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Delinquency Proceedings—Title IV-E Findings: Legal Citations*

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FEDERAL Title IV-E of the Social Security Act, 42 U.S.C. § 670 et seq.	CALIFORNIA **Delinquency** Welf. & Inst. Code, § 602 et seq.	RESULT IF NO FINDING
Detention/Removal Hearings		
A. Court must make finding that continuance in the home of the parent or legal guardian would be contrary to the child's welfare. (42 U.S.C. § 672(a)(1)-(2).) This finding must be made at the time of the first court ruling authorizing removal of the child from the home. (45 C.F.R. § 1356.21(c).)	Continuance in the home of the parent or legal guardian would be contrary to the minor's welfare. (Welf. & Inst. Code, §§ 636(d), 11401(b)(3); Cal. Rules of Court, rule 5.760(c).) This finding must be made at the time of the first court ruling authorizing removal of the minor from the home. (Welf. & Inst. Code, § 636(d)(4).)	**Never** eligible for title IV-E funding (45 C.F.R. § 1356.21(c).)
B. Court must order that placement and care are the responsibility of the state agency or any other public agency with whom the responsible state agency has an agreement. (42 U.S.C. § 672(a)(1)-(2); 45 C.F.R. § 1356.71(d)(1)(iii).)	Temporary placement and care are vested with the probation officer pending disposition or further order of court. (Welf. & Inst. Code, § 636(d)(3)(B); Cal. Rules of Court, rule 5.760(e)(2), (f)(2).)	No funding until findings are made.
C. Court must make finding that reasonable efforts have been made to prevent or eliminate the need for removal. (42 U.S.C. §§ 671(a)(15), 672(a)(1)-(2); 45 C.F.R. § 1356.21(b)(1).) This finding must be made within 60 days of the date of removal. (45 C.F.R. § 1356.21(b)(1).)	Reasonable efforts have been made to prevent or eliminate the need for removal. (Welf. & Inst. Code, §§ 636(d)(2(B), 727.4(d)(5), 11401(b); Cal. Rules of Court, rule 5.760(e)(3).)	**Never** eligible for title IV-E funding. (45 C.F.R. § 1356.21(b)(1)(ii).)
Case Review/Status Review Hearings — D Findings		
Court must review child's status and safety no less frequently than once every six months from **the date the child entered foster care,** in order to make the recommended legal findings as set forth on side two, sections II and IV (42 U.S.C. §§ 671(a)(16), 675(5)(B); 45 C.F.R. §§ 1355.20, 1355.34(c)(2)(ii).)	Periodic status reviews must be held, and the required findings made, for minors in placement no less frequently than every six months from **the date the minor entered foster care** until termination of the case. (Welf. & Inst. Code, §§ 727.2(c), 11400(i); Cal. Rules of Court, rule 5.810(a).)	Failure to make findings will have financial consequences due to noncompliance with the state plan.
Permanent Plan Hearings — D Findings		
Court must hold a permanency hearing to select a permanent plan no later than 12 months from **the date the child entered foster care,** and must hold subsequent permanency plan hearings every 12 months thereafter. (45 C.F.R. §§ 1355.20, 1356.21(b)(2)(i); 42 U.S.C. § 675(5)(C), (F).) For a case in which no reunification services are offered, the permanency hearing must be held within 30 days of disposition. (45 C.F.R. § 1356.21(h)(2).)	A permanency planning hearing must be held, and the required findings made, within 12 months from **the date the minor entered foster care,** and subsequent permanency hearings must be held every 12 months thereafter. (Welf. & Inst. Code, §§ 727.3(a)(1), 11400(j); Cal. Rules of Court, rule 5.810(b).)	Funding stops unless findings are made.

Definition of "date the minor entered foster care":

Delinquency—The date the minor entered foster care is the date that is 60 days after the date on which the minor was physically removed from the home of the parent(s) or legal guardian(s) unless one of the following exceptions applies: (1) If the minor is detained pending initial foster care placement and remains detained for more than 60 days, then the date of entry into foster care is the date of the hearing at which placement is ordered. (2) If the minor is adjudged a ward; committed to a ranch, camp, school, or other institution; and remains in that facility for more than 60 days prior to placement in foster care, then the date of entry into foster care is the date the minor is physically placed in foster care. (3) If at the time the wardship petition is filed, the minor is a dependent of the juvenile court and in out-of-home placement, then the date of entry into foster care is the earlier of the date the juvenile court made a finding of abuse or neglect, or 60 days after the date on which the minor was removed from his or her home. (Welf. & Inst. Code, § 727.4(d)(4); Cal. Rules of Court, rule 5.502(9)(B).)

*This chart is based on laws in effect at the time of publication — July 15, 2010. Federal and state laws can change at any time. The chart was compiled by the Judicial Review and Technical Assistance project of the Administrative Office of the Courts' Center for Families, Children & the Courts, 455 Golden Gate Avenue, San Francisco, California 94102, 415-865-8836.

Delinquency Proceedings—Basic Title IV-E Findings to Ensure Compliance

Findings and orders must be based on sufficient supporting evidence, presented to the court by the probation department.

I. Detention/Removal Hearings. Make the following:

A. Continuance in the home is contrary to the minor's welfare.
B. Temporary placement and care are vested with the probation department.
C. Reasonable efforts have been made to prevent removal.

II. Prepermanency Hearing-Make the following:

D1. The minor's placement is necessary. The minor's current placement is appropriate.
D2. The department has complied with the case plan by making reasonable efforts to return the minor to a safe home & to complete whatever steps are necessary to finalize the permanent placement of the minor;
D3. The extent of progress made toward alleviating or mitigating the causes necessitating placement has been: by the father _____, by the mother _____, by the minor _____; and
D4. The likely date by which the minor may be returned to and safely maintained in the home *or* placed for adoption, appointed a legal guardian, placed permanently with a relative, or placed in an identified placement with a specific goal, is __/__/__.
D7. For minor 16 years of age or older: The court finds that the services set forth in the case plan include those needed to assist the minor in making the transition from foster care to independent living.

III. Permanency Hearing-Make the following:

D1. The minor's placement is necessary. The minor's current placement is appropriate.
D2. The department has complied with the case plan by making reasonable efforts to return the minor to a safe home & to complete whatever steps are necessary to finalize the permanent placement of the minor.
D3. The extent of progress made toward alleviating or mitigating the causes necessitating placement has been: by the father _____, by the mother _____, by the minor _____.
D5. The plan selected below is appropriate:

☐ a. An immediate return to the home is ordered as the permanent plan; ***or***
☐ b. The continuation of reunification services and the setting of a further permanency review hearing are ordered. There is a substantial probability that the minor will be returned within the next six months and the minor and his/her parent(s)/guardian(s) have demonstrated the capacity and ability to complete the objectives of the case plan. The court informed all parents present at the time of the hearing and further advises all parents that if the minor is not returned to the custody of a parent within the next six months a proceeding under Welf.& Inst. Code § 727.31 may be instituted, which could result in the termination of parental rights and adoption; ***or***
☐ c. Reunification services are terminated.
☐ (1) Permanent placement with _____, a fit and willing relative, with a specific goal of _____.(*Provide the relative's name and select a goal, e.g., adoption; legal guardianship; independent living with identification of a caring adult to serve as a lifelong connection; assisted adult living with identification of a caring adult to serve as a lifelong connection.*); or
☐ (2) Placement with_____, with a specific goal of _____. (*Provide the name of the placement and select a goal, e.g., return home; adoption; legal guardianship; placement with a relative; a less restrictive foster setting; independent living with identification of a caring adult to serve as a lifelong connection; assisted adult living with identification of a caring adult to serve as a lifelong connection.)*Based upon clear and convincing evidence already presented, a compelling reason exists for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor; ***or***
☐ d. Reunification services are terminated.
☐ (1) Adoption is identified as the permanent plan. The court finds by clear and convincing evidence that reasonable services were provided or offered to the parents. A hearing is set under the procedures described in Welf. & Inst. Code § 727.31 and an adoption assessment report is ordered; or
☐ (2) A legal guardianship shall be established. A hearing is set under Welf. & Inst. Code § 728(c) and a guardianship assessment report is ordered.

D6a. ☐ The likely date by which the agency will finalize the permanent plan is ___/__/__. (*Use this finding only for a minor with a plan of immediate return home under D5a.).*
D6b. ☐ The likely date by which the minor may be returned to and safely maintained in the home *or* placed for adoption, appointed a legal guardian, placed permanently with a relative, or placed in an identified placement with a specific goal is __/__/__. (*Use this finding only when the court continues reunification services under D5b.*).
D6c. ☐ The likely date by which the minor's specific goal will be achieved is__/__/__. (*Use this finding only for a minor with a specific goal under D5c.).*
D6d. ☐ The likely date by which the minor may placed for adoption or appointed a legal guardian is __/__/__. (*Use this finding only when the court terminates reunification services under D5d.).*
D7. For minor 16 years of age or older: The court finds that the services set forth in the case plan include those needed to assist the minor in making the transition from foster care to independent living.

IV. Postpermanency Hearing-Make the following:

D1. The minor's placement is necessary. The minor's current placement is appropriate.
D2. The department has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the minor.
D5. The permanent plan selected below is appropriate and ordered:

☐ a. An immediate return to the home; ***or***
☐ b. Adoption as ordered at the hearing held under Welf. & Inst. Code § 727.31; ***or***
☐ c. Legal guardianship as ordered at the hearing held under Welf. & Inst. Code § 728 with a specific goal of_____ (*Select a goal, e.g., dismissal of delinquency or adoption*); **or**
☐ d. Permanent placement with _____ , a fit and willing relative, with a specific goal of _____ (*Provide the relative's name and select a goal e.g., adoption; legal guardianship; independent living with identification of a caring adult to serve as a lifelong connection; assisted adult living with identification of a caring adult to serve as a lifelong connection.*); ***or***
☐ e. Placement with_____, with a specific goal of _____. (*Provide the name of the placement and select a goal e.g., return home; adoption; legal guardianship; placement with a relative; a less restrictive foster setting; independent living with identification of a caring adult to serve as a lifelong connection; assisted adult living with identification of a caring adult to serve as a lifelong connection.)* The court finds by clear and convincing evidence, based upon the evidence already presented to it that there is a compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor.

D6a. ☐ The likely date by which the department will finalize the permanent plan is __/__/__. (*Use this finding for a minor with a plan of immediate return home under D5a or adoption under D5b.).*
D6c. ☐ The likely date by which the minor's specific goal will be achieved is__/__/__. (*Use D6c finding only for a minor with a specific goal under D5c, D5d, or D5e.).*
D7. For minor 16 years of age or older: The court finds that the services set forth in the case plan include those needed to assist the minor in making the transition from foster care to independent living.