## JUVENILE DEPENDENCY PROCE



## **JUVENILE COURT DEPENDENCY HEARINGS**

DETENTION HEARING: WIC §319, CRC 5.666-5.680

**Presumption:** The minor shall be released to the parents unless legal grounds are established to temporarily detain the minor Burden of Proof: Prima Facie evidence (evidence which suffices

until contradicted). Burden of Production: The government.

Time Lines: A minor may be detained in protective custody for 15

days pending a jurisdictional hearing. JURISDICTIONAL HEARING: WIC \$\$300, 350, 355.1 CRC 5.682-5.684

Presumption: Unexplained non-accidental serious injuries while in the care/custody of parent are presumed to be the result of abuse or neglect.

Burden of Proof: Preponderance of evidence that petition is true. Burden of Production: The government.

Time Lines: 15 days after the Detention hearing if child is out of home, 30 days if child remains home.

DISPOSITIONAL HEARING: WIC §§360-362.6 CRC 5.690-5.705

**Presumption:** None.

**Placement:** The minor shall be placed in the custody of the parents unless clear and convincing evidence of detriment. If the Court removes a minor from a custodial parent:

- The minor will be placed with a previously non-custodial parent unless such placement would be detrimental.
- ≻ Preferential consideration for placement will be given to a request by certain relatives.

Reunification: Parents will usually receive reunification services. Burden of Proof: Clear and convincing evidence of substantial risk of danger to child in order to remove from parent's custody.

Burden of Production: The government. Time Lines: 10 days after the Jurisdictional hearing if child is out of

home, 30 days if child remains home or if government seeks to deny reunification services.

SIX-MONTH REVIEW HEARING: WIC §§364, 366.21, 366.22 CRC 5.710

## **Presumptions:**

- > The minor shall be returned to the parents unless there is a substantial risk to the minor's physical or emotional well being or when the parents have failed to participate regularly in any Court ordered treatment programs.
- ≻ If minor remained home, terminate dependency unless continued supervision is necessary.

Burden of Proof: Preponderance of evidence. (If government wants to terminate Reunification Services, must be clear and convincing evidence).

Burden of Production: The government.

Time Lines: 6 months from the "entry into foster care". "Entry into foster care" is defined as date of Jurisdictional Hearing or 60 days after initial removal, whichever comes first.

TWELVE-MONTH PERMANENCY HEARING: WIC §§364, 366.21(f)(g), CRC 5.715 **Presumptions:** 

- The minor shall be returned to the parents unless there is a substantial risk to the minor's physical or emotional well being or when the parents have failed to participate regularly in any Court ordered treatment programs.
- $\triangleright$ If minor remained home, terminate dependency unless continued supervision is necessary.
- $\triangleright$ When the minor is not returned to the parents, services will be terminated unless there is a substantial probability that the minor will be returned to the custody of the parents within six months or unless reasonable services have not been provided.

Burden of Proof: Preponderance of evidence, to determine if detrimental for child to return home. Clear and convincing evidence to determine if reasonable services were provided. Burden of Production: The government.

Time Lines: 12 months from the "entry into foster care". "Entry into

foster care" is defined as date of Jurisdictional Hearing or 60 days after initial removal, whichever comes first.

## EIGHTEEN-MONTH PERMANENCY REVIEW HEARING: WIC \$366.22, CRC 5.720 **Presumptions:**

- > The minor shall be returned to the parents unless there is a substantial risk to the minor's physical or emotional well being or when the parents have failed to participate regularly in any Court ordered treatment programs.
- > If minor remained home, terminate dependency unless continued supervision is necessary.

Burden of Proof: Preponderance of evidence. Burden of Production: The government.

Time Lines: In no event later than 18 months after the Detention Hearing.

SELECTION AND IMPLEMENTATION HEARING: WIC §366.26, CRC 5.725-5.735

**Presumption:** If the minor is adoptable, parental rights will be terminated unless adoption would be detrimental to the child. Burden of Proof: Clear and convincing evidence that the minor child will be adopted.

Burden of Production: The government.

Time Lines: 120 days from Order Terminating Reunification Services.

POST PERMANENCY PLANNING HEARING: WIC §366.3, CRC 5.740 This hearing determines if progress is being made to find a

permanent home for the child and if the case can be dismissed. **Presumption:** Continued out of home care is in the best interest of the child.

Burden of Proof: Usually preponderance of evidence. Burden of Production: On anyone proposing a change. Time Lines: Every six months until case is dismissed.

Fresno County Superior Court, Juvenile Dependency Division **Revised August 2008** 

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