

PROCEDURES FOR REQUESTS UNDER WIC §§ 329 AND 331
(Revised 4.7.2025)

1. An APPLICATION TO COMMENCE JUVENILE COURT PROCEEDINGS AND DECISION OF SOCIAL WORKER (Judicial Council Form JV-210, revised, effective 1.1.23, available on-line at <http://www.courts.ca.gov/documents/jv210.pdf>) may be submitted by any person, including a judicial officer, who wishes to request an investigation by HHS Child & Family Well-Being to determine whether a child in San Diego County comes within the provisions of WIC § 300 and should be the subject of juvenile dependency proceedings.¹ (See also Cal. Rules of Court, rule 5.520(c).)

If the applicant is the Probate Court, Part II of the Form JV-210 should be left blank, and Part III of the Form JV-210 should be completed.

If Form JV-210 is not used, the application must be in the form of an affidavit [1] alleging that there was or is within the county, or residing therein, a child who falls within the definition of a dependent child (WIC § 300) and [2] setting forth facts in support of that allegation.

The application should include as much detailed information as possible. The applicant should provide the names, addresses, and telephone numbers of family members, teachers, schools, service providers, or others who may have information about the case. If the child is detained in a Juvenile Justice detention facility, that information should be on the application. The applicant also should attach any relevant documents.

The completed Form JV-210 or affidavit may be [1] brought to the Juvenile Court Business Office, 2851 Meadow Lark Drive, San Diego, CA 92123, [2] mailed to the Child and Family Well-Being Hotline, 8911 Balboa Avenue, San Diego, CA 92123, or [3] faxed to the County's Child Abuse Hotline at **(858) 467-0412**. The phone numbers for the Hotline are (858) 560-2191 and (800) 344-6000. If the child resides in another county, the application must be directed to the child protective services agency of the county where the child lives.

2. WIC § 329 requires the HHS social worker to investigate "immediately" upon receiving the application. Such investigations will be given priority, particularly if the child is detained in custody. As soon as possible but no later than **three weeks** after the application, the social worker must [1] decide whether to commence proceedings in juvenile court, [2] complete the declaration at the bottom of Form JV-210, and [3] notify the applicant of the social worker's decision. If the social worker declines to file a WIC § 300 petition, sufficient information must be included on Form JV-210 and attachment 11.b. to explain the decision. Form JV-210 and any attachments must be provided to the applicant and, in a juvenile justice case, to the child's defense attorney.

¹ Neither judicial officers nor court employees are listed as mandated reporters. (Pen. Code, § 11165.7.) Under Penal Code § 11166(g), however, "Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to any agency specified in [§] 11165.9."

3. If the social worker declines to file a WIC § 300 petition or fails to notify the applicant of the decision within three weeks, the applicant may, **within one month of making the WIC § 329 application** (i.e., if mailed, within one month after the postmark date), request that the juvenile court review the social worker's decision. The child's attorney may file a request under WIC § 331 even if the attorney was not the WIC § 329 applicant. The procedure described in WIC § 329 must be utilized before the juvenile court will consider any request for review pursuant to WIC § 331.
4. To make a request under WIC § 331(a), the applicant should complete an APPLICATION TO REVIEW DECISION BY SOCIAL WORKER NOT TO COMMENCE PROCEEDINGS (Judicial Council Form JV-212, <http://www.courts.ca.gov/documents/jv212.pdf>) and file it in the Juvenile Court Business Office, 2851 Meadow Lark Drive, San Diego, CA 92123. If the request is from the probate court or an attorney appointed for the minor by the probate court (see WIC § 331(b)), the PROBATE COURT REQUEST FOR JUVENILE COURT REVIEW OF DECISION NOT TO COMMENCE PROCEEDINGS (Judicial Council Form JV-213, <https://www.courts.ca.gov/documents/jv213.pdf>) should be used instead. When the WIC § 331 request is made, the applicant shall attach the JV-210 to the JV-212 or JV-213, along with any attachment, response, or report prepared by the social worker as a result of the WIC § 329 request.

If the applicant is a judicial officer in the Family Division or the Probate Division, fax the JV-212 or JV-213, along with the JV-210 and any attachments, to the Juvenile Court Business Office (extension **1533**).² Send the Family or Probate Division case file by interoffice mail to Juvenile Court Department 1 (mailstop P-299).

When a WIC § 331 request is filed, the court clerk will email file-stamped copies of the JV-212 or JV-213, along with the JV-210 and any attachments, to the applicant and to the San Diego Office of County Counsel, Juvenile Division ("County Counsel"), accompanied by a cover sheet stating that **all parties will have five (5) court days to request a hearing** and indicating how to contact the court to request a hearing.

If the applicant does not have an email address, the court has discretion to extend the period in which a hearing may be requested beyond five (5) court days.

5. Upon receiving the application, the Juvenile Court may "either affirm the decision of the social worker or order him or her to commence juvenile court proceedings." (WIC § 331.) If no application was made under WIC § 329, the Juvenile Court will summarily deny an application filed pursuant to WIC § 331.

If no hearing is requested within five (5) court days, the court will rule on the application without a hearing and sign the JV-212 or JV-213. The court clerk will email copies of the signed JV-212 to the applicant and County Counsel. No minute order will be necessary.

If a hearing is requested within five (5) court days, the court will rule on the request for hearing as follows:

² **Note:** This fax number is used only for new dependency petitions and the WIC § 331 requests from judicial officers. Do not list it as Juvenile Court's generic fax number or use it for any other purpose.

Applications on form JV-212: If a hearing is **denied**, the court will write "See Attachment A" in item 9 on the JV-212. On "Attachment A," the court will check "Hearing Denied" and indicate the reason(s) for denial. The court clerk will email copies of the signed JV-212 and Attachment A to the applicant and County Counsel.

Applications on form JV-213: If a hearing is **denied**, the court will write "See Attachment A" after "THE COURT FINDS AND ORDERS" at the bottom of the JV-213. On "Attachment A," the court will check "Hearing Denied" and indicate the reason(s) for denial. The court clerk will email copies of the signed JV-213 and Attachment A to the applicant and County Counsel.

Applications on form JV-212: If a hearing is **granted**, the court will write "See Attachment A" in item 9 on the JV-212. On "Attachment A," the court will check "Hearing Granted" and fill in the date, time, and place of the hearing. The court clerk will email copies of the signed JV-212 and Attachment A to the applicant and County Counsel.

Applications on form JV-213: If a hearing is **granted**, the court will check item 2 and fill in the date, time, and place of the hearing at the bottom of the JV-213. The court clerk will email copies of the signed JV-213 and Attachment A to the applicant and County Counsel.

If a hearing is granted, it will be set for the next available Wednesday afternoon in Department 1 or as assigned. After the hearing, the court will issue a minute order and serve copies on the parties.

In ruling on the application, the Juvenile Court will make an independent assessment to determine whether there is a prima facie showing the child comes within the dependency statute and whether a dependency petition is required to protect the child. In doing so, the Juvenile Court will give due consideration to the social worker's determination and may rely upon the agency's expertise for guidance. (In re Michael H. (2014) 229 Cal.App.4th 1366, 1372.)

6. If HHS is ordered to commence proceedings, the social worker has a duty to further investigate the matter and submit reports to the court as directed. (WIC § 281.) If, after further investigation, the social worker still concludes that jurisdiction is not justified and/or recommends that jurisdiction not be exercised, the Juvenile Court must make its own independent determination of whether jurisdiction exists.
7. If the Juvenile Court assumes jurisdiction under WIC § 300, "no other division of any superior court may hear proceedings pursuant to Part 2 [§ 3020 et seq.] of Division 8 of the Family Code regarding the custody of the child or proceedings under Part 2 [§ 1500 et seq.] of Division 4 of the Probate Code, except as otherwise authorized in this code, regarding the establishment of a guardianship for the child. While the child is under the jurisdiction of the juvenile court all issues regarding [the child's] custody shall be heard by the juvenile court." (WIC § 304.)
8. If review of the social worker's decision was requested by the Probate Court, the Juvenile Court will transmit its decision in writing (i.e., a copy of the minute order) to the Probate Court within five days of completing the review. (WIC § 331(b)(2).)