

# **10 Summary of California Law (10th), Parent and Child**

## **I. INTRODUCTION**

**A. [§1] Scope and Placement of Subject Matter.**

**B. [§2] The Family Code.**

**C. Neglected and Abused Children.**

**1. [§3] In General.**

**2. [§4] Public Welfare Services.**

**2A. [§4A] (New) Federal Programs and Services for Alien Children.**

**3. [§5] Child Abuse Prevention.**

**4. [§6] No Civil Rights Action Against State.**

**5. [§7] Commentary.**

**D. Foster Homes and Foster Parents.**

**1. [§8] Nature of Foster Care Relationship.**

**2. [§9] Rights and Responsibilities of Foster Parents.**

**3. [§10] Rights of Foster Children.**

**4. [§11] Programs for Foster Children.**

**E. [§12] Parental or Marital Rights of Prisoners.**

## **II. PARENT AND CHILD RELATIONSHIP**

**A. Legitimacy and Legitimation.**

**1. In General.**

**(a) [§13] Nature and Effect of Classification.**

**(b) [§14] Child of Artificial Insemination Is Legitimate.**

**2. Estoppel.**

**(a) [§15] Stepfather as Father by Estoppel.**

**(b) [§16] Estoppel To Assert Paternity.**

**B. Uniform Parentage Act.**

**1. In General.**

**(a) [§17] Development of Law.**

**(b) [§18] Parent and Child Relationship.**

**(c) [§19] General Provisions.**

**2. Parental Relationship of Natural Mother.**

**(a) [§20] In General.**

**(b) Surrogate Mother.**

**(1) [§21] In General.**

**(2) [§22] Where Intended Mother is Genetic Mother.**

**(3) [§23] Where Intended Mother Is Not Genetic Mother.**

**(4) [§23A] (New) Assisted Reproduction Agreements for Gestational Carriers.**

**3. Parental Relationship of Natural Father.**

**(a) [§24] In General.**

**(b) Conclusive Presumption: Child of Wife Cohabiting With Husband.**

**(1) [§25] Nature and Effect.**

**(2) [§26] Constitutional Challenges.**

**(3) [§27] Cohabitation Requirement.**

**(4) Exceptions.**

- (aa) [§28] Policy Exception.
      - (bb) [§29] Impotence or Sterility.
      - (cc) [§30] Blood Test Disproving Paternity.
    - (c) Paternity by Voluntary Declaration.
      - (1) [§31] In General.
      - (2) [§32] Declaration of Paternity at Birth.
      - (3) [§33] Effect of Declaration.
      - (4) [§34] Rescinding or Setting Aside Declaration.
    - (d) Rebuttable Presumptions.
      - (1) [§35] In General.
      - (2) [§36] Nonbiological Father as Presumed Father.
      - (2A) [§36A] (New) Biological Father as *Kelsey S.* Father.
      - (3) [§37] Birth During Marriage.
      - (4) [§38] Subsequent Marriage.
      - (5) [§39] Reception into Home.
      - (6) [§40] Child in Utero.
      - (7) [§41] Blood Test Paternity Index of 100 or More.
    - (e) [§42] No Presumption in Cases of Rape.
  - 4. Parental Relationship of Father by Artificial Insemination.
    - (a) [§43] In General.
    - (b) [§44] Semen Obtained Without Physician.
    - (c) [§45] Semen of Decedent.
  - 5. Action To Determine Father and Child Relationship.
    - (a) [§46] In General.
    - (b) Parties Plaintiff.
      - (1) [§47] Where Presumption of Paternity Applies.
      - (2) [§48] Where No Presumption Applies.
      - (3) [§48A] (New) Party to Assisted Reproduction Agreement.
    - (c) [§49] Joinder and Alignment of Parties.
    - (d) [§50] Jurisdiction and Venue.
    - (e) [§51] Protective Orders.
    - (f) [§52] Confidentiality.
    - (g) [§53] Judgment.
    - (h) [§54] Enforcement.
    - (i) [§55] Appeal.
    - (j) Motion To Set Aside or Vacate Judgment.
      - (1) [§56] In General.
      - (2) [§57] Order for Genetic Testing.
      - (3) [§58] Grant or Denial.
    - (k) [§59] Visitation Privileges.
  - 6. [§60] Action To Determine Mother and Child Relationship.
  - 6A. (New) Parental Status of Lesbian Partner After Separation.
    - (a) [§60A] (New) Lesbian Partner Who Is Not Biological Mother of Child.
    - (b) [§60B] (New) Domestic Partner Who Donated Her Ova to Partner To Conceive Child.

- (c) [§60C] (New) Estoppel To Deny Motherhood of Lesbian Partner.
- (d) [§60D] (New) Determination of Rights of Biological Mother, Presumed Mother, and *Kelsey S. Father*.

**7. Termination of Parental Rights in Adoption Proceeding.**

- (a) [§61] Notice of Adoption Proceeding.
- (b) [§62] Inquiry to Identify Natural Father.
- (c) Procedure Where Father Is Not Presumed or Ascertained.
  - (1) [§63] In General.
  - (2) [§64] Where Mother Does Not Consent to Adoption.
- (d) Procedure Where Father Is Identified.
  - (1) [§65] Former Law.
  - (2) [§66] Statutory Requirements.
  - (3) [§67] Thirty-Day Requirement.
  - (4) [§68] Constitutional Rights of Natural Father.
- (e) [§69] Hearing and Order.

**III. ADOPTION**

**A. In General.**

- 1. [§70] Types of Adoption.
- 2. [§71] Special Statutory Proceeding.
- 3. [§72] Statutory Framework.
- 4. [§73] Judicial Council Forms.
- 5. [§74] Commentary and Practice Works.
- 6. [§75] Equitable Adoption.

**B. Adoption of Unmarried Minors.**

**1. In General.**

- (a) [§76] Nature and Effect of Adoption.
- (b) [§77] Adoptive Parents.
- (c) [§78] Child of Indian Ancestry.
- (d) [§79] Adoption Information.
- (e) [§80] Interstate Placement of Children for Adoption.
- (f) [§81] Removal or Concealment of Child Pending Adoption.
- (g) [§81A] (New) Nunc Pro Tunc Entry of Adoption Order.

**2. Welfare of Child and Court's Discretion.**

- (a) [§82] Best Interest of Child.
- (b) [§83] Preference for Adoption Over Guardianship.
- (c) [§84] Age of Adoptive Parents.
- (d) [§85] Recommendation of Department or Agency.
- (e) [§86] Programs To Facilitate Adoption.

**3. Regulation of Adoption.**

- (a) [§87] Private Adoptions.
- (b) [§88] County Adoption Agencies.
- (c) [§89] Adoption Facilitators.

**4. Common Provisions in Adoption Proceedings.**

- (a) [§90] Effect of Guardianship Proceeding.
- (b) [§91] Jurisdiction, Venue, and Conflict of Laws.
- (c) [§92] Accounting Report.

- (d) [§93] Medical Report on Child and Birth Parents.
  - (e) [§94] Investigation of Prospective Adoptive Parents.
  - (f) [§95] Petition and Hearing.
  - (g) [§96] Agreement and Order.
  - (h) [§97] Certificates of Birth and Adoption.
- 5. Consent of Parties.**
- (a) [§98] In General.
  - (b) [§99] Adoptive Parents.
  - (c) Birth Parents.
    - (1) [§100] In General.
    - (1a) [§100A] (New) Temporary Custody Order.
    - (2) [§101] Unwed Father.
    - (3) Exceptions: Consent Not Required.
      - (aa) [§102] Failure To Support and Communicate.
      - (bb) [§103] Other Exceptions.
- 6. Postadoption Contact Agreement.**
- (a) [§104] In General.
  - (b) [§105] Notice Is Not Required.
- 7. Agency Adoption.**
- (a) In General.
    - (1) [§106] Types of Agencies.
    - (2) [§107] Photo-Listing Service.
    - (3) [§108] Exchange System.
  - (b) Relinquishment to Agency and Consent to Adoption.
    - (1) [§109] In General.
    - (2) [§110] Finality and Effect of Relinquishment.
    - (3) [§111] Child of Deceased Parents.
  - (c) Selection of Adoptive Placement.
    - (1) [§112] In General.
    - (2) [§113] Consideration of Relatives and Foster Parents.
    - (3) [§114] Ethnic, Cultural, and Jurisdictional Considerations.
    - (4) [§115] Religious Considerations.
  - (d) Custody and Temporary Placement.
    - (1) [§116] In General.
    - (2) [§117] Termination of Placement.
  - (e) Procedure.
    - (1) [§118] Petition.
    - (2) [§119] Investigation, Report, and Recommendation.
    - (3) [§120] Hearing and Order.
  - (f) Adoption by Relative or Foster Parent.
    - (1) [§121] Adoption by Relative.
    - (2) [§122] Adoption by Relative Caregiver or Foster Parent.
- 8. Independent Adoption.**
- (a) In General.
    - (1) [§123] Nature of Independent Adoption.
    - (2) [§124] Adoption Service Providers.

- (3) [§125] Advising and Counseling Birth Parents.
      - (4) [§126] Dual Representation of Adoptive and Birth Parents.
    - (b) Placement of Child.
      - (1) [§127] Selection of Prospective Adoptive Parents.
      - (2) [§128] Adoption Placement Agreement.
    - (c) Consent.
      - (1) [§129] In General.
      - (2) [§130] Withdrawal Before Signing Statutory Consent.
      - (3) [§131] Withdrawal After Signing Statutory Consent.
    - (d) Procedure.
      - (1) [§132] Petition.
      - (2) [§133] Notice and Interview.
      - (3) [§134] Investigation, Report, and Recommendation.
      - (4) [§135] Hearing and Order.
      - (5) [§136] Withdrawal, Denial, or Dismissal of Petition.
  - 9. Intercountry Adoption.
    - (a) [§137] In General.
    - (b) [§138] Powers and Duties of Licensed Adoption Agencies.
    - (c) [§139] Investigation and Report.
    - (d) [§140] Petition, Hearing, and Order.
  - 10. Stepparent Adoption.
    - (a) [§141] In General.
    - (b) [§142] Consent of Birth Parents.
    - (c) [§143] Withdrawal of Consent.
    - (d) [§144] Procedure.
    - (e) [§144A] (New) Procedure Where Child Born to Spouse or Partner During Marriage or Domestic Partnership.
  - 11. Vacation of Adoption.
    - (a) [§145] Child Unadoptable.
    - (b) [§146] Death of Parent in Stepparent Adoption.
    - (c) [§147] Failure To Consider Best Interest of Child.
    - (d) [§148] Limitation of Actions.
    - (e) [§148A] (New) Set-Aside Procedure.
  - 12. Disclosure of Information.
    - (a) [§149] Confidentiality of Records.
    - (b) [§150] Confidentiality of Information.
    - (c) [§151] Request for Disclosure.
    - (d) [§152] Contact Between Adoptees and Others.
    - (e) [§153] Deposit and Release of Personal Property.
  - C. Adoption of Adults and Married Minors.
    - 1. [§154] In General.
    - 2. [§155] Procedure for Adoption.
    - 3. [§156] Procedure for Terminating Adoption.
- IV. CUSTODY AND CONTROL**
- A. Uniform Child Custody Jurisdiction and Enforcement Act.
    - 1. [§157] Prior Law.

- 2. [§158] Enactment and Principal Changes.**
- 3. Nature and Scope.**
  - (a) [§159] In General.**
  - (b) [§160] Scope of Child Custody Proceedings.**
  - (c) [§161] Registration of Foreign Child Custody Determination.**
  - (d) [§162] Locating Missing Child or Party.**
- 4. Jurisdiction of Child Custody Proceedings.**
  - (a) [§163] In General.**
  - (b) Jurisdiction To Make Initial Determination.**
    - (1) [§164] In General.**
    - (2) [§165] Home State.**
    - (3) Significant Connection With State.**
      - (aa) [§166] Statutory Requirements.**
      - (bb) [§167] Illustrations.**
    - (4) [§168] More Appropriate Forum.**
    - (5) [§169] No Other Available Forum.**
  - (c) Temporary Emergency Jurisdiction.**
    - (1) [§170] In General.**
    - (2) [§171] Illustrations.**
  - (d) [§172] Modification Jurisdiction.**
  - (e) [§173] Exclusive Continuing Jurisdiction.**
- 5. When Jurisdiction Should Be Declined.**
  - (a) [§174] Simultaneous Proceeding in Another State.**
  - (b) Inconvenient Forum.**
    - (1) [§175] In General.**
    - (2) [§176] Relevant Factors.**
  - (c) Unjustifiable Conduct.**
    - (1) [§177] In General.**
    - (2) [§178] After Jurisdiction Is Declined.**
- 6. Procedure in Child Custody Proceedings.**
  - (a) [§179] Joinder and Intervention.**
  - (b) [§180] Intercourt Communications and Requests.**
  - (c) [§181] Information in First Pleading.**
  - (d) [§182] Order To Appear.**
  - (e) [§183] Notice and Hearing.**
- 7. Enforcement of Child Custody Determination.**
  - (a) [§184] In General.**
  - (b) [§185] Enforceable Orders and Determinations.**
  - (c) [§186] Modification Proceeding Pending in Another State.**
  - (d) Procedure.**
    - (1) [§187] Petition and Order To Appear.**
    - (2) [§188] Order.**
    - (3) [§189] Warrant To Take Physical Custody.**
    - (4) [§190] Appeal.**
- 8. Related Statutes.**
  - (a) [§191] Federal Parental Kidnapping Prevention Act.**

- (b) [§192] Other Federal Acts.
- (c) [§193] California Criminal Statutes.

**B. Right to Custody.**

- 1. [§194] In General.
- 2. [§195] Statutory Framework.
- 3. Factors Determining Award.
  - (a) In General.
    - (1) [§196] Best Interests of Child.
    - (2) [§197] Discretion of Court.
  - (b) Particular Factors.
    - (1) [§198] Domestic Violence.
    - (2) [§199] Substance Abuse.
    - (3) [§200] Commission of Crime.
    - (4) [§201] Religious or Social Beliefs.
    - (5) [§202] Racial or Ethnic Background.
    - (6) [§203] Homosexuality.
    - (7) [§204] Conduct Leading to Dissolution.
    - (8) [§205] Absence From Family Residence.
    - (9) [§206] Agreement Between Parents.
    - (10) [§207] Surrogacy Agreement.
    - (11) [§208] Child's Preference.
    - (12) [§209] Nomination of Guardian by Parent.
    - (13) [§210] Other Factors.
  - (c) Move-Away Cases.
    - (1) [§211] In General.
    - (2) [§212] Separation of Siblings.
    - (3) [§213] Move to Foreign Country.
  - (d) Award to Parent.
    - (1) [§214] Former Statutory Preferences.
    - (2) [§215] Current Statute: No Preference.
  - (e) Award to Parent Over Nonparent.
    - (1) [§216] Former Judicial Rule.
    - (2) [§217] Statutory Order of Preference.
  - (f) Award to Nonparent.
    - (1) [§218] Statutory Rule.
    - (2) [§219] Illustrations: Custody Cases.
    - (3) [§220] Illustrations: Guardianship Cases.
- 4. Joint Custody.
  - (a) [§221] Judicial Development of Practice.
  - (b) [§222] Statutory Authorization.
  - (c) [§223] Procedure.
- 5. Visitation.
  - (a) Persons.
    - (1) Rights of Parent.
      - (aa) [§224] Nature of Right.
      - (bb) [§225] Circumstances Warranting Denial.

- (1a) [§225A] (New) Right of Child To Express Preference.**
- (2) Rights of Grandparents.**
  - (aa) [§226] In General.**
  - (bb) [§227] Visitation Order Made After Judgment of Dissolution.**
- (3) Rights of Relatives of Deceased Parent.**
  - (aa) [§228] Statutory Right.**
  - (bb) [§229] Constitutionality.**
  - (cc) [§230] Effect of Adoption.**
- (4) Rights of Stepparent.**
  - (aa) [§231] Case Law Background.**
  - (bb) [§232] Statutory Authorization.**
- (5) Rights of Other Persons.**
  - (aa) [§233] In General.**
  - (bb) [§234] Biologically Unrelated Persons Not Opposed by Parent.**
  - (cc) [§235] Biologically Unrelated Persons Opposed by Parent.**
  - (dd) [§236] Former Lesbian Partner Opposed by Other Partner.**
- (b) Limitations and Conditions.**
  - (1) [§237] Constitutional Limitations.**
  - (2) [§238] Valid Conditions.**
  - (3) Invalid Restrictions.**
    - (aa) [§239] Prohibiting Religious Activities.**
    - (bb) [§240] Restrictions on Gay or Lesbian Parent.**
    - (cc) [§241] Insulation From Parent's Nonmarital Cohabitant.**
    - (dd) [§242] Other Restrictions.**
  - (4) [§243] Standards for Supervised Visitation.**
- (c) Violation of Right.**
  - (1) [§244] In General.**
  - (2) Effect on Child Support Obligation.**
    - (aa) [§245] In General.**
    - (bb) [§246] Custodial Parent Entitled To Obtain Child Support Despite Violation.**
    - (cc) [§247] Custodial Parent Estopped by Violation From Obtaining Child Support.**
    - (dd) [§248] Supreme Court Decisions Resolving Conflict.**
- 6. Modification of Award.**
  - (a) In General.**
    - (1) [§249] Power To Modify.**
    - (2) [§250] Discretion of Court.**
    - (3) [§251] Changed Circumstances.**
    - (4) [§252] Best Interests of Child.**
    - (5) [§253] Move-Away Cases.**



- (5a) [§253A] (New) Registration as Sex Offender.
    - (6) [§254] Modification of Legal Custody.
    - (7) [§255] Stipulation for Temporary Custody.
  - (b) Improper Grounds.
    - (1) [§256] Punishment for Misconduct.
    - (2) [§257] Physical Handicap of Custodial Parent.
    - (3) [§258] Death of Noncustodial Parent.
    - (4) [§259] Remarriage to Person of Different Race.
    - (5) [§259A] (New) Military Deployment.
  - (c) Modification Granted.
    - (1) [§260] Child's Preference.
    - (2) [§261] Interference With Visitation Rights.
    - (3) [§262] Needs of Child.
    - (4) [§263] Superior Home of Petitioner.
  - (d) [§264] Modification Denied.
  - (e) Procedure.
    - (1) [§265] Application and Decision.
    - (2) [§266] Appellate Review of Order.
- 7. Procedure and Practice.**
- (a) In General.
    - (1) [§267] Jurisdiction and Venue.
    - (2) [§268] Parties and Pleading.
    - (3) [§269] Locating Missing Party or Child.
    - (4) [§270] Risk of Abduction and Missing Person Check.
    - (5) [§271] Temporary Custody During Pendency of Proceeding.
  - (b) Counsel.
    - (1) Counsel for Child.
      - (aa) [§272] In General.
      - (bb) [§273] Rights and Duties.
    - (2) [§274] Counsel for Parent.
  - (c) Court-Appointed Investigator.
    - (1) [§275] In General.
    - (2) [§276] Report.
    - (3) [§277] Investigation of Child Sexual Abuse Allegations.
  - (d) Mediation of Custody or Visitation Issues.
    - (1) [§278] In General.
    - (2) [§279] Availability of Mediation.
    - (3) [§280] Mediation Proceeding.
    - (4) [§281] Recommendations.
    - (5) [§282] Agreement.
  - (e) [§283] Sexual Abuse Allegation.
  - (f) [§284] Trial.
  - (g) Orders and Enforcement.
    - (1) [§285] In General.
    - (2) [§286] Where Domestic Violence Is Alleged and Protective Order Is Issued.

**(3) [§287] Order To Participate in Counseling.**

**(h) [§288] Appeal.**

**B-1. (New) Custody of Indian Children.**

- 1. [§288A] (New) Definitions.**
- 2. [§288B] (New) Legislative Findings and Policies.**
- 3. [§288C] (New) Applicable Law.**
- 4. [§288D] (New) Determination of Tribal Membership.**
- 5. [§288E] (New) Notice of Proceedings.**
- 6. [§288F] (New) Participation by Unrecognized Tribe.**

**C. Parental Authority.**

- 1. [§289] In General.**
- 2. Criminal Liability for Abuse or Neglect.**
  - (a) [§290] In General.**
  - (b) [§291] Prayer Treatment for Child.**
- 3. Change of Child's Surname.**
  - (a) [§292] Common Law Rule Against Change.**
  - (b) [§293] Abrogation of Common Law Rule.**
  - (c) [§294] Action Under Uniform Parentage Act.**
- 4. [§295] Original Imposition of Hyphenated Surname.**
- 5. Right to Services, Earnings, and Property.**
  - (a) [§296] In General.**
  - (b) [§297] Protection of Minor.**

**D. Emancipation.**

- 1. In General.**
  - (a) [§298] Types of Emancipation.**
  - (b) [§299] Emancipation of Minors Law.**
- 2. Rights and Powers of Emancipated Minor.**
  - (a) [§300] Family Relationships.**
  - (b) [§301] Contracts, Ownership, and Litigation.**
  - (c) [§302] Estate Planning and Probate.**
- 3. Procedure.**
  - (a) [§303] In General.**
  - (b) [§304] Notice of Hearing.**
  - (c) [§305] Action.**
  - (d) [§306] Voiding or Rescinding Declaration.**

**E. Action To Free Child From Parental Control.**

- 1. In General.**
  - (a) [§307] Nature of Action.**
  - (b) [§308] Dependency Proceeding Distinguished.**
  - (c) [§309] Effect of Adoption Proceeding.**
  - (d) [§310] Effect of Indian Child Custody Proceeding.**
  - (e) [§311] Other Proceedings Stayed.**
- 2. Grounds.**
  - (a) Child Abandoned.**
    - (1) [§312] Statutory Ground.**
    - (2) [§313] Sufficient Showing.**

- (3) [§314] Insufficient Showing.
  - (4) [§315] Distinction: Minor Detained by Agency.
- (b) Dependent Child Cruelly Treated or Neglected.
  - (1) [§316] Statutory Ground.
  - (2) [§317] Sufficient Showing.
  - (3) [§318] Insufficient Showing.
- (c) [§319] Dependent Child of Immoral or Substance-Abusing Parent.
- (d) Parent Convicted of Felony.
  - (1) [§320] Statutory Ground.
  - (2) [§321] Sufficient Showing.
  - (3) [§322] Insufficient Showing.
- (e) Parent Mentally Disabled.
  - (1) [§323] Parents Previously Adjudged Disabled.
  - (2) [§324] Parents Found Disabled or Ill.
- (f) Child in Foster Home.
  - (1) [§325] Statutory Ground.
  - (2) [§326] Evidence of Parent's Past Behavior.
  - (3) [§327] Attachment to Foster Parent.
  - (4) [§328] Sufficient Showing.
- (g) [§329] Dependent Child Without Reunification Services.

### **3. Procedure.**

- (a) In General.
  - (1) [§330] Who May Bring Action.
  - (2) [§331] Venue, Petition, and Investigation.
  - (3) [§332] Citation.
  - (4) [§333] Inspection of Records.
  - (5) [§334] Offer of Less Detrimental Alternatives.
- (b) Counsel.
  - (1) [§335] Constitutional Problem.
  - (2) [§336] Statutory Rights.
  - (3) [§337] Role of Child's Counsel.
  - (4) [§338] Separate Counsel for Child.
  - (5) [§339] Effective Assistance of Counsel.
  - (6) [§340] Waiver of Counsel.
  - (7) [§341] Self-Representation.
- (c) Trial.
  - (1) [§342] Speedy Trial.
  - (2) [§343] Conduct of Hearing.
  - (3) [§344] Testimony.
  - (4) [§345] Clear and Convincing Evidence Is Required.
- (d) Findings.
  - (1) [§346] Detriment.
  - (2) [§347] Least Detrimental Alternative.
  - (3) [§348] Family Reunification.
  - (4) [§348A] (New) Additional Findings For Indian Child.
- (e) Order and Judgment.

- (1) [§349] In General.
- (2) [§350] Vacating Order for Fraud.
- (f) Appeal.
  - (1) [§351] In General.
  - (2) [§352] Free Transcript.
  - (3) Counsel on Appeal.
    - (aa) [§353] Case Law.
    - (bb) [§354] Statutory Right.
  - (4) [§355] Review on Appeal.
  - (5) [§356] Change in Circumstances Pending Appeal.
  - (6) [§357] Effect of Late Appeal.

**F. Multiple Custody Proceedings.**

- 1. [§358] In General.
- 2. [§359] Dissolution Proceedings.
- 3. Habeas Corpus Proceeding.
  - (a) [§360] Nature of Remedy.
  - (b) [§361] Issuance by Appellate Court.
  - (c) [§362] Effect of Prior Determination of Award.
- 4. [§363] Applicability of Family Code Custody Provisions.
- 5. Effect of Prior Proceeding on Subsequent Proceeding.
  - (a) [§364] Jurisdictional Problems.
  - (b) [§365] Jurisdiction of Guardianship Court.
  - (c) [§366] Jurisdiction of Dissolution Court.
  - (d) Jurisdiction of Juvenile Court.
    - (1) Superseding Jurisdiction.
      - (aa) [§367] In General.
      - (bb) [§368] Where Issues Are Identical.
    - (2) [§369] Dependency Proceeding Pending.
    - (3) Termination of Dependency Proceeding.
      - (aa) [§370] In General.
      - (bb) [§371] Modification of Order.
      - (cc) [§372] Order Splitting Custody.
      - (dd) [§373] Order Requiring Therapy.
  - (e) [§374] Appellate Court Proceeding.

**V. SUPPORT**

**A. In General.**

- 1. [§375] Governing Law.
- 2. Liability of Child to Indigent Parent.
  - (a) [§376] Civil and Criminal Liability.
  - (b) [§377] Limitations on Parent's Right.

**B. Bases of Liability.**

- 1. [§378] Former Law.
- 2. Statutory Duty of Support.
  - (a) [§379] Children to Whom Duty Is Owed.
  - (b) [§380] Duty To Support Minor Child.
  - (c) [§381] Liability to Others Who Support Child.

- (d) [§382] Compensation for Custodial Parent's Breach.
  - 3. Court-Ordered Child Support.
    - (a) [§383] In General.
    - (b) [§384] Information Required.
    - (c) [§385] Support During Action.
    - (d) Expedited Order for Support During Action.
      - (1) [§386] In General.
      - (2) [§387] Application and Order or Response.
      - (3) [§388] Hearing and Order After Hearing.
  - 4. [§389] Agreement Between Spouses.
  - 5. [§390] Liability of Stepparent.
  - 6. [§390A] (New) Liability of Person Assisting Evasion.
- C. Extent of Liability.
- 1. In General.
    - (a) [§391] Former Law.
    - (b) [§392] Discretion of Lower Court.
    - (c) [§393] Crediting Federal Retirement or Disability Payments.
  - 2. Statewide Uniform Child Support Guideline.
    - (a) [§394] In General.
    - (b) [§395] Guiding Principles.
    - (c) Determining Guideline Award.
      - (1) [§396] Basic Formula.
      - (2) [§397] Annual Gross Income.
      - (3) [§398] Earning Capacity From Employment.
      - (4) [§399] Earning Capacity of Assets.
      - (5) [§400] Annual Net Disposable Income.
      - (6) [§401] Income of Subsequent Spouse or Nonmarital Partner.
      - (6a) [§401A] (New) Where Child Has More Than Two Parents.
      - (7) [§402] Family Support.
      - (8) [§403] Judicial Council Worksheets and Forms.
    - (d) Adjustments to Guideline Award.
      - (1) [§404] Hardship Deduction.
      - (2) [§405] Adjustment for More Than One Child.
      - (3) [§406] Other Adjustments.
      - (4) [§407] Statement Supporting Deviation From Guideline.
    - (e) Additional Support.
      - (1) [§408] In General.
      - (2) [§409] Allocation of Additional Support.
      - (3) [§410] Uninsured Health Care Costs.
    - (f) Rebuttable Presumption of Correct Award.
      - (1) [§411] Factors Rebutting Presumption.
      - (2) [§412] Extraordinarily High Earner.
      - (3) [§413] Special Circumstances.
    - (g) [§414] Stipulated Support Agreements.
  - 3. Health Insurance.
    - (a) [§415] In General.

**(b) Health Insurance Coverage Assignment.**

**(1) [§416] Application and Order.**

**(2) [§417] Provision and Termination of Coverage.**

**D. Duration of Liability.**

**1. [§418] Liability of Parent's Estate or Trust.**

**2. Support After Majority or Emancipation.**

**(a) [§419] In General.**

**(b) [§420] Emancipation.**

**(c) [§421] Agreement To Support Adult Child.**

**(d) [§422] Support of High School Student.**

**(e) [§423] Support of Indigent Adult Child.**

**3. [§424] Termination on Contingency or Other Event.**

**4. [§424A] (New) Suspension on Incarceration.**

**E. Enforcement of Duty.**

**1. [§425] In General.**

**2. Action for Support.**

**(a) [§426] Action by Child or Parent.**

**(b) [§427] Collection of Information About Support Obligations.**

**(c) [§428] Recovery of Arrearages.**

**3. [§429] Child Support Security Deposit.**

**4. Deposit of Assets.**

**(a) [§430] In General.**

**(b) [§431] Order For Deposit.**

**(c) [§432] Assets Subject to Order.**

**(d) [§433] Defenses.**

**(e) [§434] Ex Parte Restraining Order.**

**(f) [§435] Use or Sale of Assets.**

**5. [§436] Civil Penalty for Child Support Delinquency.**

**6. [§437] Contempt Proceedings.**

**7. [§438] Criminal Prosecution.**

**8. [§438A] (New) Private Child Support Collectors.**

**F. [§439] Modification or Termination of Support Order.**

**VI. JUVENILE COURT LAW: IN GENERAL**

**A. Development.**

**1. [§440] Original Statute and Revision.**

**2. [§441] Advisory Committees and Commissions.**

**3. [§442] General Purposes.**

**4. Judicial Council Rules.**

**(a) [§443] Nature and Purpose.**

**(b) [§444] Scope and Organization.**

**5. [§445] Judicial Council Forms.**

**B. Juvenile Court.**

**1. Nature of Court.**

**(a) [§446] In General.**

**(b) [§447] Department and Staff.**

**(c) [§448] Law Review Commentary.**

## **2. Jurisdiction of Court.**

- (a) [§449] Nature and Scope of Jurisdiction: Three Classes of Minors.**
- (b) [§450] Dual Bases of Jurisdiction.**
- (c) Jurisdiction Over Minors.**
  - (1) [§451] In General.**
  - (2) [§452] Jurisdiction Retained After Majority.**
  - (3) (New) Transition Jurisdiction.**
    - (aa) [§452A] (New) Persons Within Jurisdiction.**
    - (bb) [§452B] (New) Assumption of Jurisdiction.**
    - (cc) [§452C] (New) Termination of Jurisdiction.**
  - (4) [§452D] (New) Modification of Jurisdiction.**
  - (5) [§452E] (New) Termination of Jurisdiction Over Minor.**
  - (6) [§452F] (New) Termination of Jurisdiction Over Nonminor.**
  - (7) [§452G] (New) Assumption of Jurisdiction Over Nonminor.**
- (d) [§453] Jurisdiction Over Adults.**
- (e) [§454] Jurisdiction Improperly Invoked.**
- (f) [§455] Concurrent and Exclusive Jurisdiction.**

## **3. Venue.**

- (a) [§456] Proper Court.**
- (b) Intercounty Transfers.**
  - (1) [§457] In General.**
  - (2) [§458] Conditions for Transfer.**
  - (3) [§459] Residence of Child.**
  - (4) [§460] Appeal From Determination of Residence.**
  - (5) [§461] Transfer-Out Hearing and Order.**
  - (6) [§462] Appeal From Transfer Order.**
  - (7) [§463] Transfer-In Hearing.**
  - (8) [§464] Continuing Jurisdiction Outside County.**
- (c) [§464A] (New) Transfer to Indian Tribe.**

## **4. Officers, Commissions, and Agencies.**

- (a) Referees.**
  - (1) [§465] Qualifications and Appointment.**
  - (2) [§466] Referee as Temporary Judge.**
  - (3) [§467] Power To Hear Cases.**
  - (4) [§468] Conduct of Proceedings.**
  - (5) [§469] Findings, Explanation, and Order.**
  - (6) [§470] When Orders Become Effective.**
  - (7) Rehearing.**
    - (aa) [§471] Nature of Proceeding.**
    - (bb) [§472] Application.**
    - (cc) [§473] Denial.**
    - (dd) [§474] Grant.**
    - (ee) [§475] Rehearing on Court's Own Motion.**
  - (8) [§476] Appeal.**
- (b) [§477] Court Commissioners.**
- (c) Juvenile Hearing Officers.**

- (1) [§478] In General.
- (2) [§479] Jurisdiction.
- (3) [§480] Hearings and Orders.
- (3A) [§480A] (New) Hearings and Orders for Truants.
- (4) [§481] Authorized Disposition.
- (d) Probation Officers.
  - (1) [§482] Appointment and Staff.
  - (2) [§483] Juvenile Court Proceedings.
  - (3) [§484] Receipt, Deposit, and Disbursements of Money.
  - (4) [§485] Reports.
  - (5) [§486] Juvenile Facilities.
  - (6) [§487] Other Powers and Duties.
- (e) [§488] Social Workers.
- (f) [§489] Juvenile Justice Commissions.
- (g) [§490] Psychiatric and Other Clinical Experts.
- (h) [§491] Other Agencies.

## **5. Court Records.**

- (a) Confidentiality and Disclosure.
  - (1) [§492] In General.
  - (2) [§493] Persons Entitled To Inspect Records.
  - (3) [§494] Records of Dependent Children.
  - (4) [§495] Juvenile Police Records.
  - (5) [§496] Records of Students.
  - (6) [§497] Authorized Disclosure to Law Enforcement Agencies.
  - (7) [§498] Authorized Disclosure About Specified Crimes.
  - (8) [§499] Disclosure to Press.
  - (9) [§500] Disclosure on Petition.
- (b) Sealing of Records.
  - (1) [§501] Nature and Use of Records.
  - (2) [§502] Temporary Detention Records.
  - (3) [§503] Petition and Order.
  - (4) Determination of Factual Innocence.
    - (aa) [§504] In General.
    - (bb) [§505] No Accusatory Pleading Filed.
    - (cc) [§506] Accusatory Pleading or Petition Not Sustained.
- (c) Destruction of Records.
  - (1) [§507] Sealed Records.
  - (2) [§508] Unsealed Records.
  - (3) [§509] No Third-Party Action for Redaction.

## **C. Support Obligations.**

- 1. [§510] In General.
- 2. Reimbursement by Minor or Relatives.
  - (a) Minor in Institution Under Court Order.
    - (1) [§511] In General.
    - (2) [§512] Illustrations.
  - (b) [§513] Legal Services.



- (c) [§514] Sealing Records.
- (d) [§515] Other Costs.
- (e) [§516] Determination and Distribution.
- (f) [§517] Collection Procedure.
- (g) [§518] Financial Evaluation.

## **VII. JUVENILE COURT LAW: DEPENDENCY**

### **A. In General.**

- 1. [§519] Nature of Dependency Proceedings.
- 2. [§520] Jurisdiction.
- 3. [§521] Termination of Jurisdiction.
- 4. [§521A] (New) Continuation or Termination of Jurisdiction Over Nonminor or Nonminor Dependent.

### **B. Dependent Indian Children.**

#### **1. In General.**

- (a) [§522] Nature and Scope of Indian Child Welfare Act.
- (b) [§523] Definitions.
- (c) [§524] Jurisdiction.
- (d) [§525] Existing Indian Family Doctrine.
- (e) [§526] Determination of Indian Status.
- (f) [§527] Procedure Where Child May Be Indian Child.
- (g) [§527A] (New) Participation of Unrecognized Tribe.

#### **2. Notice of Proceedings.**

- (a) [§528] In General.
- (b) [§529] Formal Requisites.
- (c) [§530] Waiver of Notice.
- (d) [§531] Determining Adequacy of Notice.

#### **3. Proceedings After Notice.**

- (a) [§532] In General.
- (b) [§533] Participation by Indian Tribe.
- (c) [§534] Out-of-Home Placement or Guardianship.
- (d) [§535] Placement Standards and Preferences.
- (e) [§536] Termination of Parental Rights.
- (f) [§537] Proceedings After Termination or Removal.

### **C. Grounds for Jurisdiction.**

- 1. [§538] Governing Law.
- 2. [§539] Serious Physical Harm.
- 3. Failure To Supervise or Provide Care.
  - (a) [§540] In General.
  - (b) [§541] Mental Illness and Substance Abuse.
  - (c) [§542] Spiritual Treatment.
- 4. [§543] Serious Emotional Damage.
- 5. Sexual Abuse.
  - (a) [§544] In General.
  - (b) [§545] Abuse of Sibling.
- 6. [§546] Severe Physical Abuse.
- 7. [§547] Causing Death of Another Child.

8. [§548] Child Left Without Care or Support.
9. [§549] Child Freed for Adoption.
10. [§550] Child Cruelly Treated.
11. [§551] Sibling Abused or Neglected.

**D. Temporary Custody and Detention.**

1. [§552] In General.
2. [§553] Disposition by Peace Officer.
3. [§554] Notice and Telephone Contact.
4. [§555] Investigation, Detention, and Release.
5. [§556] Assessment of Prospective Placement.
6. [§557] Retention of Custody.
7. [§558] Medical Examination.
8. [§559] Medical Care.

**E. Intake and Initiation of Dependency Proceedings.**

1. [§560] Intake Program.
2. [§561] Investigation by Social Worker.
3. [§562] Application by Social Worker.
4. [§563] Program of Supervision.
5. Petition.
  - (a) [§564] In General.
  - (b) [§565] Form and Content.
6. [§566] Notices, Citations, Warrants, and Subpenas.

**F. Rights of Minors.**

1. In General.
  - (a) [§567] Statutory Rights.
  - (b) [§568] Constitutional Rights.
  - (c) [§569] Protection of Interests and Rights.
2. Right to Counsel.
  - (a) [§570] In General.
  - (b) Duty To Provide Counsel.
    - (1) [§571] In General.
    - (2) [§572] Appointment of Guardian ad Litem or Child Advocate.
    - (3) [§573] Powers and Duties of Counsel.
  - (c) Conflict of Interest.
    - (1) [§574] In General.
    - (1a) [§574A] (New) Guidelines for Sibling Representation.
    - (2) [§575] Joint Representation as Error.

**G. Rights of Parent.**

1. [§576] In General.
2. [§577] Hearing.
3. [§578] Confrontation and Cross-Examination.
4. Right to Counsel.
  - (a) [§579] In General.
  - (b) [§580] Right to Competent Counsel.
  - (c) [§581] Relief of Counsel.
5. [§582] De Facto Parents.

- 6. [§583] Alleged Father.
- H. [§584] Rights of Siblings.
- I. Hearings.
  - 1. [§585] In General.
  - 2. Attendance.
    - (a) [§586] Hearing Is Usually Private.
    - (b) [§587] Persons Entitled To Be Present.
    - (c) [§588] Persons Who May Be Admitted.
  - 3. [§589] Informality and Control by Court.
  - 4. [§590] Impartiality of Judge or Referee.
  - 5. [§591] Reporter and Transcript.
  - 6. [§592] Participation by District Attorney.
  - 7. [§593] Participation by Foster Parent.
  - 8. Discretionary Continuance of Hearing.
    - (a) [§594] In General.
    - (b) [§595] Limitations on Continuances.
  - 8A. [§595A] (New) Reopening Case-in-Chief.
  - 9. [§596] Disposition Where Burden of Proof Not Met.
  - 10. [§597] Findings and Orders.
- J. Initial or Detention Hearing.
  - 1. [§598] In General.
  - 2. [§599] Grounds for Detention.
  - 3. [§600] Petition and Notice of Hearing.
  - 4. [§601] Continuance of Hearing.
  - 5. Commencement of Hearing.
    - (a) [§602] Explanation and Information.
    - (b) [§603] Identification of Presumed or Alleged Fathers.
  - 6. Conduct of Hearing.
    - (a) [§604] In General.
    - (b) [§605] Rights of Child, Parent, and Guardian.
    - (c) [§606] Rehearing.
  - 7. [§607] Findings and Orders.
  - 7A. [§607A] (New) Educational and Developmental Services Decisions.
- K. Jurisdiction Hearing.
  - 1. [§608] Nature and Purpose of Hearing.
  - 2. [§609] Time for Hearing.
  - 3. [§610] Notice of Hearing.
  - 4. [§611] Continuance of Hearing.
  - 5. [§612] Discovery.
  - 6. [§613] Commencement of Hearing.
  - 7. [§614] Determination by Admission, No Contest, or Submission.
  - 8. Contested Hearing.
    - (a) [§615] In General.
    - (b) [§616] Presumptions From Parental Misconduct.
    - (c) Admissibility of Evidence.
      - (1) [§617] In General.

- (2) [§618] Admissibility and Weight of Social Study.
      - (3) [§619] Child Dependency Exception to Hearsay Rule.
      - (4) [§620] Privileges.
    - (d) [§621] Immunity of Witnesses.
    - (e) [§622] Findings and Order.
  - 9. [§623] Continuance Pending Disposition Hearing.
- L. Disposition Hearing.**
  - 1. [§624] In General.
  - 2. [§625] Preparation of Social Study.
  - 3. [§626] Conduct of Hearing.
  - 4. Dispositional Alternatives.
    - (a) [§627] In General.
    - (b) [§628] Legal Guardianship.
  - 5. Adjudication of Dependency.
    - (a) [§629] Limitations on Parental Control.
    - (b) Limitations on Removal From Home.
      - (1) [§630] Bases for Removal.
      - (2) [§631] Procedure.
    - (c) [§632] Standard of Proof.
  - 6. Disposition Orders.
    - (a) [§633] In General.
    - (b) [§634] Visitation Orders.
  - 7. Placement of Child.
    - (a) [§635] In General.
    - (b) [§636] Criminal Records Check and Fingerprint Clearance.
    - (c) [§637] Priority Right of Noncustodial Parent.
    - (d) [§638] Preferential Right of Relatives.
    - (e) [§639] Foster Care.
    - (f) [§640] Change to Out-of-County Placement.
    - (g) [§641] Visitation Rights.
  - 8. Reunification Services.
    - (a) [§642] In General.
    - (b) [§643] Duration of Services.
    - (c) [§644] Persons Entitled to Services.
    - (d) [§645] Persons Who Must Participate.
    - (e) [§646] Incarcerated or Institutionalized Parent or Guardian.
    - (f) Exceptions.
      - (1) [§647] In General.
      - (2) [§648] Parent or Guardian Absent, Unwilling, or Incapable.
      - (3) [§649] Previous Occurrences.
      - (4) [§650] Abuse, Neglect, or Abduction of Child.
      - (5) [§651] Criminal or Addictive Behavior.
    - (g) [§652] Determination Whether To Order Services.
  - 9. [§653] Ex Parte Orders Pending Nullity or Dissolution Proceedings.
- M. Modification of Orders and Judgments.**
  - 1. [§654] Power To Modify or Correct.

**2. Supplemental Petition.**

- (a) [§655] Nature and Purpose.
- (b) [§656] Form and Content.
- (c) [§657] Filing, Setting for Hearing, and Notice.
- (d) [§658] Hearing.
- (e) [§659] Sufficiency of Evidence.
- (f) [§660] Appeal.
- (g) [§661] Hearing After Supplemental Petition Is Sustained.

**3. Petition for Modification.**

- (a) [§662] Nature and Purpose.
- (b) [§663] Form, Content, and Filing.
- (c) Hearing.
  - (1) [§664] In General.
  - (2) [§665] Right to Hearing.
  - (3) [§666] Scope of Hearing.
- (d) [§667] Due Process Attack on Decree.
- (e) [§667A] (New) Appeal.

**4. [§668] Subsequent Petition.**

**N. Periodic Reviews.**

**1. [§669] In General.**

**1A. [§669A] (New) Review Hearings Just Before and After Minor Attains Age 18.**

**2. [§670] Notice of Hearing.**

**3. [§671] Supplemental Report.**

**4. [§672] Child in Custody of Parent or Guardian.**

**5. [§673] Child in Foster Care.**

**6. Issues Common to Review Hearings.**

- (a) [§674] Return of Child.
- (b) [§675] Reunification Services.
- (c) [§675A] (New) Setting Selection and Implementation Hearing.

**7. Six-Month Review.**

- (a) [§676] In General.
- (b) [§677] Scheduling Selection and Implementation Hearing.

**8. [§678] Twelve-Month Review.**

**9. [§679] Eighteen-Month Review.**

**10. [§679A] (New) Twenty-Four Month Review.**

**O. Selection and Implementation Hearing.**

**1. [§680] Statutory Procedure Is Exclusive.**

**2. Hearing Procedure.**

- (a) [§681] Notice.
- (b) [§682] Preliminary Assessment.
- (c) [§683] Appointment of Counsel.
- (d) [§684] Testimony and Wishes of Child.
- (e) [§685] Hearing.

**3. Development of Plan.**

- (a) [§686] Alternative Dispositions.

- (b) [§687] Termination of Parental Rights To Free Child for Adoption.
- (c) [§688] Other Alternatives.
- (c-1) [§688A] (New) Tribal Customary Adoption.
- (d) Limitations on Termination of Parental Rights.
  - (1) [§689] In General.
  - (2) [§690] Benefit to Child.
- (e) [§691] Constitutionality of Termination Procedure.

**4. Orders.**

- (a) [§692] In General.
- (b) [§693] Termination of Parental Rights.
- (c) (New) Prospective Adoptive Parent.
  - (1) [§693A] (New) In General
  - (2) [§693B] (New) Designation of Prospective Adoptive Parent.
  - (3) [§693C] (New) Nonemergency Removal From Prospective Adoptive Parent.
  - (4) [§693D] (New) Emergency Removal From Prospective Adoptive Parent.
- (d) [§693E] (New) Reinstatement of Parental Rights.

**5. [§694] Adoption Proceeding.**

**6. [§695] Legal Guardianship.**

**7. Posthearing Procedure.**

- (a) [§696] Continuing Jurisdiction.
- (b) [§697] Status Review Hearings.
- (c) [§698] Other Procedures.
- (d) [§699] Notice.

**8. (New) Nonminor Dependents.**

- (a) [§699A] (New) In General.
- (b) [§699B] (New) Status Review Hearings.
- (c) [§699C] (New) Request for Resumption of Jurisdiction.

**P. Appeal.**

**1. [§700] Right To Appeal.**

**2. Appealable Judgments and Orders.**

- (a) [§701] In General.
- (b) [§702] Appeal From Order of Dismissal.
- (c) [§703] Appeal After Termination of Dependency Jurisdiction.
- (d) [§704] Miscellaneous Orders.

**3. Nonappealable Orders.**

- (a) [§705] In General.
- (b) [§706] Waiver of Appellate Review.
- (c) [§707] Treatment of Appeal as Writ Petition.

**4. [§708] Counsel on Appeal.**

**5. Procedure.**

- (a) [§709] In General.
- (b) [§710] No Wende Review.
- (c) [§711] Expedited Appeal.
- (d) [§712] Notice of Appeal.

**6. Record.**

- (a) [§713] In General.
- (b) [§714] Preparing and Sending Record.

**7. [§715] Briefs.**

**8. [§715A] (New) Abandoning Appeal.**

**Q. Review by Extraordinary Writ.**

- 1. [§716] In General.**
- 2. Order Setting Welf.C. 366.26 Hearing and Related Orders.**
  - (a) [§717] In General.
  - (b) [§718] Prior Orders.
  - (c) [§719] Related Orders.
  - (d) [§720] Notice of Intent.
  - (e) [§721] Record.
  - (f) [§722] Writ Petition and Response.
  - (g) [§723] Hearing and Decision.
- 3. Posttermination Placement Orders.**
  - (a) [§724] In General.
  - (b) [§725] Notice of Intent and Record.
  - (c) [§726] Writ Petition.
  - (d) [§727] Hearing and Decision.

**VIII. JUVENILE COURT LAW: DELINQUENCY**

**A. In General.**

- 1. [§728] Statutory Framework.**
- 2. Status Offense: Welf.C. 601.**
  - (a) [§729] Statutory Grounds.
  - (b) [§730] Truancy.
- 3. Crime: Welf.C. 602.**
  - (a) [§731] In General.
  - (b) [§732] Criminal Intent and Capacity.
  - (c) Defense of Idiocy or Insanity.
    - (1) [§733] Test.
    - (2) [§734] Procedure on Insanity Plea.
  - (d) [§735] Defense of Statute of Limitations.
  - (e) Prosecution in Criminal Court.
    - (1) [§736] Mandatory Prosecution.
    - (2) [§737] Discretionary Prosecution.
    - (3) [§738] Prosecution by Indictment.
    - (4) [§739] Sentencing.
  - (f) Certification of Minor Charged With Crime.
    - (1) [§740] Limitation on Jurisdiction of Criminal Court.
    - (2) [§741] Duty To Suspend Proceedings and Certify to Juvenile Court.
    - (3) [§742] Effect of Certification.
- 4. Contempt for Violation of Order.**
  - (a) [§743] In General.
  - (b) [§744] Conditions.

- (c) [§745] Limitations.
- 5. Detention and Commitment Facilities.
  - (a) [§746] Juvenile Halls.
  - (b) [§747] Juvenile Ranches and Camps.
  - (c) [§748] Regional Youth Educational Facilities.
  - (d) Segregation of Minors.
    - (1) [§749] Segregation of Classes of Minors.
    - (2) [§750] Segregation of Minors and Adults.
  - (e) Prison, Jail, or Lockup.
    - (1) [§751] In General.
    - (2) [§752] Minor Transferred to Adult Criminal Court.
    - (3) [§753] Minor in Temporary Custody.
    - (4) [§754] Administration of Evaluation or Test.
  - (f) [§755] Secure Detention of Status Offender.
  - (g) [§756] Inspection of Facilities.
- B. Temporary Custody and Detention.
  - 1. [§757] In General.
  - 2. [§758] Voluntary Chemical Testing.
  - 3. Alternative Procedures After Taking Custody.
    - (a) [§759] In General.
    - (b) [§760] Detention for Specific Violations.
    - (c) [§761] Rights of Minor.
  - 4. Procedure After Delivery to Probation Officer.
    - (a) [§762] Notice and Telephone Contact.
    - (b) [§763] Investigation, Release, and Conditions.
    - (c) [§764] Retention of Custody.
- C. Intake and Initiation of Wardship Proceedings.
  - 1. [§765] Intake Program.
  - 2. [§766] Investigation by Probation Officer.
  - 3. Program of Supervision (Informal Probation).
    - (a) [§767] In General.
    - (b) [§768] Eligibility.
    - (c) [§769] Factors in Authorizing Program.
    - (d) [§770] Time for Filing Welf.C. 602 Petition.
  - 4. Petition.
    - (a) [§771] In General.
    - (b) [§772] Discretion of Probation Officer and Prosecutor.
    - (c) [§773] Form and Content.
    - (d) [§774] Variance and Amendment.
    - (e) [§775] Setting Petition for Hearing.
  - 5. Notices, Citations, and Warrants.
    - (a) [§776] Persons Entitled to Notice.
    - (b) [§777] Form and Content of Notice.
    - (c) [§778] Service of Notice.
    - (d) [§779] Citation.
    - (e) [§780] Arrest Warrant.



(f) [§781] Subpenas to Witnesses.

**D. Fundamental Rights of Minor.**

**1. In General.**

(a) [§782] Statutory Rights.

(b) [§783] Constitutional Rights.

(c) [§784] No Right to Bail.

(d) [§785] No Right to Jury.

(e) [§786] No Right To Exclude Codefendant's Extrajudicial Statement.

**2. Right to Counsel.**

(a) [§787] In General.

(b) [§788] Duty To Provide Counsel.

(c) [§789] Counsel's Right To Argue.

(d) [§790] Counsel on Appeal.

**3. Rights Affecting Gathering and Presentation of Evidence.**

(a) [§791] Right to Interpreter.

(b) [§792] Miranda Rights.

(c) [§793] Involuntary Confession or Admission.

(c-1) [§793A] (New) Recordation of Interrogation of Minor Suspected of Murder.

(d) [§794] Self-Incrimination Privilege.

**4. Rights Limiting Wardship Proceedings.**

(a) Former Jeopardy.

(1) [§795] Doctrine Applies in Juvenile Court.

(2) [§796] Successive Juvenile Court Proceedings.

(3) [§797] Juvenile Court Proceedings and Criminal Prosecution.

(b) [§798] Multiple Prosecutions Prohibited.

(c) [§799] Competency To Stand Trial.

(d) [§800] Crime Not Charged in Petition.

**5. Waiver of Rights.**

(a) [§801] Miranda Rights.

(b) [§802] Request for Probation Officer or Parent.

(c) [§803] Right to Counsel.

(d) [§804] Admission of Guilt.

(e) [§805] Presence at Trial.

**E. [§806] Rights of Victims.**

**F. Hearings.**

**1. [§807] In General.**

**2. Attendance.**

(a) [§808] In General.

(b) [§809] Victims and Support Persons.

(c) [§810] Interested Persons.

(d) [§811] Members of the Public.

(e) [§812] Publication of Information From Hearing.

**3. [§813] Informality and Control by Court.**

**4. [§814] Reporter and Transcript.**

**5. [§815] Participation by District Attorney.**

6. [§816] Impartial Judge or Referee.
7. [§817] Discretionary Continuance.
8. [§818] Findings and Orders.

#### **G. Initial or Detention Hearing.**

##### **1. In General.**

- (a) [§819] Time of Hearing.
- (b) [§820] Petition and Setting for Hearing.
- (c) [§821] Probation Officer's Report and Recommendation.
- (d) [§822] Case Plan.

##### **2. Commencement of Hearing.**

- (a) [§823] Explanation and Information.
- (b) [§824] Admission of Allegations.

##### **3. Conduct of Hearing.**

- (a) [§825] In General.
- (b) [§826] Confrontation and Cross-Examination.

##### **4. Prerequisites for Detention.**

- (a) [§827] In General.
- (b) [§828] Statutory Grounds.
- (c) [§829] Violation of Order.
- (d) [§830] Escape From Confinement.
- (e) [§831] Minor Likely To Flee.
- (f) [§832] Protection of Minor.
- (g) [§833] Protection of Another.

##### **5. [§834] Orders.**

#### **H. Fitness Hearing.**

##### **1. In General.**

- (a) [§835] Nature and Scope of Hearing.
- (b) [§836] Criteria To Determine Fitness.
- (c) [§837] Designated Crimes.
- (d) [§838] Accused Who Has Reached Adulthood.
- (e) [§839] Determination of Present Competency.

##### **2. Procedure.**

- (a) [§840] In General.
- (b) [§841] Probation Officer's Investigation and Report.
- (c) [§842] Conduct of Hearing.
- (d) [§843] Proof of Prima Facie Case.

##### **3. Finding of Unfitness.**

- (a) [§844] In General.
- (b) [§845] When Finding of Unfitness Is Precluded.
- (c) [§846] Effect of Finding on Earlier Petition.
- (d) [§847] Effect of Finding on Later Petition.
- (e) [§848] Effect of Finding on Prior Adjudication of Wardship.

##### **4. [§849] Finding of Fitness.**

##### **5. [§850] Review of Order.**

##### **6. Proceedings Where Minor Is Declared Unfit.**

- (a) [§851] Criminal Charge and Proceeding.

(b) [§852] Detention of Minor.

(c) [§853] Conviction and Sentence or Commitment.

7. [§854] Proceedings Where Minor Is Not Convicted.

**I. Jurisdiction Hearing.**

1. [§855] In General.

2. Time of Hearing.

(a) [§856] In General.

(b) [§857] Dismissal for Delay in Commencement.

(c) [§858] Refiling After Dismissal.

(d) [§859] Continuance.

3. Discovery.

(a) [§860] Nature and Purpose of Rule.

(b) [§861] Duty To Disclose.

(c) [§862] Restrictions on Duty To Disclose.

(d) [§863] Motion To Compel Disclosure.

4. [§864] Commencement of Proceeding.

5. Minor's Admission of Allegations.

(a) [§865] Personal Admission.

(b) [§866] Conditions for Acceptance.

(b-1) [§866A] (New) Withdrawal of Admission.

(c) [§867] Findings.

(d) [§868] Admissions Based on Agreement.

(e) [§869] No Contest In Lieu of Admission.

6. Contested Hearing.

(a) [§870] In General.

(b) [§871] Time for Consideration of Probation Report and Social Study.

(c) Admissibility of Evidence.

(1) [§872] In General.

(2) [§873] Privileges.

(3) [§874] Uncorroborated Testimony of Accomplice.

(4) [§875] Exclusion of Illegally Obtained Evidence.

(5) [§876] Consent To Search.

(6) [§877] Motion To Suppress Illegally Obtained Evidence.

(d) [§878] Sufficiency of Evidence.

(e) Immunity of Witnesses.

(1) [§879] In General.

(2) [§880] Immunity in Welf.C. 601 Proceeding.

(3) [§881] Immunity in Welf.C. 602 Proceeding.

(f) [§882] Findings.

7. [§883] Continuance Pending Disposition Hearing.

**J. Disposition Hearing.**

1. [§884] Social Study.

2. [§885] Case Plan.

2A. [§885A] (New) Minor With Mental or Emotional Disorder or  
Developmental Disability.

3. [§886] Conduct of Hearing.

**4. Evidence.**

- (a) [§887] In General.
- (b) [§888] Minor's Right To Present Evidence.

**5. Judgment and Orders.**

- (a) [§889] Dismissal in Interests of Justice.
- (b) [§890] Probation Without Wardship.
- (c) [§891] Deferred Entry of Judgment.
- (d) Adjudication of Wardship.
  - (1) [§892] In General.
  - (2) [§893] Limitations on Parental Control.
  - (3) [§894] Degree of Offense.
  - (4) [§895] Alternative Felony Misdemeanor.
- (e) Placement in Foster Care.
  - (1) [§896] General Requirements.
  - (2) [§897] Reunification Services.
  - (3) [§898] Court Supervision of Child.
  - (4) [§899] Termination of Parental Rights.
  - (5) [§899A] (New) Hearing Before Termination of Jurisdiction.
- (f) Restitution.
  - (1) [§900] In General.
  - (2) [§901] Restitution Fine.
  - (3) [§902] Restitution to Victim.
  - (4) [§903] Liability of Parent or Guardian for Restitution.

**6. [§904] Temporary Detention.**

**K. Modification of Orders and Judgments.**

**1. Power To Modify or Correct.**

- (a) [§905] In General.
- (b) [§906] Change of Youth Authority Commitment.

**2. Noticed Hearing.**

- (a) [§907] Nature and Purpose.
- (b) [§908] Notice and Setting for Hearing.
- (c) [§909] Report and Hearing.

**3. Petition for Modification.**

- (a) [§910] In General.
- (b) [§911] Hearing and Determination.

**3A. [§911A] (New) Petition To Assist Sibling Relationship.**

**4. [§912] Petition To Modify or Terminate Juvenile Court Jurisdiction.**

**L. Appeal and Review.**

- 1. [§913] Minor's Right To Appeal.**
- 2. [§914] Notification of Appeal Rights.**
- 3. Appealable Judgments and Orders.**
  - (a) [§915] In General.
  - (b) [§916] Appeal by Prosecution.
- 4. [§917] Nonappealable Orders.**
- 5. Procedure on Appeal.**
  - (a) [§918] In General.

- (b) [§919] Record on Appeal.
- (c) [§919A] (New) Abandoning Appeal.

**6. [§920] Review by Extraordinary Writ.**

**M. Probation.**

**1. In General.**

- (a) [§921] Nature of Juvenile Probation.
- (b) [§922] Conditions of Supervised Probation.
- (c) [§923] Conditions of Unsupervised Probation.
- (d) [§924] Conditions After Commitment to Youth Authority.
- (e) [§925] Failure To Object to Probation Condition in Trial Court.
- (f) [§926] Minor's Perjury at Hearing.

**2. Particular Conditions.**

- (a) [§927] Test for Valid Conditions.
- (b) [§928] Restitution.
- (c) [§929] Community Service.
- (d) [§930] Alcohol or Drug Testing.
- (e) [§931] Ban on Controlled Substances.
- (f) [§932] Consent to Warrantless Search.
- (g) [§933] School Performance.
- (h) [§934] Body Piercings and Markings.
- (i) [§935] Restricted Association With Others.
- (j) [§936] Geographical Restrictions.
- (j-1) [§936A] (New) GPS Monitoring.
- (k) [§937] Identity of Coparticipants.
- (l) [§938] Driving Restrictions.
- (m) [§939] Other Conditions.

**3. [§940] Revocation of Probation.**

**4. [§940A] (New) Successful Completion of Probation.**

**N. [§941] Commitment of Minor for Status Offense.**

**O. Commitment and Other Sanctions for Crime.**

**1. In General.**

- (a) [§942] Types of Sanctions.
- (b) [§943] Invalid Commitment.
- (b-1) [§943A] (New) Recall of Commitment.
- (c) Limits on Physical Commitment.
  - (1) [§944] In General.
  - (2) [§945] Applicable Enhancements.
  - (3) [§946] Inapplicable Enhancements.
  - (4) [§947] Selecting Term for Enhancement.
  - (5) [§948] Consecutive and Concurrent Sentences.
- (d) [§949] Mentally Ill Ward.

**2. Youth Authority.**

- (a) [§950] Youth Authority Act.
- (b) Commitment to Youth Authority.
  - (1) [§951] In General.
  - (2) [§952] Duties of Court on Commitment.

- (3) [§953] Modification of Previous Order.**
- (4) [§954] Concurrent Jurisdiction of Youth Authority and Superior Court.**
- (5) [§955] Judge Must Be Satisfied of Benefit.**
- (6) [§956] Express Finding Is Not Essential.**
- (7) [§957] Possibility of Alternative Placement.**
- (8) [§958] Punishment as Proper Purpose.**
- (9) [§959] Delinquency and Dependency Status.**
- (c) Detention and Treatment.**
  - (1) [§960] In General.**
  - (2) [§961] Effect of Discharge.**
  - (3) Credit for Time in Custody.**
    - (aa) [§962] Credit Allowed.**
    - (bb) [§963] Distinctions.**
  - (4) [§964] Procedure in Aggregating Prior Offenses.**
- (d) Detention After Majority.**
  - (1) [§965] In General.**
  - (2) [§966] Petition and Hearing.**
  - (3) [§967] Jury Trial of Issue.**
  - (4) [§968] Detention in Adult Facility.**
  - (5) [§969] Felony Committed While in Custody of Youth Authority.**
- (e) Parole.**
  - (1) [§970] In General.**
  - (2) [§971] Notice and Hearing.**
- (f) [§972] Payment of Restitution.**
- (g) [§973] Registration for Gang-Related Offenses.**
- (h) [§974] Registration for Sex Offenses.**
- (i) (New) Discharge.**
  - (1) [§975] (New) In General.**
  - (2) [§976] (New) Violation of Conditions of Supervision.**