

COURT REPORT GUIDE FOR JUDICIAL REVIEW OF PRESUMPTIVE TRANSFER (AB 1299)

Pursuant to Rules of Court 5.647, discuss the following:

- DCFS' rationale for its decision on the request for a waiver of presumptive transfer, including:
 - Any requests for waiver, and the exceptions claimed as the basis for those requests
 - DCFS' determination of whether waiver of presumptive transfer is appropriate under section 14717.1(d)(5)(A)–(D)
 - Any objections to the placing agency's determination
 - The ways that the child's or nonminor's best interests will be promoted by the DCFS' presumptive transfer determination.
- That the child or nonminor, his or her parents if applicable, the child and family team, and others who serve the child or nonminor as appropriate—such as the therapist, mental health care decision maker for the child or nonminor if one has been appointed under section 361(a)(1), and Court Appointed Special Advocate volunteer—were consulted regarding the waiver determination.
- That notice of the placing agency's determination of whether to waive presumptive transfer was provided to the individual who requested waiver of presumptive transfer, along with all parties to the case.
- Whether the mental health plan in the county of original jurisdiction demonstrates an existing contract with a specialty mental health care provider, or the ability to enter into a contract with a specialty mental health care provider within 30 days of the waiver decision, and the ability to deliver timely specialty mental health services directly to the foster child or nonminor.
- The child's or nonminor's current provision of specialty mental health services, and how those services will be affected by the placing agency's presumptive transfer determination.