

STRTP Hearing Process 1

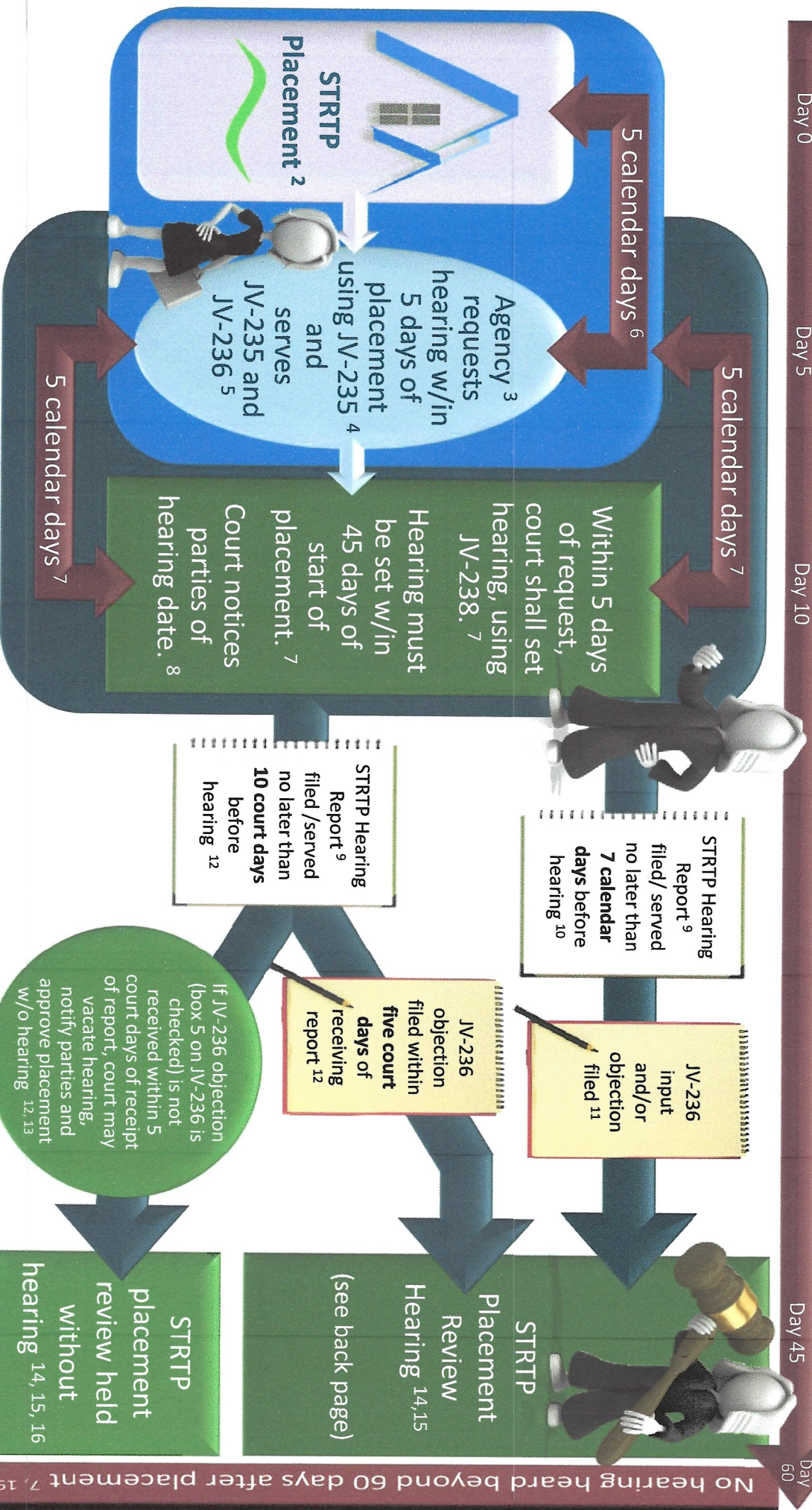
Day 0

Day 5

Day 10

Day 45

Day 60



Judicial Council Forms

JV-235 Request for Review of Placement in Short-Term Residential Therapeutic Program (mandatory)

JV-236 Objection to or Input on Placement in Short-Term Residential Therapeutic Program (mandatory)

JV-237 Proof of Service – Short-Term Residential Therapeutic Program Placement (mandatory)

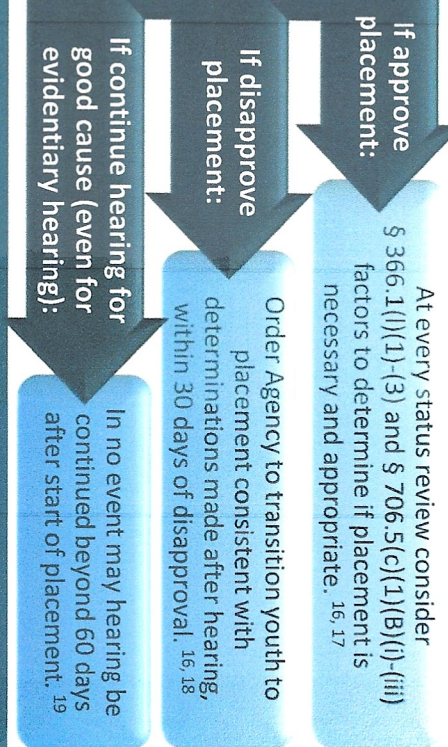
JV-238 Notice of Hearing Regarding Placement in Short-Term Residential Therapeutic Program (optional)

JV-239 Order on Placement in Short-Term Residential Therapeutic Program (mandatory)

STRTP Placement Review Hearing 14,15



- Court shall consider information in report⁹ and may consider any other relevant evidence, including whether placement is consistent with youth's best interest.¹⁴
- Court must make three determinations:
 1. Whether needs of youth can be met through placement in family-based setting, or if not, whether placement in STRTP provides most effective and appropriate care in least restrictive environment.
 2. Whether STRTP is consistent with short- and long-term mental and behavioral health goals and permanency plan for youth.
 3. For Indian child, whether there is good cause to depart from ICWA placement preferences



Endnotes & references

1 Applicable law: • WIC § 361.22 • WIC § 727.12 • Rule of Court 5.618	2 Applies to initial and subsequent placements made in STRTP (Short-term Residential Therapeutic Program) after Oct. 1, 2021 of minors and nonminor dependents. § 361.22(a), § 727.12(a). Law is not retroactive.	3 Placing “agency” refers to social worker for dependents and probation officer for wards. § 361.22(b), § 727.12(b), Rule 5.618(b)	4 § 361.22(b)(1), § 727.12(b)(1), Rule 5.618(b)
5 Agency shall serve the JV-235 and a blank JV-236 to all parties, including: • Child’s parent and attorney if parental rights have not been terminated, • Nonminor dependent’s parent and attorney if parent is receiving family reunification services, • Child’s legal guardian and attorney, • Child over 10/nonminor dependent and attorney, • Indian tribe (always for dependent; for ward if § 244.2(d)(1)(E) applies), • Court Appointed Special Advocate (CASA) if youth is dependent. Agency files the JV-237 Proof of Service. § 361.22(b)(2), § 727.12(b)(2), Rule 5.618(b)	6 Request for hearing and service shall occur within five calendar days of placement. § 361.22(b)(1), § 727.12(b)(1), Rule 5.618(b)	7 Upon receipt of JV-235, Court has five calendar days to set hearing. (Use of JV-238 is optional.) Hearing must be set within 45 days of start of placement. § 361.22(d), § 727.12(d), Rule 5.618(c). In no case shall hearing be held later than 60 days from start of placement. § 361.22(a), § 727.12(a), Rule 5.618(g)(4)	8 Within 5 calendar days of receiving JV-235, Court gives notice of hearing to those listed in Note 5. § 361.22(d), § 727.12(d), Rule 5.618(c)
9 Report for hearing shall include: • Copy of assessment, determination of care and service needs, documentation prepared by Qualified Individual, • Case plan documentation, • If Indian child, statement regarding whether tribe had opportunity to confer regarding departure from ICWA placement preferences and whether active efforts were made prior to placement to satisfy § 244.2(f), and • Statement regarding whether any party objects. § 361.22(c)(1), § 727.12(c)(2), Rule 5.618(c)(1).	10 Report must be served on those listed in Note 5. § 361.22(c)(2), § 727.12(c)(2), Rule 5.618(d)(1)	11 JV-236 is used by parties or anyone with an interest in the child to provide input, but only parties may object: • Child’s parent/attorney if no TPR, • NMD’s parent/attorney if parent in family reunification, • Child’s legal guardian and attorney, • Child over 10/nonminor dependent and attorney, • Indian tribe, Local practice and local rules determine procedure for completing, filing, and noticing JV-236. § 361.22(c)(2), § 727.12(c)(2), Rule 5.618(f).	12 Court may approve placement without hearing if: • Service of JV-235 and JV-236 is proper, • JV-237 verifies that report was served 10 court days before hearing, • No party has objected on JV-236 w/in court five days of receiving report (Box 5 must be checked to object), and • Court will approve placement based on information before it. § 361.22(h), § 727.12(h), Rule 5.618(f)(1)
13 If Court approved placement without hearing, Court must notify those in Note 5 and vacate hearing. Rule 5.618(f)(2)	14 When reviewing placement, court shall consider factors listed. § 361.22(e)(2)-(4), § 727.12(e)(2)-(4), Rule 5.618(g)(1),(3)	15 Placement may be reviewed at regularly scheduled hearing if within 60 days of placement and all information is in report. § 361.22(g), § 727.12(g)	16 Findings made by preponderance of evidence. Rule 5.618(g)(2). Basis for findings in writing or on record. § 361.22(e)(6), § 727.12(e)(6). Court signs JV-239.
17 § 366(a)(1)(A), § 727.2(e)(1)	18 § 361.22(f), § 727.12(f)	19 Rule 5.618(g)(4). If no approval within 60 days, placement is not eligible for Title-IVE funds	