

Juvenile Dependency Flow Chart

SOCIAL SERVICES RESPONDS TO REFERRAL OF SUSPECTED CHILD ABUSE OR REMOVAL BY PEACE OFFICER OR PROBATION OFFICER

CHILD NOT IN CUSTODY

CHILD IN PROTECTIVE CUSTODY

NO PETITION FILED-DISSMISS WITH INFORMAL SUPERVISION/DISSMISS

DEPENDENCY PETITION FILED UNDER W&I §§300, 325

DETENTION/ INITIAL HEARING §319
(if child is in custody, occurs within 24 hours of filing of petition)

Jurisdiction hearing within 30 days calendar of petition for child not removed; 15 days of detention if removed. §334

PETITION DISMISSED
(court may dismiss/set aside petition anytime before dependent turns 21) §390

JURISDICTIONAL HEARING §355

DISMISS WITH INFORMAL SUPERVISION/DISSMISS

DISPOSITIONAL HEARING §358

LEGAL GUARDIANSHIP ESTABLISHED §360; DECLARE DEPENDENCY OR DISMISS

DEPENDENCY NOT ESTABLISHED

CHILD DECLARED A DEPENDENT

CHILD IS NOT REMOVED FROM THE HOME

CHILD REMOVED FROM THE HOME

PLACED ON FAMILY MAINTENANCE §364
Review every 6 months; terminate jurisdiction unless conditions exist justifying initial assumption of jurisdiction (Removal under §387 petition, repeat from beginning)

FAMILY REUNIFICATION REVIEW HEARING
Every six months. Return unless substantial risk of detriment. §§ 366.21(e), (f), 366.22, 366.25

BYPASS REUNIFICATION SERVICES §361.5(b)

LEGAL GUARDIANSHIP;
Court may dismiss or retain dependency jurisdiction. §366.3(a)-(c), 366.4

ADOPTION FINALIZED

TRIBAL CUSTOMARY ADOPTION,
afforded full faith and credit §366.3.(a)

DEPENDENCY STATUS DISMISSED

PERMANENCY PLANNING/ W&I 366.26 HEARINGS
PERMANENT PLAN OPTIONS:

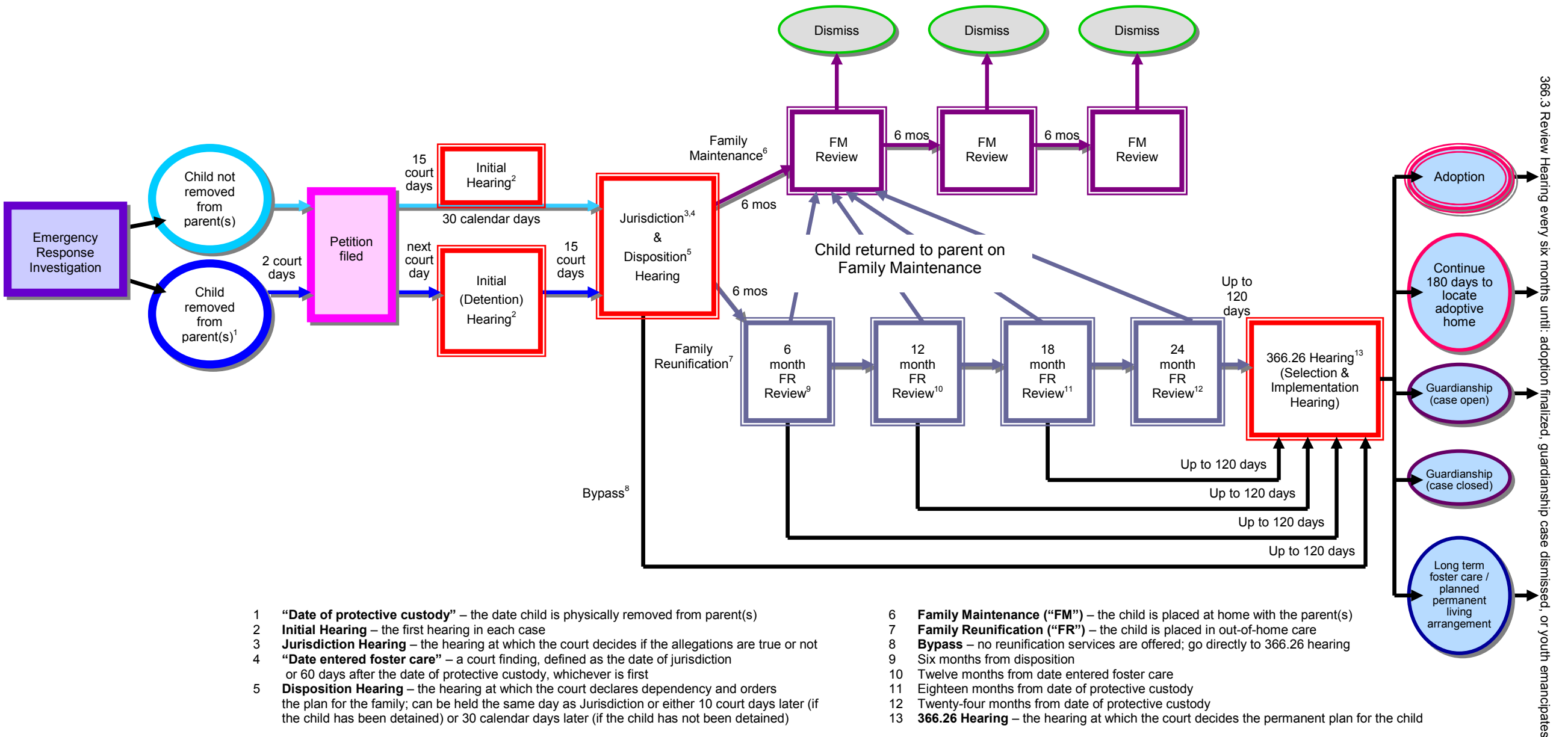
- ADOPTION (PARENTAL RIGHTS TERMINATED)
- TRIBAL CUSTOMARY ADOPTION
- LEGAL GUARDIANSHIP
- PLACEMENT WITH FIT AND WILLING RELATIVE
- PLACEMENT IN FOSTER CARE WITH A PERMANENT PLAN OF adoption/legal guardianship/placement with fit and willing relative/tribal customary adoption
- ANOTHER PLANNER PERMANENT LIVING ARRANGMENT IF AGE 16 ≤

PERMANENT PLAN REVIEW HEARING 366.3;
Court must identify a permanent plan
Review every six months; Consider new .26

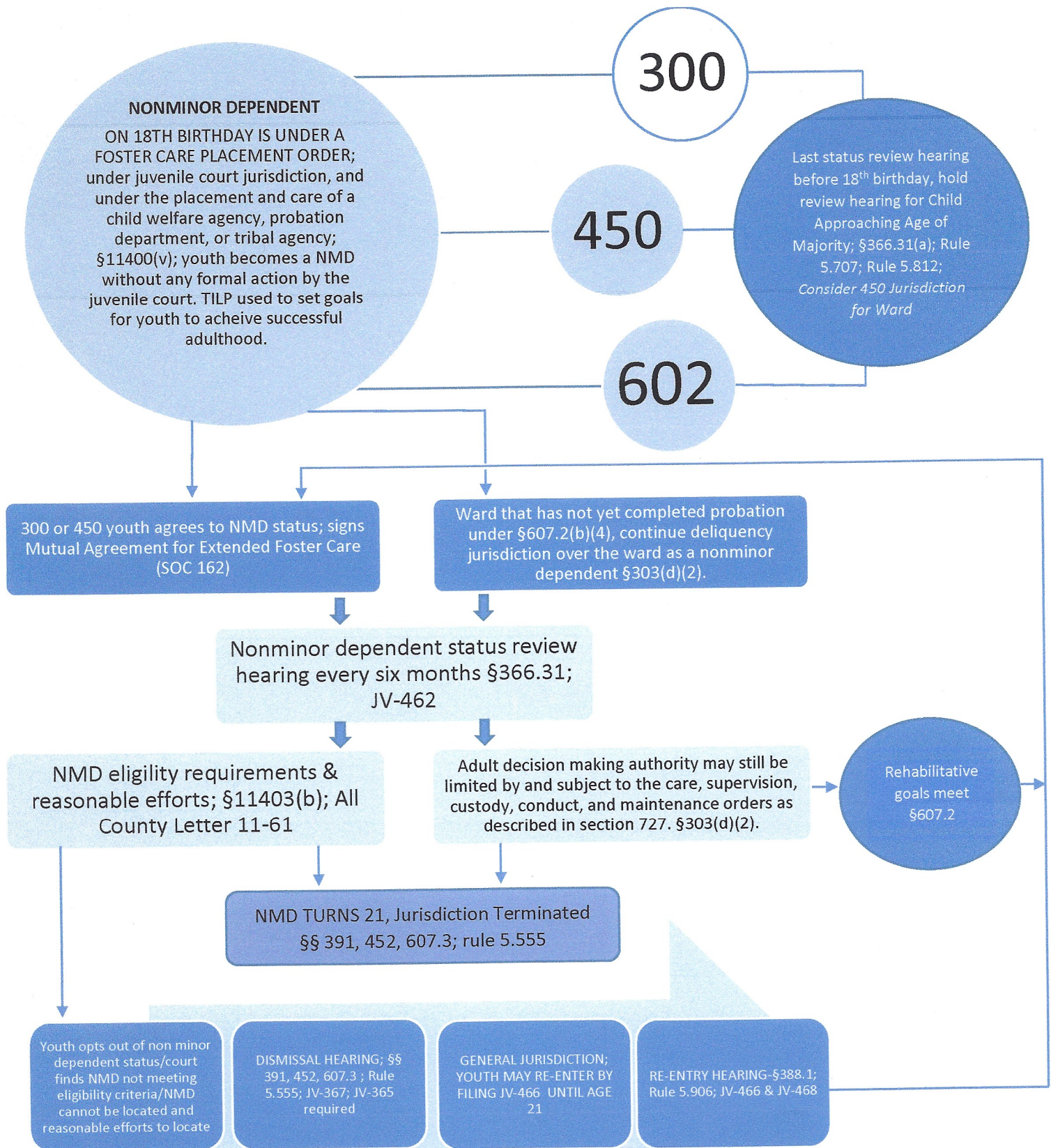
No .26 required if clear and convincing evidence of a compelling reason that a .26 hearing is not in the child's best interest and child not a proper subject for adoption or guardianship.

BECOMES NONMINOR DEPENDENT AT 18 (SEE NMD FLOW CHART)

Juvenile Dependency Court Process



Nonminor Dependent Flow Chart



*A nonminor may still continue under juvenile court jurisdiction as a ward or dependent until his or her 21st birthday without meeting the requirements for status as an NMD, but will be ineligible for federal AFDC-FC funding. §§ 303, 607.

*All statutory references are to the Welfare and Institutions Code and all rule references are to the California Rules of court

Additional Resources

Advokids.org

An 8 hour training covering basic dependency law and procedure for attorneys new to dependency law or those seeking a refresher course. Organized around each stage of a dependency case, this course covers the issues that regularly arise and the procedures that apply at each stage of the case. This training is designed to give attorneys an introduction to the statutes, rules of court, and case law applicable to dependency proceedings. This training will touch on child development issues: what constitutes child abuse and neglect, substance abuse, domestic violence, and mental health issues. The course will also address family reunification and preservation, reasonable services, and the importance and impact of these issues within the child welfare system.

Administrative Office of the Courts

Publication: Dependency Quick Guide: A Dogbook for Attorneys Representing Children and Parents

Website: California Dependency Online Guide (CalDog)
www.courts.ca.gov/dependencyonlineguide

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California Juvenile Courts Practice and Procedure

Contra Costa Juvenile Advocates

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