there is no mechanism to transport out-of-state or federal custody inmates. However, if Court orders removal from one of those facilities, contact County Counsel for advice. [PG 0300-306.45]

ICE Custody: A person in deportation proceedings can participate in custody proceedings by phone, teleconference, or other electronic means. Online Detainee Locator System (ODLS): <https://www.ice.gov/locator>. The ICE Detention Reporting and Information Line at 1-888-351-4024

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OFFICE OF THE COUNTY COUNSEL - LOS ANGELES COUNTY
Latest update 5/2017**

**WIC 366.26
SELECTION & IMPLEMENTATION HEARING**

[Notice Sections: **WIC 294**; Cal. **ROC 5.725**; **ROC 5.534(n)**; Indian Child: **WIC 224.2**; Cal. **ROC 5.481**; **25 U.S.C. 1912 & 25 C.F.R. 23.11**
[Forms: **JV-300** NOTICE OF HEARING ON SELECTION OF A PERMANENT PLAN; **JV-310** PROOF OF SERVICE UNDER SECTION 366.26; &
ICWA-030 & 030(A) NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD; **ICWA-010** INDIAN CHILD INQUIRY ATTACHMENT]

PERSONS ENTITLED TO NOTICE	DEPARTMENT'S RECOMMENDATION	REQUIRED TIME FRAMES & SERVICE METHODS [See Table]	
X Mother	Adoption	1, 2, 3, or 4	
X Father(s), all Presumed and Alleged No Notice Required For Parent: (1) whose parental rights have been terminated; (2) who has relinquished parental rights and the relinquishment has been accepted and filed with notice per Family Code § 8700; OR (3) for an Alleged father who has previously filed a JV-505 (STATEMENT REGARDING PATERNITY) form denying paternity and waiving further notice.	LG or LTFC	Only 1 st Class Mail per 5 required, but may also notice per 1, 2, 3, 4, or 12	
X Out-of-State Parent [WIC 294(f)(5)]	Adoption, LG, or LTFC	1, 3, 4, or by CMRRR per 6	
X Parent Resides in a Foreign Country	Adoption	13	
X Whereabouts Unknown Parent (WU Parent) Due Diligence Search must be submitted to court at least 90 calendar days before the hearing to obtain a court finding that the DD is legally sufficient. [Per WIC 294(f)(7), the DD affidavit must be filed in court at least 75 Days prior to the hearing. DCFS Policy adds 15 days to allow for adequate processing time for compliance.]	Adoption	If Parent has Attorney: 7 If No Attorney for Parent: 8	
	LG or LTFC	9	
X Whereabouts Unknown Parent is Subsequently Found [WIC 294(f)(7)(c)]	Adoption	Immediately serve notice per 2, 3, or 4 [For Out-of-State Parent: 3, 4, or CMRRR per 6]	
	LG or LTFC	Immediately serve by 1 st Class Mail per 5 [For Out-of-State Parent: 3, 4, or CMRRR per 6]	
X Identity Unknown Parent (IU Parent) Due Diligence Search must be submitted to court at least 90 calendar days before the hearing to obtain a court finding that the DD is legally sufficient. [Per WIC 294(f)(7), the DD affidavit must be filed in court at least 75 Days prior to the hearing. DCFS Policy adds 15 days to allow for adequate processing time for compliance.]	Adoption	10	
	LG or LTFC	11	
X Child 10 yrs. or Older X Sibling(s) - Required for "any known dependent sibling or one subject to a WIC 300 proceeding," but <i>only if</i> the sibling's case is calendared on a different day and/or in a different court Notice: - Sibling's Caregiver, - Sibling's Attorney, and - Any Sibling 10 yrs. or Older X CASA, DeFacto Parent	X Grandparent(s): - Only if the Parent's whereabouts are unknown, and grandparent's identity & address is known X All Attorneys of Record: - Only if attorney was not present in court at time when 366.26 hearing date was set; or if noticing WU Parent per 7 below [WIC 294(j)] X Current Caregiver: * In addition to providing notice on the JV-280 form, see far right column on page 2 regarding Caregiver Notification Requirements.	Adoption, LG, or LTFC	1 st Class Mail per 5

If Indian Child

[Notice Sections: **WIC 224.2, 292, 293, & 295**; Cal. **ROC 5.481**; **25 U.S.C. 1912 & 25 C.F.R. 23.11**
[Forms: **ICWA-030 & 030(A)** NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD
ICWA-010 INDIAN CHILD INQUIRY ATTACHMENT]

IF IT IS KNOWN OR THERE IS REASON TO KNOW AN INDIAN CHILD IS INVOLVED, IN ADDITION TO ABOVE, ALSO GIVE NOTICE AS SPECIFIED IN THIS INDIAN CHILD SECTION TO: X Parent/Legal Guardian ; notice must be received 10 days before the hearing X Indian Custodian(s) , if any; notice must be received 10 days before the hearing X Tribe(s) ; notice must be received 10 days before the hearing X Bureau of Indian Affairs (BIA)** ; notice must be received 15 days before the hearing X Secretary of Interior (SOI)** ; notice must be received 15 days before the hearing	Notice must be received at least 10 days prior to the hearing , regardless of whether child is detained or not. Send notice at least 30 days prior, where hearing date permits, to comply.	RMRRR or CMRRR Additional notice by 1 st Class Mail is recommended, but not required.
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Proof of Service, including copies of the notices sent, all returned mailing receipts, & any responses **must be filed in Court prior to the hearing.**

Required Forms: Indian Custodians, Tribes, BIA, & SOI: **ICWA-030/030(A)**
Parent/Legal Guardian: **ICWA-030/030(A)**; **AND send Regular Notice Form (JV-280)**, per time frames and service requirements for non-Indian Child cases above.
Use ICWA-030/030(A) until: (1) Court determines ICWA does not apply; (2) Tribe acknowledges in writing whether child is a member of the Tribe or is eligible; or (3) Tribe intervenes. **Thereafter**, only Regular Notice (JV-280) is required for Parent/LG, Indian Custodian & Tribe; and no further notice is required to be sent to the BIA or SOI.
Must Also Send: (a) **Petition with attached copy of the ICWA-010, ICWA-020 and** the
(b) **Child's Birth Certificate**, if it is available. Send (a) & (b) **until (1), (2), or (3) applies.**

TABLE OF WIC 366.26 NOTICE TIME FRAMES & SERVICE METHODS

1	Court Order at .26 setting - At the hearing setting the WIC 366.26 hearing date, the Court: (1) advises parent of nature of proceedings and requirement that Adoption (termination of parental rights), Legal Guardianship (LG), or Long-term foster care (LTFC) be selected; (2) orders the parent to return for the 366.26 hearing; and then (3) orders notice to the parent by 1 st Class Mail at the parent's usual place of residence or business only, which must be mailed at least 55 calendar days before the hearing. [WIC 294(f)(1)]
2	CMRRR/Parent Resides In State: Need Parent's Signature & Returned Receipt - Certified Mail Return Receipt Requested (1) mailed to Parent's last known mailing address at least 55 calendar days before the hearing; and (2) signed only by the Parent. DCFS must receive a signed return receipt and it must be filed in court for notice to be deemed legally sufficient. [WIC 294(f)(2)]
3	Personal Service - Notice is hand delivered to the person entitled to notice at least 45 calendar days before the hearing. [WIC 294(f)(3)]
4	Substituted Personal Service - (1) Notice is hand delivered to a competent person at least 18 years of age at the parent's usual place of residence or business; and (2) immediately followed by the mailing of a second notice to the parent by 1 st Class Mail at the place where the notice was delivered, which must be mailed at least 55 calendar days before the hearing. [WIC 294(f)(4)]
5	1st Class Mail - First-class mail sent to usual place of residence or business at least 55 calendar days before the hearing. [WIC 294(f)(6), 294(h)]
6	CMRRR/Parent Resides Out-of-State - Certified Mail Return Receipt Requested mailed to Parent's usual place of residence or business at least 55 calendar days before the hearing. All CMRRR evidence of mailing & any returned receipts must be filed with court. [WIC 294(f)(5)]
7	WU Parent/Adoption Recommendation: Notice c/o Parent's Attorney by CMRRR - If (1) Whereabouts Unknown Parent; (2) Court finds Due Diligence Search legally sufficient; (3) and parent has no attorney ; then (4) notice shall be to the parent's Attorney of Record by CMRRR mailed to the parent's attorney at least 55 calendar days before the hearing (addressed to parent "in care of" the attorney); AND (5) notice must also be sent to Grandparents, if their identities and addresses are known, by 1 st Class Mail sent at least 55 calendar days before the hearing. [WIC 294(f)(7)(A)]
8	WU Parent/Adoption Recommendation: Publication - If (1) Whereabouts Unknown Parent; (2) Court finds Due Diligence Search legally sufficient; (3) and parent has no attorney ; then (4) Court shall order service by Publication of the notice citation, which must run in a newspaper once a week for four consecutive weeks, and the last day the notice citation runs must be completed at least 30 calendar days before the hearing; AND (5) notice must also be sent to Grandparents, if their identities and addresses are known, by 1 st Class Mail sent at least 55 calendar days before the hearing. [WIC 294(f)(7)(A)]
9	WU Parent/LG or LTFC Recommendation - If (1) Parent's Whereabouts are unknown; (2) Court finds Due Diligence Search legally sufficient; then (3) No Further Notice to Parent required, HOWEVER , (4) notice must be sent to Grandparents, if their identities and addresses are known, by 1 st Class Mail sent at least 55 calendar days before the hearing. [WIC 294(f)(7)(B)]
10	IU Parent/Adoption Recommendation - If (1) Parent's Identity is Unknown; (2) Court finds the Due Diligence Search legally sufficient; then (3) the Court has the option of (A) ordering Publication ; or (B) ordering No Further Notice . [WIC 294(g)(1)(2)]
11	IU Parent/LG or LTFC Recommendation - If (1) Parent's Identity is Unknown; and (2) Court finds DD Search legally sufficient; then (3) No Further Notice to Parent required. [WIC 294(g)(3)]

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12	Email notice – Email notice is allowed if the court permits, the person to be noticed consents, AND the person signs the EFS-005. Applies to parents; LG; children over 16 with consent of attorney; children 14/15 with consent of attorney AND via written mail as well. [WIC 294(h)(1)]
13	<p>Hague Notice – Hague Notice is required when the case meets the three requirements below (FYI#10-46):</p> <ol style="list-style-type: none"> 1. The parent has not made a general appearance (A general appearance means that the parent or an attorney for the parent has appeared at any hearing an any time in the case. 2. The parent resides in a Country that is a party of the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters. Check http://www.hcch.net/index_en.php Argentina, Belize, Columbia, Mexico, and Venezuela are the only countries in Central and South America that are parties to this Hague. 3. You have an address for the parent that resides outside of the United States. <p>Non-Hague Countries – International Registered Mail, return receipt requested</p>
<p align="center">NOTICE FOR CONTINUED WIC 366.26 HEARING</p> <p>Per Notice Section WIC ' 294(d): 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 properly been given to the parent or any entitled person, subsequent notice for any continuation of the hearing may be by: (1) 1st Class Mail to any last known address; (3) Email if applicable; or (2) per Court Order. HOWEVER, if the recommendation subsequently changes from that contained in the notice previously found proper, then notice for that new recommendation must be provided consistent with the requirements for that new recommendation.</p>	
<p align="center">WIC 366.26 REPORT:</p> <p>Per Cal. ROC 5.725(c) At Least 10 Calendar Days Before The Hearing: (1) REPORT: Must be Filed with the Court; AND be Provided to Parent/Legal Guardian & All Attorneys; and</p>	
<p align="center">INCARCERATED PARENT (IP)</p> <p>[Penal Code 2625; WIC 361.5 (e)(2);DCFS Policy Guide (PG) 0300-306.05, PG 0080-506.16, PG 0300-306.45]</p> <p>NOTICE to IP: Regardless of whether an IP is incarcerated (or ordered confined to a mental health facility) in a State or Federal facility in LA County, another part of California, or Out-of-State, comply with all applicable notice rules for the specified hearing type, as IPs are entitled to notice of ALL hearings. IF IP IS IN A CA FACILITY: DCFS MUST USE THE CA Dept. of Corrections and Rehabilitation PRISONER LOCATOR PHONE NUMBER TO LOCATE IP's Current Location & ID number: (916) 324-2203. FOR FEDERAL INMATES: Call US Board of Prison Facilities at (202)307-3126 for IP's Current Location. Use Appendixes in PG 0080-506.16 for the addresses of all State and Federal custody facilities.</p> <p>IP's REMOVAL FROM CUSTODY FOR COURT APPEARANCE: An IP, who wants to appear in court, is entitled to be present for: Jurisdiction/Disposition Hearing; WIC 366.26 Hearing where the recommendation is TPR; or per Court Order. Removal From LA County/Local City Jail: At least 3 or more days prior to hearing, send JCS the DCFS 4217 (neatly printed or typed) and all applicable notice forms, proofs of service and, if applicable, a copy of the Petition. Removal From CA State Prison/Facility Outside LA County/Or CYA: At least 6 weeks prior to hearing, send JCS the JV-450 (typed only). The JV-450 is not required if IP is incarcerated outside CA, in any Federal Facility, or any Immigration Facility, as there is no mechanism to transport out-of-state or federal custody inmates. However, if Court orders removal from one of those facilities, contact County Counsel for advice. [PG 0300-306.45]</p> <p>ICE Custody: A person in deportation proceedings can participate in custody proceedings by phone, teleconference, or other electronic means. Online Detainee Locator System (ODLS): https://www.ice.gov/locator. The ICE Detention Reporting and Information Line at 1-888-351-4024</p>	