# Chapter

# **Jurisdiction**

## **Review**

### Chapter 5 covered the following areas:

- 1. How to set up a detention hearing;
- 2. How to create a petition;
- 3. How to create a detention report;
- 4. How to create standard notices;
- 5. How and why to associate attorneys;
- 6. How to document a Juvenile court number for a child client;
- 7. How to document who was present at a hearing;
- 8. How to document findings and orders at a hearing; and
- 9. How to how to schedule the next hearing.

This chapter will deal with how to create a Jurisdictional Report and to schedule the following hearings associated to a child. How to document the required "Adult Relative Notifications" and how to record and document the ongoing efforts to find and document individuals who might be interested in maintaining a lifelong relationship with the child.

# **Creating a New Jurisdiction Report**

The Jurisdiction Hearing must be set within thirty days of the initial hearing for non-detained minors and within 15 days of the initial hearing for detained minors, usually on a "Law and Motion" day. Typically, Law and Motion days are a specific day of the week, or days of the week. In some local jurisdictions, it is only one day of the week. In other local jurisdictions, it might be 2, 3 or 5 days a week. It depends on the volume of Juvenile Court cases typically heard during the week. Usually any rulings made are for non-contested issues. If there were areas of contention, the Court would normally set those matters for a specific date and time in the future.

The last chapter stated that the Court could also set this hearing as a Juris/Dispo hearing. A Juris/Dispo hearing simply combines a Jurisdictional Hearing with a Dispositional Hearing and has the elements of both hearings.

At a Jurisdictional hearing, the Court determines which allegations in the petition, if any, are true. This may be done by the parents or parent admitting the allegations are true or by the department proving the allegations are true. If the parents or the child/children, through their attorneys, disagree with the department on an important issue or recommendation, the Court will be likely to set the matter for a "Contested" hearing.

To document that a hearing is a contested hearing in CWS/CMS first open the "Case" for the child by clicking on the "Open



Existing Case" folder.

Next, open the child's case. If desired, open the case for each sibling. All cases

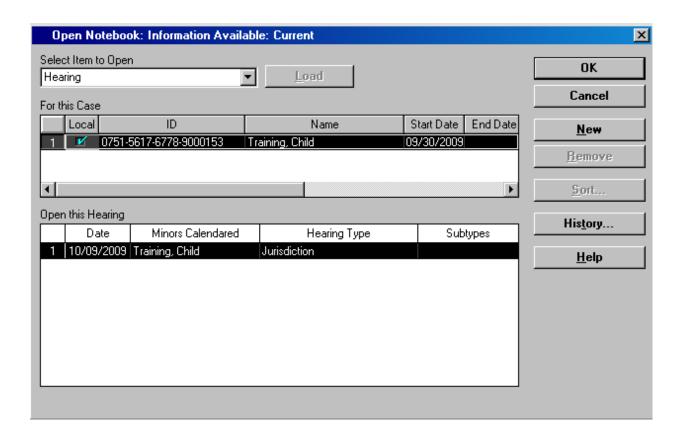
open the same way. After selecting the "Open Existing Case Folder," select the case or case to open by clicking on them and then clicking on the "OK" button to the top right.



Next, open the scheduled hearing. To open a scheduled hearing, go to the "Court Management" Section

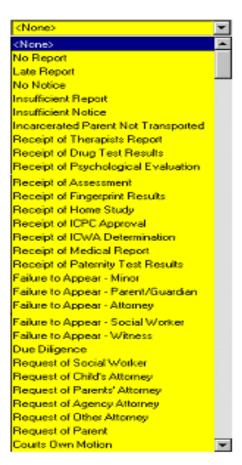
and click the

gavel, or "Open Existing Hearing" notebook. That will result in a selection box that will display the most current hearing. To select that hearing, click on the child and the hearing, then click the "OK" button in the top right. To set a "Contested" Hearing or a "Continued" Hearing, <u>do not</u> click on "Create New Hearing." The application will usually have already have the hearing scheduled. The next page shows the selection box.



After opening the correct hearing, go to the	"Results" page. Click on the "+" in the grid as before. Next, change from "As  • As Recommended  • As Recommended with Modifications				
	C Contrary to Recommendations				
Recommended" to "Continued" by clicking	; in the radial button Onext to "Continued." Continued W	√hen			
	C As Recommended				
C As Recommended with Modifications					
	C Contrary to Recommendations				
finished, the selection should look like this.	⊙ Continued				
Next, go to the Hearing "ID" page, the first ]	page of the notebook. There, a new set of fields has become mandatory. The	new			
	Hearing Continued				
	Next Hearing Date Next Hearing Time  i am  Continuance Reason				
mandatory fields are in the "Hearing Conti	inue" information box.				

Complete the fields with the time, date and "Continuance Reason." Select the "Continuance Reason" from the following selections shown in the drop down menu when the down arrow is clicked.



The more common responses are "Request of Parents' Attorney" and "Request of Parents."

After making the appropriate choice of a continuance reason, the "Hearing Continued" information box looks like the following example.



"Request of Parents' Attorney" was chosen as the Continuance Reason. When completed, go to the "Action" drop down menu.

Client Disposition...

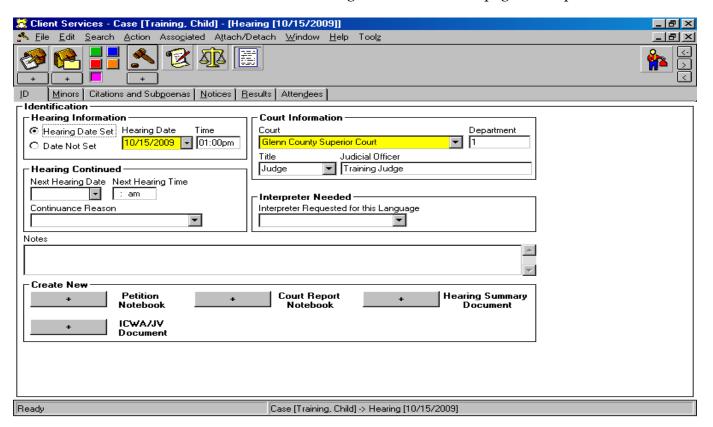
Create Continued Hearing

Create Next Hearing

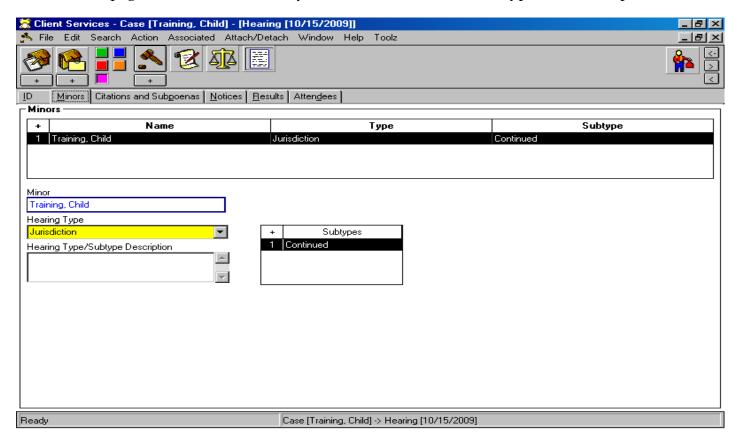
Create Amended Petition

In the "Action" drop down menu, select or click on "Create Continued Hearing."

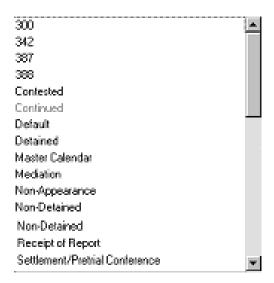
That will result in the creation of a "New" Hearing notebook. The ID page is complete.



The "Minors" page will have automatically filled in. Notice that the "Subtype" is also completed as "Continued."



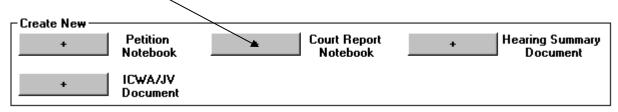
Enter a second "Subtype" of "Contested" if desired. To do that, click on the "+" in the left top corner of the "Subtype" box. Then, select from the following drop down menu.



Notice that the "Continued" reason is greyed out. That is because it has already been selected and cannot be selected a second time for the same hearing.

County practices vary on when to create the Jurisdictional Report. In some counties, the Jurisdictional Report is only created when and if the Jurisdiction is contested. The process to create a Jurisdictional Report is the same regardless of specific county practice around the need to create the report.

To create a Jurisdictional Report, go to the scheduled "Jurisdictional Hearing." Click on the "Court Report Notebook" button in the "Create New" information box.

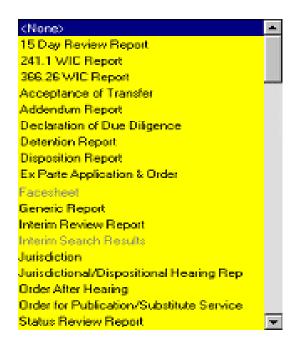


As with all "New" Court Report Notebooks, first select which type of Court Report is to be created.

Do this by clicking the down arrow in the "Report Type" selection box.

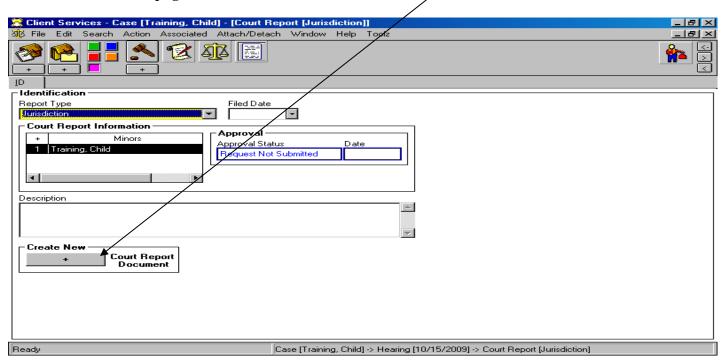


That will result in the following list.



For a Jurisdiction Report, select "Jurisdiction" by clicking on Jurisdiction in the list.

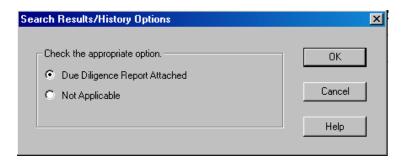
Remember that the report type varies depending on the type of hearing and County practice. After selecting the report type, select which minors are a part of the report by clicking on the "+" in the top left corner of the "Court Related Information" information box. Next, go to the bottom of the page and click on the "Court Report Document" button in the "Create New" information box at the bottom of page.



Again, there will be a series of dailogue boxes that should be answered and then say, "OK." The first dailogue box is asking about the <u>Indian Child Welfare Act</u>. If there is any information that makes it appear that the child is or may be a member of an Indian Tribe, the answer is YES. Remember, only the tribe is able to make a determination regarding possible eligibility.



The second dailogue box is regarding searches for any missing parents.



If a birth parent's whereabouts are unknown, the department is responsible to make a diligent effort to find the missing parent. If the parent's whereabouts are unknown, the Court needs to be informed regarding what actions the department has taken to find the missing parent. This is a requirement until the parental rights of the missing parent are terminated by Court action. However, a "formal" report may not be necessary at this time. In some counties, enter the search efforts to date under the heading that this dialogue box will create if "Due Diligence Report Attached" is selected.

After clearing the dialogue boxes, the application will create the "Jurisdiction Report" document. Much of the layout is exactly the same in court reports. In the Jurisdiction Report, the title is changed to "Jurisdiction." The" Hearing Type/Subtype" is also changed to match the type of hearing.

### JURISDICTION REPORT

Much of the demographic information will pre-populate into this report from the CWS/CMS data base. Other information is entered by the user into form fields designed for local text entry. Rither the cursor or the F11 key may be used to navigate from one non protected form field to another. Navigating with the F11 key puts your cursor in the correct position to proceed. With the first letter entered, both the form field and the text in the form field, if any, disappear.

Hearing Date	Hearing Time	Dept./Room	Hearing Type/Subtype
10/15/2009	01:00pm	1	Jurisdiction / Continued, Contested

In this case, the Hearing was continued, and the matter is contested which is what the report shows.

The next difference is that a new section has been added, "Legal History." The format will depend on which template your county has choosen to use.

LEGAL HISTORY							
300 WIC Subsection(s)							
<u>Initial Removal</u>	Initial Detention		Initial Juris diction Finding				
	Child - 10/02/2	2009					
Initial Disposition Order	Initial 364 FM R	<u>eview</u>	Second 364 FM Review				
Initial 366.21(e) – 6 Month FR Review	Initial 366.21(f) - Review	- 12 Month FR	Initial 366.22 – 18 Month FR Review				
FR Services Terminated	Non-Reunification	on Ordered					
Initial Permanent Plan: Type/ Date Ordered		Current Permanent Plan: Type/ Date Ordered					

"Legal History" will be a part of all status review hearing reports from this point on if your county is using a Court Report template series that uses this feature.

All of the fields in "Legal History" except for "Initial Removal" will populate if the necessary data has been entered into the application and the next hearing has been created correctly. If the next hearing is created by clicking on the "+" under the gavel, the data will never populate and the error cannot be fixed. If the correct findings and orders are not entered into the "Results" page, that portion of the history will not populate, and if the petition status is not changed from pending, that section will not populate.

The next section of the "Report" that is different from the Detention Report is the "Reason for Hearing" section. This is usually telling the Court the legal history up to this point. It may be a simple paragraph that summurizes the Court history to date. A common example is the following: "The minor was detained on September 29, 2009. There was a Detention Hearing on October 2, 2009. The child was detained, and the matter was set for Jurisdiction on October 9, 2009. On October 9, 2009, the matter was set for a Contested Hearing on October 15, 2009, at 1:00 PM. This is the time and place for that Hearing." This section is a part of all following status reviews and may be copied and added to as needed.

The next new section is the "Jurisdiction" section. This is where the allegations in the petition are proven. The section itself is made up on several subsections; Allegation(s), Supporting Evidence and Witness Statements. Witness Statements also has several subsections: Child(ren), Parents/Legal Guardians, Social Worker and Others.

There are two major models for working with this section. One model is to list all allegations then list all the supporting evidence and witness statements. If there are a number of allegations, this can be confusing so care should be taken to be clear.

A second model is to list an allegation then list all the supporting evidence and witness statements to prove that specific allegation. Then go to the next allegation and list all the supporting evidence and witness statements to prove that allegation. Each allegation is thus handled separately. This model is far clearer but takes more entry.

An added benefit of using the second model is that occasionally an allegation that cannot be proved is discovered. If this happens, it is appropriate to ask the Court to dismiss that allegation in the body of the report or at the start of the Hearing. The department will be continuing its investigation, and if new information comes to light, it is okay to drop or add allegations as necessary.

The last new section is the "Assessment/Evaluation" section. This is the only place in a Court report that a worker gets to express an opinion. Tell the Court what is believed to be the best plan for the minor or minors based upon the facts supplied in the body of the report.

Since this is a Jurisdiction Hearing, the usual Assessment/Evaluation is that any allegation that the department did not ask to have dismissed are found true. The recommendation section is the same as with all the Reports including the Detention Report discussed before, and County practice will remain the same. Follow County practice when recommending findings and orders.

Unless the department is recommending that the petition be dismissed in its entirety, the department will recommend a hearing date for the Dispositional Heaing. That date is on a law and motion day approximately two weeks from the date of the Jurisdiction.

Documentation of attendees and setting the next hearing is exactly the same process as for the Detention Hearing. Document who attended the hearing in the "Attendees" page, documents findings and orders in the "Results" page and use the "Action" drop down menu to "Create Next Hearing."

### **Adult Relative Search Efforts**

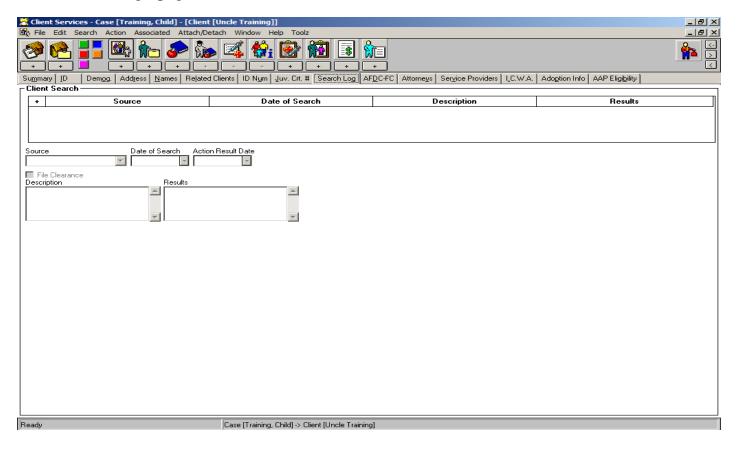
Rule 5.637. Family Finding (§§ 309(e), 628(d)) Rule 5.637 adopted effective January 1, 2011

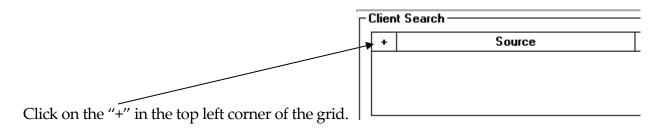
- Within 30 days of a child's removal from the home of his or her parent or guardian, if the child is in or at risk of entering foster care, the social worker or probation officer must use due diligence in conducting an investigation to identify, locate, and notify all the child's adult relatives.
- The social worker or probation officer is not required to notify a relative whose personal history of family or domestic violence would make notification inappropriate.

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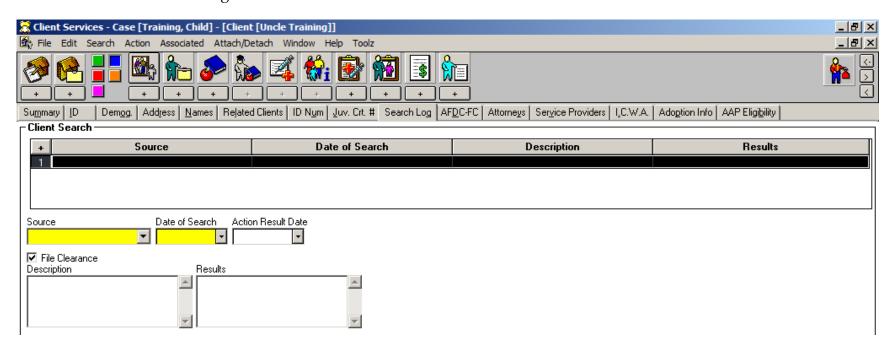
The first step is to record or document efforts made to find adults who may be interested in maintaining a lifelong relationship with the child. In CWS/CMS those efforts are documented by recording search efforts in either the "Search Log" notebook" or the "Collaterals" notebook.

In the "Client Management" section, open the child client and naviagate to the "Search Log" page of the adult client being searched for. The "Search Log" page is shown below.





That will result in the following screen.



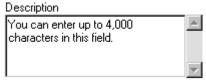
Clicking on the down arrow in "Source" will provide a drop down menu.



Choose one of the sources listed. Then enter the "Date of Search." Next,

enter the date that a result, or answer, was obtained to the search. This may be the same as the "Date of Search" or may be later.

If "File Clearance" File Clearance is checked, it indicates that the search selected in the Client Search grid was performed for file clearance purposes. Next, complete the "Description" narrative. Use the narrative section to further describe the search.



The last thing to do is complete the "Results" narrative by entering what the results of the search were. If new information pointing to a possible location was provided, document that information then follow the information to confirm or reject the possible new address.

Results

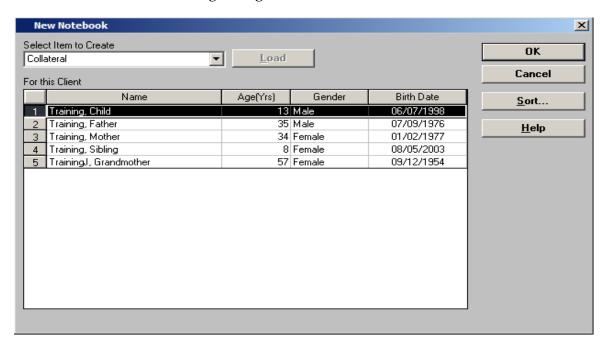
You can enter up to 4,000 Characters in this field.

There is no magic number of searches. The requirement is that the search efforts are diligent.

It is also possible that an adult who the child would like to maintain a lifelong relationship with has been entered in CWS/CMS as a collateral. In that case, go to the "Collateral" notebook in the "Client Management" section. Open an Existing Collateral by



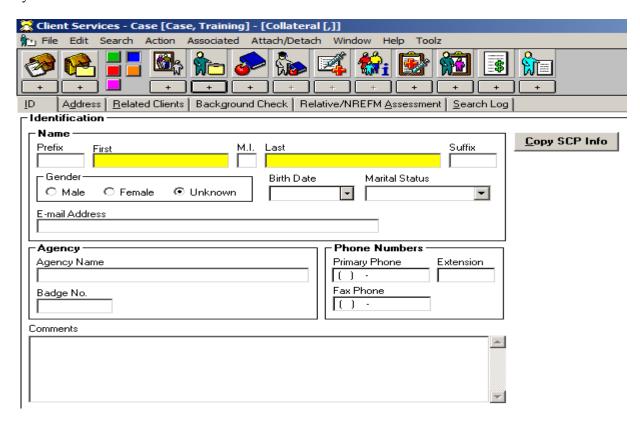
Clicking on the "+" icon will result in the following dialogue box.



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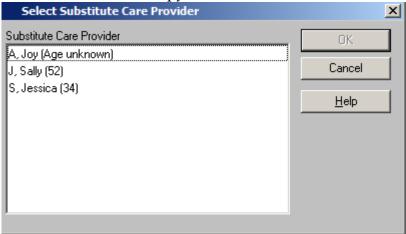
Select the client that the collateral being created is related to by clicking on the correct client, then clicking on the "OK" button to the right of the dialogue box.

The "Collateral" notebook will open to the "ID" page. Enter all known information for this page. "First" and "Last" name fields are mandatory.



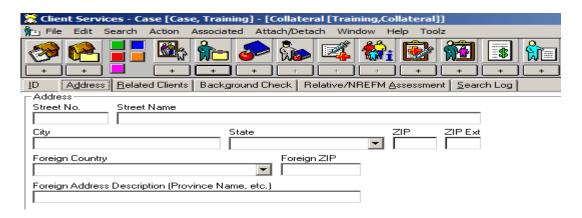
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An option on the "ID" page is to copy the information from a Substitue Care Provider (SCP), also known as a foster parent, to create that SCP as a collateral. This would usually be a previous SCP, not a current SCP. If selected, when the button is clicked, the application will ask which SCP to copy and show a list of all SCPs currently in cache to select from. Click



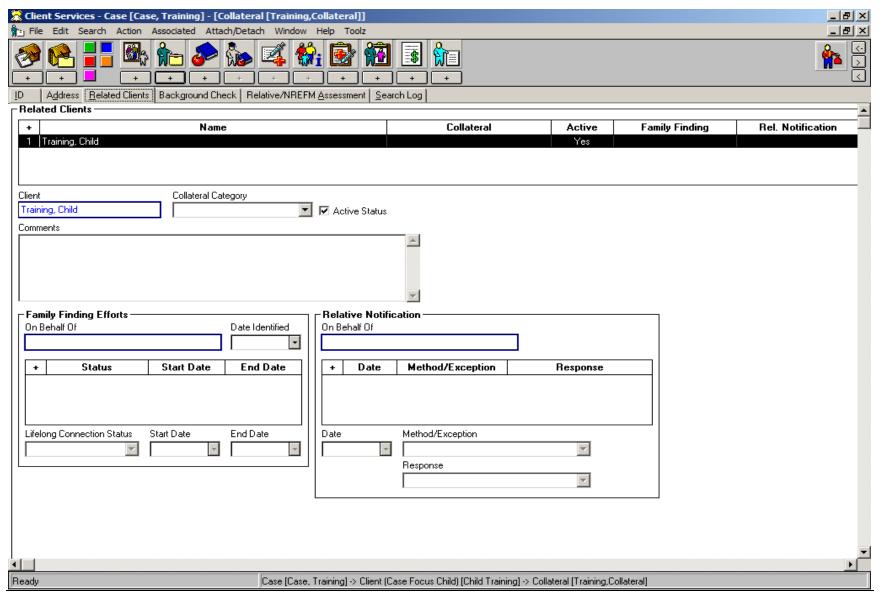
on the correct SCP, and then click on the "OK" button.

Continuing with creating a "New" collateral. After entering the known information on the "ID" page, next click on the "Address" page. Enter all known data relating to the "New" collateral's address. An example of the "Address" page follows.



When the address page has been completed, click on the "Related Clients" page.

On the "Related Clients" page, shown below, document how this collateral is related to the selected client. This page is virtually identical to the "Related Clients" page in the "Existing Client" noteooks.



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First clicking on the down arrow of the "Collateral Category" drop down menu.

Select the correct relationship from the list provided. When complete go the the "Search Log" page. This is identical form and function as the "Search Log" page in the "Existing Client" notebooks. Proceed as shown earlier in this chapter.

When all necessary searches for relatives and or collaterals have been completed and documented in this manner, it is possible to create a report for the Court, showing what search efforts have been made. That report is a "Declaration of Due Dillegence" report. The Declaration of Due Dillegence is also used to report to the Court any search efforts made for a absent parent.

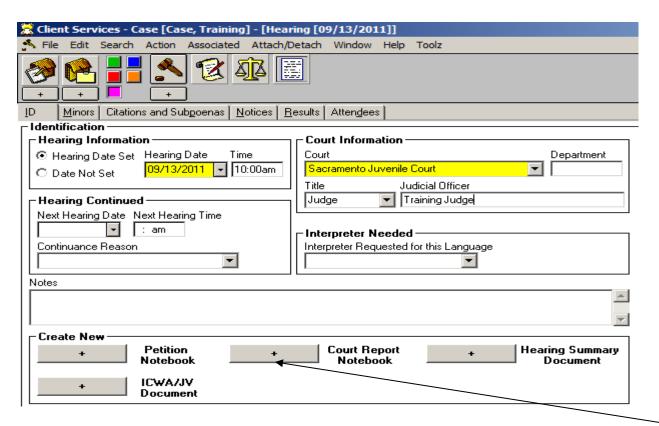
To create the "Declaration of Due Dillegence" report in CWS/CMS go to the "Court Management" section.



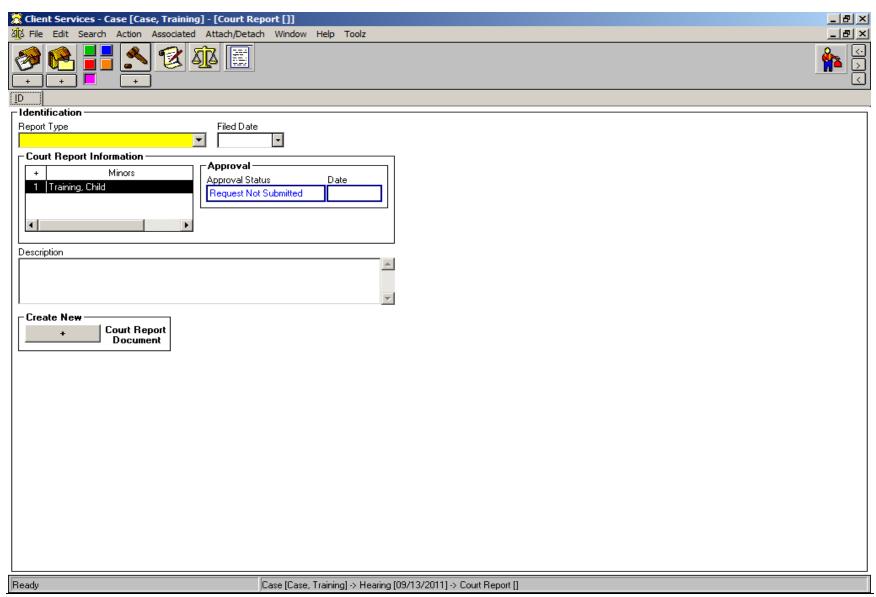
Open the hearing that the report will be associated to by clicking on the gavel (Never the "+")

Collateral Category

From the resulting list of hearing, select the correct hearing and open that hearing by clicking on the hearing and then clicking the "OK" button to the right, or simply double clicking on the correct hearing. Following is the screen after selecting the hearing.

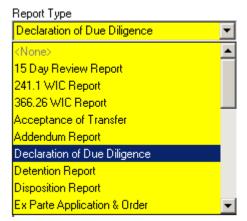


From the "Create New" information box, select "Court Report Notebook" and click on the  $\stackrel{\checkmark}{+}$ " button. That will open the "Court Report Notebook.



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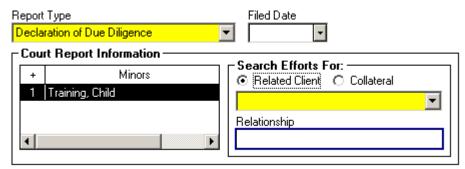
Select "Declaration of Due Dillegence" from the drop down menu for "Report Type."



That will result in a change in the "Court Report Information" box.



Prior to selection



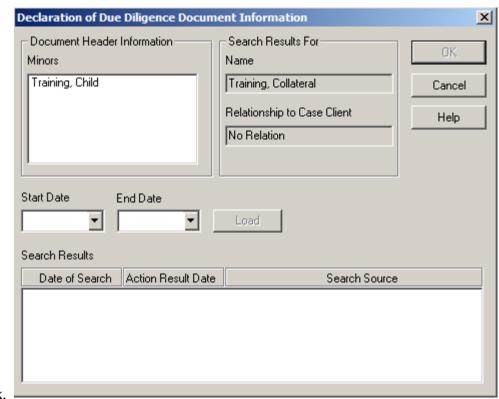
After selection Description

Select the specific person that this report is regarding. Remember, the report is detailing the efforts made to find a specific individual, not all of the individuals that were searched for. It is necessary to create a separate report for each individual searched for in the exact same manner.

When the individual is selected, click on the "+" button next to "Court Report Document" in the "Create New" information box

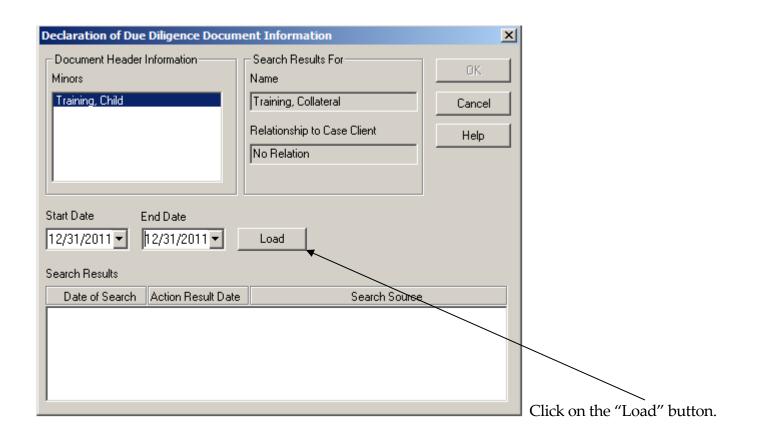


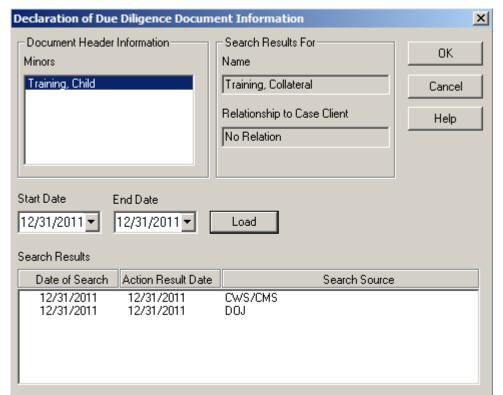
at the bottom of the page.



The application will open a new dialogue box.

Select the minor or minors for this report by clicking on the name. Enter the date that the search efforts were started in the "Start Date" box, and the date the search efforts were ended in the "End Date" box. When the minor or minors have been selected and both the "Start Date" and "End Date" have been entered, the "Load" button will become enabled or active.





The search efforts that correspond to the provided information will then be shown in the "Search Results" box. If there is no information in the "Search Results" box, after clicking "Load", then there will be no information to create a "Declaration of Due Diligence" with. If the search efforts were correctly recorded in CWS/CMS, then something in the information in the dialogue box is incorrect. The usual problem is that the "Start Date" and the "End Date" do not encompass the dates of the search. If data is shown in the "Search Results" box, click on the "OK" button in the top right corner of the dialogue box and the application will create a "Declarations of Due Diligence" report. A sample "Declaration of Due Diligence" document is in Chapter 9, Disposition.

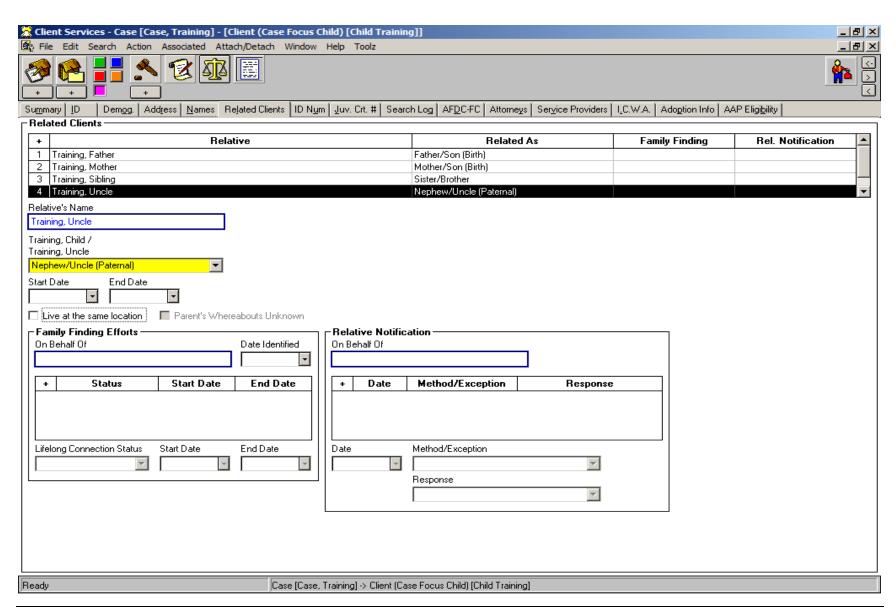
### **Adult Relative Notifications**

Under California Rules of Court (CRC) Rule 5.534, General provisions-all proceedings, paragraph (f), section (3)

When the whereabouts of an adult relative of the child is known the department should document and provide to the Court evidence of compliance with Welfare and Institutions Code section 309 and provide the relatives with all of the following.

- The written notice required by section 309 and the "Important Information for Relatives" document as distributed in California Department of Social Services All County Letter No. 09-86;
- A copy of Relative Information (form JV-285), with the county and address of the court, the child's name and date of birth, and the case number already entered in the appropriate caption boxes by the social worker; and
- *A copy of Confidential Information (form JV-287).*

To create and document compliance in CWS/CMS the user would first open the appropriate case. With the case open, open the child or children whose relative is being informed of the child's or children's' situation. Open the "Related Clients" page of the Child's notebook. An example, with the child's uncle selected follows.



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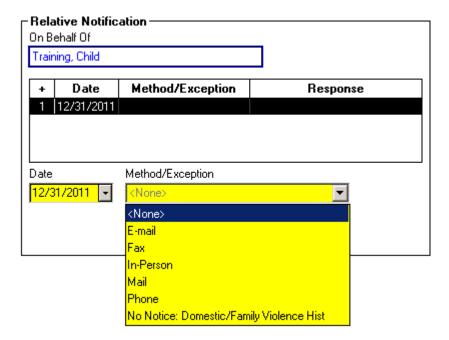
Relative Notification
On Behalf Of

Date Method/Exception
Response

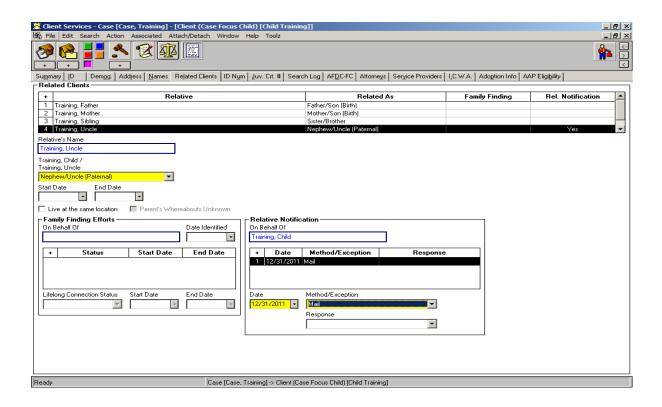
Click on the "+" in the top left of the grid in the "Relative Notification" information box.

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Enter the date of the notification and from the "Method/Exception" drop down menu select the appropriate answer.

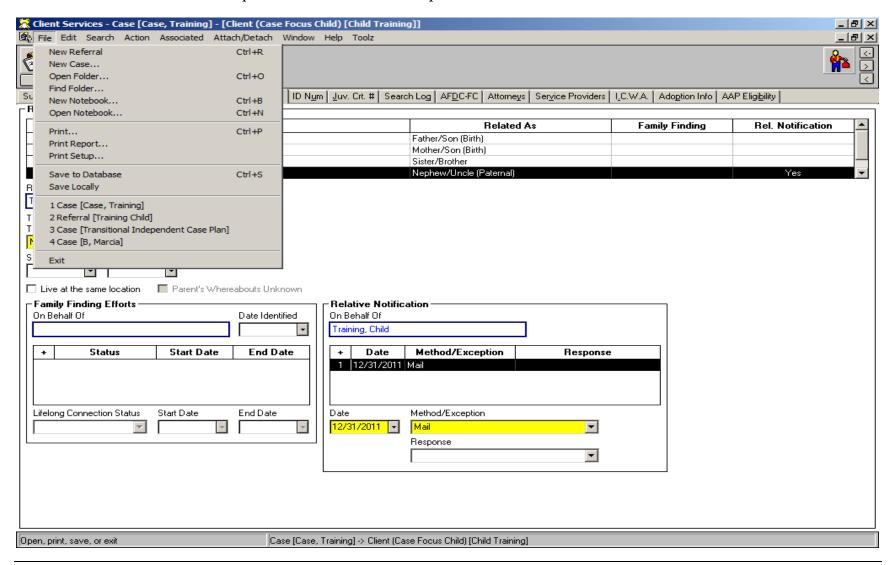


When the selection is completed, go to the "File" Action Menu.



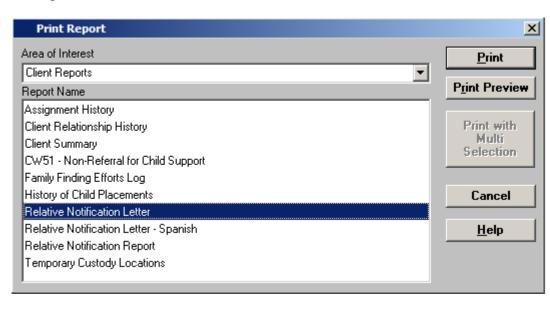
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From the "File" Action Menu drop down list, select "Print Report."



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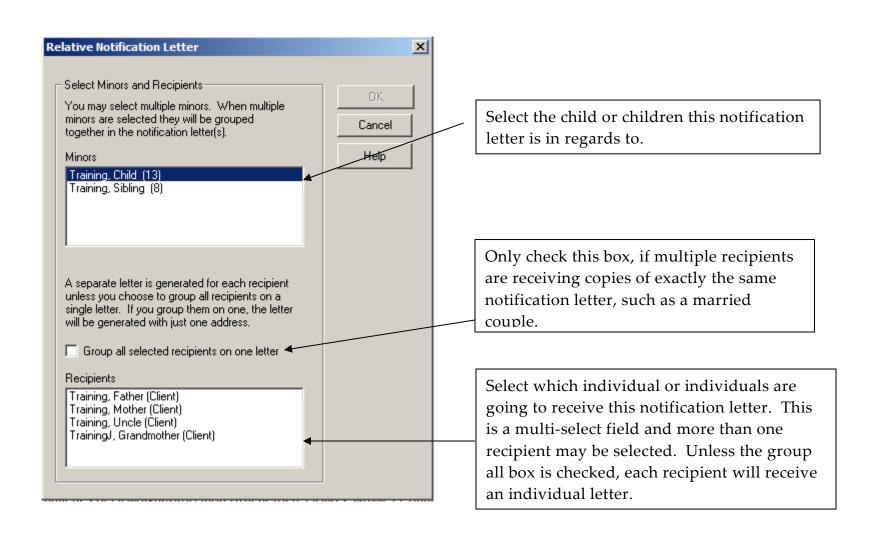
From the "Print Report" dialogue box, select "Relative Notification Letter" and click "Print Preview."



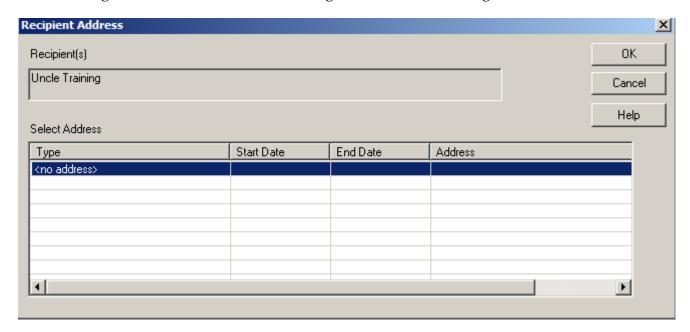


Selecting "Print," will create the document, without a chance to edit the document prior to printing.

Before creating the letter, the application will require more information. Complete the following dialogue box with the correct information.

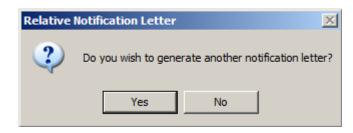


After clicking "OK", there will be a new dialogue box. Use this dialogue box to select the correct address for the recipient.



In this example, no address was saved to the database prior to trying to create the document. After making a selection, click the "OK" button in the top right of the dialogue box.

This will result in the final dialogue box in this series.



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If the grouping option had been used, and it was not necessary to create individual letters to other recipients, click on the "Yes" button. More commonly, the grouping option is not used, and the "No" button would be selected. That would result with the application creating the notification letter. Below is an example of the letter. The letter is a word document and may be edited as necessary.

December 31, 2011

**Uncle Training** 

Re: Child Training 06/07/1998

Dear Uncle Training:

I am a child welfare services social worker/probation officer for Consortium County. I am writing to tell you that Child Training has been temporarily removed from his or her parent(s)/legal guardian(s) and may be/has been placed in foster care.

We are required by law to notify relatives when a child is removed from their home and to tell the child's relative how they may help during this difficult time. A few of the ways that you can help include:

- Giving us information about other relatives and how we can contact them.
- Calling, writing or visiting the child.
- Offering yourself, or other relatives, as a possible permanent caregiver for the child.
- Giving support to both the child and parent(s)/legal guardian(s).

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You may also provide information directly to the juvenile court by either writing or attending a court hearing.

If you are interested in placement of the child in your home, there may be financial assistance or other services and/or supports available. The enclosed document, "Important Information for Relatives," gives more information that may help answer some of your questions about this situation and foster care.

This could be the only notice you get about this matter, so please contact me at the telephone number listed below as soon as you can if you desire to be involved. If you do not respond, you may not get another opportunity to participate. A "collect call" will be accepted. Your reply to this letter does not obligate you in any way.

Sincerely,

Susan W 800 No Way Orland, CA 95963 (530) 000-0000

Enc: "Important Information for Relatives"

### **Activities**

Go Activities Handout, Chapter 6.

## Mapped Documents, Process Maps and Cheat Sheets

Northern Training Region / Training Department 604 East Walker St Orland, California 95963 Susan Weekly (530) 555-1234 Weekly 2 DSS No. 5487854

#### SUPERIOR COURT OF CALIFORNIA COUNTY OF GLENN

1279 County Road K, Orland, California 95963

#### **JURISDICTION REPORT**

<b>Hearing Date</b>	<b>Hearing Time</b>	Dept./Room	<u>Hearing Type/Subtype</u>
10/15/2009	01:00pm	1	Jurisdiction / Continued,
			Contested

#### **IN THE MATTER OF**

<u>Name</u>	Date of Birth	<u>Age</u>	<u>Sex</u>	Court Number
Child Training	10/01/2001	8	M	J - 01254

#### **SUMMARY RECOMMENDATION**

#### **CHILD(REN)'S WHEREABOUTS**

#### **PARENTS/LEGAL GUARDIANS**

Name/
Birthdate
Mother Training
O1/01/1971
Father Training
O1/01/1970

(Alleged)/
Child

#### **INDIAN CHILD WELFARE ACT STATUS**

The Indian Child Welfare Act does or may apply.

<u>Child's Name</u>	<u>Indian</u>	<u>Tribe (If Known)</u>	<u>ICWA</u>
	<b>Child</b>		<u>Eligible</u>

**NOTICES** 

Name Relationship Method Notice Date

#### **SEARCH RESULTS/HISTORY**

Due Diligence Report attached.

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#### **LEGAL HISTORY**

300 WIC Subsection(s)

<u>Initial Removal</u> <u>Initial Detention Order</u> <u>Initial Jurisdiction Finding</u>

Child - 10/02/2009

<u>Initial Disposition Order</u> <u>Initial 364 FM Review</u> <u>Second 364 FM Review</u>

<u>Initial 366.21(e) – 6 Month FR</u> <u>Initial 366.21(f) – 12 Month FR</u> <u>Initial 366.22 – 18 Month FR</u>

Review Review Review

FR Services Terminated Non-Reunification Ordered

Initial Permanent Plan: Type/ Date Ordered Current Permanent Plan: Type/ Date Ordered

Additional Legal History

#### **REASON FOR HEARING**

#### PATERNITY/LEGAL RELATIONSHIPS

#### PRIOR CHILD WELFARE HISTORY

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#### **CRIMINAL HISTORY**

JURISDICTION
Allegation(s)
Supporting Evidence
Witness Statements
Child(ren):
Parents/Legal Guardians:
Social Worker:
Others: ASSESSMENT/EVALUATION

# Respectfully Submitted, By Susan Weekly, Social worker trainee, Weekly 2, (530) 555-1234 Date

Nyal Homsher, Program Manager, (530) 384-1485

Date

**RECOMMENDATION**