

DE FACTO PARENT REQUEST

SELF-HELP FORM PACKET



SHC-PB-10 (Rev. 08/05/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to www.occourts.org/self-help (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select PROBATE as the case type on the form.

WHAT IS A “DE FACTO PARENT?”

A “De Facto Parent” means a person who has been found by the court to have assumed, on a day to day basis, the role of parent, fulfilling both the child’s physical and psychological needs for care and affection, and who has assumed that role for a substantial period. (Rule 5.502(10)).

How does the juvenile court decide if I am a de facto parent?

Only the juvenile court can decide if you are a de facto parent. The judge will apply case law and rule 5.502(10). He or she will consider the care you gave the child and how long you did it. Also, the judge will decide if you can help the court understand what is best for the child—the child’s best interests. If you have harmed the child or put the child at risk, the judge will likely decide that you are not a de facto parent.

If the judge decides you are not a de facto parent, you may still tell the judge what you feel or know about the child by filing JV-290, the *Caregiver Information Form*, or, if you are not the current caregiver, by sending a letter to the court.

De Facto Parent Pamphlet

You have been taking care of a child who has been declared a dependent of the juvenile court. You want to be more involved in the child’s court case and are considering becoming a de facto parent.

This pamphlet describes:

- What your rights are if the juvenile court decides you are a de facto parent
- What is a de facto parent
- How to apply to the juvenile court to see if you are a de facto parent and
- How the juvenile court decides if you are a de facto parent.

If you want additional information or have specific questions, you may want to consult with an attorney. Call your local Bar Association to ask for a referral.

What are my rights as a de facto parent?

You have the following rights if a juvenile court judge finds that you are a de facto parent:

- To be present at dependency proceedings (Note: as a caregiver you can go to all dependency review and permanency hearings even if you are not a de facto parent.)
- To be represented by a lawyer, if you hire one. (In some cases the court may appoint a lawyer at no cost to you if the judge thinks it is necessary.)

- To present evidence and cross-examine witnesses and
- To participate as a party in the disposition hearing and any hearing after that.

You can learn more about these rights by reading rule 5.534(a) and 5.502(10) of the California Rules of Court (available on the California Courts Web site: www.courts.ca.gov). Remember: A de facto parent is not the same as a parent. You do not have the right to:

- Reunification services
- Attorney fees (But in some cases the judge may give you an attorney, and the court will pay the fees.)
- Rehearing (You cannot ask for another hearing if you don't agree with the judge's decision, but you may have a right to an appeal.)

What is a “de facto parent”?

You may be a de facto parent if:

- The child is a dependent of the juvenile court.
- You are or have been taking care of the child every day.
- You have been acting as the child's parent.
- You are meeting (or have met) the child's needs for food, shelter, and clothing. You have also met the child's needs for care and affection.

No law says exactly what a “de facto parent” needs to be. Judges make this decision based on other court cases and on rule 5.502(10) of the California Rules of Court. You can read the rule on the California Courts Web site: www.courts.ca.gov.

How do I apply for de facto parent status?

To apply, fill out the following forms: JV-295 and JV-296.

Form JV-295 asks for your name, address, and phone number. On the form, you tell the judge that you or someone else wants to be the child's de facto parent. If you are asking for someone else, you need to write that person's information on the form. Then you sign and date the form. If you have an attorney, he or she will sign the form too.

On form JV-296, you say why you think the judge should decide that you or the other person named on JV-295 are a de facto parent. List important things you did for the child and how often you did them. This is so the judge has all the information he or she needs to make a decision. Give information like:

- How long you have cared for the child
- What you do with the child
- What you do for the child
- How much you care for the child
- What you know about the child's special needs, desires, hopes
- How you can meet the child's needs.

You can also attach letters from others who know you and the child. For example: teachers, therapists, pediatricians, spiritual advisors, etc.

Clerk stamps date here when form is filed.

The address of any licensed foster family home must remain confidential unless the judge or the foster parent authorizes release of the address. Court clerks should not send this page to the parties without a court order or authorization of the foster parent. (Welf. & Inst. Code, § 308(a).)

1 My/Our name(s): _____

My/Our address: _____

City: _____ State: _____ Zip: _____

My/Our phone #: _____

Fill in court name and street address:

Superior Court of California, County of

2 I am/We are asking that I/we be appointed de facto parent(s) of
(Child's name): _____

Court fills in case number when form is filed.

Case Number:

Date: _____
Type or print your name

Signature of person requesting de facto parent status

Date: _____
Type or print your name

Signature of person requesting de facto parent status

Date: _____
Type or print attorney's name

Signature of attorney (if applicable)

Attorney's address: _____

City: _____ State: _____ Zip: _____

Attorney's phone #: _____

NOTICE

If you are not the child, child's parent, or child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may need a court order granting you access to records in the juvenile case file. For more information, please see *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form _____). You can get form _____ at any courthouse or county law library or online at _____

Clerk stamps below when form is filed.

Court name and street address:

Superior Court of California, County of

Case Number:

1 My/Our name(s): _____

2 The child's name: _____
 Boy Girl

3 Child's date of birth: _____ Age: _____
Relationship to child (grandparent, foster parent, etc.):

4 The child has lived with me from:
(date) _____ to (date) _____
(date) _____ to (date) _____

5 I have had responsibility for the day-to-day care of the child
from:
(date) _____ to (date) _____
(date) _____ to (date) _____

6 Information the judge should know about my relationship with
the child. (*This part must be completed*).

a. Amount of time I spend with the child (daily, weekly, etc.):


d. I have have not attended
court hearings about the child.


e. I have have not sent a written
report to the court about the child.

b. Activities I do with the child: _____

c. Kinds of information I have about the child that others may not have (medical, educational, behavioral, etc.):

7 I declare under penalty of perjury under the laws of the State of California that the information on this form is
true and correct to my knowledge. This means if I lie on this form, I am committing a crime.

Date: _____ *Type or print your name*  _____
Signature of person requesting de facto parent status

Date: _____ *Type or print your name*  _____
Signature of person requesting de facto parent status

INSTRUCTION SHEET FOR CAREGIVER INFORMATION FORM

Background

1. **What is the "Caregiver Information Form"?** The *Caregiver Information Form*, also called form JV-290, is intended to provide an easily accessible way for foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, legal guardians, community care facilities, and foster family agencies (or any other individual or agency currently caring for a foster child) to provide information about the child to the court.
2. **When does it need to be filled out and filed?** The *Caregiver Information Form* is an optional form. If you choose to use it, fill it out and file it with the court along with eight copies, at least five days before the hearing, or mail it to the court for filing at least seven days before the hearing. Follow the instructions below. Do not wait until the day of the court hearing to file the form.
3. **Current foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, legal guardians, and other individuals caring for a child:** You may fill out this form even if a staff person from the child's foster family agency or community care facility is also filling it out. You may write a letter to the court, instead of using the form. Either way, follow the procedures described on the next page about making copies, filing, and attending the hearing. Be aware that the form or letter will be provided to parties and attorneys. If you are a confidential foster parent, provide information to the child's social worker rather than filing the form or letter with the court.
4. **Foster family agencies or community care facilities:** You may complete this form and use it as the mandatory report required by Welfare and Institutions Code section 366.21. It is recommended that each agency or facility develop a policy about who is responsible for filling out and filing the form or report on behalf of each child.
5. **What should I be thinking about as I fill out the form?** Use the form to provide factual information about the child, such as behavior you have observed and information about the child's needs. Avoid including opinions or information not related to the child. The goal is to provide information to the court that helps the judge make informed decisions about the child.

How to Fill Out Form JV-290

1. **Complete the caption.** These are the boxes at the top of the page.
 - *Court name, street address, and mailing address.* Write the name of the county where the court is located and the street and mailing addresses of the court. If you do not know the name and address of the court, look on the notice of the court hearing you received in the mail or go to www.courtinfo.ca.gov/courts/find.htm to find the local court in your county. For branch name, write "Juvenile."
 - *Child's Name.* Write the child's first and last names.
 - *Hearing Date and Time.* Write the hearing date and time. Ask the social worker if you do not have this information.
 - *Case Number.* This number is on the notice of the court hearing you received in the mail. If you do not have the number, ask the child's social worker or attorney for the number. If the case involves brothers and sisters (siblings), there may be more than one case number. Be sure to use a separate form and the correct number for each child.
2. **Complete information about the child and about yourself or your agency.**
 - *Item 1.* Fill in the child's first and last names, date of birth, and age.
 - *Item 2.* Foster parents, relative caregivers, and other individuals caring for children should complete item 2. Include your name, what type of caregiver you are, and how many years and/or months the child has lived in your home. Skip item 3. If you are a confidential foster parent, provide information to the child's social worker rather than filing this form with the court.
 - *Item 3.* Foster family agencies, community care facilities, and staff at any other group-care setting should skip Item 2 and complete item 3. Indicate the facility name, address, telephone number, the type of facility, how long the child has been with your agency, and how long he or she has been in the current placement. Then write your name (the person completing form) and your title. If it is not clear from your title, explain in what capacity you work with the child. Indicate how many hours each week you spend with the child. Finally, check the box to indicate whether you are filling out the form based on your own observations and recommendations or on those of a group or team. If applicable, specify the members of the group or team.

3. **Complete items 4–10 about the child.** For each question, check the box to indicate whether there is new information since the last hearing. Briefly write new information in the appropriate section of the form. Do not describe anything you have not personally observed.
 - *Item 4.* Provide information on the child's medical, dental, and general physical and emotional health (e.g., doctor visits, hospitalizations, and medications; descriptions of physical or emotional development).
 - *Item 5.* Provide information on the child's status at school, if applicable (e.g., child's grade level; public or nonpublic school; how the child is doing in school; outcomes of testing or school conferences).
 - *Item 6.* Indicate whether the child is a special education student and, if so, the date of the most recent Individualized Education Plan (IEP).
 - *Item 7.* Provide information on how the child is adjusting to your home/facility (e.g., child's social skills and behavior at home; how the child is interacting with other family members; how the child expresses feelings and needs; the child's eating and sleeping patterns).
 - *Item 8.* Provide information on how the child is getting along with others (e.g., peer relationships, relationships with teachers and other adults outside of your family).
 - *Item 9.* Provide information on the child's special interests and activities (e.g., participation in sports or music lessons; how often the child participates; any talents, interests, or hobbies).
 - *Item 10.* Provide any additional information that you believe the court should know about the child (e.g., behavioral information; services the child is receiving; your recommendations for additional services that are needed; visitation information, such as dates of visits with parents or siblings).
4. **Recommendation for Disposition (Outcome).** If you are a community care facility or foster family agency, you must include your recommendation for disposition if the JV-290 form is being used as your report required under Welfare and Institutions Code section 366.21(d). Foster parents and other individual caregivers may include their recommendation for disposition (outcome) if they choose.
5. **Add any attachments.** Check the box in item 12 to add additional pages. You may attach information from the child's teacher, doctor, or other service providers and a photograph of the child.
6. **Sign and date the form.** On the bottom of page 2, write the date, type or print your name, and sign your name.

What to Do With the Form After You Have Filled It Out

1. **Make copies.** Caregivers should make eight or more copies of the completed JV-290 form and any attachments.
2. **If you choose to file the form in person.** At least **five** calendar days before the hearing date, bring the original form and the recommended eight copies to the court clerk's office at the courthouse where the hearing will be held. Ask the clerk to file the form for you. Keep one copy of the date-stamped form for yourself. The clerk is responsible for providing the form to all parties and completing and filing the proof of service form.
3. **If you choose to file the form by mail.** At least **seven** calendar days before the hearing date, mail the original form and all but one of the copies to the court clerk's office at the courthouse where the hearing will be held. Put two stamps on the envelope. Include a note indicating "For filing and service" and including the case number. The clerk is responsible for providing the form to all parties and completing and filing the proof of service form.
4. **Confirm the hearing time, date, and place.** If you plan to attend the hearing, call the social worker to confirm the hearing date, time, and courtroom.

What to Do on the Hearing Day

1. **Bring extra copies of the form.** If you decide to attend the hearing, it is suggested that you make additional copies of the form and any attachments in order to provide copies to anyone at the hearing who did not receive them.
2. **Comments in court.** If you choose to attend the hearing, any comments you make should be short, factual, and based on your own observations. You may raise your hand to let the judge know you would like to speak, or let the courtroom clerk or deputy/bailiff know before the hearing.

CHILD'S NAME:

CASE NUMBER:

6. Child's Special Education Status

- a. The child is a special education student. Date of last Individualized Education Plan (IEP):
- b. The child is not a special education student.
- c. I do not know the child's special education status.

7. Current Status of Child's Adjustment to Living Arrangement

- a. There is no new or additional information since the last court hearing.
- b. There is new or additional information since the last court hearing, as follows:

8. Current Status of Child's Social Skills and Peer Relationships

- a. There is no new or additional information since the last court hearing.
- b. There is new or additional information since the last court hearing, as follows:

9. Current Status of Child's Special Interests and Activities

- a. There is no new or additional information since the last court hearing.
- b. There is new or additional information since the last court hearing, as follows:

10. Other Helpful Information

- a. There is no new or additional information since the last court hearing.
- b. There is new or additional information since the last court hearing, as follows:

11. Recommendation for Disposition (*Outcome*)

- a. I have no recommendation for disposition (*outcome*).
- b. I am recommending the following disposition (*outcome*):

12. If you need more space to respond to any section on this form, please check this box and attach additional pages.
Number of pages attached:

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Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CAREGIVER OR FACILITY/AGENCY STAFF PERSON
WHO HAS COMPLETED THIS FORM)

Clerk stamps date here when form is filed.

COURT WILL FILL OUT SECTION BELOW

The judge, after reading and reviewing the *De Facto Parent Request* and the *De Facto Parent Statement* filed by

(Name): _____

(Name): _____

asking to be appointed the de facto parent(s) of

(Child's name): _____

orders:

- 1. The request for de facto parent status is granted.
- 2. The request for de facto parent status is denied.
- 3. The judge orders a hearing on the request for de facto parent status.

The hearing will take place on _____

at _____ a.m./p.m. in Department:

_____ of the Superior Court located at

The court does does not appoint a lawyer to represent the de facto parent.

The lawyer's name is: _____

(print name)

Date: _____



Judge (or Judicial Officer)

Court name and street address:

Superior Court of California, County of

Case Number:

This is a Court Order.