

ASSEMBLY BILL

No. 879

Introduced by Assembly Member Burke

February 26, 2015

An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 879, as introduced, Burke. Juveniles: court proceedings: notice.

Existing law authorizes the juvenile court to adjudge a minor who has been abused or neglected, or who meets other specified criteria, to be a dependent child of the court. Existing law requires the court to conduct various hearings regarding children who are, or who may become, dependent children, including a detention hearing, jurisdictional hearing, and dispositional hearing. Existing law requires the probation officer, the social worker, or the clerk of the court to provide notice of those hearings to certain persons, including parents, guardians, the child, if he or she is 10 years of age or older, adult relatives under certain conditions, and attorneys for the parents or guardians, as specified.

This bill would allow service for the above purposes to be made by electronic mail if the county, or city and county, and the court choose to permit service by electronic mail and the person to be served has consented to service by electronic mail by signing a specified form.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.1 of the Welfare and Institutions
 2 Code is amended to read:
 3 290.1. If the probation officer or social worker determines that
 4 the child shall be retained in custody, he or she shall immediately
 5 file a petition pursuant to Section 332 with the clerk of the juvenile
 6 court, who shall set the matter for hearing on the detention hearing
 7 calendar. The probation officer or social worker shall serve notice
 8 as prescribed in this section.
 9 (a) Notice shall be given to the following persons whose
 10 whereabouts are known or become known prior to the initial
 11 petition hearing:
 12 (1) The mother.
 13 (2) The father or fathers, presumed and alleged.
 14 (3) The legal guardian or guardians.
 15 (4) The child, if the child is 10 years of age or older.
 16 (5) Any known sibling of the child who is the subject of the
 17 hearing if that sibling either is the subject of a dependency
 18 proceeding or has been adjudged to be a dependent child of the
 19 juvenile court. If the sibling is 10 years of age or older, the sibling,
 20 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
 21 under 10 years of age, the sibling’s caregiver and the sibling’s
 22 attorney. However, notice is not required to be given to any sibling
 23 whose matter is calendared in the same court on the same day.
 24 (6) If there is no parent or guardian residing in California, or if
 25 the residence is unknown, then to any adult relative residing within
 26 the county or if none, the adult relative residing nearest the court.
 27 (7) The attorney for the parent or parents, or legal guardian or
 28 guardians.
 29 (8) The district attorney, if the district attorney has notified the
 30 clerk of the court that he or she wishes to receive the petition,
 31 containing the time, date, and place of the hearing.
 32 (9) The probate department of the superior court that appointed
 33 the guardian, if the child is a ward of a guardian appointed pursuant
 34 to the Probate Code.
 35 (b) No notice is required for a parent whose parental rights have
 36 been terminated.
 37 (c) The notice shall be given as soon as possible after the filing
 38 of the petition.

1 (d) The notice of the initial petition hearing shall include all of
2 the following:

3 (1) The date, time, and place of the hearing.

4 (2) The name of the child.

5 (3) A copy of the petition.

6 (e) Service of the notice shall be written or oral. If the person
7 being served cannot read, notice shall be given orally. *Written*
8 *notice may be served by electronic mail if the county, or city and*
9 *county, and the court choose to permit service by electronic mail*
10 *and the person to be served has consented to service by electronic*
11 *mail by signing Judicial Council Form EFS-005.*

12 (f) If the probation officer or social worker knows or has reason
13 to know that an Indian child is involved, notice shall be given in
14 accordance with Section 224.2.

15 SEC. 2. Section 290.2 of the Welfare and Institutions Code is
16 amended to read:

17 290.2. Upon the filing of a petition by a probation officer or
18 social worker, the clerk of the juvenile court shall issue notice, to
19 which shall be attached a copy of the petition, and he or she shall
20 cause the same to be served as prescribed in this section.

21 (a) Notice shall be given to the following persons whose address
22 is known or becomes known prior to the initial petition hearing:

23 (1) The mother.

24 (2) The father or fathers, presumed and alleged.

25 (3) The legal guardian or guardians.

26 (4) The child, if the child is 10 years of age or older.

27 (5) Any known sibling of the child who is the subject of the
28 hearing if that sibling either is the subject of a dependency
29 proceeding or has been adjudged to be a dependent child of the
30 juvenile court. If the sibling is 10 years of age or older, the sibling,
31 the sibling's caregiver, and the sibling's attorney. If the sibling is
32 under 10 years of age, the sibling's caregiver and the sibling's
33 attorney. However, notice is not required to be given to any sibling
34 whose matter is calendared in the same court on the same day.

35 (6) If there is no parent or guardian residing in California, or if
36 the residence is unknown, to any adult relative residing within the
37 county or if none, the adult relative residing nearest the court.

38 (7) Upon reasonable notification by counsel representing the
39 child, parent, or guardian, the clerk of the court shall give notice
40 to that counsel as soon as possible.

1 (8) The district attorney, if the district attorney has notified the
2 clerk of the court that he or she wishes to receive the petition,
3 containing the time, date, and place of the hearing.

4 (9) The probate department of the superior court that appointed
5 the guardian, if the child is a ward of a guardian appointed pursuant
6 to the Probate Code.

7 (b) No notice is required for a parent whose parental rights have
8 been terminated.

9 (c) Notice shall be served as follows:

10 (1) If the child is retained in custody, the notice shall be given
11 to the persons required to be noticed as soon as possible, and at
12 least five days before the hearing, unless the hearing is set to be
13 heard in less than five days in which case notice shall be given at
14 least 24 hours prior to the hearing.

15 (2) If the child is not retained in custody, the notice shall be
16 given to those persons required to be noticed at least 10 days prior
17 to the date of the hearing. If any person who is required to be given
18 notice is known to reside outside of the county, the clerk of the
19 juvenile court shall mail the notice and copy of the petition by
20 first-class mail, to that person as soon as possible after the filing
21 of the petition and at least 10 days before the time set for hearing.
22 Failure to respond to the notice is not cause for an arrest or
23 detention. In the instance of a failure to appear after notice by
24 first-class mail, the court shall direct that the notice and copy of
25 the petition be personally served on all persons required to receive
26 the notice and copy of the petition. For these purposes, personal
27 service of the notice and copy of the petition outside of the county
28 at least 10 days before the time set for hearing is equivalent to
29 service by first-class mail. Service may be waived by any person
30 by a voluntary appearance entered in the minutes of the court or
31 by a written waiver of service filed with the clerk of the court at,
32 or prior to, the hearing.

33 (3) *In lieu of notice by first-class mail, notice may be served by*
34 *electronic mail if the county, or city and county, and the court*
35 *choose to permit service by electronic mail and the person to be*
36 *served has consented to service by electronic mail by signing*
37 *Judicial Council Form EFS-005.*

38 (d) The notice of the initial petition hearing shall include all of
39 the following:

40 (1) The date, time, and place of the hearing.

1 (2) The name of the child.

2 (3) A copy of the petition.

3 (e) If the court knows or has reason to know that an Indian child
4 is involved, notice shall be given in accordance with Section 224.2.

5 SEC. 3. Section 291 of the Welfare and Institutions Code is
6 amended to read:

7 291. After the initial petition hearing, the clerk of the court
8 shall cause the notice to be served in the following manner:

9 (a) Notice of the hearing shall be given to the following persons:

10 (1) The mother.

11 (2) The father or fathers, presumed and alleged.

12 (3) The legal guardian or guardians.

13 (4) The child, if the child is 10 years of age or older.

14 (5) Any known sibling of the child who is the subject of the
15 hearing if that sibling either is the subject of a dependency
16 proceeding or has been adjudged to be a dependent child of the
17 juvenile court. If the sibling is 10 years of age or older, the sibling,
18 the sibling's caregiver, and the sibling's attorney. If the sibling is
19 under 10 years of age, the sibling's caregiver and the sibling's
20 attorney. However, notice is not required to be given to any sibling
21 whose matter is calendared in the same court on the same day.

22 (6) Each attorney of record unless counsel of record is present
23 in court when the hearing is scheduled, then no further notice need
24 be given.

25 (7) If there is no parent or guardian residing in California, or if
26 the residence is unknown, then to any adult relative residing within
27 the county or if none, the adult relative residing nearest the court.

28 (8) If the hearing is a dispositional hearing that is also serving
29 as a permanency hearing pursuant to subdivision (f) of Section
30 361.5, notice shall be given to the current caregiver for the child,
31 including foster parents, relative caregivers, preadoptive parents,
32 and nonrelative extended family members. Any person notified
33 may attend all hearings and may submit any information he or she
34 deems relevant to the court in writing.

35 (b) No notice is required for a parent whose parental rights have
36 been terminated.

37 (c) Notice shall be served as follows:

38 (1) If the child is detained, the notice shall be given to the
39 persons required to be noticed as soon as possible, and at least five

1 days before the hearing, unless the hearing is set less than five
2 days and then at least 24 hours prior to the hearing.

3 (2) If the child is not detained, the notice shall be given to those
4 persons required to be noticed at least 10 days prior to the date of
5 the hearing.

6 (d) The notice shall include all of the following:

7 (1) The name and address of the person notified.

8 (2) The nature of the hearing.

9 (3) Each section and subdivision under which the proceeding
10 has been initiated.

11 (4) The date, time, and place of the hearing.

12 (5) The name of the child upon whose behalf the petition has
13 been brought.

14 (6) A statement that:

15 (A) If they fail to appear, the court may proceed without them.

16 (B) The child, parent, guardian, Indian custodian, or adult
17 relative to whom notice is required to be given pursuant to
18 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
19 have an attorney present at the hearing.

20 (C) If the parent, guardian, Indian custodian, or adult relative
21 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
22 (a) is indigent and cannot afford an attorney, and desires to be
23 represented by an attorney, the parent, guardian, Indian custodian,
24 or adult relative shall promptly notify the clerk of the juvenile
25 court.

26 (D) If an attorney is appointed to represent the parent, guardian,
27 Indian custodian, or adult relative, the represented person shall be
28 liable for all or a portion of the costs to the extent of his or her
29 ability to pay.

30 (E) The parent, guardian, Indian custodian, or adult relative may
31 be liable for the costs of support of the child in any out-of-home
32 placement.

33 (7) A copy of the petition.

34 (e) Service of the notice of the hearing shall be given in the
35 following manner:

36 (1) If the child is detained and the persons required to be noticed
37 are not present at the initial petition hearing, they shall be noticed
38 by personal service or by certified mail, return receipt requested.

1 (2) If the child is detained and the persons required to be noticed
2 are present at the initial petition hearing, they shall be noticed by
3 personal service or by first-class mail.

4 (3) If the child is not detained, the persons required to be noticed
5 shall be noticed by personal service or by first-class mail, unless
6 the person to be served is known to reside outside the county, in
7 which case service shall be by first-class mail.

8 (4) *In lieu of notice by first-class mail, notice may be served by*
9 *electronic mail if the county, or city and county, and the court*
10 *choose to permit service by electronic mail and the person to be*
11 *served has consented to service by electronic mail by signing*
12 *Judicial Council Form EFS-005.*

13 (f) Any of the notices required to be given under this section or
14 Sections 290.1 and 290.2 may be waived by a party in person or
15 through his or her attorney, or by a signed written waiver filed on
16 or before the date scheduled for the hearing.

17 (g) If the court knows or has reason to know that an Indian child
18 is involved, notice shall be given in accordance with Section 224.2.

19 SEC. 4. Section 292 of the Welfare and Institutions Code is
20 amended to read:

21 292. The social worker or probation officer shall give notice
22 of the review hearing held pursuant to Section 364 in the following
23 manner:

24 (a) Notice of the hearing shall be given to the following persons:

25 (1) The mother.

26 (2) The presumed father or any father receiving services.

27 (3) The legal guardian or guardians.

28 (4) The child, if the child is 10 years of age or older.

29 (5) Any known sibling of the child who is the subject of the
30 hearing if that sibling either is the subject of a dependency
31 proceeding or has been adjudged to be a dependent child of the
32 juvenile court. If the sibling is 10 years of age or older, the sibling,
33 the sibling's caregiver, and the sibling's attorney. If the sibling is
34 under 10 years of age, the sibling's caregiver and the sibling's
35 attorney. However, notice is not required to be given to any sibling
36 whose matter is calendared in the same court on the same day.

37 (6) Each attorney of record, if that attorney was not present at
38 the time that the hearing was set by the court.

39 (b) No notice is required for a parent whose parental rights have
40 been terminated.

1 (c) The notice of the hearing shall be served not earlier than 30
 2 days, nor later than 15 days, before the hearing.

3 (d) The notice shall contain a statement regarding the nature of
 4 the hearing to be held and any change in the custody or status of
 5 the child being recommended by the supervising agency. The
 6 notice shall also include a statement that the child and the parent
 7 or parents or legal guardian or guardians have a right to be present
 8 at the hearing, to be represented by counsel at the hearing and the
 9 procedure for obtaining appointed counsel, and to present evidence
 10 regarding the proper disposition of the case. The notice shall also
 11 state that if the parent or parents or legal guardian or guardians
 12 fail to appear, the court may proceed without them.

13 (e) Service of the notice shall be by personal service, by
 14 first-class mail, or by certified mail, return receipt requested,
 15 addressed to the last known address of the person to be noticed.
 16 *Notice may be served by electronic mail if the county, or city and*
 17 *county, and the court choose to permit service by electronic mail*
 18 *and the person to be served has consented to service by electronic*
 19 *mail by signing Judicial Council Form EFS-005.*

20 (f) If the social worker or the probation officer knows or has
 21 reason to know that an Indian child is involved, notice shall be
 22 given in accordance with Section 224.2.

23 SEC. 5. Section 293 of the Welfare and Institutions Code is
 24 amended to read:

25 293. The social worker or probation officer shall give notice
 26 of the review hearings held pursuant to Section 366.21, 366.22,
 27 or 366.25 in the following manner:

28 (a) Notice of the hearing shall be given to the following persons:

- 29 (1) The mother.
- 30 (2) The presumed father or any father receiving services.
- 31 (3) The legal guardian or guardians.
- 32 (4) The child, if the child is 10 years of age or older.
- 33 (5) Any known sibling of the child who is the subject of the
 34 hearing if that sibling either is the subject of a dependency
 35 proceeding or has been adjudged to be a dependent child of the
 36 juvenile court. If the sibling is 10 years of age or older, the sibling,
 37 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
 38 under 10 years of age, the sibling’s caregiver and the sibling’s
 39 attorney. However, notice is not required to be given to any sibling
 40 whose matter is calendared in the same court on the same day.

1 (6) In the case of a child removed from the physical custody of
2 his or her parent or legal guardian, the current caregiver of the
3 child, including the foster parents, relative caregivers, preadoptive
4 parents, nonrelative extended family members, community care
5 facility, or foster family agency having custody of the child. In a
6 case in which a foster family agency is notified of the hearing
7 pursuant to this section, and the child resides in a foster home
8 certified by the foster family agency, the foster family agency shall
9 provide timely notice of the hearing to the child’s caregivers.

10 (7) Each attorney of record if that attorney was not present at
11 the time that the hearing was set by the court.

12 (b) No notice is required for a parent whose parental rights have
13 been terminated. On and after January 1, 2012, in the case of a
14 nonminor dependent, as described in subdivision (v) of Section
15 11400, no notice is required for a parent.

16 (c) The notice of hearing shall be served not earlier than 30
17 days, nor later than 15 days, before the hearing.

18 (d) The notice shall contain a statement regarding the nature of
19 the hearing to be held and any change in the custody or status of
20 the child being recommended by the supervising agency. If the
21 notice is to the child, parent or parents, or legal guardian or
22 guardians, the notice shall also advise them of the right to be
23 present, the right to be represented by counsel, the right to request
24 counsel, and the right to present evidence. The notice shall also
25 state that if the parent or parents or legal guardian or guardians
26 fail to appear, the court may proceed without them.

27 (e) Service of the notice shall be by first-class mail addressed
28 to the last known address of the person to be noticed or by personal
29 service on the person. Service of a copy of the notice shall be by
30 personal service or by certified mail, return receipt requested, or
31 any other form of notice that is equivalent to service by first-class
32 mail. *In lieu of notice by first-class mail, notice may be served by*
33 *electronic mail if the county, or city and county, and the court*
34 *choose to permit service by electronic mail and the person to be*
35 *served has consented to service by electronic mail by signing*
36 *Judicial Council Form EFS-005.*

37 (f) Notice to the current caregiver of the child, including a foster
38 parent, a relative caregiver, a preadoptive parent, or a nonrelative
39 extended family member, or to a certified foster parent who has
40 been approved for adoption, or the State Department of Social

1 Services when it is acting as an adoption agency or by a county
 2 adoption agency, shall indicate that the person notified may attend
 3 all hearings or may submit any information he or she deems
 4 relevant to the court in writing.

5 (g) If the social worker or probation officer knows or has reason
 6 to know that an Indian child is involved, notice shall be given in
 7 accordance with Section 224.2.

8 SEC. 6. Section 294 of the Welfare and Institutions Code is
 9 amended to read:

10 294. The social worker or probation officer shall give notice
 11 of a selection and implementation hearing held pursuant to Section
 12 366.26 in the following manner:

13 (a) Notice of the hearing shall be given to the following persons:

- 14 (1) The mother.
- 15 (2) The fathers, presumed and alleged.
- 16 (3) The child, if the child is 10 years of age or older.
- 17 (4) Any known sibling of the child who is the subject of the
 18 hearing if that sibling either is the subject of a dependency
 19 proceeding or has been adjudged to be a dependent child of the
 20 juvenile court. If the sibling is 10 years of age or older, the sibling,
 21 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
 22 under 10 years of age, the sibling’s caregiver and the sibling’s
 23 attorney. However, notice is not required to be given to any sibling
 24 whose matter is calendared in the same court on the same day.
- 25 (5) The grandparents of the child, if their address is known and
 26 if the parent’s whereabouts are unknown.
- 27 (6) All counsel of record.
- 28 (7) To any unknown parent by publication, if ordered by the
 29 court pursuant to paragraph (2) of subdivision (g).
- 30 (8) The current caregiver of the child, including foster parents,
 31 relative caregivers, preadoptive parents, and nonrelative extended
 32 family members. Any person notified may attend all hearings and
 33 may submit any information he or she deems relevant to the court
 34 in writing.

35 (b) The following persons shall not be notified of the hearing:

- 36 (1) A parent who has relinquished the child to the State
 37 Department of Social Services, county adoption agency, or licensed
 38 adoption agency for adoption, and the relinquishment has been
 39 accepted and filed with notice as required under Section 8700 of
 40 the Family Code.

1 (2) An alleged father who has denied paternity and has executed
2 a waiver of the right to notice of further proceedings.

3 (3) A parent whose parental rights have been terminated.

4 (c) (1) Service of the notice shall be completed at least 45 days
5 before the hearing date. Service is deemed complete at the time
6 the notice is personally delivered to the person named in the notice
7 or 10 days after the notice has been placed in the mail *or sent by*
8 *electronic mail*, or at the expiration of the time prescribed by the
9 order for publication.

10 (2) Service of notice in cases where publication is ordered shall
11 be completed at least 30 days before the date of the hearing.

12 (d) Regardless of the type of notice required, or the manner in
13 which it is served, once the court has made the initial finding that
14 notice has properly been given to the parent, or to any person
15 entitled to receive notice pursuant to this section, subsequent notice
16 for any continuation of a Section 366.26 hearing may be by
17 first-class mail to any last known address, by an order made
18 pursuant to Section 296, *by electronic mail if the county, or city*
19 *and county, and the court choose to permit service by electronic*
20 *mail and the person to be served has consented to service by*
21 *electronic mail by signing Judicial Council Form EFS-005*, or by
22 any other means that the court determines is reasonably calculated,
23 under any circumstance, to provide notice of the continued hearing.
24 However, if the recommendation changes from the
25 recommendation contained in the notice previously found to be
26 proper, notice shall be provided to the parent, and to any person
27 entitled to receive notice pursuant to this section, regarding that
28 subsequent hearing.

29 (e) The notice shall contain the following information:

30 (1) The date, time, and place of the hearing.

31 (2) The right to appear.

32 (3) The parents' right to counsel.

33 (4) The nature of the proceedings.

34 (5) The recommendation of the supervising agency.

35 (6) A statement that, at the time of hearing, the court is required
36 to select a permanent plan of adoption, legal guardianship, or
37 long-term foster care for the child.

38 (f) Notice to the parents may be given in any one of the
39 following manners:

1 (1) If the parent is present at the hearing at which the court
2 schedules a hearing pursuant to Section 366.26, the court shall
3 advise the parent of the date, time, and place of the proceedings,
4 their right to counsel, the nature of the proceedings, and the
5 requirement that at the proceedings the court shall select and
6 implement a plan of adoption, legal guardianship, or long-term
7 foster care for the child. The court shall direct the parent to appear
8 for the proceedings and then direct that the parent be notified
9 thereafter by first-class mail to the parent's usual place of residence
10 or business only. *In lieu of notice by first-class mail, notice may*
11 *be served by electronic mail if the county, or city and county, and*
12 *the court choose to permit service by electronic mail and the person*
13 *to be served has consented to service by electronic mail by signing*
14 *Judicial Council Form EFS-005.*

15 (2) Certified mail, return receipt requested, to the parent's last
16 known mailing address. This notice shall be sufficient if the child
17 welfare agency receives a return receipt signed by the parent.

18 (3) Personal service to the parent named in the notice.

19 (4) Delivery to a competent person who is at least 18 years of
20 age at the parent's usual place of residence or business, and
21 thereafter mailed to the parent named in the notice by first-class
22 mail at the place where the notice was delivered.

23 (5) If the residence of the parent is outside the state, service
24 may be made as described in paragraph (1), (3), or (4) or by
25 certified mail, return receipt requested.

26 (6) If the recommendation of the probation officer or social
27 worker is legal guardianship or long-term foster care, or, in the
28 case of an Indian child, tribal customary adoption, service may be
29 made by first-class mail to the parent's usual place of residence
30 or business. *In lieu of notice by first-class mail, notice may be*
31 *served by electronic mail if the county, or city and county, and the*
32 *court choose to permit service by electronic mail and the person*
33 *to be served has consented to service by electronic mail by signing*
34 *Judicial Council Form EFS-005.*

35 (7) If a parent's identity is known but his or her whereabouts
36 are unknown and the parent cannot, with reasonable diligence, be
37 served in any manner specified in paragraphs (1) to (6), inclusive,
38 the petitioner shall file an affidavit with the court at least 75 days
39 before the hearing date, stating the name of the parent and
40 describing the efforts made to locate and serve the parent.

1 (A) If the court determines that there has been due diligence in
2 attempting to locate and serve the parent and the probation officer
3 or social worker recommends adoption, service shall be to that
4 parent's attorney of record, if any, by certified mail, return receipt
5 requested. If the parent does not have an attorney of record, the
6 court shall order that service be made by publication of citation
7 requiring the parent to appear at the date, time, and place stated in
8 the citation, and that the citation be published in a newspaper
9 designated as most likely to give notice to the parent. Publication
10 shall be made once a week for four consecutive weeks. Whether
11 notice is to the attorney of record or by publication, the court shall
12 also order that notice be given to the grandparents of the child, if
13 their identities and addresses are known, by first-class mail.

14 (B) If the court determines that there has been due diligence in
15 attempting to locate and serve the parent and the probation officer
16 or social worker recommends legal guardianship or long-term
17 foster care, no further notice is required to the parent, but the court
18 shall order that notice be given to the grandparents of the child, if
19 their identities and addresses are known, by first-class mail.

20 (C) In any case where the residence of the parent becomes
21 known, notice shall immediately be served upon the parent as
22 provided for in either paragraph (2), (3), (4), (5), or (6).

23 (g) (1) If the identity of one or both of the parents, or alleged
24 parents, of the child is unknown, or if the name of one or both
25 parents is uncertain, then that fact shall be set forth in the affidavit
26 filed with the court at least 75 days before the hearing date and
27 the court, consistent with the provisions of Sections 7665 and 7666
28 of the Family Code, shall issue an order dispensing with notice to
29 a natural parent or possible natural parent under this section if,
30 after inquiry and a determination that there has been due diligence
31 in attempting to identify the unknown parent, the court is unable
32 to identify the natural parent or possible natural parent and no
33 person has appeared claiming to be the natural parent.

34 (2) After a determination that there has been due diligence in
35 attempting to identify an unknown parent pursuant to paragraph
36 (1) and the probation officer or social worker recommends
37 adoption, the court shall consider whether publication notice would
38 be likely to lead to actual notice to the unknown parent. The court
39 may order publication notice if, on the basis of all information
40 before the court, the court determines that notice by publication

1 is likely to lead to actual notice to the parent. If publication notice
 2 to an unknown parent is ordered, the court shall order the published
 3 citation to be directed to either the father or mother, or both, of
 4 the child, and to all persons claiming to be the father or mother of
 5 the child, naming and otherwise describing the child. An order of
 6 publication pursuant to this paragraph shall be based on an affidavit
 7 describing efforts made to identify the unknown parent or parents.
 8 Service made by publication pursuant to this paragraph shall
 9 require the unknown parent or parents to appear at the date, time,
 10 and place stated in the citation. Publication shall be made once a
 11 week for four consecutive weeks.

12 (3) If the court determines that there has been due diligence in
 13 attempting to identify one or both of the parents, or alleged parents,
 14 of the child and the probation officer or social worker recommends
 15 legal guardianship or long-term foster care, no further notice to
 16 the parent shall be required.

17 (h) Notice to the child and all counsel of record shall be by
 18 first-class ~~mail~~ *mail, or by electronic mail if the county, or city*
 19 *and county, and the court choose to permit service by electronic*
 20 *mail and the person to be served has consented to service by*
 21 *electronic mail by signing Judicial Council Form EFS-005.*

22 (i) If the court knows or has reason to know that an Indian child
 23 is involved, notice shall be given in accordance with Section 224.2.

24 (j) Notwithstanding subdivision (a), if the attorney of record is
 25 present at the time the court schedules a hearing pursuant to Section
 26 366.26, no further notice is required, except as required by
 27 subparagraph (A) of paragraph (7) of subdivision (f).

28 (k) This section shall also apply to children adjudged wards
 29 pursuant to Section 727.31.

30 (l) The court shall state the reasons on the record explaining
 31 why good cause exists for granting any continuance of a hearing
 32 held pursuant to Section 366.26 to fulfill the requirements of this
 33 section.

34 SEC. 7. Section 295 of the Welfare and Institutions Code is
 35 amended to read:

36 295. The social worker or probation officer shall give notice
 37 of review hearings held pursuant to Sections 366.3 and 366.31 and
 38 for termination of jurisdiction hearings held pursuant to Section
 39 391 in the following manner:

40 (a) Notice of the hearing shall be given to the following persons:

1 (1) The mother.

2 (2) The presumed father.

3 (3) The legal guardian or guardians.

4 (4) The child, if the child is 10 years of age or older, or a
5 nonminor dependent.

6 (5) Any known sibling of the child or nonminor dependent who
7 is the subject of the hearing if that sibling either is the subject of
8 a dependency proceeding or has been adjudged to be a dependent
9 child of the juvenile court. If the sibling is 10 years of age or older,
10 the sibling, the sibling's caregiver, and the sibling's attorney. If
11 the sibling is under 10 years of age, the sibling's caregiver and the
12 sibling's attorney. However, notice is not required to be given to
13 any sibling whose matter is calendared in the same court on the
14 same day.

15 (6) The current caregiver of the child, including foster parents,
16 relative caregivers, preadoptive parents, nonrelative extended
17 family members, community care facility, or foster family agency
18 having physical custody of the child if a child is removed from the
19 physical custody of the parents or legal guardian. The person
20 notified may attend all hearings and may submit any information
21 he or she deems relevant to the court in writing.

22 (7) The current caregiver of a nonminor dependent, as described
23 in subdivision (v) of Section 11400. The person notified may attend
24 all hearings and may submit for filing an original and eight copies
25 of written information he or she deems relevant to the court. The
26 court clerk shall provide the current parties and attorneys of record
27 with a copy of the written information immediately upon receipt
28 and complete, file, and distribute a proof of service.

29 (8) The attorney of record if that attorney of record was not
30 present at the time that the hearing was set by the court.

31 (9) The alleged father or fathers, but only if the recommendation
32 is to set a new hearing pursuant to Section 366.26.

33 (b) No notice shall be required for a parent whose parental rights
34 have been terminated or for the parent of a nonminor dependent,
35 as described in subdivision (v) of Section 11400, unless the parent
36 is receiving court-ordered family reunification services pursuant
37 to Section 361.6.

38 (c) The notice of the review hearing shall be served no earlier
39 than 30 days, nor later than 15 days, before the hearing.

1 (d) The notice of the review hearing shall contain a statement
2 regarding the nature of the hearing to be held, any recommended
3 change in the custody or status of the child, and any
4 recommendation that the court set a new hearing pursuant to
5 Section 366.26 in order to select a more permanent plan.

6 (e) Service of notice shall be by first-class mail addressed to
7 the last known address of the person to be provided notice. *In lieu*
8 *of notice by first-class mail, notice may be served by electronic*
9 *mail if the county, or city and county, and the court choose to*
10 *permit service by electronic mail and the person to be served has*
11 *consented to service by electronic mail by signing Judicial Council*
12 *Form EFS-005. In the case of an Indian child, notice shall be by*
13 *registered mail, return receipt requested.*

14 (f) If the child is ordered into a permanent plan of legal
15 guardianship, and subsequently a petition to terminate or modify
16 the guardianship is filed, the probation officer or social worker
17 shall serve notice of the petition not less than 15 court days prior
18 to the hearing on all persons listed in subdivision (a) and on the
19 court that established legal guardianship if it is in another county.

20 (g) If the social worker or probation officer knows or has reason
21 to know that an Indian child is involved, notice shall be given in
22 accordance with Section 224.2.

23 SEC. 8. Section 316.1 of the Welfare and Institutions Code is
24 amended to read:

25 316.1. (a) (1) Upon his or her appearance before the court,
26 each parent or guardian shall designate for the court his or her
27 permanent mailing address. The court shall advise each parent or
28 guardian that the designated mailing address will be used by the
29 court and the social services agency for notice purposes unless and
30 until the parent or guardian notifies the court or the social services
31 agency of a new mailing address in writing.

32 (2) *In addition to providing his or her permanent mailing*
33 *address, the court may permit a parent or guardian appearing*
34 *before the court to voluntarily provide the court with a designated*
35 *electronic mail address for the purpose of receiving notice by*
36 *electronic mail. The court shall advise each parent or guardian*
37 *that the electronic mail address will be used by the court and the*
38 *social services agency for purposes of providing notice pursuant*
39 *to Sections 290.1, 290.2, 291, 292, 293, 294, and 295, if the parent*

- 1 *or guardian has consented to service by electronic mail by signing*
- 2 *Judicial Council Form EFS-005.*
- 3 (b) The Judicial Council may develop a form for the designation
- 4 of a permanent mailing address by parents and guardians for use
- 5 by the courts and social services agencies.

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