

JV-326-INFO Instructions for Notice of Hearings Under Section 366.26(n)

Below are basic instructions for providing notice of a hearing on prospective adoptive parent designation, an intent to remove, or an emergency removal. If you are unfamiliar with this notice process, please refer to Welfare and Institutions Code section 366.26(n) and rules 5.726, 5.727, and 5.728 of the California Rules of Court.

Notice of designation hearing

- 1 The **clerk** must provide notice of the hearing if the caregiver or the child filed form JV-321.
- 2 The **child's attorney** must provide notice of the hearing if the child's attorney filed form JV-321.
- 3 If the request for designation was made at the same time as a request for a hearing on an intended or emergency removal, notice of the designation hearing must be provided with notice of the removal hearing and can be given by telephone.
- 4 If the request for designation was made before a request for removal was filed or before an emergency removal occurred, notice must be either by first-class mail, by electronic service, or by personal service. Notice must include form JV-321, *Request for Prospective Adoptive Parent Designation*, and the order setting a hearing on form JV-327, *Prospective Adoptive Parent Designation Order*.
- 5 *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the request for prospective adoptive parent designation.

Notice of proposed removal hearing

- 1 The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- 2 The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- 3 Notice may be given by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*.
- 4 If notice is made by personal service, forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*, must be used.
- 5 *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the intended removal.

Notice of emergency removal hearing

- 1 The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- 2 The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- 3 Notice of an emergency removal hearing may be by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*.
- 4 If notice is made by personal service, forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*, must be used.
- 5 *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the emergency removal.