

**2011 New Laws Workshop  
Tier 1 Bills**

**Juvenile**

**AB 212 (Beall)**  
**Chapter 459, Statutes of 2011**  
**California Fostering Connections to Success Act**

**Effective: 1/01/2012**

**Summary Description of New Law**

Clarifies provisions of the California Fostering Connections to Success Act (AB 12 (Beall and Bass), Stats. 2010, ch. 559). Clarifies (1) the requirements for a youth to be eligible for extended care consistent with federal requirements; (2) the process by which a nonminor can re-enter foster care and petition the court for reinstatement of jurisdiction; and (3) the process for providing extended care to eligible delinquent youth in foster care and establishes a new jurisdictional status for youth exiting delinquency into extended care. Conforms provisions relating to Kin-GAP guardianships in the delinquency statutes to reflect federal requirements. Restores a provision erroneously deleted from law that allows youth in Kin-GAP guardianships to receive support up to age 19 if they are in the process of completing high school or an equivalency certificate. Takes effect immediately as an urgency measure, but most of the key provisions in the measure become operative on January 1, 2012.

	Existing Law	New Law	Impact on Court
1	<p><b>Referral of child welfare cases for child support collection</b></p> <p>Requires the referral of cases involving foster children to the local child support agency for collection of child support from the parent(s) or guardian with specific exceptions.</p> <p>Family Code § 17552</p>	<p><b>No referral for child support collection of nonminor dependent cases</b></p> <p>Provides that nonminor dependents are not children for purposes of these referral requirements, and that their cases shall not be referred for child support collection.</p> <p>Family Code § 17552</p>	<p>Minimal court impact; courts should not see any change in referrals to the child support agency based on a new status of nonminor dependent.</p>

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p>2 <b>Joint protocol for determining jurisdiction of dual eligible minors</b></p> <p>Requires the county probation department and child welfare services department to have a jointly developed protocol to determine the status of a minor who appears to come within the description of both the dependency and delinquency statutes. Requires this protocol to include provisions for making a request to the court to consider a change in the minor’s status.</p> <p>Welfare and Institutions Code § 241.1</p>	<p><b>New requirements for inclusion in joint protocol</b></p> <p>Specifies new elements that must be included in the protocol pertaining to the supervision of youth who exit delinquency jurisdiction and become subject to the court’s jurisdiction as a dependent or a transition jurisdiction youth. Requires the protocol to address which agency and which court will supervise these youth, and a specific process to address the supervision of nonminor dependents who become subject to adult probation supervision.</p> <p>Specifies that whenever a court modifies the basis of its jurisdiction over a dependent or ward who is in a foster care placement that the court ensure that the following conditions are met:</p> <p>(1) The petition in place at the time the child was removed from his or her parent or</p>	<p>Judges and judicial officers should be made aware of the revised Welfare and Institutions Code section 241.1 protocols as well as the required findings to be made at hearings to modify jurisdiction. Courts may also need to add or modify language to case management systems and minute order forms.</p>

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	<p>guardian and placed in foster care is not dismissed until the new petition is sustained; and</p> <p>(2) The court's order modifying the child's jurisdiction contains (a) reference to the original removal findings, (b) a statement that the child continues to be removed from the parent, and (c) identification of the agency that is responsible for the placement of the child as a result of the modification. [These conditions are to ensure that the child remains eligible for federal foster care support despite the jurisdictional change.]</p> <p>Welfare and Institutions Code § 241.1</p>	
<p><b>3 Process for reinstating active jurisdiction for nonminor dependents and wards</b></p>	<p><b>Process for reinstating active jurisdiction for nonminor dependents and wards</b></p>	

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Existing Law	New Law	Impact on Court
<p>Provides that, on or after January 1, 2012, a court terminating dependency or delinquency jurisdiction over a nonminor who was in a foster care placement shall authorize a trial period of independence up to the day before the nonminor's 21st birthday to allow the nonminor to petition the court to reinstate dependency or delinquency jurisdiction pursuant to section 388. Allows the nonminor to file the petition in either the county where he or she resides, or the county that has jurisdiction. If the petition is filed in a county other than the county with jurisdiction, requires that county to transmit the petition to the other court within five court days of filing. Requires the court to set a hearing if there is a prima facie showing that the nonminor satisfies at least one of the eligibility criteria to be a nonminor dependent in section 11403.</p>	<p>Provides that on or after January 1, 2012, the court may terminate its dependency, delinquency, or transition jurisdiction over a nonminor before the nonminor reaches age 21, but the nonminor shall remain within the general jurisdiction of the court to allow for the nonminor to enter a voluntary reentry agreement with the agency and/or to file a reentry petition with the court to allow the nonminor to re-enter jurisdiction as a nonminor dependent subject to the court's dependency or transition jurisdiction. If the nonminor completes a voluntary reentry agreement, requires the agency to file the section 388 petition on behalf of the nonminor within 15 judicial days of signing the agreement unless the nonminor elects to file the petition at an earlier date. Clarifies that when a nonminor provides the petition to a court other than the</p>	<p>Judges, judicial officers, and court staff will need to be aware of the change regarding the court's jurisdiction. Courts may see an increase in the filing of 388 modification petitions as nonminor dependents choose to have dependency or transition jurisdiction reinstated. Courts will need a procedure/protocol for processing petitions filed in a court other than the court retaining jurisdiction. Judges, judicial officers, and court staff should be made aware of the time frames involved regarding the initial hearing on the 388 petition as well as any continuances.</p>

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Existing Law	New Law	Impact on Court
Welfare and Institutions Code §§ 303, 366.31, and 388	court with jurisdiction, the petition is not filed, but simply submitted, and the receiving court shall transmit it to the other court within 5 court days. Requires the court to set a hearing on the petition within 15 court days of filing if there is a prima facie showing that: (1) the nonminor was within the jurisdiction of the court subject to a foster care placement order at age 18 and is within the age limits of eligibility (up to age 19 in 2012, age 20 in 2013, and age 21 in 2014 if the Legislature funds extension to age 21 in the budget); (2) the nonminor intends to satisfy one of the eligibility criteria in section 11403; and (3) the nonminor wants assistance in securing a placement and agrees to supervised placement. Provides that the court shall not grant a continuance that would cause the resumption of jurisdiction to take place more than 120 days after the petition was	

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Existing Law	New Law	Impact on Court
	<p>submitted to the court.</p> <p>Welfare and Institutions Code §§ 303, 366.31, and 388</p>	
<p>4 <b>Notice to parents required for re-entry petition unless nonminor objects</b></p> <p>Provides that notice of a hearing on a 388 petition to reinstate jurisdiction shall not be provided to parents or former guardians if the nonminor objects.</p> <p>Welfare and Institutions Code § 388</p>	<p><b>Notice to parents of re-entry petition prohibited unless nonminor requests</b></p> <p>Provides that notice of a hearing on a 388 petition to reinstate jurisdiction shall not be provided to parents or former guardians unless the nonminor requests such notice on the face of the petition.</p> <p>Welfare and Institutions Code § 388</p>	<p>Court staff will need to make sure notice is not sent to parents or former guardians unless specifically requested. The procedure for notice should be incorporated into procedures developed for filing and calendaring of petitions under this section.</p>
<p>5 <b>Telephonic appearances for hearings on re-entry petitions</b></p> <p>Requires the Judicial Council to adopt a rule of court to allow for telephonic appearances by nonminors in proceedings to determine whether the re-entry</p>	<p><b>Telephonic appearances for nonminor dependent proceedings generally</b></p> <p>Requires the rule to be expanded to allow nonminor dependents to appear telephonically in any proceeding in which the nonminor is a party and declines to attend the hearing but elects to appear by</p>	<p>Courts need to determine how to implement the rule of court allowing for telephonic access in the courtrooms. Courts should also have a protocol for informing the judges and judicial officers of the nonminor</p>

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Existing Law	New Law	Impact on Court
<p>petition will be granted. Welfare and Institutions Code § 388</p>	<p>telephone. Welfare and Institutions Code § 388</p>	<p>dependent’s request to appear telephonically.</p>
<p><b>6 Hearing prior to terminating dependency for nonminor dependent</b></p> <p>Requires, beginning January 1, 2012, the court to maintain dependency or delinquency jurisdiction over a nonminor unless the nonminor does not wish to remain under such jurisdiction, or cannot be located. Requires that a hearing pursuant to Section 391 must be held before jurisdiction can be terminated. Provides that a nonminor under 21 for whom dependency or delinquency jurisdiction is terminated shall be within the jurisdiction of the court until age 21, and requires the court to authorize a trial period of departure from foster care for the nonminor that extends until the day prior to the nonminor’s 21<sup>st</sup> birthday unless the court finds it</p>	<p><b>Hearing prior to terminating dependency for nonminor dependent</b></p> <p>Clarifies provisions enacted last year which take effect January 1, 2012. Provides that the nonminor may elect a telephonic appearance rather than being present in court. Requires the county welfare department to submit a report describing whether it is in the non minor’s best interest to remain a dependent which shall include a transitional independent living case plan when the report proposes continuing dependency. If the department recommends termination of dependency jurisdiction, requires the agency to document its efforts to maintain the nonminor’s eligibility to remain a dependent pursuant to section</p>	<p>Requires additional findings and orders by the court. Courts may need to add or modify language to case management systems and minute order forms to incorporate the required findings.</p>

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<p>is not in the non-minor’s best interests. Requires the county welfare department to report on its efforts to provide the documents and services required prior to termination of jurisdiction at any hearing to terminate, and at each review hearing between ages 18 and 21 for a nonminor that remains within the court’s jurisdiction.</p> <p>Welfare and Institutions Code § 391</p>	<p>11403. If the nonminor does not wish to remain a dependent, the report shall address the manner in which the nonminor was advised of the available options, including the option to re-enter via a section 388 petition. Requires the court to continue its dependency jurisdiction over any minor who is eligible unless the court finds that (1) the nonminor does not wish to remain a dependent, or (2) the nonminor is not participating in a reasonable and appropriate transitional independent living case plan. Requires the court to make findings before terminating that the nonminor has been informed of the available options, and has had an opportunity to confer with counsel. Provides that the court may terminate jurisdiction if it finds that the nonminor cannot be located after reasonable and documented efforts. Provides that the court shall maintain general jurisdiction over</p>	

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	<p>the nonminor after the dependency jurisdiction is terminated for the purpose of allowing the nonminor to file a 388 petition to re-enter dependency jurisdiction.</p> <p>Welfare and Institutions Code § 391</p>	
<p><b>7 Juvenile court jurisdictional statutes</b></p> <p>Provides that the juvenile court may assert its jurisdiction over a child as a dependent child pursuant to section 300 or a delinquent ward pursuant to sections 601 or 602.</p> <p>Welfare and Institutions Code §§ 300, 303, 601, and 602</p>	<p><b>Transition jurisdiction</b></p> <p>Defines a new statutory basis for juvenile court jurisdiction. Provides that a minor or nonminor who satisfies all of the following conditions may be within the transition jurisdiction of the juvenile court:</p> <ul style="list-style-type: none"> <li>The minor is a ward who is older than 17 years and 5 months of age and younger than 18 years of age and is in a foster care placement, or the nonminor is a ward in foster care placement who was subject to a foster care placement order at age 18 and</li> </ul>	<p>Judges, judicial officers, court staff, probation departments, and welfare departments need to be informed about a minor or nonminor’s eligibility and possible status under the new definitions of “transition dependent” and “nonminor dependent.” Courts need to develop procedures under the new Welfare and Institutions Code section 451 (see no. 8 below).</p>

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Existing Law	New Law	Impact on Court
	<p>is younger than 19 in 2012, younger than 20 in 2013, and younger than 21 in 2014.</p> <ul style="list-style-type: none"><li>• The ward was removed from his or her parents and ordered into foster care placement as a ward, or the ward was a dependent child in foster care at the time he or she became a ward.</li><li>• The ward's rehabilitative goals have been met and delinquency jurisdiction is no longer required.</li><li>• If the ward is a minor, reunification services have been terminated, a hearing to terminate parental rights has not been set, guardianship is not the ward's permanent plan, return of the child to the physical custody of the parents or guardian would create a substantial risk of</li></ul>	

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	<p>detriment to the child, and the minor has indicated an intent to sign a mutual agreement to allow for continued jurisdiction as a nonminor dependent. If the ward is a nonminor, he or she has signed a mutual agreement or a voluntary reentry agreement.</p> <p>Provides that a minor who is subject to the court’s transition jurisdiction shall be referred to as a “transition dependent,” and a nonminor subject to that jurisdiction shall be referred to as a nonminor dependent.</p>	
<p><b>8 Transition jurisdiction procedures</b> No existing law.</p>	<p><b>Transition jurisdiction procedures</b> Provides that a court, at any hearing at which termination of delinquency jurisdiction for an eligible ward is being considered, may as an alternative modify its jurisdiction to transition jurisdiction. Specifies that</p>	<p>Requires development of new procedures to modify jurisdiction pursuant to Welfare and Institutions Code section 241.1 and Welfare and Institutions Code section 451. Courts may need to add or modify language</p>

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Existing Law	New Law	Impact on Court
	<p>a minor or nonminor who is subject to transition jurisdiction shall not be subject to any terms or conditions of probation, and shall have his or her case managed as a minor or nonminor dependent's case would be managed. Requires each county to modify its Welfare and Institutions Code section 241.1 protocol to include a provision for determining which agency shall supervise persons subject to transition jurisdiction. Provides that counsel for the minor or nonminor shall be appointed pursuant to Welfare and Institutions Code section 317 (which governs appointment of counsel for dependents). Requires the court, to the extent feasible, to provide for continuity of representation from delinquency to transition jurisdiction.</p> <p>Welfare and Institutions Code § 451</p>	<p>to case management systems and minute order forms to incorporate the required findings when it is determined a ward will be placed in transition jurisdiction. Courts may also need to work with juvenile attorneys to facilitate continuous representation during transition jurisdiction proceedings.</p>
<p>9 <b>Termination of dependency</b></p>	<p><b>Termination of transition</b></p>	

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p><b>jurisdiction over nonminor</b></p> <p>Requires a hearing at which the court must make specified findings (see no. 6 above).</p> <p>Welfare and Institutions Code § 391</p>	<p><b>jurisdiction over nonminor</b></p> <p>Requires the court, prior to terminating jurisdiction over a nonminor dependent who is subject to transition jurisdiction to follow the same procedures that apply to a nonminor dependent pursuant to section 391 (see no. 6 above).</p> <p>Welfare and Institutions Code § 452</p>	<p>Court hearings will increase as more dependents are eligible and/or placed in transition jurisdiction.</p>
<p>10 <b>Terminating delinquency jurisdiction over wards in foster care or who were in foster care at time of wardship</b></p> <p>Requires, on or after January 1, 2012, the court, when considering whether to terminate its jurisdiction over a delinquent minor ward who is either (1) placed in foster care after being removed from his or her parent or guardian, or (2) had been removed from his or her parents and placed in foster care as a dependent child immediately prior to being adjudged a delinquent ward, to consider as an</p>	<p><b>Terminating delinquency jurisdiction over wards in foster care or who were in foster care at time of wardship</b></p> <p>Requires, on or after January 1, 2012, the court to hold a hearing before terminating delinquency jurisdiction over a ward who is in a foster care placement or was a dependent child in foster care at the time delinquency jurisdiction was established. Provides that at that hearing the court may take the following actions:</p> <p>(1) Modify to transition</p>	<p>Courts will see an increase in delinquency termination hearings when ward is in foster care or will be transitioning to dependency status. Courts may also see an increase in hearings to review the welfare department’s decision to file or not file dependency petitions for specified wards. Procedures will need to be established to modify jurisdiction and/or reinstate the</p>

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<p>alternative to termination, modifying its jurisdiction to declare the child a dependent child. If the court finds that the ward no longer requires delinquency supervision, and the child is at risk of abuse or neglect and cannot be returned home safely, requires the court to set a hearing pursuant to Section 241.1 to determine whether a modification of jurisdiction is appropriate. If the court determines that it is appropriate to assert dependency jurisdiction, requires it be done pursuant to a petition filed pursuant to Section 387 or 388. Requires the county protocols for Section 241.1 to specify the process for determining which agency (child welfare or probation) and court shall supervise dependent children whose jurisdiction was modified under this authority.</p> <p>Welfare and Institutions Code §§ 241, 388, 727.2, and 785</p>	<p>jurisdiction if the ward is eligible;</p> <p>(2) If the child has not previously been a dependent child, order the child’s attorney or the probation department to submit an application to the child welfare department pursuant to section 329 to declare the child a dependent child if the court finds that the ward is a minor who is not eligible for transition jurisdiction and appears to come within the description of section 300 and cannot be returned home safely. Requires the court to set a hearing within 20 court days of that order to review the decision of the child welfare department, and if the court disagrees with the decision of the department not to file a 300 petition, it may order the</p>	<p>dependency case when necessary in case management systems.</p>

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Existing Law	New Law	Impact on Court
	<p>department to file the petition;</p> <p>(3) If the child was previously a dependent child, vacate the order terminating dependency jurisdiction and resume jurisdiction pursuant to section 300 based upon the prior petition;</p> <p>(4) Continue its delinquency jurisdiction over the ward and allow the ward to be a nonminor dependent, unless the ward does not wish to be a nonminor dependent or cannot be located;</p> <p>(5) Continue its delinquency jurisdiction without nonminor dependency; or</p> <p>(6) Terminate its delinquency jurisdiction if the ward does not fall into the other options.</p> <p>Requires that any modification of jurisdiction order comply with</p>	

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Existing Law	New Law	Impact on Court
	<p>the requirements of section 241.1 to ensure continuing eligibility for federal foster care funding (see no. 2 above). Requires that at the status review hearing closest to but no fewer than 90 days before the ward's 18th birthday the court consider the same alternative actions listed above for those wards who are in a foster care placement.</p> <p>Welfare and Institutions Code §§ 607.2 and 727.2</p>	
<p><b>11 Terminating delinquency jurisdiction over nonminor ward in foster care placement</b></p> <p>Provides that on or after January 1, 2012, the juvenile court shall have jurisdiction over all nonminor dependents (including nonminor wards in foster care) but may terminate dependency or delinquency jurisdiction of the non-minor, although the nonminor shall</p>	<p><b>Terminating delinquency jurisdiction over nonminor ward in foster care placement</b></p> <p>Requires the court, prior to terminating jurisdiction over a nonminor ward who is in a foster care placement as a nonminor dependent, to follow the same procedures that apply to a nonminor dependent pursuant to section 391 as well as a consideration of whether</p>	<p>Requires additional findings and orders by the court. Courts may need to add or modify language to case management systems and minute order forms to incorporate the required findings.</p>

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<p>remain within the jurisdiction of the court to allow the nonminor to file a petition pursuant to Section 388 to reinstate dependency or delinquency jurisdiction. Requires the court, when terminating dependency or delinquency jurisdiction over a non-minor dependent to authorize a trial period of independence away from foster care, which shall extend until the day prior to the date the non-minor will be 21 unless doing so is not in the nonminor's best interests.</p> <p>Welfare and Institutions Code §§ 303 and 366.31</p>	<p>the nonminor should become subject to the court's transition jurisdiction. (see no. 6 above).</p> <p>Welfare and Institutions Code § 607.3</p>	
<p><b>12 Establishment of guardianships in delinquency cases</b></p> <p>Authorizes the juvenile court in effectuating its permanency planning process for wards in out-of-home care to assess relatives for guardianships and order the ward into a guardianship that may be eligible for the Kinship Guardianship</p>	<p><b>Establishment of guardianships in delinquency cases</b></p> <p>Updates statutes regarding relative guardianships in delinquency cases to reflect recent changes in dependency statutes that make the guardianships eligible for federal subsidy by linking the requirements to the requirements for dependency</p>	<p>Requires courts and probation departments to review procedures for establishing guardianships in delinquency cases to ensure compliance with dependency guardianship guidelines.</p>

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Existing Law	New Law	Impact on Court
<p>Assistance Program (Kin-GAP). Welfare and Institutions Code §§ 727.31 and 728</p>	<p>guardianships rather than probate guardianships. Welfare and Institutions Code §§ 727.31 and 728</p>	
<p><b>13 Sealing of juvenile court records</b></p> <p>Provides guidelines for sealing court records, and states that sealed records shall not be open to inspection. Welfare and Institutions Code § 728</p>	<p><b>Access to sealed records for purpose of verifying jurisdictional status to allow reentry petition</b></p> <p>Allows the court to access a sealed juvenile court file for the purpose of verifying the prior jurisdictional status of a ward who is petitioning the court to resume jurisdiction. Provides that this access shall not be deemed an unsealing and shall not require notice to any other entity. Welfare and Institutions Code § 728</p>	<p>Judges, judicial officers, and court staff should be trained on their authority to access sealed records under this limited scope.</p>

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Probate and Juvenile

AB 458 (Atkins)  
Chapter 102, Statutes of 2011  
Guardianship

Effective: 01/01/2012

Summary Description of New Law

Prohibits a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. Establishes requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and specifies circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. Requires the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding. Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement the bill's inter-court communication provisions.

	Existing Law	New Law	Impact on Court
1	<p><b>Guardianship of a minor</b></p> <p>Authorizes a court, upon hearing of a petition, to appoint a guardian of a person or estate of the proposed ward in accordance with specified provisions of law governing the custody of a minor child.</p> <p>Probate Code § 1500 et seq.</p>	<p><b>Guardianship of a minor</b></p> <p>Prevents a parent from forum shopping following a child custody order by prohibiting a court from appointing a minor's parent as a guardian of the person of the minor in most circumstances.</p> <p>Probate Code § 1514(b)(2)</p>	<p>Alert judges and judicial officers, research attorneys, court investigators, probate examiners, and self-help center staff of this change in the law.</p> <p>Procedures will need to be developed to assist the court in determining if child custody or visitation proceedings are pending locally or in other counties.</p>

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Existing Law	New Law	Impact on Court
<p>2 <b>Venue</b></p> <p>Provides, pursuant to case law, that the proper venue for a guardianship proceeding involving a minor who had been the subject of an earlier custody proceeding in a dissolution action between the minor’s parents is the county where the dissolution was filed, not the county where the minor and the petitioner and proposed guardian resided when the guardianship action was filed.</p> <p><i>Greene v. Superior Court</i> (1951) 37 Cal.2d 307</p>	<p><b>Venue</b></p> <p>Specifies, in cases where a guardianship proceeding is filed in one county and a custody or visitation proceeding has already been filed in one or more other counties, the following procedures for determining venue:</p> <p>Creates a presumption that if a proceeding for guardianship is filed in the county where the proposed ward and proposed guardian has resided for at least six months prior to the commencement of the proceeding, the court in that county is the proper venue;</p> <p>Probate Code § 2204(a)(1)</p> <p>Creates an opposite presumption if the proposed ward and proposed guardian have resided in the county</p>	<p>Alert judges, judicial officers, research attorneys, court investigators, probate examiners, and self-help staff of this change in the law.</p> <p>Procedures will need to be developed to assist the court in determining if child custody or visitation proceedings are pending locally or in other counties.</p> <p>This will add a residency checklist item to the court investigator’s review.</p>

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	<p>for less than six months;</p> <p>Probate Code § 2204(a)(2)</p> <p>Allows the court to exercise its discretion in making the ultimate decision based on the court's determination of which venue location would be in the best interest of the minor.</p> <p>Probate Code § 2204(a)(1) and (2)</p>	
<p><b>3 Inter-court communications</b></p> <p>Provides that a guardianship or conservatorship proceeding may be transferred to another county upon petition to the court.</p> <p>Probate Code §§ 2211 and 2212</p> <p>Does not specify procedures for communications between courts to facilitate the determination of appropriate guardianship venue.</p>	<p><b>Inter-court communications</b></p> <p>Specifies the following scheme governing communications between the courts in these cases:</p> <p>Provides that the court where the guardianship proceeding is commenced must communicate concerning the proceedings with each court where a custody or visitation proceeding is on file prior to making its venue decision, including a determination of a petition to transfer filed before the</p>	<p>Procedures will need to be developed to assist the court in determining if child custody or visitation proceedings are pending in other counties. Questionnaires regarding custody or visitation issues may need to be developed to accompany petitions for guardianship.</p> <p>Procedures need to be developed for transmittal of a copy of the order appointing a guardian to each court where a custody or visitation</p>

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Existing Law	New Law	Impact on Court
	<p>appointment of a temporary or general guardian of the child's person.</p> <p>Probate Code § 2204(b)(1)</p> <p>Provides that if a petitioner or respondent, who is authorized to petition to transfer under Section 2212, petitions the court where the guardianship proceeding is filed for transfer of the guardianship after the appointment of a guardian, including a temporary guardian, the court in the guardianship proceeding may communicate with each court where a custody or visitation proceeding is on file before determining the petition for transfer.</p> <p>Probate Code § 2204(b)(2)</p> <p>Specifies that if the court in the guardianship proceeding appoints a guardian of the person of the minor, including a temporary guardian, the</p>	<p>proceeding is on file.</p> <p>Procedures need to be developed for processing a transmittal received from another court to ensure a guardianship order received from another county is filed in the case file for the custody or visitation proceeding.</p>

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	<p>court must transmit a copy of the order appointing a guardian to each court where a custody or visitation proceeding is on file, and each of those courts shall file the order in the case file for its custody or visitation proceeding.</p> <p>Probate Code § 2204(b)(3)</p> <p>Specifies that the provisions of subdivisions (b) to (e), inclusive, of Section 3140 of the Family Code shall apply to communications between courts under this subdivision.</p> <p>Probate Code § 2204(b)(4)</p> <p>Requires the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement these provisions.</p> <p>Probate Code § 2204(b)(5)</p>	<p><b>NOTE:</b> The reference to Section <b>3140</b> of the Family Code as stated in this bill is incorrect. It should be Section <b>3410</b>. Clean-up legislation to correct this cross-reference may be pursued in 2012.</p>

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<p>4 <b>Exclusive jurisdiction</b></p> <p>Establishes, through case law, the principle that when a court has appointed a guardian of the person of a child, no other court may interfere with the guardian’s custody so long as the guardianship appointment is in effect.</p> <p><i>Greene, supra</i>, 37 Cal.2d at 311; <i>Browne v. Superior Court</i> (1940) 16 Cal.2d 593, 597–598</p>	<p><b>Exclusive jurisdiction</b></p> <p>Codifies this principle by explicitly authorizing the court that appointed the guardian to have exclusive jurisdiction over all custody or visitation matters involving the minor until the guardianship proceeding is terminated.</p> <p>Probate Code § 2205(a)</p> <p>Clarifies that the above new provision does not impact current law governing the consolidation of probate guardianship and adoption proceedings.</p> <p>Probate Code § 2205(b)</p>	<p>Alert judges, judicial officers, research attorneys, court investigators, probate examiners, and self-help staff of this change in the law.</p>

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Tier 2 Bills**

**Juvenile**

**AB 791 (Ammiano)**  
**Chapter 59, Statutes of 2011**  
**Dependent children: birth certificates**

**Effective: 01/01/2012**

**Summary Description of New Law**

Requires the court, at the time that reunification services to parents are denied or terminated, to order that the child's caregiver be provided with the child's birth certificate, and if appropriate, that it be provided to the child if the child is 16 years of age or older.

	Existing Law	New Law	Impact on Court
<b>1</b>	<p><b>Provision of birth certificate to caregiver</b></p> <p>Provides that caregivers should have a copy of the child's birth certificate as proof of age so that enrollment in school and other activities can be carried out. Requires the county welfare department to provide the caregiver with a copy of the child's birth certificate within 30 days of the agency receiving it.</p> <p>Welfare and Institutions Code §§ 16010.4 and 16010.5</p>	<p><b>Provision of birth certificate to caregiver</b></p> <p>Requires the court to order that the caregiver be given the child's birth certificate at the time that reunification services to the parents are ended, or if services are denied, at the time the court determines that they will not be provided.</p> <p>Welfare and Institutions Code §§ 361.5 (j) and 366.21(h)</p>	<p>Requires additional order by the judge or judicial officer at specified hearings; may require additional inquiry at subsequent hearings to ensure compliance by the county welfare department.</p>
<b>2</b>	<p><b>Provision of birth certificate to dependent child exiting</b></p>	<p><b>Provision of birth certificate to child 16 or older ordered at time</b></p>	

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**Juvenile**

Existing Law	New Law	Impact on Court
<p><b>dependency at age 18</b></p> <p>Requires the county welfare department to report to the court on its efforts to provide a secure transition for a dependent child exiting foster care and to specifically document whether the agency has provided the child with a series of documents including his or her birth certificate.</p> <p>Welfare and Institutions Code § 391</p>	<p><b>reunification ends</b></p> <p>Requires the court to order that the child be given his or her birth certificate at the time that reunification services to the parents are ended, or if services are denied, at the time the court determines that they will not be provided, if the child is 16 or older and the court deems it appropriate.</p> <p>Welfare and Institutions Code §§ 361.5 (j) and 366.21(h)</p>	<p>Requires the judge or judicial officer to determine the appropriateness of ordering the birth certificate be provided to a child age 16 or older at specified hearings; may require additional inquiry at subsequent hearings to ensure compliance by the county welfare department.</p>

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**Juvenile**

**SB 368 (Liu)**  
**Chapter 471, Statutes of 2011**  
**Developmental services: decisionmaking**

**Effective: 01/01/2012**

**Summary Description of New Law**

Allows the court to limit the developmental decisionmaking rights of a dependent child's parent or guardian and appoint an authorized representative to serve as the child's developmental services decisionmaker. Provides that person with the right to represent the child in seeking services from the regional centers under the Lanterman Developmental Disabilities Services Act. Additionally clarifies recently enacted legislation on the procedure to follow when there is a doubt as to the competency of a child alleged to be a delinquent child to provide that: (1) if an expert believes that a child is developmentally disabled the court shall appoint the director of the regional center to evaluate the child and report back to the court on the child's eligibility for services from the regional center, and (2) to clarify that eligibility determinations for regional or developmental center services must be established pursuant to the Lanterman Act and that a finding by a juvenile competency expert that a child is developmentally disabled does not supersede a determination by the regional center.

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p>1 <b>Appointment of authorized representative for developmental services</b></p> <p>Allows the court, at the initial hearing on the dependency petition and at any time afterward, to limit the right of the parent or guardian to make educational decisions for the child and appoint a responsible adult</p>	<p><b>Appointment of authorized representative for developmental services</b></p> <p>Expands this authority to allow the court to limit the right of the parent or guardian to make developmental services decisions for the child, and to appoint a responsible adult to make these decisions and serve as</p>	<p>Requires additional findings and orders if the court finds appointment of an authorized representative necessary. Clerk's Office staff may have expanded duties as new forms are developed.</p>	

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**Juvenile**

Existing Law	New Law	Impact on Court
<p>to make educational decisions on behalf of the child. Allows the court, if it cannot identify a responsible adult for this purpose, to make educational decisions itself.</p> <p>Welfare and Institutions Code §§ 319 and 361</p>	<p>the child’s authorized representative under the Lanterman Developmental Disabilities Services Act. Provides that this person has the right to access the child’s developmental services records, participate in the individual program plan (IPP) process and participate in the fair hearings process under the Lanterman Act. Allows the court to make developmental services decisions itself if a responsible adult cannot be located, provided that they are consistent with the child’s IPP if the child is receiving regional center services.</p> <p>Welfare and Institutions Code §§ 319 and 361</p>	
<p><b>2 Appointment of the regional center director as juvenile competency expert in delinquency proceedings</b></p> <p>Requires the juvenile court, when it declares a doubt as to the</p>	<p><b>Appointment of the regional center director as juvenile competency expert in delinquency proceedings</b></p> <p>Eliminates the requirement that the regional center director be appointed</p>	<p>Requires findings and order for referral to the regional center when a</p>

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Juvenile

Existing Law	New Law	Impact on Court
<p>competency of a minor subject to a delinquency petition on the basis of a developmental disability, to appoint the director of the regional center or his or her designee as the expert to evaluate the minor's competency.</p> <p>Welfare and Institutions Code § 709</p>	<p>to evaluate the competency of the minor, and instead provides that there is no authority to appoint the regional center to make determinations regarding competency. Requires the court, if the competency expert believes the minor is developmentally disabled to appoint the director of the regional center to determine whether the minor is eligible for services from the regional center, and if so, to provide a service plan. Clarifies that developmental services must be provided consistent with the Lanterman Act, and that a determination by an expert that a child is developmentally disabled does not supersede an independent determination of eligibility by the regional center.</p> <p>Welfare and Institutions Code § 709</p>	<p>minor is believed to have a developmental disability, subsequent to the referral regarding competency. Judges and judicial officers may need to be informed on the clarification regarding when the regional center is appointed for evaluations.</p>

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Juvenile

New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 177 (Mendoza)</b> Effective: 01/01/2012 <b>Chapter 258, Statutes of 2011</b> <b><u>Juveniles: parenting classes</u></b></p> <p>Expands the authority of the court to order parents to participate in anti-gang involvement parenting classes to allow the court to order any custodial parent or guardian of a minor with specified non-gang related offenses to take such classes if the court finds that there are significant risk factors for gang involvement for the minor.</p>	<p>Judges and judicial officers will have the duty to determine if factors exist to warrant participation in classes, although probation departments may bear the burden of identifying such risk factors during investigation.</p>
<p><b>AB 220 (Solorio)</b> Effective: 01/01/2012 <b>Chapter 356, Statutes of 2011</b> <b><u>Interstate Compact for Juveniles</u></b></p> <p>Extends the sunset date on the Interstate Compact for Juveniles until January 1, 2014, so that California may continue to be a member of the compact.</p>	<p>Informational only. Makes Interstate Compact for Juveniles operational in California for two additional years.</p>





