## STRTP Hearing Process

Day 5 5 calendar days / Day 10 **STRTP Hearing** 1406546565456556656656 Day 45 No hearing heard beyond 60 days after placement

5 calendar days <sup>6</sup>

using JV-235 4 hearing w/in placement V-235 and 5 days of requests Agency 3 JV-236 5 serves and

Placement <sup>2</sup> STRTP

> nearing, using court shall set Within 5 days of request, JV-238. <sup>7</sup>

hearing date. <sup>8</sup> Court notices placement. 7 be set w/in 45 days of parties of start of

> 10 court days no later than filed /served

before

hearing 12

filed/ served no later thar days before 7 calendar hearing 10 Report <sup>9</sup> filed 11 objection

and/or

JV-236 input

filed within receiving five court objection days of JV-236

Hearing 14,15

Placement

STRTP

Review

**STRTP Hearing** 

Report 9

report 12

(see back page,

Hearing must

of report, court ma court days of receip approve placemen notify parties and received within 5 box 5 on JV-236 is vacate hearing, f JV-236 objection checked) is not

hearing <sup>14, 15, 16</sup> review helc placement without

(mandatory,

Counci ludicia

Forms

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

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

5 calendar days /

V-237 Proof of Service Placement (mandatory, Short-Term Residential Therapeutic Program

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

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

Hon. Shawna Schwarz

sschwarz@scscourt.org

Santa Clara County Superior Court

Sept. 2021

Ver. 1.5

## Placement Review Hearing 14,15

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

placement preferences

placement: If approve

§ 366.1(I)(1)-(3) and § 706.5(c)(1)(B)(i)-(iii) factors to determine if placement is At every status review consider necessary and appropriate. 16, 17

within 30 days of disapproval. 16,18 Order Agency to transition youth to placement consistent with

If disapprove

If continue hearing for evidentiary hearing): good cause (even for

after start of placement. 19 In no event may hearing be

## Endnotes & references

Applicable law:

WIC § 361.22

WIC § 727.12

Rule of Court 5.618

§ 361.22(a), § 727.12(a). Law is not retroactive. STRTP (Short-term Residential Therapeutic Program) after Oct. 1, 2021 of minors and nonminor dependents

2 Applies to initial and subsequent placements made in

§ 361.22(b), § 727.12(b), Rule 5.618(b) dependents and probation officer for wards. Placing "agency" refers to social worker for

§ 727.12(b)(1), Rule 5.618(b) § 361.22(b)(1),

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)

Report for hearing shall include:

§ 727.12(b)(1) § 361.22(b)(1), of placement.

Rule 5.618(b)

shall occur within

hearing and service

Request for

five calendar days

§ 727.12(c)(2), § 361.22(c)(2), Note 5. those listed in be served on 10 Report must

If Indian child, statement regarding whether tribe had

needs, documentation prepared by Qualified Individual, Copy of assessment, determination of care and service

placement preferences and whether active efforts were opportunity to confer regarding departure from ICWA Case plan documentation,

the child to provide input, but only parties may object: 11 JV-236 is used by parties or anyone with an interest in

§ 361.22(a), § 727.12(a), Rule 5.618(g)(4)

days from start of placement.

§ 361.22(d), § 727.12(d), Rule 5.618(c).

In no case shall hearing be held later than 60

of start of placement.

optional.) Hearing must be set within 45 days

calendar days to set hearing. (Use of JV-238 is

Upon receipt of JV-235, Court has five

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

Rule 5.618(d)(1

completing, tiling, and noticing JV-236 Local practice and local rules determine procedure for

§ 361.22(c)(2), § 727.12(c)(2), Rule 5.618(f)

Placement may

§ 361.22(e)(6), § 727.12(e)(6). writing or on record Basis for findings in 5.618(g)(2). evidence. Rule preponderance of 16 Findings made by § 727.12(f) 18 § 361.22(f), § 727.2(e)(1) 17 § 366(a)(1)(A),

eligible for Title-IVE funds 60 days, placement is not It no approval within 19 Rule 5.618(g)(4).  Service of JV-235 and JV-236 is proper 12 Court may approve placement without hearing if:

§ 361.22(c)(1), § 727.12(c)(2), Rule 5.618(c)(1). Statement regarding whether any party objects. made prior to placement to satisfy § 244.2(f), and

§ 727.12(d), Rule 5.618(c)

§ 361.22(d),

those listed in Note 5 notice of hearing to 235, Court gives days of receiving JV-& Within 5 calendar

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)

Rule 5.618(f)(2) 13 If Court without hearing, those in Note 5 Court must notify placement

factors listed. 14 When reviewing

shall consider

Rule 5.618(g)(1),(3) § 727.12(e)(2)-(4) § 361.22(e)(2)-(4) placement, court

§ 727.12(g) and all information is in report. days of placement hearing if within 60 regularly scheduled be reviewed at 361.22(g), Court signs JV-239