

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-50 (see also SPR11-51)

Title	Action Requested
Juvenile Law: Extending Juvenile Court Jurisdiction–Nonminor Foster Youth	Review and submit comments by June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.502, 5.570, and 5.740; adopt rules 5.577, 5.707, 5.812, 5.900, 5.903, 5.906 and 5.909; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-367, JV-462, JV-464-INFO, JV-466, JV-468	January 1, 2012
	Contact
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Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Kimberly Nystrom-Geist, Cochair	
Hon. Dean Stout, Cochair	

Summary

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub.L. No. 110-351, made extensive policy and program changes to improve the well-being of and outcomes for children in the foster care system including changes related to extending foster care services to youth up to age 19, 20, or 21 years when those youth meet certain education, training, or work requirements. Participation by a state in this program is optional and requires the state to align state law and regulations with the provisions of P.L. 110-351.

California has opted to participate and Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, enacted extensive changes to California statutes to comply with provisions of P.L. 110-351, including those related to the extension of foster care services for youth up to 21 years of age. This proposal includes seven new rules, three amended rules, eight new forms, and one revised form to implement the provisions of AB 12 related to juvenile court jurisdiction and the extension of foster care services.¹

¹ The California Department of Social Services and AB 12 co-sponsors organized a number of committees and working groups, including an AB 12 Rules and Forms Working Group to assist with the implementation of AB 12.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Discussion

AB 12 extends foster care services to youth² beyond their 18th birthdays, which is intended to provide them with the time and support needed to gradually become fully independent adults. The guiding principle of this extension of services is to allow the youth the opportunity to make decisions regarding his or her housing, education, employment, and leisure activities, while ensuring the availability of ongoing support and assistance when the youth encounters difficulties.

AB 12 also requires the development of procedures to implement additional provisions related to the modification of an eligible child's status from a ward to that of a dependent when the ward's rehabilitative goals have been achieved and probation supervision is no longer required, but a return to the home of the parents or legal guardian would create a substantial risk of detriment.

Under AB 12, foster care services available before turning 18 years of age will continue to be available to the youth after his or her 18th birthday. These services include placement in a supervised foster care placement approved under Welfare and Institutions Code section 11402,³ Medi-Cal coverage, clothing allowances, case management, and Independent Living Program Services. The extension of these services to eligible foster youth will be phased in over a three-year period. During the calendar year 2012, the provisions will apply to a youth no more than 18 years of age; during the calendar year 2013, the youth must be no more than 19 years of age; and during the calendar year 2014, the final year of implementation, and thereafter, a youth must be no more than 20 years of age.⁴ Eligibility terminates on the day the youth turns 21 years of age. In addition to the age-related eligibility requirements, AB 12 also specifies a number of circumstantial eligibility criteria, as outlined below.

This proposal would restructure current court procedures and hearings to ensure that a dependent or ward of the court is provided with information, before he or she turns 18 years of age, on the options now available and the potential benefits of remaining in a foster care placement. In addition, this proposal includes rules for a new series of court hearings and procedures for dependents and wards of the juvenile court who remain in foster care and for those who have left for a period of trial independence and wish to return to a foster care placement.

The Rules and Forms Working Group participants (Family and Juvenile Law Advisory Committee members, lawyers appointed to represent parents and/or children in dependency or delinquency proceedings, juvenile court judges, probation officers, and social workers) held several telephone conference calls to review the proposed rules and forms, raise concerns, and provide suggestions.

² As used in this invitation to comment, "child" refers to a person less than 18 years of age and "youth" refers to a person 18 years of age or older.

³ All further statutory references are to the Welfare and Institutions Code unless specified otherwise.

⁴ The extension of benefits for youth up to 18 years of age during the first year and for youth up to 19 years of age during the following year is fully provided for in AB 12 and does not require further action by the Legislature; however, extension of those benefits to youth between 20 and 21 years of age is contingent upon an appropriation by the Legislature. (Welf. & Inst. Code, §11403(k).)

The proposed rules and forms provide the guidance and structure needed to fully implement the framework for this extension of services set forth in the provisions AB 12.

Definitions

This proposal includes an amendment to rule 5.502 for the addition of the definitions of “90-day Transition Plan,” “transitional independent living case plan,” and “Transitional Independent Living Plan,” which are distinct documents that serve different purposes. The proposal also includes definitions of “nonminor dependent” and “period of trial independence.” These five terms appear frequently in the new rules of court included in this proposal and, although references to the terms are found in various sections of the Welfare and Institutions Code and the California Department of Social Services’ *Manual of Policies and Procedures, Division 31: Child Welfare Services Manual*, including definitions of the terms in amended rule 5.502 will ensure that the meanings of these terms are readily available and understood.

The proposed amendment to rule 5.502 includes the definition for the term “nonminor dependent,” which is defined in AB 12 as a youth under the jurisdiction of the juvenile court as a ward or dependent over 18 years of age who meets the following eligibility requirements⁵ and continues in foster care:

1. The youth remains under juvenile court jurisdiction;
2. The youth satisfies at least one of the education, training, or work conditions under section 11403(b); and
3. The youth signs a mutual agreement with the child welfare services agency, the probation department, or tribe consenting to supervision, support, and placement in a supervised setting under section 11402.

Planning for transition from foster care to independence

The committee recommends the adoption of two rules and three Judicial Council forms to implement provisions of AB 12 related to planning for the transition of juvenile court dependents and wards from a supervised foster care setting to independent living.

Rule and form for dependents. To confirm that a dependent child in a foster care placement has the information needed to make a thoughtful decision about remaining in foster care, the juvenile court is required by section 366(a)(1)(F) as amended by AB 12 to ensure at the last status review hearing held before a dependent turns 18 years of age that the child understands the following:

⁵ Assembly Member Beall introduced Assembly Bill 212 on January 31, 2011, to clarify and correct several provisions of AB 12 including those related to eligibility for status as a nonminor dependent and for modification of juvenile court jurisdiction over a child from that of a ward to that of a dependent. If Assembly Bill 212 becomes law before the adoption of the rules and forms included in this proposal, appropriate modifications to these rules and forms will be proposed and presented to the Judicial Council for its approval. The rules and forms will thereafter be circulated for comment as appropriate.

1. His or her options including the potential benefits of remaining in foster care and how that can be accomplished;
2. That he or she has the right to exit foster care and have juvenile court jurisdiction terminated; and
3. That he or she has the right to have that jurisdiction resumed and to return to foster care.

Proposed rule 5.707 sets out the information that must be included in the report prepared by the social worker for this hearing as well as the required findings and orders, which may be listed on the proposed optional form Attachment: *Additional Findings and Orders for Child Approaching Majority–Dependency* (form JV-460).

Rule and forms for wards. In addition to ensuring that a ward in a foster care placement has the information needed to make a thoughtful decision about remaining in foster care at the last status review hearing before he or she turns 18 years of age, the juvenile court is also required by AB 12 to consider at this hearing whether a ward qualifies to have juvenile court jurisdiction modified from that of a ward to that of a dependent. Under AB 12, the modification of the court’s jurisdiction over a child from that of a ward to of a dependent must also be considered at any other hearing during which the juvenile court will consider the termination of its jurisdiction over a ward in a foster care placement or a ward who was a dependent of the juvenile court in a foster care placement at the time the juvenile court adjudged him or her to be a ward under section 725. A hearing must be set under section 241.1(d) to determine whether the modification should occur if the juvenile court determines that:

1. The ward has achieved his or her rehabilitative goals and no longer requires probation supervision;
2. The ward comes within the description of a dependent under section 300; and
3. Return to the home of a parent or legal guardian would create a substantial risk of detriment to the child.

Because of these additional requirements, a separate rule and two forms are proposed for delinquency proceedings. Proposed rule 5.812 sets out the hearings at which the juvenile court must consider the modification of its jurisdiction over the child from that of a ward to that of dependent, the additional information that the probation officer must include in the report prepared for that hearing, and the required findings and orders.

Because a hearing for a ward approaching majority and a hearing for a ward at any age to consider the termination of juvenile court jurisdiction may involve a dual status child,⁶ proposed rule 5.812 includes the existing requirements related to the preparation of an assessment report by the child welfare agency and the probation department for the hearing and the filing of a

⁶ A “dual status child” is a child who is simultaneously a dependent child and a ward of the court. (Welf. & Inst. Code, § 241.1(e).)

petition to resume jurisdiction under section 387(c) if it is determined that the juvenile court should resume jurisdiction over the child as a dependent. (Welf. & Inst. Code, §§ 366.5, 387(c).)

Findings and orders after a hearing for a ward approaching majority and a hearing for a ward at any age to consider the termination of juvenile court jurisdiction may be made on the proposed *Attachment: Additional Findings and Orders for Child Approaching Majority-Delinquency* (form JV-680) and *Attachment: Hearing for Dismissal-Additional Findings and Orders-Foster Care Placement-Delinquency* (form JV-681).

Review of Jurisdictional Status

As discussed in the preceding section, under AB 12 the juvenile court must set a hearing under section 241.1(d) to determine whether juvenile court jurisdiction over a ward currently in foster care or who was in foster care at the time he or she was adjudged a ward should be modified from that of a ward to that of a dependent. The committee recommends the adoption of rule 5.577 and the amendment of rule 5.740 to implement these provisions of sections AB 12.

Rule 5.577. Hearing to review jurisdictional status. This proposed rule sets out the procedures for a hearing to review the child's jurisdictional status under section 241.1(d) including the contents and filing of an assessment report prepared by the child welfare agency and probation department, the prima facie showing required before entering an order for the filing of a petition by the probation department, the child welfare services agency, or the child's attorney under section 388(f) to modify the juvenile court jurisdictional status of a ward, and the related findings and orders.

Rule 5.570. Request to change court order (petition for modification). The proposed amendments to this rule set out procedures for the filing, review by the juvenile court, and the granting or denying of a petition filed under 388(f) to:

1. Vacate its prior order dismissing jurisdiction over the child as a dependent and modifying jurisdiction from that of a ward to that of a dependent for a child who was under juvenile court jurisdiction as dependent at the time he or she was adjudged a ward; or
2. Initiate a dependency proceeding for a ward in a foster care placement who was not under juvenile court jurisdiction as a dependent at the time he or she was adjudged to be a ward.

Under the amendments to rule 5.570, upon the modification of the court's jurisdiction over the child from that of a ward to that of a dependent, the juvenile court is required to make findings related to the date of the original removal from the home, the date the child entered foster care, the type of services to be provided (reunification services or permanency planning services) and the transfer of responsibility for the child's placement and care from the probation department to the child welfare services agency to ensure continuing eligibility for federal foster care funding.

A concern was raised by several participants in the AB 12 Rules and Forms Working Group regarding a provision in AB 12 for the use of a petition to modify a court order filed under section 388 to initiate a dependency proceeding for a ward who was not under juvenile court jurisdiction as a dependent at the time he or she was adjudged to be a ward and the impact on the due process rights of the ward's parents or legal guardian. To address this concern and to ensure that the due process rights of the parents or legal guardian are protected, the amended rule in subsection (j)(1) requires the section 388 petition to include each of the sections and subdivisions of section 300 that describe the child's situation and a concise statement of facts, separately stated, to support that conclusion. It further requires in subsection (j)(2) specific findings setting out the sections and subdivisions that describe the child's situation and the facts in support, and that a return to the home of a parent or legal guardian would create a substantial risk of detriment to the child. The committee requests comment regarding these procedures and whether sufficient safeguards are provided to protect the due process rights of the parents or legal guardian.

Nonminor dependent

The committee recommends adding to title 5, division 3 of the California Rules of Court a new chapter titled, "Nonminor Dependent," to include the four proposed rules related to youth in foster care who choose to remain under juvenile court jurisdiction as nonminor dependents and to those youth who want juvenile court jurisdiction terminated. The passage of AB 12 created juvenile court jurisdiction over this group of youth and the proposed rules related to these youth do not fit within the current chapters for juvenile rules.

Rule 5.900. Nonminor dependent—preliminary provisions. Proposed rule 5.900 sets out general provisions related to this group of youth including the purpose of continued juvenile court jurisdiction, each youth's status as an adult, and the general conduct of hearings under the proposed chapter, including the youth's appearance at a court hearing by telephone. (Welf. & Inst. Code, §§ 303, 366(f), 366.3(m), 388(e)(3).)

Rule 5.903. Nonminor dependent review hearing. Proposed rule 5.903 sets out the purpose of the hearing that must be held every six months to review the status of a youth 18 through 20 years of age who has chosen to remain under juvenile court jurisdiction upon reaching majority or to return to foster care and have juvenile court jurisdiction resumed following a period of trial independence. This hearing is focused on the goals and services in a youth's transitional independent living case plan, including efforts to maintain or obtain permanent connections with caring and committed adults. The hearing is intended to be a collaborative effort involving the youth, the social worker or probation officer, the judicial officer, and other participants the youth may have invited to review the transitional independent living case plan and to ensure that the youth's progress toward achieving independence is being supported.

The proposed rule includes the procedures for the setting, noticing, and conduct of the hearing; the contents and filing of the report prepared by the child welfare agency or probation department; and the related findings and orders. A proposed new form, *Findings and Orders After Nonminor Dependent Review Hearing* (form JV-462), will ensure compliance with the

requirements related to findings and orders that must be made at the review hearing for nonminor dependents.

Rule 5.906. Hearing to consider termination of juvenile court jurisdiction over a nonminor. This proposal includes the deletion of subdivision (d) of rule 5.740 regarding the filing and service of the current form *Termination of Dependency Jurisdiction—Child Attaining Age of Majority* (form JV-365) at a hearing held under section 391 and the adoption of proposed rule 5.906, which includes a provision for the filing and service of the form JV-365.

Proposed rule 5.906 provides the procedures for the hearing under section 391, which must be held to consider the termination of juvenile court jurisdiction over a dependent or ward in foster care who has reached majority before the entry of an order for termination and for a youth who chooses to remain under juvenile court jurisdiction upon reaching majority but subsequently wishes to have juvenile court jurisdiction terminated. It may be held on or shortly after a youth's 18th birthday if he or she decided to leave foster care as soon as possible and live independently. It may be held at a later date if the youth decided to remain in foster care after reaching majority. The rule addresses the procedures for calendaring a hearing under section 391, the information that the social worker or probation officer must include in the report prepared for the hearing, and the related findings and orders.

The purposes of the hearing include:

1. Verifying that the youth was provided with the information, documents, and services required under section 391(e)(1)–(8);
2. Ensuring that the youth understands his or her options including the potential benefits of remaining in foster care and how that can be accomplished;
3. Confirming that the youth knows of the right to request to return to foster care and have the juvenile court resume jurisdiction over him or her if juvenile court jurisdiction is terminated with a period of trial independence; and
4. Confirming that the youth's 90-day Transition Plan includes appropriate and meaningful independent living skills services that will assist him or her with the transition from foster care to independence.

When terminating jurisdiction over a youth, ordering a period of trial independence and retaining general jurisdiction for the purposes of resuming jurisdiction over the youth is critical because a youth who has not yet reached 21 years of age will then be able to return to foster care if one of the education, training, work, or medical conditions under section 11403(b) is met and the youth wants to return to a foster care placement. This flexibility is important as the youth's circumstances and needs may change several times between the ages of 18 and 21 years.

The *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) is proposed as a mandatory form for use in a hearing under

section 391 held on behalf of a youth who is appearing before a judicial officer exercising juvenile court jurisdiction under section 300, 601, or 602.

The revision to the current mandatory form *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365) incorporates a new requirement included in section 391 for verification that a nonminor was provided with assistance in accessing the Independent Living Aftercare Program. In addition, because this hearing is held on behalf of a nonminor, the term “child” was replaced with the term “youth.”

Rule 5.909. Request to return to foster care. Proposed rule 5.909 sets out the procedures for the hearing to return to foster care and have the juvenile court resume jurisdiction over a nonminor including those regarding the contents of the request; the filing and, if necessary, forwarding of the request to the juvenile court that retained jurisdiction; providing notice; appointment of an attorney for the youth; contents of the report; and related findings and orders.⁷ The rule also includes provisions to provide additional information for the youth whose request was denied either for failure to make a prima facie showing or after the hearing on the request.

The proposed *How to Ask the Court for Permission to Return to Foster Care* (form JV-464-INFO), *Request to Return to Foster Care* (form JV-466), and *Confidential Information—Request to Return to Foster Care* (form JV-468) are mandatory forms that will ensure that information needed for the juvenile court to resume jurisdiction and for the nonminor to return to foster care will be presented in a concise and simple fashion and that contact information will be able to remain confidential when necessary.

Specific Comments Requested

In addition to inviting comment on all aspects of the proposal, the committee requests specific feedback on whether the proposed amendments to rule 5.570(j)(1)-(2) provide sufficient safeguards to protect the due process rights of the child’s parents or legal guardian.

Attachments

1. The proposed amended rules 5.502, 5.570, and 5.740, and new rules 5.577, 5.707, 5.812, 5.900, 5.903, 5.906 and 5.909 are at pages 9–52.
2. The proposed revised JV-365 and new forms JV-367, JV-460, JV-462, JV-464-INFO, JV-466, JV-468, JV-680, and JV-681 are at pages 53–71.
3. A copy of those portions of Assembly Bill 12 applicable to this proposal is at pages 72–155.

⁷ Based on the experience in New York state, it is likely only a limited number of youth will ask to return to foster care after the court has granted a period of trial independence.

Rules 5.502, 5.570, and 5.740 of the California Rules of Court would be amended, and rules 5.577, 5.707, 5.812, 5.900, 5.903, 5.906, and 5.909 would be adopted, effective January 1, 2012, to read:

Title 1. Family and Juvenile Rules

Division 3. Juvenile Rules

Chapter 1. Preliminary Provisions-Title and Definitions

Rule 5.502. Definitions and use of terms

Definitions (§§ 202(e), 319, 361, 361.5(a)(3), 628.1, 636, 726, 727.3(c)(2), 727.4(d), 11400(v), 11400(y); 20 U.S.C. § 1415; 25 U.S.C. § 1903(2))

As used in these rules, unless the context or subject matter otherwise requires:

(1)–(20) ***

(21) “90-day Transition Plan” means the personalized plan developed at the direction of the child during the 90-day period before the child attains 18 years of age and exits the foster care system or, if applicable, developed for a youth in extended foster care as a nonminor dependent during the 90-day period prior to the youth’s anticipated exit from foster care. The plan is as detailed as the child or youth chooses and includes specific options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, work force supports and employment services. Inclusion of information in the plan relating to sexual health, services, and resources to ensure the child or youth is informed and prepared to make healthy decisions about his or her life is encouraged.

(22) “Nonminor dependent” means a youth at least 18 years of age and no more than 20 years of age who was in a foster care placement on his or her 18th birthday, consented to the continuance or resumption of juvenile court jurisdiction over him or her and to reside in a supervised, approved foster care placement, and meets at least one of the education, training, or work conditions under Welfare and Institutions Code section 11403(b).

~~(21)~~(23) ***

~~(22)~~(24) ***

~~(23)~~(25) ***

1 ~~(24)(26)~~ ***

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3 ~~(25)(27)~~ ***

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5 ~~(26)(28)~~ ***

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7 ~~(27)(29)~~ ***

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9 ~~(28)(30)~~ ***

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11 ~~(29)(31)~~ ***

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13 ~~(30)(32)~~ ***

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15 ~~(31)(33)~~ ***

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17 ~~(32)(34)~~ ***

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19 ~~(33)(35)~~ ***

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21 ~~(34)(36)~~ ***

22

23 (37) “Transitional independent living case plan” means the case plan developed jointly
24 by the nonminor dependent and the social worker or probation officer that
25 includes plans for the youth’s placement in a supervised setting, foster family
26 home, or child-care institution that the youth believes is consistent with what
27 he or she needs to gain independence, reflects the agreements made between
28 the youth and social worker or probation officer to obtain independent living
29 skills, and sets out the benchmarks that indicate how both will know when
30 independence can be achieved.

31

32 (38) “Transitional Independent Living Plan” means the written service delivery plan for a
33 child under 18 years of age for the purposes of the Independent Living Program
34 mutually agreed upon by the child and the social worker or probation officer that
35 identifies the child’s current level of functioning, emancipation goals, and the
36 specific skills needed to prepare the child to live independently upon leaving
37 foster care.

38

39 (39) “Trial independence” means the time period authorized by the court at a hearing
40 terminating its jurisdiction under Welfare and Institutions Code section 300, 601,

1 or 602 over a nonminor during which the juvenile court may resume jurisdiction
2 over the nonminor as a nonminor dependent upon his or her filing of a request to
3 return to foster care and continuing eligibility under Welfare and Institutions
4 Code section 388(e) and California Rules of Court, rule 5.909(b).
5

6 ~~(35)~~(40) ***

7 8 **Chapter 4. Subsequent Petitions and Modifications**

9 10 **Rule 5.570. Request to change court order (petition for modification)**

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12 **(a)–(d)*****

13
14 **(e) (1)–(4)*****

15
16 **(5)** If the petition is filed under section 388(f) or rule 5.577(e)(1) to vacate the
17 previous order dismissing juvenile court jurisdiction over the child as a
18 dependent and to modify the juvenile court’s jurisdiction over the youth from
19 that of a ward under section 601 or 602 to that of a dependent under section
20 300 and the court finds by a preponderance of the evidence that the child
21 remains within the description of a dependent child under section 300 and a
22 return to the home of a parent or legal guardian would create a substantial
23 risk of detriment to the safety, protection, or physical or emotional well-being
24 of the child, the court may grant the petition after following the procedures in
25 (f), (g), and (h). In granting the relief requested the court must:
26

27 **(A)** Vacate the prior order of dismissal of dependency and modify the
28 juvenile court’s jurisdiction over the child from that of a ward to that of
29 a dependent on the same day as the order vacating and dismissing
30 delinquency jurisdiction;

31
32 **(B)** Enter the following findings and orders:

33
34 **(i)** The date of removal is the date on which the child, as the subject
35 of a petition filed under section 300, was removed from the home
36 of the parent or legal guardian and taken into custody by a peace
37 officer, probation officer, or social worker under sections 305
38 through 307.

39
40 **(ii)** The date the child entered foster care is the date determined
41 under rule 5.502(9)(A).
42

1 (iii) As provided for in the county protocol developed under section
2 241.1(b), responsibility for the child’s placement and care is:

3
4 a. Continued with the probation department; or

5
6 b. Transferred from the probation department to the child
7 welfare services agency.

8
9 (iv) If reunification services were terminated, continue the child’s
10 permanent plan as ordered during the most recent status review
11 hearing held while the child was under juvenile court jurisdiction
12 as a ward.

13
14 (v) If reunification services have not been previously terminated,
15 continue reunification services and order the child welfare
16 services agency or probation department to submit an updated
17 case plan to the court within 30 days.

18
19 (vi) Set a status review hearing/permanency hearing within six
20 months of the most recent status review hearing held while the
21 child was under juvenile court jurisdiction as a ward.

22
23 (f)–(i) ***

24
25 (j) **Petition filed for child under juvenile court jurisdiction as a section 601 or 602**
26 **ward**

27
28 (1) A petition filed under section 388(f) and rule 5.577(e)(2) to determine
29 whether the child is a person described by section 300 and to modify the
30 juvenile court’s jurisdiction over the child from that of a ward under section
31 601 or 602 to that of a dependent under section 300 must include each of the
32 sections and subdivisions of section 300 that describe the child and a concise
33 statement of facts, separately stated, to support the conclusion that the child is
34 a person within the definition of each of the those sections and subdivisions.

35
36 (2) The court may grant the petition after following the procedures in (f), (g), and
37 (h), if the court finds by a preponderance of the evidence that the child comes
38 within the description of a dependent child under section 300, setting forth on
39 the record and in the written findings and order each of the sections and
40 subdivisions of section 300 that describe the child and the facts in support,
41 and that a return to the home of a parent or legal guardian would create a
42 substantial risk of detriment to the safety, protection, or physical or emotional
43 well-being of the child. In granting the relief requested the court must:

- 1 (A) Modify the juvenile court’s jurisdiction over the child from that of a
2 ward to that of a dependent on the same day as the order vacating and
3 dismissing delinquency jurisdiction; and
4
- 5 (B) Enter the following findings and orders:
6
- 7 (i) The date of removal is the date on which the child, as the subject
8 of a petition filed under section 601 or 602, was removed from
9 the home of the parent or legal guardian and taken into custody
10 by a peace officer or was deemed to have been taken into custody
11 under section 628(c).
12
- 13 (ii) The date the child entered foster care is the date determined
14 under rule 5.502(9)(B).
15
- 16 (iii) As provided for in the county protocol developed under section
17 241.1(b), responsibility for the child’s placement and care is:
18
- 19 a. Continued with the probation department; or
20
- 21 b. Transferred from the probation department to the child
22 welfare services agency.
23
- 24 (iv) If reunification services were terminated, continue the child’s
25 permanent plan as ordered during the most recent status review
26 hearing held while the child was under juvenile court jurisdiction
27 as a ward.
28
- 29 (v) If reunification services have not been previously terminated,
30 continue reunification services and order the child welfare
31 services agency or probation department to submit an updated
32 case plan to the court within 30 days.
33
- 34 (vi) Set a status review hearing within six months of the most recent
35 status review hearing held while the child was under juvenile
36 court jurisdiction as a ward.
37

38 **Chapter 12. Case Petitioned Under Section 300**

39 **Article 4. Reviews, Permanent Planning**

40 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)**
41
42
43

1 (a)–(c) ***

2
3 ~~(d) Hearings on termination of jurisdiction-child reaching age of majority (§ 391)~~

4
5 ~~Petitioner must file *Termination of Dependency Jurisdiction-Child Attaining Age of*~~
6 ~~*Majority (Juvenile)* (form JV-365) with the court at least 10 calendar days before~~
7 ~~the hearing to terminate dependency jurisdiction based on the child's age and must~~
8 ~~provide copies to the child, the parents or guardians, any CASA volunteer, and all~~
9 ~~counsel of record at least 10 calendar days before the hearing.~~

10
11 **Chapter 12. Case Petitioned Under Section 300**

12
13 **Rule 5.577. Hearing to review jurisdictional status (§ 241.1(d))**

14
15 **(a) Purpose**

16
17 This rule applies to a hearing set under 241.1(d) to consider the modification of
18 juvenile court jurisdiction over a child from that of a ward of the court under
19 section 601 or 602 to that of a dependent of the court under section 300.

20
21 **(b) Setting and notice of hearing**

22
23 (1) The hearing may be set by the court as provided in rule 5.812(e)(2) or on the
24 court's own motion.

25
26 (2) Notice must be provided as required in rule 5.812(e)(2)(B).

27
28 **(c) Joint assessment report**

29
30 (1) The joint assessment report must contain the joint recommendation of the
31 probation department and the child welfare services agency if they are in
32 agreement regarding the modification of juvenile court jurisdiction over the
33 child from that of a ward under section 601 or 602 to that of a dependent
34 under section 300 or the separate recommendation of each if they do not
35 agree. The report must state the facts in support of the opinions expressed and
36 the recommendations made, and include:

37
38 (A) A description of the offense that brought the child under juvenile court
39 jurisdiction as a ward;

40
41 (B) A description of the child's progress toward resolving the issues that
42 brought the child before the juvenile court as a ward;

- 1 (C) A description of the child’s progress in meeting the case plan goals that
2 will enable him or her to be a law-abiding and productive member of
3 his or her family and the community;
4
- 5 (D) A description of the strengths and weaknesses of each parent or legal
6 guardian from whom the child was removed identified by the probation
7 officer at the time of the child’s removal;
8
- 9 (E) A description of the level of participation by each parent or legal
10 guardian in the case plan service activities developed during the
11 delinquency proceedings;
12
- 13 (F) A description of the progress of each parent or legal guardian toward
14 meeting the case plan goals developed to assist in the efforts to resolve
15 each parent’s or legal guardian’s service needs that were identified
16 during the delinquency proceeding;
17
- 18 (G) The history of any physical, sexual, or emotional abuse of the child,
19 including any prior referral for abuse or neglect of the child and any
20 prior filing of a petition regarding the child under section 300;
21
- 22 (H) The prior record of the child’s parents for physical, sexual, or
23 emotional abuse of this child or any other child, including any prior
24 referral for abuse or neglect of a child and any prior filing of a petition
25 regarding a child under section 300;
26
- 27 (I) The current ability of each parent or legal guardian to provide the care,
28 custody, supervision, and support the child requires in a safe and
29 healthy environment;
30
- 31 (J) The history of involvement of any agencies or professionals with the
32 child and his or her family;
33
- 34 (K) Any services or community agencies that are available to assist the
35 child and his or her family;
36
- 37 (L) A statement by any attorney currently representing the child; and
38
- 39 (M) A statement by any CASA volunteer currently appointed for the child.
40
- 41 (2) The joint assessment report must be filed with the court at least 10 calendar
42 days before the hearing, and copies of the report and any other documents

1 submitted must be provided to the child, the child's attorney, the child's
2 parents or legal guardian, and the child's current CASA volunteer.

3
4 (3) The hearing must be continued for the submission of additional information
5 as ordered by the court, if the court finds that the report and other documents
6 submitted do not provide the information required by (c)(1) and the court is
7 unable to make all the findings required by (d).

8
9 **(d) Findings**

10
11 At the hearing to review jurisdictional status, the court must make the following
12 findings on the record and in the written, signed orders and state on the record the
13 facts supporting the findings made:

14
15 (1) Whether the rehabilitative goals for this child have been met and juvenile
16 court jurisdiction over the child as a ward is no longer required;

17
18 (2) Whether the child was under juvenile court jurisdiction as a dependent in a
19 foster care placement at the time the child was found to be a person described
20 by section 601 or 602;

21
22 (3) Whether a return to the home of a parent or legal guardian would create a
23 substantial risk of detriment to the safety, protection, or physical or emotional
24 well-being of the child; and

25
26 (4) Whether the child comes within the description of a dependent child under
27 section 300.

28
29 **(e) Orders**

30
31 (1) The court must direct the probation department, the child welfare services
32 agency, or the child's attorney to file, within 10 calendar days, a petition
33 under section 388(f) in the dependency proceeding to vacate the juvenile
34 court's previous order dismissing juvenile court jurisdiction over the child as
35 a dependent and to modify the juvenile court's jurisdiction over the youth
36 from that of a ward under section 601 or 602 to that of a dependent under
37 section 300 if the court finds the child was under juvenile court jurisdiction as
38 a dependent at the time the child was found to be a child described by section
39 601 or 602 and that a prima facie showing has been made that:

40
41 (A) A return to the home of the parent or legal guardian would create a
42 substantial risk of detriment to the safety, protection, or physical or
43 emotional well-being of the child; and

1 (B) The child remains within the description of a dependent child under
2 section 300.

3
4 (2) The court must direct the probation department, the child welfare services
5 agency, or the child’s attorney to initiate a dependency proceeding by filing a
6 petition under section 388(f), within 10 calendar days, to find whether the
7 child is a person described by section 300 and to modify the juvenile court’s
8 jurisdiction over the youth from that of a ward under section 601 or 602 to
9 that of a dependent under section 300 if the court finds the child was not
10 under the juvenile court jurisdiction as a dependent at the time the child was
11 found to be a child described by section 601 or 602 and that a prima facie
12 showing has been made that:

13
14 (A) A return to the home of the parent or legal guardian would create a
15 substantial risk of detriment to the safety, protection, or physical or
16 emotional well-being of the child; and

17
18 (B) The child comes within the description of a dependent child under
19 section 300.

20
21 (3) For any hearing under this rule that did not result in an order for the filing of
22 a petition under section 388, the court must:

23
24 (A) Return the child to the home of the parent or legal guardian and set a
25 progress report within the next six months;

26
27 (B) Return the child to the home of the parent or legal guardian and
28 terminate juvenile court jurisdiction over the child; or

29
30 (C) Set a hearing under section 727.2 or 727.3 to occur within six months
31 of the most recent hearing under section 727.2 or 727.3.

32 33 **Article 4. Reviews, Permanent Planning**

34 35 **Rule 5.707. Review hearing requirements for child approaching majority (§§** 36 **366(a)(1)(F), 366.3(l), 366.3(n))**

37 38 **(a) Reports**

39
40 At the last review hearing before the child attains 18 years of age held under
41 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all other
42 statutory and rule requirements applicable to the report prepared by the social
43 worker for the hearing, the report must include a description of:

- 1 (1) The child’s plans to remain under juvenile court jurisdiction as a nonminor
2 dependent residing in a placement specified in section 11402;
3
- 4 (2) The child’s plans to satisfy one or more of the criteria in section 11403(b) in
5 order to be eligible to remain under juvenile court jurisdiction as a nonminor
6 dependent residing in a placement specified in section 11402;
7
- 8 (3) The efforts made by the social worker to help the child meet the criteria in
9 section 11403(b);
10
- 11 (4) For an Indian child, his or her plans to continue to be considered an Indian
12 child for the purposes of the ongoing application of the Indian Child Welfare
13 Act to him or her as a nonminor dependent;
14
- 15 (5) Whether the child has and, if so, the status of any in-progress application
16 pending for title XVI Supplemental Security Income benefits or for Special
17 Juvenile Immigration Status or other applicable application for legal
18 residency and whether an active dependency case is required for that
19 application;
20
- 21 (6) If the child does not currently intend to remain under juvenile court
22 jurisdiction as a nonminor dependent and reside in a placement specified in
23 section 11402 after attaining 18 years of age, the child’s plan for his or her
24 transition to independence including housing, education, employment, and a
25 social support system;
26
- 27 (7) The efforts made by the social worker toward completing and providing the
28 child with the items described in section 391(e)(2);
29
- 30 (8) When and how the child was informed of his or her right to have juvenile
31 court jurisdiction terminated when he or she attains 18 years of age following
32 a hearing under section 391;
33
- 34 (9) When and how the child was provided with information about the potential
35 benefits of remaining under juvenile court jurisdiction as a nonminor
36 dependent residing in a placement specified in section 11402 and the social
37 worker’s assessment of the child’s understanding of those benefits; and
38
- 39 (10) When and how the child was informed that if juvenile court jurisdiction is
40 terminated, he or she has the right to file a request to return to foster care and
41 have the juvenile court resume jurisdiction over him or her as a nonminor
42 dependent.
43

1 **(b) Transitional Independent Living Plan**

2
3 At the last review hearing before the child attains 18 years of age held under
4 section 366.21, 366.22, 366.25, or 366.3, the child's most recently completed
5 Transitional Independent Living Plan:

6
7 (1) Must be submitted with the social worker's report prepared for the hearing at
8 least 10 calendar days before the hearing; and

9
10 (2) Must include:

11
12 (A) The plan for the child to satisfy one or more of the criteria in section
13 11403(b); and

14
15 (B) The child's plan for his or her transition to independence including
16 housing, education, employment, and a support system if the child does
17 not currently intend to remain under juvenile court jurisdiction as a
18 nonminor dependent residing in a placement specified in section 11402
19 after attaining 18 years of age.

20
21 **(c) Findings**

22
23 (1) At the last review hearing before the child attains 18 years of age held under
24 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all
25 other statutory and rule requirements applicable to the hearing, the court must
26 find on the record and in the written, signed orders:

27
28 (A) Whether the child's Transitional Independent Living Plan includes a
29 plan for the child to satisfy one or more of the criteria in section
30 11403(b) so the child is eligible to remain under juvenile court
31 jurisdiction as a nonminor dependent residing in a placement specified
32 in section 11402;

33
34 (B) The specific criteria in section 11403(b) it is anticipated the child will
35 satisfy;

36
37 (C) Whether there is included in the child's Transitional Independent
38 Living Plan an alternative plan for the child's transition to
39 independence including housing, education, employment, and a support
40 system if the child does not currently intend to remain under juvenile
41 court jurisdiction as a nonminor dependent residing in a placement
42 specified in section 11402 after attaining 18 years of age;

- 1 (D) For an Indian child, whether he or she intends to continue to be
2 considered an Indian child for the purposes of the ongoing application
3 of the Indian Child Welfare Act to him or her as a nonminor dependent;
4
5 (E) Whether the child has an in-progress application pending for title XVI
6 Supplemental Security Income benefits or for Special Juvenile
7 Immigration Status or other applicable application for legal residency
8 and whether an active dependency case is required for that Application;
9
10 (F) Whether the child has been informed of his or her right to have juvenile
11 court jurisdiction terminated when he or she attains 18 years of age
12 following a hearing under section 391;
13
14 (G) Whether the child understands the potential benefits of remaining under
15 juvenile court jurisdiction as a nonminor dependent residing in a
16 placement specified in section 11402; and
17
18 (H) Whether the child has been informed that if juvenile court jurisdiction
19 is terminated, he or she has the right to file a request to return to foster
20 care and have the juvenile court resume jurisdiction over him or her as
21 a nonminor dependent.

- 22
23 (2) The hearing must be continued for the submission of additional information
24 as ordered by the court, if the court finds that the report and Transitional
25 Independent Living Plan submitted by the social worker do not provide the
26 information required by rule (a) and (b) and the court is unable to make all
27 the findings required by (c)(1).

28
29 **(d) Orders**

- 30
31 (1) For a child who intends to remain under juvenile court jurisdiction as a
32 nonminor dependent residing in a placement specified in section 11402 after
33 attaining 18 years of age, the court must set a nonminor dependent review
34 hearing under rule 5.903 no more than six months from the date of the current
35 hearing.
36
37 (2) For a child who does not currently intend to remain under juvenile court
38 jurisdiction as a nonminor dependent residing in a placement specified in
39 section 11402 after attaining 18 years of age, the court must:
40
41 (A) Set a hearing under section 391 for a date no more than one month after
42 the child's 18th birthday; or
43

1 (B) Set a hearing under section 366.21, 366.22, 366.25, or 366.3 no more
2 than six months from the date of the current hearing, for a child who is
3 otherwise eligible to and will remain under juvenile court jurisdiction
4 in a foster care placement.
5

6 Chapter 13. Case Petitioned Under Sections 601 and 602

7 Article 4. Reviews and Sealing

8 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over** 9 **minor in foster care and for status review hearing for child approaching** 10 **majority (§§ 727.2(i)-(j), 778, 785)**

11 **(a) Hearings subject to this rule**

12 The following hearings are subject to this rule:

- 13 (1) The last review hearing under section 727.2 or 727.3 before the child turns 18
14 years of age. This hearing must be set at least 90 days before the child attains
15 his or her 18th birthday and within six months of the previous hearing held
16 under section 727.2 or 727.3.
- 17 (2) Any review hearing held under section 727.2 or 727.3 during which a
18 recommendation to terminate juvenile court jurisdiction over a child will be
19 considered;
- 20 (3) Any hearing to terminate juvenile court jurisdiction over a child less than 18
21 years of age who is in a foster care placement; and
- 22 (4) Any hearing to terminate juvenile court jurisdiction over a child less than 18
23 years of age who is not currently in a foster care placement, but was
24 previously removed from the custody of his or her parents or legal guardian
25 as a dependent of the juvenile court and an order for a foster care placement
26 as a dependent of the juvenile court was in effect at the time the juvenile
27 court adjudged the child to be a ward of the juvenile court under section 725.

28 **(b) Conduct of the hearing**

- 29 (1) The hearing must be held before a judicial officer and recorded by a court
30 reporter.
- 31 (2) The hearing must be continued for the submission of additional information
32 as ordered by the court, if the court finds that the report and, if required, the
33

1 Transitional Independent Living Plan, submitted by the probation officer do
2 not provide the information required by (c) and the court is unable to make
3 all the determinations required by (d).

4
5 **(c) Reports**

6
7 (1) In addition to complying with all other statutory and rule requirements
8 applicable to the report prepared by the probation officer for a hearing
9 described in (a)(1)–(4), the report must include a description of:

10
11 (A) The child’s progress toward meeting the case plan goals that will
12 enable him or her to be a law-abiding and productive member of his or
13 her family and the community.

14
15 (B) The progress of each parent or legal guardian toward participating in
16 case plan service activities and meeting the case plan goals developed
17 to assist in the efforts to resolve his or her issues that were identified
18 and contributed to the child’s removal from his or her custody.

19
20 (C) The current ability of each parent or legal guardian to provide the care,
21 custody, supervision, and support the child requires in a safe and
22 healthy environment.

23
24 (D) For a child previously determined to be a dual status child for whom
25 juvenile court jurisdiction as dependent was suspended under section
26 241.1(e)(5)(A), a joint assessment by the probation department and the
27 child welfare services agency under section 366.5 regarding the
28 detriment, if any, to the child of a return to the home of his or her
29 parents or legal guardian and a recommendation on the resumption of
30 juvenile court jurisdiction of the child as a dependent. The facts in
31 support of the opinions expressed and the recommendations made must
32 be included in the joint assessment section of the report. If the
33 probation department and the child welfare services agency do not
34 agree, the child welfare services agency must file a separate report with
35 facts in support of its opinions and recommendations.

36
37 (E) For a child other than a dual status child, the probation officer’s
38 recommendation on the appropriateness of modifying juvenile court
39 jurisdiction over the child from that of a ward under section 601 or 602
40 to that of a dependent under section 300 and the facts in support of his
41 or her recommendation.

- 1 (2) For the review hearing held on behalf of a child approaching majority
2 described in (a)(1) and any hearing under rule (a)(2) or rule (a)(3) held on
3 behalf of a child more than 17 years, 5 months old and less than 18 years of
4 age, in addition to complying with all other report requirements set forth in
5 rule (c)(1), the report prepared by the probation officer the report must
6 include:
7
8 (A) The child’s plans to remain under juvenile court jurisdiction as a
9 nonminor dependent residing in a placement specified in section 11402;
10
11 (B) The child’s plans to satisfy one or more of the criteria in section
12 11403(b) in order to be eligible to remain under juvenile court
13 jurisdiction as a nonminor dependent residing in a placement specified
14 in section 11402;
15
16 (C) The efforts made by the probation officer to help the child meet the
17 criteria in section 11403(b);
18
19 (D) For an Indian child, his or her plans to continue to be considered an
20 Indian child for the purposes of the ongoing application of the Indian
21 Child Welfare Act to him or her as a nonminor dependent;
22
23 (E) Whether the child has and, if so, the status of any in-progress
24 application pending for title XVI Supplemental Security Income
25 benefits or for Special Juvenile Immigration Status or other applicable
26 application for legal residency and whether an active dependency case
27 is required for that application;
28
29 (F) If the child does not currently intend to remain under juvenile court
30 jurisdiction as a nonminor dependent and reside in a placement
31 specified in section 11402 after attaining 18 years of age, the child’s
32 plan for his or her transition to independence including housing,
33 education, employment, and a support system;
34
35 (G) The efforts made by the probation officer toward completing and
36 providing the child with the items described in section 391(e)(2);
37
38 (H) When and how the child was informed that upon reaching 18 years of
39 age he or she may request the dismissal of juvenile court jurisdiction
40 over him or her under section 391;
41
42 (I) When and how the child was provided with information regarding the
43 potential benefits of remaining under juvenile court jurisdiction as a

1 nonminor dependent residing in a placement specified in section 11402
2 and the probation officer's assessment as to the child's understanding
3 of those benefits;
4

5 (J) When and how the child was informed that if juvenile court jurisdiction
6 is terminated, he or she may have the right to file a request to return to
7 foster care and have the juvenile court resume jurisdiction over him or
8 her as a nonminor dependent; and
9

10 (K) The child's Transitional Independent Living Plan which must include:

11
12 (i) The plan for the child to satisfy one or more of the criteria in
13 section 11403(b); and
14

15 (ii) The child's plan for his or her transition to independence
16 including housing, education, employment, and a support system
17 if the child does not currently intend to remain under juvenile
18 court jurisdiction as a nonminor dependent residing in a
19 placement specified in section 11402 after attaining 18 years of
20 age.
21

22 **(d) Findings**

23
24 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other
25 statutory and rule requirements applicable to the hearing, the court must find
26 on the record and in the written, signed orders:
27

28 (A) Whether the rehabilitative goals for this child have been met and
29 juvenile court jurisdiction over the child as a ward is no longer
30 required. The facts supporting the determination made must be stated
31 on the record.
32

33 (B) Whether the child is at risk of abuse or neglect and cannot be returned
34 to a safe home. The facts supporting the determination made must be
35 stated on the record.
36

37 (C) Whether the return to his or her home would be detrimental to the child
38 for whom dependency jurisdiction was suspended under section
39 241.1(e)(5)(A) and juvenile court jurisdiction over the child as a
40 dependent should be resumed. The facts supporting the determination
41 made must be stated on the record.
42

1 (2) At the review hearing held on behalf of a child approaching majority
2 described in (a)(1) and any hearing under rule (a)(2) or (a)(3) held on behalf
3 of a child more than 17 years, 5 months old and less than 18 years of age, in
4 addition to complying with all other statutory and rule requirements
5 applicable to the hearing, the court must find on the record and in the written,
6 signed orders:

7
8 (A) Whether the child's Transitional Independent Living Plan includes:

9
10 (i) A plan for the child to satisfy one or more of the criteria in
11 section 11403(b) so the child is eligible to remain under juvenile
12 court jurisdiction as a nonminor dependent and the specific
13 criteria in section 11403(b) it is anticipated the child will satisfy;
14 and

15
16 (ii) The child's plan for his or her transition to independence
17 including housing, education, employment, and a support system
18 if the child does not currently intend to remain under juvenile
19 court jurisdiction as a nonminor dependent.

20
21 (B) For an Indian child, whether he or she intends to continue to be
22 considered an Indian child for the purposes of the ongoing application
23 of the Indian Child Welfare Act to him or her as a nonminor dependent;

24
25 (C) Whether the youth has an in-progress application pending for title XVI
26 Supplemental Security Income benefits or for Special Juvenile
27 Immigration Status or other applicable application for legal residency
28 and an active juvenile court case is required for that application;

29
30 (D) Whether the child has been informed that he or she may decline to
31 become a nonminor dependent;

32
33 (E) Whether the child has been informed that upon reaching 18 years of
34 age he or she may request the dismissal of juvenile court jurisdiction
35 over him or her under section 391;

36
37 (F) Whether the child understands the potential benefits of entering into a
38 mutual agreement with the probation department and remaining under
39 juvenile court jurisdiction as a nonminor dependent; and

40
41 (G) Whether the child has been informed that if juvenile court jurisdiction
42 is terminated, he or she may have the right to file a request to return to

1 foster care and have the juvenile court resume jurisdiction over him or
2 her as a nonminor dependent.

3
4 **(e) Orders**

5
6 (1) For a child previously determined to be a dual status child for whom juvenile
7 court jurisdiction as dependent was suspended under section 241.1(e)(5)(A),
8 the court must order the probation department or the child's attorney to file a
9 petition under section 387(c) within five court days to resume juvenile court
10 jurisdiction over the child as a dependent of the court, if the court finds that
11 juvenile court jurisdiction over the child as a dependent should be resumed.

12
13 (2) For a child other than a dual status child:

14
15 (A) The court must set a hearing under section 241.1(d) within 30 calendar
16 days and order the probation department and child welfare services
17 agency to prepare a joint assessment report on the appropriateness of
18 assuming juvenile court jurisdiction of the child as a dependent, if the
19 court found that:

20
21 (i) The rehabilitative goals for child have been met such that
22 juvenile court jurisdiction over the child as a ward is no longer
23 required; and

24
25 (ii) The child is at risk of abuse or neglect and cannot be returned to a
26 safe home.

27
28 (B) If a hearing is set under section 241.1, the juvenile court clerk must
29 provide notice of the hearing to the probation department, the child
30 welfare services agency, the child, the child's attorney, the child's
31 parents or legal guardian, and the child's current CASA volunteer by
32 personal service or first class mail at least 20 calendar days before the
33 date the hearing is set. Notice by first-class mail must be postmarked 25
34 calendar days before the date set for the hearing. Proof of service of
35 notice must be filed by the juvenile court clerk at least five court days
36 before the hearing.

37
38 (3) At a hearing described in (a)(1) for a child approaching majority that did not
39 result in a referral to a hearing under section 241.1 or 387(c):

40
41 (A) For the child who intends to remain under juvenile court jurisdiction as
42 a nonminor dependent residing in a placement specified in section
43 11402 after attaining 18 years of age, the court must set a nonminor

1 dependent review hearing under rule 5.903 no more than six months
2 from the date of the current hearing; or

3
4 (B) For the child who does not currently intend to meet the eligibility
5 requirements for nonminor dependent status after attaining 18 years of
6 age, the court must:

7
8 (i) Set a hearing under section 391 for a date no more than one
9 month after the child's 18th birthday, or

10
11 (ii) Set a hearing under section 727.2 or 727.3 no more than six
12 months from the date of the current hearing, for the child who is
13 otherwise eligible to and who will remain under juvenile court's
14 jurisdiction in a foster care placement.

15
16 (4) At any hearing under (a)(2) or (a)(3) held on behalf of a child more than 17
17 years, 5 months old and less than 18 years of age, during which termination
18 of juvenile court jurisdiction was considered, that did not result in a referral
19 to a hearing under section 241.1 or 387(c), the court must:

20
21 (A) Return the child to the home of the parent or legal guardian and set a
22 progress report within the next six months;

23
24 (B) Return the child to the home of the parent or legal guardian and
25 terminate juvenile court jurisdiction over the child;

26
27 (C) Continue the child's out-of-home placement and:

28
29 (i) For the child who intends to remain under juvenile court
30 jurisdiction as a nonminor dependent residing in a placement
31 specified in section 11402 after attaining 18 years of age, the
32 court must set a nonminor dependent review hearing under rule
33 5.903 no more than six months from the date of the current
34 hearing; or

35
36 (ii) For the child who does not currently intend to meet the eligibility
37 requirements for nonminor dependent status after attaining 18
38 years of age, the court must:

39
40 a. Set a hearing under section 391 for a date no more than one
41 month after the child's 18th birthday, or
42

b. Set a hearing under section 727.2 or 727.3 no more than six months from the date of the current hearing, for the child who is otherwise eligible to and who will remain under juvenile court’s jurisdiction in a foster care placement.

(5) For any hearing under (a)(2) or (a)(3) held on behalf of a child 17 years, 5 months old or less that did not result in a referral to a hearing under section 241.1 or 387(c), the court must:

(A) Return the child to the home of the parent or legal guardian and set a progress report within the next six months;

(B) Return the child to the home of the parent or legal guardian and terminate juvenile court jurisdiction over the child; or

(C) Continue the child’s out-of-home placement and set a hearing under section 727.2 or 727.3 to occur within six months of the most recent hearing under section 727.2 or 727.3.

(6) For any hearing under (a)(4) that did not result in a referral to a hearing under section 241.1 or 387(c), the court must:

(A) Return the child to the home of the parent or legal guardian and set a progress report hearing within the next six months;

(B) Return the child to the home of the parent or legal guardian and terminate juvenile court jurisdiction over the child; or

(C) Continue the child’s out-of-home placement and set a progress report hearing to occur within the next six months.

Chapter 14. Nonminor

Rule 5.900 Nonminor Dependent—Preliminary Provisions (§§ 295, 303, 366, 366.3, 388, 391)

(a) Purpose

Maintaining juvenile court jurisdiction under section 300 or section 601 or 602 over a youth as a nonminor dependent is the result of a consensual agreement between the youth and child welfare services agency or the probation department for a voluntary placement in a supervised setting and includes the social worker or probation officer and youth’s agreement to work together to facilitate the

1 implementation of the mutually developed supervised placement agreement and
2 transitional independent living case plan. Maintaining juvenile court jurisdiction
3 and child welfare services agency or probation department supervision is for the
4 purpose of providing support, guidance, and foster care services to the youth so he
5 or she is able to successfully achieve independence.

6
7 **(b) Legal status**
8

9 (1) Nothing in the Welfare and Institutions Code, including sections 340, 366.2,
10 and 369.5, or in the California Rules of Court provides legal custody of a
11 nonminor to the child welfare services agency or the probation department or
12 abrogates any right the youth, as a person who has attained the age of 18
13 years, may have as an adult under California law.

14
15 (2) The youth's status as a nonminor dependent does not provide legal custody of
16 his or her person to the child welfare services agency or the probation
17 department or abrogate any right the youth, as a person who has attained the
18 age of 18 years, may have as an adult under California law.

19
20 (3) A nonminor dependent retains all his or her legal decisionmaking authority as
21 an adult.

22
23 (4) Nothing in the Welfare and Institutions Code or in the California Rules of
24 Court restricts the ability of the juvenile court to maintain jurisdiction over a
25 youth, 18 years of age and older, who does not meet the eligibility
26 requirements for status as a nonminor dependent.

27
28 **(c) Conduct of hearings**
29

30 All hearings involving a youth who is a nonminor must be conducted in a manner
31 that respects the youth's status as a legal adult. The hearings must be informal and
32 nonadversarial with all parties working collaboratively with the youth as he or she
33 moves forward toward the achievement of his or her transitional independent living
34 case plan goals.

35
36 **(d) Telephone appearance**
37

38 (1) The youth on whose behalf the hearing is being held may appear by
39 telephone at a hearing under section 391 to terminate juvenile court
40 jurisdiction, a status review hearing, or a hearing on a request to return to
41 foster care and have juvenile court jurisdiction resumed held under this
42 chapter. Rule 5.531 applies to telephone appearances under this paragraph.
43

1 (2) The court may require the youth’s personal appearance on a showing of good
2 cause and a showing that the personal appearance will not create an undue
3 hardship for the youth.

4
5 (3) The youth must be permitted to appear by telephone at no cost to him or her.
6

7 **Rule 5.903. Nonminor dependent status review hearing (§§ 295, 366, 366.3)**
8

9 **(a) Purpose**
10

11 The purpose of the nonminor dependent status review hearing is to focus on the
12 goals and services described in the youth’s transitional independent living case plan
13 and the efforts and progress made toward achieving independence and establishing
14 lifelong connections with caring and committed adults.
15

16 **(b) Setting and conduct of a nonminor dependent status review hearing**
17

18 (1) A status review hearing for a nonminor dependent conducted by the court or
19 by a local administrative review panel must occur no less frequently than
20 once every 6 months.
21

22 (2) The hearing must be placed on the appearance calendar, held before a judicial
23 officer, and recorded by a court reporter under the following circumstances:
24

25 (A) The hearing is the first hearing following the youth’s 18th birthday;

26
27 (B) The hearing is the first hearing following the resumption of juvenile
28 court jurisdiction over the youth as a nonminor dependent under rule
29 5.909;
30

31 (C) The nonminor dependent requests that the hearing be conducted by the
32 court; and
33

34 (D) It has been 12 months since the hearing was conducted by the court.
35

36 (3) The hearing may be attended, as appropriate, by participants invited by the
37 youth in addition to those entitled to notice under (c).
38

39 (4) The youth may appear by telephone as provided in rule 5.900 at a hearing
40 conducted by the court.
41

42 (5) The hearing must be continued for the social worker, probation officer, or
43 youth to submit additional information as ordered by the court, if the court

1 determines that the report and transitional independent living case plan
2 submitted by the social worker or probation officer do not provide the
3 information required by (d)(1) and the court is unable to make all the findings
4 and orders required by (e).

5
6 **(c) Notice of hearing (§ 295)**

7
8 (1) The social worker or probation officer must serve written notice of the
9 hearing on *Notice of Review Hearing* (form JV-280), in the manner provided
10 in section 295, to all persons required to receive notice under section 295,
11 except as provided in rule 5.903(c)(2), and to any CASA volunteer appointed
12 for the nonminor dependent.

13
14 (2) Notice to the parents of the nonminor dependent is not required.

15
16 (3) The written notice served on the nonminor dependent must include:

17
18 (A) A statement that the youth may appear for the hearing by telephone,
19 and

20
21 (B) Instructions about the local court procedures for arranging to appear
22 and appearing at the hearing by telephone.

23
24 (4) Proof of service of notice must be filed by the social worker or probation
25 officer at least five court days before the hearing.

26
27 **(d) Reports**

28
29 (1) The social worker or probation officer must submit a report to the court that
30 includes:

31
32 (A) Whether remaining under juvenile court jurisdiction as a nonminor
33 dependent is necessary and the facts supporting the conclusion reached;

34
35 (B) The appropriateness of the youth's current foster care placement;

36
37 (C) The youth's plans to remain under juvenile court jurisdiction as a
38 nonminor dependent residing in a placement specified in section 11402;

39
40 (D) The youth's plans to satisfy one or more of the criteria in section
41 11403(b) in order to be eligible to remain under juvenile court
42 jurisdiction as a nonminor dependent residing in a placement specified
43 in section 11402;

- 1 (E) The efforts made by the social worker or probation officer to help the
2 youth meet the criteria in section 11403(b);
3
- 4 (F) The specific criteria in section 11403(b) met by the youth that makes
5 him or her eligible to remain under juvenile court jurisdiction as a
6 nonminor dependent residing in a placement specified in section 11402;
7
- 8 (G) Verification that the youth was provided with the information,
9 documents, and services as required under section 391(e)(1)-(8);
10
- 11 (H) How and when the transitional independent living case plan was
12 developed including the nature and the extent of the youth's
13 participation in its development, and for the youth who has elected to
14 have the Indian Child Welfare Act continue to apply, the extent of
15 consultation with the representative from the youth's tribe;
16
- 17 (I) The efforts made by the social worker or probation officer to comply
18 with the youth's transitional independent living case plan, including
19 efforts to finalize the youth's permanent plan and prepare him or her
20 for independence;
21
- 22 (J) Progress made toward meeting the transitional independent living case
23 plan goals and the need for any modifications to assist in attaining the
24 goals;
25
- 26 (K) The efforts made by the social worker or probation officer to maintain
27 relationships between the youth and individuals who are important to
28 the youth, including the efforts made to establish and maintain
29 relationships with caring and committed adults who can serve as a
30 lifelong connection for the youth;
31
- 32 (L) The efforts made by the social worker or probation officer to establish
33 or maintain the youth's relationship with his or her siblings who are
34 under the juvenile court's jurisdiction as required in section
35 366(a)(1)(D).
36
- 37 (2) The social worker or probation officer must submit with his or her report the
38 youth's transitional independent living case plan.
39
- 40 (3) The social worker or probation officer must file with the court the report
41 prepared for the hearing and the youth's transitional independent living case
42 plan at least 10 calendar days before the hearing, and provide copies of the
43 report and other documents to the youth, all attorneys of record, the youth's

1 current CASA volunteer, and for the youth who has elected to have the
2 Indian Child Welfare Act continue to apply, the representative from the
3 youth's tribe.
4

5 **(e) Findings and orders**
6

7 The court must consider the safety of the youth and the following judicial findings
8 and orders must be made on the record and included in the written, signed court
9 documentation of the hearing:
10

11 (1) Findings
12

13 (A) Whether notice was given as required by law;
14

15 (B) Whether remaining under juvenile court jurisdiction as a nonminor
16 dependent is necessary;
17

18 (C) Whether the youth's current placement is appropriate;
19

20 (D) Whether the youth's transitional independent living case plan includes
21 a plan for the youth to satisfy one or more of the criteria in section
22 11403(b) so the youth is eligible to remain under juvenile court
23 jurisdiction as a nonminor dependent residing in a placement specified
24 in section 11402;
25

26 (E) The specific criteria in section 11403(b) it is anticipated the youth will
27 satisfy;
28

29 (F) Whether reasonable efforts were made and assistance provided by the
30 social worker or probation officer to help the youth establish or
31 maintain compliance with section 11403(b);
32

33 (G) Whether the youth was provided with the information, documents, and
34 services as required under section 391(e)(1)–(8);
35

36 (H) Whether the transitional independent living case plan was developed
37 jointly by the youth and the social worker or probation officer and
38 reflects the living situation and services that are consistent, in the
39 youth's opinion, with what he or she needs to gain independence and
40 sets out the benchmarks that indicate how both will know when
41 independence can be achieved;
42

43 (I) For the youth who has elected to have the Indian Child Welfare Act

1 continue to apply, whether the representative from the youth's tribe was
2 consulted during the development of the youth's transitional
3 independent living case plan;

4
5 (J) Whether reasonable efforts were made by the social worker or
6 probation officer to comply with the youth's transitional independent
7 living case plan, including efforts to finalize the youth's permanent
8 plan and prepare him or her for independence;

9
10 (K) Whether the youth's transitional independent living case plan includes
11 appropriate and meaningful independent living skill services that will
12 assist him or her with the transition from foster care to independent
13 living;

14
15 (L) Whether the youth signed and received a copy of her or her transitional
16 independent living case plan;

17
18 (M) Extent of progress made toward meeting the transitional independent
19 living case plan goals and any modifications needed to assist in
20 attaining the goals;

21
22 (N) Whether reasonable efforts were made by the social worker or
23 probation officer to maintain relationships between the youth and
24 individuals who are important to the youth, including the efforts made
25 to establish and maintain relationships with caring and committed
26 adults who can serve as lifelong connections for the youth; and

27
28 (O) Whether reasonable efforts were made by the social worker or
29 probation officer to establish or maintain the youth's relationship with
30 his or her siblings who are under the juvenile court's jurisdiction as
31 required in section 366(a)(1)(D).

32
33 (2) *Orders*

34
35 (A) Order the continuation of juvenile court jurisdiction and set a nonminor
36 dependent review hearing under this rule within six months;

37
38 (B) Order a permanent plan consistent with the youth's transitional
39 independent living case plan; and

40
41 (C) Specify the likely date by which independence is anticipated to be
42 achieved.

1 **Rule 5.906. Hearing to consider termination of juvenile court jurisdiction over a**
2 **nonminor—Dependents, wards of the juvenile court in a foster care placement**
3 **(§§ 303, 366.31, 391, 785(e))**
4

5 **(a) Setting a hearing**
6

7 (1) A court hearing placed on the appearance calendar must be held prior to
8 terminating juvenile court jurisdiction over the following youth:
9

10 (A) A dependent of the juvenile court in a foster care placement who has
11 attained 18 years of age;
12

13 (B) A ward of the juvenile court in a foster care placement who has attained
14 18 years of age; or
15

16 (C) A youth under juvenile court jurisdiction as a nonminor dependent.
17

18 (2) The request to terminate juvenile court jurisdiction over a youth described in
19 (a)(1) must come before the court under one of the sections specified below.
20 The procedural requirements for that section apply unless otherwise specified
21 in this rule.
22

23 (A) Under section 366.21, 366.22, 366. 25, 366.3, 727.2, or 727.3 as the
24 recommendation of the social worker or probation officer in the notice
25 and report prepared for a hearing; or
26

27 (B) Under section 388, 778, or 785 in a petition for termination of
28 jurisdiction.
29

30 (3) Upon the filing of a petition under section 388 or 778, the court must order
31 that a hearing be set if there is prima facie evidence that the youth is
32 described in (a)(1).
33

34 (4) Notice of the hearing to the parents of a youth under juvenile court
35 jurisdiction as a nonminor dependent is not required.
36

37 (5) When juvenile court jurisdiction was terminated with a period of trial
38 independence and retention of general jurisdiction, and juvenile court
39 jurisdiction was then resumed, a hearing under section 391 must be held if
40 the youth wants juvenile court jurisdiction terminated again. The social
41 worker or probation officer is not required to file the 90-day Transition Plan,
42 and the court is not required to make the findings included in (c)(1)(J)(iii) or
43 (c)(2)(D)(v).

1 (6) The hearing must be continued for the submission of additional information
2 as ordered by the court, if the court determines that the report and transitional
3 independent living case plan or the youth’s 90-day Transition Plan submitted
4 by the social worker or probation officer do not provide the information
5 required by (b) and the court is unable to make the findings and orders
6 required by (c).

7
8 **(b) Reports**

9
10 (1) The social worker or probation officer must submit a report to the court that
11 includes:

- 12
13 (A) Whether remaining under juvenile court jurisdiction as a nonminor
14 dependent is in the youth’s best interests and the facts supporting the
15 conclusion reached;
- 16
17 (B) The specific criteria in section 11403(b) met by the youth that makes
18 him or her eligible to remain under juvenile court jurisdiction as a
19 nonminor dependent residing in a placement specified in section 11402;
20
- 21 (C) When and how the youth was provided with information about the right
22 to continue to be considered an Indian child for the purposes of the
23 ongoing application of the Indian Child Welfare Act to him or her as a
24 nonminor dependent;
- 25
26 (D) Whether the youth has and, if so, the status of, any in-progress
27 application pending for title XVI Supplemental Security Income
28 benefits or for Special Juvenile Immigration Status or other applicable
29 application for legal residency and whether an active juvenile court
30 case is required for that application;
- 31
32 (E) When and how the youth was provided with information about the
33 potential benefits of remaining under juvenile court jurisdiction as a
34 nonminor dependent residing in a placement specified in section 11402,
35 and the social worker’s or probation officer’s assessment of the
36 youth’s understanding of those benefits;
- 37
38 (F) When and how the youth was informed that if juvenile court
39 jurisdiction is terminated with a period of trial independence, the right
40 exists to file a request to return to foster care and have the juvenile
41 court resume jurisdiction over him or her as a nonminor dependent until
42 he or she has attained the age of 21 years or the age of 20 years if the
43 Legislature does not appropriate funding to extend the availability of

1 nonminor foster care placement to the age of 21 years;

2
3 (G) When and how the youth was informed that if juvenile court
4 jurisdiction is continued over him or her as a nonminor dependent, he
5 or she has the right to have juvenile court jurisdiction terminated;

6
7 (H) Whether a court-ordered period of trial independence is recommended
8 for a youth who has indicated directly by his or her statements or
9 indirectly by making himself or herself unavailable that he or she does
10 not want to remain under the jurisdiction of the juvenile court as a
11 nonminor dependent;

12
13 (I) For a youth who is not present for the hearing:

14 (i) Documentation of the youth’s statement that the youth did not
15 wish to appear in court for the scheduled hearing; or

16 (ii) Documentation of the reasonable efforts made to locate the youth
17 when the youth’s current location is unknown;

18
19
20
21 (J) The efforts made by the social worker or probation officer toward
22 completing and providing the youth with the items described in section
23 391(e)(2); and

24
25 (K) Verification that the youth was provided with the information,
26 documents, and services as required under section 391(e)(1)–(8).

27
28 (2) The social worker or probation officer must file with his or her report a
29 completed *Termination of Juvenile Court Jurisdiction—Attaining Age of*
30 *Majority* (form JV-365).

31
32 (3) The social worker or probation officer must file with his or her report the
33 youth’s:

34 (A) Transitional independent living case plan when recommending
35 continuation of juvenile court jurisdiction;

36 (B) Most recent Transitional Independent Living Plan (TILP); and

37 (C) Completed 90-day Transition Plan.

38
39
40
41
42 (4) The social worker or probation officer’s report and all documents required by
43 (b)(2)–(3) must be filed with the court at least 10 calendar days before the

1 hearing, and the social worker or probation officer must provide copies of the
2 report and other documents to the youth, the parent or guardian, all attorneys
3 of record, and any CASA volunteer. If the youth is under juvenile court
4 jurisdiction as a nonminor dependent, the social worker or probation officer
5 is not required to provide copies of the report and other documents to the
6 youth's parent or guardian.

7
8 **(c) Findings and orders**

9
10 In addition to complying with all other statutory and rule requirements applicable
11 to the hearing, the following judicial findings and orders must be made on the
12 record and included in the written, signed court documentation of the hearing:

13
14 **(1) Findings**

- 15
16 **(A) Whether the youth had the opportunity to confer with his or her**
17 **attorney about the issues currently before the court;**
- 18
19 **(B) Whether remaining under juvenile court jurisdiction as a nonminor**
20 **dependent is in the youth's best interests and the facts in support of the**
21 **finding made;**
- 22
23 **(C) Whether the youth meets the eligibility criteria in section 11403(b) to**
24 **remain in foster care as a nonminor dependent under juvenile court**
25 **jurisdiction as a nonminor dependent residing in a placement specified**
26 **in section 11402 and, if so, the specific criteria in section 11403(b) met**
27 **by the youth;**
- 28
29 **(D) Whether the youth was provided with information about the right to**
30 **continue to be considered an Indian child for the purposes of the**
31 **ongoing application of the Indian Child Welfare Act to him or her as a**
32 **nonminor dependent;**
- 33
34 **(E) Whether the child has an in-progress application pending for title XVI**
35 **Supplemental Security Income benefits or for Special Juvenile**
36 **Immigration Status or other applicable application for legal residency**
37 **and whether an active dependency case is required for that application;**
- 38
39 **(F) Whether the youth understands the potential benefits of remaining in**
40 **foster care as a nonminor dependent under juvenile court jurisdiction;**
- 41
42 **(G) Whether the youth has been informed that if juvenile court jurisdiction**
43 **is continued over him or her as a nonminor dependent, he or she has the**

1 right to have juvenile court jurisdiction terminated with a period of trial
2 independence;

3
4 (H) Whether the youth has been informed that if juvenile court jurisdiction
5 is terminated with a period of trial independence, the right exists to file
6 a request to return to foster care and have the juvenile court resume
7 jurisdiction over him or her as a nonminor dependent until he or she has
8 attained the age of 21 years or the age of 20 years if the Legislature
9 does not appropriate funding to extend the availability of nonminor
10 foster care placement to the age of 21 years;

11
12 (I) Whether the youth was provided with the information, documents, and
13 services as required under section 391(e)(1)–(8);

14
15 (J) Whether the youth’s:

16
17 (i) Transitional independent living case plan, if required, includes a
18 plan for a placement the youth believes is consistent with his or
19 her needs to gain independence, reflects the agreements made
20 between the youth and social worker or probation officer to
21 obtain independent living skills, and sets out the benchmarks that
22 indicate how both will know when independence can be
23 achieved;

24
25 (ii) Transitional Independent Living Plan identified the youth’s level
26 of functioning, emancipation goals, and the specific skills he or
27 she needs to prepare to live independently upon leaving foster
28 care; and

29
30 (iii) 90-day Transition Plan is a concrete individualized plan that
31 specifically covers the following areas: housing, health insurance,
32 education, local opportunities for mentors and continuing support
33 services, workforce supports and employment services, and
34 information that explains how and why to designate a power of
35 attorney for health care.

36
37 (K) For a youth who is not present for the hearing, whether the reason for
38 the youth’s failure to appear was:

39
40 (i) The youth’s expressed wish to not appear in court for the
41 scheduled hearing; or
42

1 (ii) The youth's current location remains unknown although
2 reasonable efforts were made to locate the youth.

3
4 (2) Orders

5
6 (A) Order the continuation of juvenile court jurisdiction for a youth who
7 meets the eligibility criteria in section 11403(b) to remain in placement
8 as a nonminor dependent residing in a placement specified in section
9 11402 under juvenile court jurisdiction, unless the court finds that:

10
11 (i) The youth does not wish to remain under juvenile court
12 jurisdiction as a nonminor dependent; or

13
14 (ii) Reasonable efforts were made to locate the youth whose current
15 location is unknown.

16
17 (B) When juvenile court jurisdiction is continued for the youth to remain in
18 placement as a nonminor dependent:

19
20 (i) Order a permanent plan consistent with the youth's Transitional
21 Independent Living Plan or transitional independent living case
22 plan;

23
24 (ii) Continue the youth's status as an Indian child for the purposes of
25 the ongoing application of the Indian Child Welfare Act to him or
26 her as a nonminor dependent unless the youth has elected not to
27 have his or her status as an Indian child continued; and

28
29 (iii) Set a status review hearing under rule 5.903 within six months of
30 the date of the youth's most recent status review hearing.

31
32 (C) For a youth who does not currently intend to meet the eligibility
33 requirements for nonminor dependent status but who is otherwise
34 eligible to and will remain under juvenile court's jurisdiction in a foster
35 care placement, the court must set a hearing under section 366.21,
36 366.22, 366.25, 366.3, 727.2 or 727.3 no more than six months from
37 the date of the youth's most recent status review hearing.

38
39 (D) For a youth who does not currently meet the eligibility criteria of
40 section 11403(b) and is not otherwise eligible to remain under juvenile
41 court jurisdiction; who does meet the eligibility criteria of section
42 11403(b) but does not wish to remain under the jurisdiction of the
43 juvenile court as a nonminor dependent; or whose current location is

1 unknown and the finding under (e)(2)(A)(ii) was made, the court may
2 enter an order for the termination of juvenile court jurisdiction only
3 after entering the following findings and orders:
4

- 5 (i) The youth was provided with the information, documents, and
6 services as required under section 391(e)(1)-(8) unless after
7 reasonable efforts by the social worker or probation officer the
8 nonminor could not be located;
9
- 10 (ii) The youth was informed of the options available to him or her to
11 assist with the transition from foster care to independence;
12
- 13 (iii) The youth was informed that if juvenile court jurisdiction is
14 terminated, he or she has the right to file a request to return to
15 foster care and have the juvenile court resume jurisdiction over
16 him or her as a nonminor dependent until he or she has attained
17 the age of 21 years or the age of 20 years if the legislature does
18 not appropriate funding to extend the availability of nonminor
19 foster care placement to the age of 21 years;
20
- 21 (iv) The youth had an opportunity to confer with his or her attorney
22 regarding the issues currently before the court;
23
- 24 (v) The youth's 90-day Transition Plan includes specific options
25 regarding housing, health insurance, education, local
26 opportunities for mentors and continuing support services,
27 workforce supports and employment services, and information
28 that explains how and why to designate a power of attorney for
29 health care;
30
- 31 (vi) Order for a period of trial independence from foster care as of the
32 date juvenile court jurisdiction is terminated and ending one day
33 prior to the day the youth attains 21 years of age unless the court
34 determines extending the period to that age is not in the youth's
35 best interests, and states the facts supporting that finding limiting
36 the period of trial independence to a shorter period of time on the
37 record and include those facts in the written order; and
38
- 39 (vii) Order for the retention of general juvenile court jurisdiction over
40 the youth during his or her period of trial independence to allow
41 for the filing of a request to return to foster care and resumption
42 of juvenile court jurisdiction under section 388 (e)).
43

1 **Rule 5.909. Request by nonminor to return to foster care and for the juvenile court**
2 **to resume jurisdiction (§§ 303, 388, 785)**

3
4 **(a) Purpose**

5
6 This rule provides the procedures that must be followed when an eligible youth
7 wants to return to foster care and have the juvenile court resume jurisdiction over
8 him or her as a nonminor dependent.

9
10 **(b) Eligible youth**

11
12 A youth must meet the following requirements to return to foster care and have the
13 juvenile court resume jurisdiction over him or her as a nonminor dependent:

14
15 (1) He or she must be a nonminor who:

16
17 (A) On and after January 1, 2012, has not attained 19 years of age; or

18
19 (B) Commencing January 1, 2013, has not attained 20 years of age; or

20
21 (C) Commencing January 1, 2014, has not attained 21 years of age.

22
23 (2) The juvenile court must have ordered a period of trial independence and
24 retained general jurisdiction over the youth for the purpose of filing a request
25 to return to foster care and resuming juvenile court jurisdiction.

26
27 (3) The youth must satisfy at least one of the education, training, or work
28 conditions under section 11403(b).

29
30 (4) The extension of eligibility to a nonminor who has not attained 21 years of
31 age commencing January 1, 2014, is subject to a budget appropriation by the
32 state Legislature.

33
34 **(c) Conduct of hearing**

35
36 (1) The *Request to Return to Foster Care* (form JV-466) must be heard by the
37 juvenile dependency court or the juvenile delinquency court that had
38 jurisdiction over the youth as a dependent or ward, ordered the period of trial
39 independence for the youth, and retained general jurisdiction for the purpose
40 of resuming juvenile court jurisdiction.

41
42 (2) The youth may appear by telephone as provided in rule 5.900.
43

1 **(d) Request for court hearing**

2
3 (1) The request to return to foster care and for the resumption of juvenile court
4 jurisdiction must be made during the youth's period of trial independence.

5
6 (2) The request must be liberally construed in favor of its sufficiency. It must be
7 verified by the youth, and to the extent known to the youth, must contain the
8 following information:

9
10 (A) The name of the juvenile court that ordered a period of trial
11 independence for the youth and retained general jurisdiction over the
12 youth for the purpose of resuming juvenile court jurisdiction.

13
14 (B) The name and action number or court file number of the case at the
15 time the juvenile court ordered a period of trial independence and
16 retained general jurisdiction over the youth for the purpose of resuming
17 juvenile court jurisdiction.

18
19 (C) The youth's name and date of birth.

20
21 (D) The youth's address, unless the youth requests to keep his or her
22 address confidential by filing form *Confidential Information—Request*
23 to Return to Foster Care (form JV-468). Form JV-468 must be kept in
24 the court file under seal, and only the court, the child welfare services
25 agency, the probation department, or the Indian tribe with an agreement
26 under section 10553.1 to provide child welfare services to Indian
27 children (Indian tribal agency), and the youth's attorney may have
28 access to this information.

29
30 (E) If the youth wants his or her parents or guardians to receive notice of
31 the filing of the request and the hearing, the name and residence
32 addresses of the youth's parents or guardians.

33
34 (F) The name and telephone number of the court-appointed attorney who
35 represented the youth at the time the juvenile court ordered a period of
36 trial independence and retained general jurisdiction over the youth if
37 the youth wants that attorney to be the attorney appointed to represent
38 him or her for the purposes of the hearing on the request.

39
40 (G) If the youth is an Indian child and chooses to have the Indian Child
41 Welfare Act apply to him or her as a nonminor dependent, the name of
42 the tribe and the name, address, and telephone number of his or her
43 tribal representative.

1 (H) If the youth had a Court Appointed Special Advocate (CASA) when he
2 or she was a dependent or ward of the court and wants the CASA to
3 receive notice of the filing of the request and the hearing, the name of
4 the CASA.

5
6 (I) The date the juvenile court entered the order for a period of trial of
7 independence and retained general jurisdiction over the youth.

8
9 (J) The condition or conditions under section 11403(b) that the youth
10 satisfies, and the name, address, and telephone number of the person or
11 persons who can provide verification of the youth's meeting the
12 condition unless the youth requests to keep the name, address, and
13 telephone number confidential by filing form *Confidential*
14 *Information—Request to Return to Foster Care* (form JV-468).

15
16 (3) The request to return to foster care and have the juvenile court resume
17 jurisdiction must be made on the *Request to Return to Foster Care* (form JV-
18 466).

19
20 (4) A juvenile court clerk must not accept a *Request to Return to Foster Care*
21 (form JV-466) unless it is verified by the youth who is asking to return to
22 foster care and have the juvenile court resume jurisdiction over him or her or
23 is verified by the youth's representative when the youth is unable to provide
24 verification due to a medical condition.

25
26 (5) No filing fees are required for the filing of the JV-466, and the youth must be
27 provided with an endorsed, filed copy of the JV-466 at no cost.

28
29 (6) For the convenience of the youth, the *Request to Return to Foster Care* (form
30 JV-466) and, if the youth wishes to keep his or her contact information or the
31 contact information for his or her educational program, employment program,
32 employer, or medical provider confidential, the *Confidential Information—*
33 *Request to Return to Foster Care* (form JV-468) may be filed with:

34
35 (A) The juvenile court that ordered the period of trial independence and
36 retained general jurisdiction using the same court file number; or

37
38 (B) The juvenile court in the county in which the youth currently resides.

39
40 (i) Within one court day of the filing of the form JV-466 and form
41 JV-468, the clerk of the court must forward by fax or other
42 electronic means and by first-class mail a certified copy of the
43 form JV-466 and form JV-468 to the clerk of the juvenile court

1 that ordered the period of trial independence and retained general
2 jurisdiction.

3
4 (ii) The clerk of the juvenile court in the county in which the youth
5 currently resides is responsible for all the costs of certifying and
6 forwarding the form JV-466 and form-468.

7
8 (7) The certified copy of the form JV-466 and form JV-468 received from the
9 juvenile court clerk in the county in which the youth currently resides is
10 deemed an original and must be filed immediately upon receipt by the clerk
11 of the juvenile court that ordered the period of trial independence and
12 retained general jurisdiction.

13
14 (8) For a youth living outside the state of California, the form JV-466 and, if the
15 youth wishes to keep contact information confidential, the form JV-468 may
16 be filed with the juvenile court that ordered the period of trial independence
17 and retained general jurisdiction.

18
19 (e) **Notice to county agency of filing of *Request to Return to Foster Care* (form JV-**
20 **466)**

21
22 (1) Within one court day of the filing of the form JV-466 and form JV468 with
23 the clerk of the juvenile court that retained general jurisdiction, the clerk must
24 notify the child welfare services agency, the probation department, or the
25 Indian tribal agency that was supervising the youth when the juvenile court
26 entered the order for a trial period of independence and retention of general
27 jurisdiction for the purpose of the filing of a *Request to Return to Foster Care*
28 (form JV-466).

29
30 (2) The notification must be by telephone or e-mail and inform the agency that a
31 copy of the JV-466 will be served on the agency and that one is currently
32 available in the office of the juvenile court clerk.

33
34 (f) **Determination of prima facie showing**

35
36 (1) Within two court days of the filing of the JV-466 with the clerk of the
37 juvenile court that retained general jurisdiction, a judicial officer of the
38 juvenile dependency court or the juvenile delinquency court that had
39 jurisdiction over the youth as a dependent or ward at the time the trial period
40 of independence was granted must review the JV-466 and determine whether
41 a prima facie showing has been made that the youth meets all the criteria set
42 out in (b). A verified form JV-466 that includes information stating the youth

1 meets the requirements included in (b)(1)–(2) and at least one of the
2 conditions in section 11403(b) provides a prima facie showing.

3
4 (2) If the court determines that a prima facie showing has not been made, the
5 court must immediately enter a written order denying the request, listing the
6 issues that resulted in the denial, and informing the youth that a new JV-466
7 may be filed when those issues are resolved.

8
9 (A) The juvenile court clerk must cause to be served on the youth:

10
11 (i) A copy of the written order;

12
13 (ii) A blank copy of *Request to Return to Foster Care* (form JV-466);

14
15 (iii) A copy of *How to Ask the Court for Permission to Return to*
16 *Foster Care* (form JV-464-INFO); and

17
18 (iv) The names and contact information for those attorneys approved
19 by the court to represent children and youth in juvenile court
20 proceedings who have agreed to provide a consultation to any
21 youth whose request was denied due to the failure to make a
22 prima facie showing.

23
24 (B) Service must be by personal service or first-class mail within two court
25 days of the issuance of the order.

26
27 (C) A proof of service must be filed.

28
29 (3) If the judicial officer determines that a prima facie showing has been made,
30 the judicial officer must enter a written order:

31
32 (A) Directing the juvenile court clerk to notify the child welfare services
33 agency, the probation department, or the Indian tribal agency that a
34 prima facie showing has been made and to set the matter for a hearing;
35 and

36
37 (B) Appointing an attorney to represent the youth for the sole purpose of
38 the hearing on the request.

39
40 **(g) Appointment of attorney**

41
42 (1) If the youth included on the form JV-466, a request for the appointment of
43 the court-appointed attorney who represented the youth during the period of

1 time he or she was under the jurisdiction of the juvenile court as a ward or
2 dependent or nonminor dependent, the judicial officer must appoint that
3 attorney for the sole purpose of the hearing on the request to return to foster
4 care and have juvenile court jurisdiction resumed, if he or she is available to
5 accept such an appointment.

6
7 (2) If the youth did not include a request for the appointment of his or her former
8 court-appointed attorney, the judicial officer must appoint an attorney to
9 represent the youth for the sole purpose of the hearing on the request to return
10 to foster care and have juvenile court jurisdiction resumed. The attorney
11 appointed must be selected from the panel or organization of attorneys
12 approved by the court to represent children and youth in juvenile court
13 proceedings.

14
15 (3) In addition to complying with the requirements in (i)(1) for service of notice
16 of the hearing, the juvenile court clerk must notify the attorney of his or her
17 appointment to represent the youth for the sole purpose of the hearing on the
18 request to return to foster care and have juvenile court jurisdiction resumed as
19 soon as possible, but in no event may the notification occur more than three
20 court days from the date of the filing of the JV-466 with the clerk of the
21 juvenile court that retained general jurisdiction. This notification must be
22 made by telephone, fax, or other electronic means, include the youth's
23 contact information, and inform the attorney that a copy of the JV-466 will be
24 served on him or her and that one is currently available in the office of the
25 juvenile court clerk.

26
27 (4) If the request to return to foster care and have juvenile court jurisdiction
28 resumed is granted, the court must continue the attorney's court appointment
29 to represent the youth regarding matters related to the youth's status as a
30 nonminor dependent until the jurisdiction of the juvenile court is terminated,
31 unless the court finds that the youth would not benefit from the appointment of
32 counsel.

33
34 (A) In order to find that a youth would not benefit from the appointment of
35 counsel, the court must find all of the following:

36
37 (i) The youth understands the nature of the proceedings;

38
39 (ii) The youth is able to communicate and advocate effectively with
40 the court, other counsel, and other parties, including social
41 workers, probation officers, and other professionals involved in
42 the case; and

43

1 (iii) Under the circumstances of the case, the youth would not gain
2 any benefit by being represented by counsel.

3
4 (B) If the court finds that the youth would not benefit from representation by
5 counsel, the court must make a finding on the record as to each of the
6 criteria in (A) and state the reasons for each finding.

7
8 (5) Representation by the attorney appointed by the court to represent the youth
9 for the purposes of the hearing on the request to return to foster care and have
10 juvenile court jurisdiction resumed, and for matters related to the youth's
11 status as a nonminor dependent must be at no cost to the youth.

12
13 (6) If the youth chooses to be represented by an attorney other than a court-
14 appointed attorney, the fees for the attorney retained by the youth are the
15 youth's responsibility.

16
17 **(h) Setting the hearing**

18
19 (1) Within three court days of the filing of the JV-466 with the clerk of the
20 juvenile court that retained general jurisdiction, the juvenile court clerk must
21 schedule a hearing on the juvenile court's calendar on a date within 30
22 calendar days from the date the JV-466 was filed with the court that retained
23 jurisdiction.

24
25 (2) The hearing must be placed on the appearance calendar, heard before a
26 juvenile court judicial officer, and recorded by a court reporter.

27
28 **(i) Notice of hearing**

29
30 (1) The juvenile court clerk must serve notice as soon as possible but, in any
31 event, at least 15 calendar days before the date the hearing is set, as follows:

32
33 (A) The notice of the date, time, place, and purpose of the hearing and a
34 copy of the JV-466 must be served on the youth, the youth's attorney,
35 and the child welfare services agency, the probation department, or the
36 Indian tribal agency that was supervising the youth when the juvenile
37 court entered the order for a trial period of independence and retention
38 of general jurisdiction.

39
40 (B) The notice of the date, time, place, and purpose of the hearing must be
41 served on the youth's parents or guardians if the youth included in the
42 JV-466 a request that notice be provided to the parents or guardians.

1 (C) The notice of the date, time, place, and purpose of the hearing must be
2 served on the youth's tribal representative if the youth is an Indian
3 child and chose in the JV-466 to have Indian Child Welfare Act apply
4 to him or her as a nonminor dependent.

5
6 (D) The notice of the date, time, place, and purpose of the hearing must be
7 served on the local county CASA office if the youth had a CASA and
8 included in the JV-466 a request that notice be provided to his or her
9 former CASA.

10
11 (2) The written notice served on the nonminor dependent must include:

12
13 (i) A statement that the youth may appear for the hearing by
14 telephone; and

15
16 (ii) Instructions regarding the local juvenile court procedures for
17 arranging to appear and appearing at the hearing by telephone.

18
19 (3) Service of the notice must be by personal service or by first-class mail.

20
21 (4) Notice by first-class mail must be postmarked 20 calendar days prior to the
22 date set for the hearing.

23
24 (5) Proof of service of notice must be filed by the juvenile court clerk at least
25 five court days prior to the hearing.

26
27 **(j) Reports**

28
29 (1) The social worker, probation officer, or Indian tribal agency case worker
30 (tribal case worker) must submit a report to the court that includes:

31
32 (A) Confirmation that the youth meets the age requirements under (b)(1)
33 and that the juvenile court did enter an order for a period of trial
34 independence for the youth and retained general jurisdiction over the
35 youth;

36
37 (B) The condition or conditions under section 11403(b) that the youth is
38 able to satisfy and the supporting information and documentation;

39
40 (C) The social worker, probation officer, or tribal case worker's
41 recommendation about the resumption of juvenile court jurisdiction
42 over the youth as a nonminor dependent;

43

1 (D) The type of placement recommended if the request to return to foster
2 care is granted and juvenile court jurisdiction is resumed over the youth
3 as a nonminor dependent;
4

5 (E) If the type of placement recommended is a placement in a setting where
6 minor dependents also reside, the results of the background check of
7 the youth under section 16504.5.
8

9 (i) The background check under section 16504.5 is required only if a
10 minor dependent resides in the placement under consideration for
11 the youth.
12

13 (ii) A criminal conviction is not a bar to a return to foster care and
14 the resumption of juvenile court jurisdiction over the youth as a
15 nonminor dependent.
16

17 (2) At least five court days before the hearing, the social worker, probation
18 officer, or tribal case worker must file the report and any supporting
19 documentation with the court and provide a copy to the youth and to his or
20 her attorney of record; and
21

22 (3) If the court determines that the report and other documentation submitted by
23 the social worker, probation officer, or tribal case worker does not provide
24 the information required by (h)(1) and the court is unable to make the
25 findings and orders required by (i), the hearing must be continued for the
26 social worker, probation officer, tribal case worker, or youth to submit
27 additional information as ordered by the court.
28

29 **(k) Findings and orders**
30

31 The court must read and consider, and state on the record that it has read and
32 considered the report, and supporting documentation submitted by the social
33 worker, probation officer, or tribal case worker, the evidence submitted by the
34 youth, and any other evidence. The following judicial findings and orders must be
35 made on the record and included in the written, signed court documentation of the
36 hearing:
37

38 **(1) Findings**
39

40 **(A) Whether notice was given as required by law;**
41

42 **(B) Whether the youth was eligible to file a Request to Return to Foster**
43 **Care (form JV-466);**

- 1 (C) Whether the youth is able to satisfy a condition or conditions under
2 section 11403(b);
3
4 (D) The condition or conditions that the youth is able to satisfy under
5 section 11403(b); and
6
7 (E) Whether a youth who is an Indian child chose to have the Indian Child
8 Welfare Act apply to him or her as a nonminor dependent.
9

10 (2) Orders

- 11
12 (A) If the court finds that the youth meets the age requirements under
13 (b)(1), that the juvenile court did enter an order for a period of trial
14 independence for the youth and retained general jurisdiction over the
15 youth, and that the youth does satisfy at least one condition under
16 section 11403(b), the court must:
17
18 (i) Grant the request to return to foster care and enter an order
19 resuming juvenile court jurisdiction over the youth as a nonminor
20 dependent;
21
22 (ii) Order the social worker, probation officer, or tribal case worker
23 to develop with the youth and file with the court within 60 days a
24 new transitional independent living case plan;
25
26 (iii) Order the social worker or probation officer to consult with the
27 tribal representative for the youth who chose to have the Indian
28 Child Welfare Act apply to him or her as a nonminor dependent
29 regarding its development and whose supervision is not being
30 provided by a tribal case worker;
31
32 (iii) Order a nonminor dependent review hearing under rule 5.903 set
33 within the next six months; and
34
35 (iv) Make the findings and enter the appropriate orders under (g)(4)
36 regarding appointment of an attorney for the youth.
37
38 (B) If the court finds that the youth meets the age requirements under
39 (b)(1), that the juvenile court entered an order for a period of trial
40 independence for the youth and retained general jurisdiction over the
41 youth, but the youth is unable to satisfy at least one of the conditions
42 under section 11403(b), the court must:
43

1 (i) Enter an order denying the request, listing the circumstances that
2 resulted in the denial, and informing the youth that a new JV-466
3 may be filed when those circumstances change and at least one
4 condition under section 11403(b) is met.

5
6 (ii) Enter an order terminating the appointment of the attorney
7 appointed by the court to represent the youth, effective seven
8 calendar days from the date the hearing.

9
10 (iii) In addition to the service of a copy of the written order as
11 required in (k)(3), the juvenile court clerk must cause to be
12 served on the youth a blank copy of *Request to Return to Foster*
13 *Care* (form JV-466) and a copy of *How to Ask the Court for*
14 *Permission to Return to Foster Care* (form JV-464-INFO).

15
16 (C) If the court finds that the youth does not meet the age requirements
17 under (b)(1), and/or the juvenile court did not enter an order for a
18 period of trial independence for the youth and did not retain general
19 jurisdiction over the youth, the court must:

20
21 (i) Enter an order denying the request to return to foster care and
22 have juvenile court jurisdiction resumed; and

23
24 (ii) Enter an order terminating the appointment of the attorney
25 appointed by the court to represent the youth, effective seven
26 calendar days from the date the hearing.

27
28 (3) Findings and orders: service

29
30 (A) The written findings and order must be served by the juvenile court
31 clerk on all persons provided with notice of the hearing under (i)(1).

32
33 (B) Service must be by personal service or first-class mail within three
34 court days of the issuance of the order.

35
36 (C) A proof of service must be filed.

37
38 Advisory Committee Comment

39 The extension of benefits for youth up to 18 years of age during the first year and for youth up to 19 years
40 of age during the following year is fully provided for in AB12 and does not require further action by the
41 Legislature; however, extension of those benefits to youth between 20 and 21 years of age is contingent
42 upon an appropriation by the Legislature. (Welf. & Inst. Code §11403(k).)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME: _____ YOUTH'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____	
TERMINATION OF JUVENILE COURT JURISDICTION— ATTAINING AGE OF MAJORITY	CASE NUMBER: _____

Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 6, complete item 7, attach documents as required, and sign and date item 8.

Directions for the youth (if youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 6. If the box checked in item 1 is wrong, check the correct box and sign your initials next to it. Sign your initials after items 2a–h, items 3a–g, item 4, items 5a–b, and items 6a–g if you received the service or information. Then sign and date item 9.

1. a. The youth wants to attend the termination hearing.
- b. The youth does not want to attend the termination hearing. The petitioner has attached verification that the youth has been informed of the potential consequences of failure to attend the termination hearing.
- c. The youth is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the youth and to obtain the youth's signature is attached.

2. An attached report verifies that the youth has received written information concerning his or her juvenile court case, including *(check all that apply)*:
 - a. Information known about the youth's Indian heritage or tribal connections, if applicable
 - b. The youth's family history
 - c. The youth's placement history
 - d. The youth's educational and medical history
 - e. Any photographs of the youth or the youth's family in the possession of the county child welfare department or probation department, other than forensic photographs
 - f. The whereabouts of any siblings under the jurisdiction of the juvenile court
 - g. The youth's right to go to the clerk's office and, after demonstrating his or her identity by showing an identification card or by other means, inspect, receive, and copy the youth's juvenile case file without an order from the juvenile court (see Welf. & Inst. Code, §§ 826.6 and 827 and rule 5.552 of the California Rules of Court)
 - h. The date on which the jurisdiction of the court will be terminated

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>):		FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
YOUTH'S NAME: _____ YOUTH'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____		
FINDINGS AND ORDERS AFTER HEARING TO CONSIDER TERMINATION OF JUVENILE COURT JURISDICTION OVER NONMINOR		CASE NUMBER: _____
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language: _____

- | | <u>Present</u> | <u>Attorney (name):</u> | <u>Present</u> |
|---|--------------------------|-------------------------|--------------------------|
| 1. Parties (<i>name</i>): | | | |
| a. Youth: | <input type="checkbox"/> | | <input type="checkbox"/> |
| b. Probation officer: | <input type="checkbox"/> | | <input type="checkbox"/> |
| c. County agency social worker: | <input type="checkbox"/> | | <input type="checkbox"/> |
| d. Other (<i>specify</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| 2. Parent: | | | |
| a. <input type="checkbox"/> Father <input type="checkbox"/> Mother (<i>name</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| b. <input type="checkbox"/> Father <input type="checkbox"/> Mother (<i>name</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| 3. Legal guardian (<i>name</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| 4. Indian custodian (<i>name</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| 5. Tribal representative (<i>name</i>): | <input type="checkbox"/> | | <input type="checkbox"/> |
| 6. Others present in | | | |
| a. Court Appointed Special Advocate (CASA) volunteer (<i>name</i>): | | | |
| b. Other (<i>name</i>): | | | |
| c. Other (<i>name</i>): | | | |
| 7. The court has read and considered and admits into evidence: | | | |
| a. <input type="checkbox"/> Report of social worker dated: | | | |
| b. <input type="checkbox"/> Report of probation officer dated: | | | |
| c. <input type="checkbox"/> Report of CASA volunteer dated: | | | |
| d. <input type="checkbox"/> Other (<i>specify</i>): | | | |
| e. <input type="checkbox"/> Other (<i>specify</i>): | | | |

YOUTH'S NAME: 	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

Findings:

8. Notice of the date, time, and location of the hearing was given as required by law.
9. Youth who is not present:
- a. The youth expressed a wish to not appear for hearing and did not appear.
- b. The youth's current location is unknown and reasonable efforts were made to locate the youth.
10. The youth had the opportunity to confer with his or her attorney about the issues currently before the court.
11. Remaining under juvenile court jurisdiction as a nonminor dependent is is not in the youth's best interests. The facts supporting this determination were stated on the record.
12. a. The youth does not meet the eligibility criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction at this time.
- b. The youth does satisfy the following criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction:
- (1) The youth continues attending high school or a high school equivalency certificate (GED) program.
- (2) The youth attends a college, a community college, or a vocational education program.
- (3) The youth attends a program that will promote or help remove a barrier to his or her being employed.
- (4) The youth is employed at least 80 hours per month.
- (5) The youth is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, an employment program, or to work 80 hours per month due to a medical condition.
13. The youth has does not have an in-progress application pending for Title XVI Supplemental Security Income benefits or for Special Juvenile Immigration Status or other application for legal residency for which an active juvenile court case is required.
14. The youth was informed of the options available to him or her to assist with the transition from foster care to independence.
15. The potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained to the youth and the youth has stated that he or she understands those benefits.
16. The youth was informed that if juvenile court jurisdiction is continued over him or her as a nonminor dependent that he or she has the right to have juvenile court jurisdiction terminated with a period of trial independence.
17. The youth was informed that if juvenile court jurisdiction is terminated with a period of trial independence, he or she has the right to file a request to return to foster care and have the court resume jurisdiction over him or her until he or she has attained the age of 21 years or the age of 20 years if the Legislature does not appropriate funding to extend the availability of nonminor foster care placement to the age of 21 years.
18. a. The youth was provided with the information, documents, and services required under Welf. & Inst. Code, § 391(e)(1)-(8) and a completed *Termination of Juvenile Court Jurisdiction-Attaining Age of Majority* (form JV-365), was filed with this court.
- b. The youth cannot be located and reasonable efforts were made to locate him or her and, for that reason, the youth was not provided with the information, documents, services, and form specified in item 12a.
19. For an Indian youth, he or she was was not provided with information regarding the right to continue to be considered an Indian child for the purposes of the on-going application of the Indian Child Welfare Act to him or her as a nonminor dependent.

YOUTH'S NAME: 	CASE NUMBER:
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20. a. The transitional independent living case plan includes a plan for a placement the youth believes is consistent with his or her need to gain independence, reflects agreements made to obtain independent living skills, and sets out benchmarks that indicate how the youth and social worker or probation officer will know when independence can be achieved.
- b. The Transitional Independent Living Plan (TILP) identified the youth's level of functioning, emancipation goals, and the specific skills he or she needs to prepare to live independently upon leaving foster care.
- c. The 90-day Transition Plan is a concrete individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.

Orders:

21. Juvenile court jurisdiction over the youth as a nonminor dependent is continued.
- a. The youth meets at least one of the eligibility criteria in Welf. & Inst. Code, § 11403(b).
- b. The youth's permanent plan is:
- (1) Independence after a period of placement in supervised settings specified in Welf. & Inst. Code, § 11402.
- (2) Other (*specify*):
- c. The youth is an Indian child and has has not elected to have the Indian Child Welfare Act apply.
- d. The matter is continued for a hearing set under Welf. & Inst. Code, § 366(f) and Cal. Rules of Court, rule 5.903 within the next six months.

22. a. The court makes the following findings and on that basis enters the order in item 22b:
- (1) The youth:
- (a) Does not currently meet the eligibility criteria of section 11403(b).
- (b) Does currently meet the eligibility criteria of section 11403(b) but does not wish to remain under juvenile court jurisdiction as a nonminor dependent at this time.
- (c) Cannot be located and reasonable efforts were made to locate him or her.
- (2) The youth's 90-day Transition Plan includes specific options for housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.
- (3) The findings in items 10, 14-17, and 18a or 18b were made.
- b. On the basis of the findings made in item 22a, the court enters the following order:
- (1) A period of trial independence from foster care is ordered beginning on the date of this order and ending on the day before the youth attains 21 years of age with the juvenile court retaining general jurisdiction over the youth during the period of trial independence for the purposes of resuming jurisdiction over the youth as a nonminor dependent. Juvenile court jurisdiction over the youth as a nonminor dependent is terminated.
- (2) A trial period of independence from foster care is NOT ordered, this court having found that a period of trial independence is not in the youth's best interests. Juvenile court jurisdiction over the youth is terminated.

23. **Other findings and orders:**
- a. See attachment 23a.
- b. Other (*specify*):

24. **A hearing is scheduled as follows:**
- | | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|
- a. Nonminor dependent review hearing (Welf. & Inst. Code, § 366.(f); Cal. Rules of Court, rule 5.903)
- b. Other (*specify*):

25. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

ATTACHMENT: ADDITIONAL FINDINGS AND ORDERS FOR CHILD APPROACHING MAJORITY-DEPENDENCY

Use this form to document the juvenile court's findings and orders regarding the child's plans for independent living and his or her status as a nonminor dependent as set forth in Cal. Rules of Court, rule 5.707, at the last status review hearing held under Welf. & Inst. Code, § 366.21, 366.22, 366.25, or 366.3, before the child attains 18 years of age.

BASED ON THE REPORTS READ, CONSIDERED, AND ADMITTED INTO EVIDENCE AND ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:**Findings:**

1. The child's transitional independent living case plan includes a plan for the child to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent:
 - a. The child plans to continue attending high school or a high school equivalency certificate (GED) program.
 - b. The child has made plans to attend a college, a community college, or a vocational education program.
 - c. The child plans to attend a program that will promote or help remove a barrier to his or her being employed.
 - d. The child has made plans to be employed at least 80 hours a month.
 - e. The child may not be able to attend school, college, a vocational or employment program, or to work 80 hours per month, due to a medical condition.
2. For the minor who does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in Welf. & Inst. Code, § 11402 after attaining 18 years of age, there is an alternative plan for the child's transition to independence including housing, education, employment, and a support system.
3. The child has does not have an in-progress application pending for title XVI Supplemental Security Income benefits or for Special Juvenile Immigration Status or other application for legal residency for which an active juvenile court case is required.
4. The child was informed that upon reaching 18 years of age he or she has the right to have juvenile court jurisdiction terminated following a hearing under section 391.
5. The potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained to the child and the child has stated that he or she understands those benefits.
6. The child has been informed that if juvenile court jurisdiction is terminated, he or she may have the right to file a request to return to foster care and have the court resume jurisdiction over him or her as a nonminor dependent.
7. For an Indian child, he or she does does not intend to continue to be considered an Indian child for the purposes of the on-going application of the Indian Child Welfare Act to him or her as a nonminor dependent.

Orders:

8. The child does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in Welf. & Inst. Code, § 11402 after attaining 18 years of age, and a hearing is ordered set under Welf. & Inst. Code, § 391 for a date no more than one month after the child's 18th birthday.
9. The child intends to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in Welf. & Inst. Code, § 11402 after attaining 18 years of age, and a hearing is ordered set under Cal. Rules of Court, rule 5.903 to occur within the next six months.
10. The child does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in Welf. & Inst. Code, § 11402 after attaining 18 years of age, but the child is otherwise eligible to and will remain under juvenile court jurisdiction in a foster care placement, and a hearing is ordered set under Welf. & Inst. Code, § 366.21, 366.22, 366.25, or 366.3 no more than six months from the date of the current hearing.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>		FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
YOUTH'S NAME: _____ YOUTH'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____		
FINDINGS AND ORDERS AFTER NONMINOR DEPENDENT REVIEW HEARING		CASE NUMBER: _____
Judicial Officer:	Court Clerk:	Court Reporter:
Bailliff:	Other Court Personnel:	Interpreter: Language: _____

- | | | | |
|---|--------------------------|--------------------------------|--------------------------|
| 1. Parties <i>(name)</i>: | Present | Attorney <i>(name)</i>: | Present |
| a. Youth: | <input type="checkbox"/> | | <input type="checkbox"/> |
| b. Probation officer: | <input type="checkbox"/> | | <input type="checkbox"/> |
| c. County agency social worker: | <input type="checkbox"/> | | <input type="checkbox"/> |
| d. Other <i>(specify)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 2. Tribal representative <i>(name)</i>: | <input type="checkbox"/> | | <input type="checkbox"/> |
| 3. Others present in courtroom: | | | |
| (1) Court Appointed Special Advocate (CASA) volunteer <i>(name)</i> : | | | |
| (2) Other <i>(specify)</i> : | | | |
| (3) Other <i>(specify)</i> : | | | |
| (4) Other <i>(specify)</i> : | | | |
| 4. The court has read and considered and admits into evidence: | | | |
| a. <input type="checkbox"/> Report of social worker dated: | | | |
| b. <input type="checkbox"/> Report of probation officer dated: | | | |
| c. <input type="checkbox"/> Report of CASA volunteer dated: | | | |
| d. <input type="checkbox"/> Other <i>(specify)</i> : | | | |
| e. <input type="checkbox"/> Other <i>(specify)</i> : | | | |

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

5. Notice of the date, time, and location of the hearing was given as required by law.
6. **The youth's continued placement is necessary.**
7. **The youth's continued placement is no longer necessary.**

YOUTH'S NAME: 	CASE NUMBER:
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- 8. **The youth's current placement is appropriate.**
- 9. **The youth's current placement is not appropriate.** The county agency and the youth must work collaboratively to locate an appropriate placement.
- 10. The youth's transitional independent living case plan does include a plan for the youth to satisfy the following the criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction. The specific criteria it is anticipated the youth will continue to satisfy are indicated below:
 - a. The youth continues attending high school or a high school equivalency certificate (GED) program.
 - b. The youth attends a college, a community college, or a vocational education program.
 - c. The youth attends a program that will promote or help remove a barrier to his or her being employed.
 - d. The youth is employed at least 80 hours per month.
 - e. The youth is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, an employment program, or to work 80 hours per month due to a medical condition.
- 11. The county agency has has not made reasonable efforts and provided assistance to help the youth establish and maintain compliance with the conditions in Welf. & Inst. Code, § 11403(b).
- 12. The youth was was not provided with the information, documents, and services as required under Welf. & Inst. Code, § 391(e)(1)-(8)
- 13. The youth's transitional independent living case plan was was not developed jointly by the youth and the county agency.
- 14. For the youth who has elected to have the Indian Child Welfare Act continue to apply, the representative from the youth's tribe was was not consulted during the development of the youth's transitional independent living case plan.
- 15. The youth's transitional independent living case plan does does not reflect the living situation and services consistent, in the youth's opinion, with what he or she needs to gain independence and sets out benchmarks that indicate how both will know when independence can be achieved.
- 16. The youth's transitional independent living case plan does does not include appropriate and meaningful independent living skill services that will assist the youth with the transition from foster care to independent living.
- 17. The county agency has has not made reasonable efforts to comply with the youth's transitional independent living case plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.
- 18. The youth did did not sign and receive a copy of his or her transitional independent living case plan
- 19. a. The extent of progress made by the youth toward meeting the transitional independent living case plan goals has been excellent satisfactory minimal
 - b. The modifications to the transitional independent living case plan goals needed that will assist the youth in his or her efforts to attain his or her goals were stated on the record.
- 20. The county agency has has not made reasonable efforts to maintain relations between the youth and individuals who are important to him or her, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections for the youth.
- 21. The county agency has has not made reasonable efforts to establish or maintain the youth's relationship with his or her siblings who are under juvenile court jurisdiction.
- 22. The likely date by which it is anticipated the youth will achieve independence is: _____.

YOUTH'S NAME: 	CASE NUMBER:
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23. It appears that juvenile court jurisdiction over the youth may no longer be necessary or appropriate and a hearing to consider termination of juvenile court jurisdiction under Welf. & Inst. Code, § 391 and Cal. Rules of Court, rule 5.906 is ordered

24. Juvenile court jurisdiction over the youth as a nonminor dependent is continued and

a. The youth's permanent plan is:

(1) Independence after a period of placement in supervised settings specified in Welf. & Inst. Code, § 11402.

(2) Other (specify):

b. The matter is continued for a hearing set under Welf. & Inst. Code, § 366.(f) and Cal. Rules of Court, rule 5.903 within the next six months.

25. **All prior orders not in conflict with this order remain in full force and effect.**

26. **Other findings and orders:**

a. See attachment 26a.

b. (Specify):

27. **The next hearing(s) are scheduled as follows:**

a. Nonminor dependent review hearing (Welf. & Inst. Code, § 366.(f); Cal. Rules of Court, rule 5.903)

Hearing date:	Time:	Dept:	Room:
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b. Hearing to consider termination of jurisdiction under Welf. & Inst. Code, § 391 and Cal. Rules of Court, rule 5.906

Hearing date:	Time:	Dept:	Room:
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c. Other (specify):

Hearing date:	Time:	Dept:	Room:
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28. Number of pages attached: _____

Date:

JUDICIAL OFFICER

JV-464-INFO **How to Ask the Court for Permission to Return to Foster Care**

Some 18, 19, and 20 year-olds can return to foster care.

This form explains:

- The benefits of returning to foster care,
- Who qualifies to return to foster care, and
- How to ask the court if you can return to foster

What benefits can I get if I return to foster care?

If you return to foster care as a dependent of the court, you can get money to live in supervised foster care. You would be able to live at a:

- Relative's home,
- Nonrelated extended family member's home,
- Foster home,
- Group home if need to because of a medical condition, or
- Supervised independent living setting, for example an apartment or college dormitory.

You can also get:

- Clothing allowance,
- Case management services, and
- Independent Living Program services.

Do I qualify to return to foster care?

You qualify if you meet these requirements:

 Age Requirements:

- You are now 18, 19, or 20 years old,
- You were in foster care on your 18th birthday,* and
- You were supervised by a social worker or probation officer.

* *Even if you were on the run, you can qualify if there was an order for you to be in foster care at the time.*

 Work/School Requirements:

You must be working at least 80 hours each month or be enrolled in school. Your school can be a:

- High school or high school equivalency (GED) program,
- College or community college,
- Vocational education program, or
- Other program that teaches you skills you need to get a job.

Exception: If you have a medical problem, you do not have to be enrolled in school or working.

 Court Requirements:

The court must have made orders to:

- Give you a "trial independence" period on or after your 18th birthday, and
- Keep its power to reopen your case until you turn 21.

How do I ask the court for permission to return to foster care?

Fill out and file form JV-466, *Request to Return to Foster Care*.

You can get this form at:

- Your county's courthouse or law library, or
- The court's website: www.courts.ca.gov/forms.

Important! Even if you are not sure you qualify, fill out and file this form.

Where do I file my completed form?

You can file by mail or in person at:

- The court that made your "trial independence" order, or
- The Juvenile Court Clerk's Office in the county where you live.

Important! Keep a copy of all papers you file at court. If you file in person, the clerk can give you free copies.

Do I have to pay to file my papers?

No. It's free.

Do I have to fill out other forms?

No, unless you want to keep your contact information private.

If you want to keep your contact information private, do **not** put your address and other contact information on form JV-466. Instead, put it on form JV-468, *Confidential Information—Request to Return to Foster Care*.

What if I need help with the form?

You can ask someone to help you fill out the form.

How can I show that I meet the requirements?

- You can put the name and telephone number for a person at your school or work on the form. If you cannot work or go to school because of a medical problem, you can put the name and telephone number of your doctor on the form.
- You can attach a letter from your school or work to your form. If you cannot work or go to school because of a medical problem, you can attach a letter from your doctor.

Who will decide if I am eligible?

The same judge who made your trial independence order will decide if you qualify to return to foster care.

The judge can decide that...

- **You do not qualify** because of your age or because there was no order for trial independence. If this happens, you cannot file another request.
- **The court needs more information** to decide your case. If this happens, the court will deny your request and tell you what other information it needs to decide. They will also send you a list of lawyers who can help you with your case. You can file another request with the missing information.
- **The court has enough information** to decide your case, and wants you to go to a court hearing. If this happens, you will get a notice that says the date, time, and place of your hearing. The court will also assign a lawyer to speak for you at the hearing.

The court will send a copy of the notice and your papers to:

- The lawyer assigned to your case, and
- The office that supervised you when the trial independence order was made. That office must make a report about your eligibility to return to foster care.

If you ask for it, the court can also send a notice to your parents or legal guardian and the CASA office.

What happens at the hearing?

At your hearing, the judge will review the evidence and decide your case.

If the court decides you meet the requirements, you will be allowed to return to foster care. You will also have to go back to court in 6 months to tell the court how you are doing. Your lawyer will also go with you to that hearing.

If the court denies your request, you can file your request again if your situation changes and you meet the requirements.

Clerk stamps date here when form is filed.

DRAFT
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the Judicial Council

This form can be used if the court entered an order for a period of trial independence and you would now like to ask the juvenile court to resume jurisdiction over you so you can return to placement. After filling out the form, bring it to the clerk of the juvenile court for filing. If you want to keep confidential your address or telephone number or the name, address and telephone number asked for in item 10 on this form, do not write that information on this form. Instead, put that information on the *Confidential Information-Request to Return to Foster Care* (form JV-468). Read *How to Ask the Court for Permission to Return to Foster Care* (form JV-464-INFO) for more information about filling out and filing the forms, and the court procedure for asking the court for permission to return to foster care.

Fill in court name and street address:

Superior Court of California, County of

Fill in your name:

Name:

Fill in case number, if known:

Case Number:

- ① Your information:
- a. Your address: _____

- b. Your city, state, zip code: _____
- c. Your telephone number: _____
- d. Your date of birth: _____
- ② The location of the juvenile court that ordered a period of trial independence for you:
- a. City: _____
- b. County: _____
- ③ The name and court file number or case number of the case in the juvenile court that ordered a period of trial independence for you:
- a. Name of your case: _____
- b. Court file number or case number: _____
- ④ The date the juvenile court ordered a period of trial independence for you: _____
- ⑤ The judge will order that a hearing be held about your request if the court finds that you have provided enough information for the judge to think that you have probably satisfied all the requirements.
Do you want your parents or former legal guardian to be notified of the hearing if the judge schedules one?
- NO. I do not want my parents or former legal guardian to be notified of the hearing.
- YES. I do want my parents or legal guardian to be notified of the hearing. The names and addresses are:
- Parent's name and address: _____

- Parent's name and address: _____

- Former legal guardian's name and address: _____



Name: _____

Case Number:

- 6 The judge will appoint an attorney to represent you at a hearing on your request. If you would like the judge to appoint the attorney who represented you when the court ordered a period of trial independence for you, please provide that attorney's name and telephone number, and if that attorney is available, the court will appoint him or her to represent you at the hearing.

Name and telephone number of the attorney who used to represent me and who I would like to represent me at a hearing to resume juvenile court jurisdiction: _____

- 7 Did you have a Court Appointed Special Advocate (CASA)?

NO. I did not have a CASA.

YES. I did have a CASA.

Would you like the CASA to receive notice of the hearing if the judge schedules a hearing?

NO. I do not want the CASA to receive notice of the hearing.

YES. I want the CASA to receive notice of the hearing. The name of the person who was my CASA is:

- 8 Did the Indian Child Welfare Act apply to you when you were under the juvenile court jurisdiction as a child?

NO. The Indian Child Welfare Act did not apply to me.

YES. The Indian Child Welfare Act did apply to me.

I DO NOT KNOW if the Indian Child Welfare Act applied to me.

Would you like to have the Indian Child Welfare Act apply to you as a nonminor dependent?

NO. I do not want the Indian Child Welfare Act apply to me.

YES. I do want the Indian Child Welfare Act apply to me. The name of my tribe and the name, address and telephone number of my tribal representative is: _____

- 9 You must meet at least one of the five conditions listed below.

Please check all that apply to you

a. I am enrolled in a high school or a high school equivalency certificate (GED) program.

b. I am enrolled in a college, a community college, or a vocational education program.

c. I am enrolled in a program that will help train me to be employed.

d. I am employed and I work at least 80 hours per month.

e. I cannot go to a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, an employment program, or work 80 hours per month because of a medical condition.



Name: _____

10 Please provide information about your educational program, your employment program, your employer, or your medical provider. If you want this contact information to remain confidential, check the box below and include the information on the *Confidential Information - Request to Return to Foster Care* (form JV-468).

- a. I want this contact information to be confidential and it is included on the form JV-468.
- b. The contact information for my educational program, employment program, employer, or medical provider:
Name of the education program, employment program, employer, or medical provider

Address: _____

Telephone number: _____

- A letter confirming my participation in an educational program, an employment program, or employment, or my inability to participate because of a medical condition is attached..

11 The judge can grant your request without a hearing. The child welfare services agency, probation department, or Indian tribe that was supervising you at the time the court ordered your period of trial independence has to agree that the court should grant your request to return to foster care.

I spoke with (name): _____

- from the child welfare service agency from the probation department from the Indian tribal agency
- who agrees with me that my request to return to foster care should be granted.

12 Youth's verification

I declare under penalty of perjury under the laws of the State of California that the information in this form, all attachments, and in the *Confidential Information - Request to Return to Foster Care* (form JV-468), if filed, is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form, any of the attachments, or the form JV-468, if filed.

Date: _____

Type or print your name

▶ _____
Sign your name

13 Verification by youth's representative. The youth is unable to provide verification due to a medical condition. I declare under penalty of perjury under the laws of the State of California that the information in this form , all attachments, and in the *Confidential Information - Request to Return to Foster Care* (form JV-468), if filed is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form, any of the attachments, or the form JV-468, if filed.

Date: _____

Type or print your name

▶ _____
Sign your name

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

This information about the youth provided by the youth must be kept under seal in the court file. The court, the youth, the youth's attorney, and the county agency designated to provide supervision of the youth may look at this information

To the youth: Complete this form and bring it and the *Request to Return to Foster Care* (form JV-466) to the clerk of the juvenile court for filing.

Fill in court name and street address:

Superior Court of California, County of

1 Your information:

- a. Your address: _____

- b. Your city, state, zip code: _____
- c. Your telephone number: _____

Fill in your name:

Name:

2 The contact information for my educational program, employment program, employer, or medical provider:

Name of the education program, employment program, employer, or medical provider

Fill in case number, if known:

Case Number:

Address: _____

Telephone number: _____

- A letter confirming my participation in an educational program, an employment program, or employment, or my inability to participate because of a medical condition is attached..

CHILD'S NAME: _____	CASE NUMBER: _____
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ATTACHMENT: ADDITIONAL FINDINGS AND ORDERS FOR MINOR APPROACHING MAJORITY-DELINQUENCY

Use this form to document the juvenile court's findings and orders regarding the possible modification of jurisdiction over the minor from that of a ward to that of a dependent and the minor's plans for independent living and his or her status as a nonminor dependent as set forth in Cal. Rules of Court, rule 5.812, at the following hearings:

1. A review hearing under Welf. & Inst. Code, § 727.2 or § 727.3 held on behalf of a minor approaching majority.
2. A review hearing under Welf. & Inst. Code, § 727.2 or § 727.3, during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a minor more than 17 years, 5 months old and less than 18 years of age; or
3. Any other hearing, during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a minor more than 17 years, 5 months old and less than 18 years of age who is in a foster care placement.

BASED ON THE REPORTS READ, CONSIDERED, AND ADMITTED INTO EVIDENCE AND ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

Findings:

1. a. The minor's rehabilitative goals have been met. Juvenile court jurisdiction over the minor as a ward is no longer required. The facts supporting this determination are stated on the record.
- b. The minor's rehabilitative goals have not been met. Continued juvenile court jurisdiction over the minor as ward is required. The facts supporting this determination are stated on the record.
2. For a minor other than a dual status minor:
 - a. The minor is at risk of abuse or neglect and cannot be returned to a safe home. The facts supporting this determination are stated on the record.
 - b. The minor is not at risk of abuse or neglect and can be returned to a safe home. The facts supporting this determination are stated on the record.
3. For a dual status minor:
 - a. A return to the minor's home would be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent should be resumed. The facts supporting this determination are stated on the record.
 - b. A return to the minor's home would not be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent does not need to be resumed. The facts supporting this determination are stated on the record.
4. The minor's transitional independent living case plan includes a plan for the minor to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent:
 - a. The minor plans to continue attending high school or a high school equivalency certificate (GED) program.
 - b. The minor has made plans to attend a college, a community college, or a vocational education program.
 - c. The minor plans to attend a program that will promote or help remove a barrier to his or her being employed.
 - d. The minor has made plans to be employed at least 80 hours a month.
 - e. The minor may not be able to attend school, college, a vocational education program, an employment program, or to work 80 hours per month due to a medical condition.
5. For the minor who does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in Welf. & Inst. Code, § 11402 after attaining 18 years of age, there is an alternative plan for the minor's transition to independence including housing, education, employment, and a support system.
6. The minor has does not have an in-progress application pending for title XVI Supplemental Security Income benefits or for Special Juvenile Immigration Status or other application for legal residency that requires an active juvenile court case.
7. The minor was informed that upon reaching 18 years of age he or she may request the dismissal of juvenile court jurisdiction over him or her under Welf. & Inst. Code, § 391.
8. The potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained to the minor and the minor has stated that he or she understands those benefits.
9. For an Indian child, he or she does does not intend to continue to be considered an Indian child for the purposes of the on-going application of the Indian Child Welfare Act to him or her as a nonminor dependent.
10. The minor has been informed that if juvenile court jurisdiction is terminated, he or she may have the right to file a request to return to foster care and have the court resume jurisdiction over him or her as a nonminor dependent.
11. For the minor who does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent after attaining 18 years of age, there is an alternative plan for the minor's transition to independence including housing, education, employment, and a support system.

CHILD'S NAME: 	CASE NUMBER:
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Orders:

12. The minor having been previously determined to be a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(A) and this court having found that juvenile court jurisdiction over the minor as a dependent should be resumed, orders:
- The probation department minor's attorney to file within 5 court days of the entry of this order a petition under Welf. & Inst. Code, § 387(c) to resume juvenile court jurisdiction over the minor as a dependent of the court.
 - The matter is continued on this court's calender for:
 - A hearing under Welf. & Inst. Code, § 727.2 or § 727.3 to occur within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
 - A hearing under Cal. Rules of Court, rule 5.903 to occur within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
13. This court having found that the minor has achieved his or her rehabilitative goals and that he or she is at risk of abuse or neglect and cannot be returned to a safe home, orders:
- A hearing set under Welf. & Inst. Code, § 241.1(d) within 30 calendar days . The juvenile court clerk must provide notice as required in Cal. Rules of Court, rule 5.812(e)(2)(B).
 - The probation department and child welfare services agency must prepare a joint assessment report on the appropriateness of assuming juvenile court jurisdiction of the minor as a dependent as set forth in Cal. Rules of Court, rule 5.577(c).
 - The matter is continued on this court's calender for:
 - A hearing under Welf. & Inst. Code, § 727.2 or § 727.3. to occur within six months of the most recent hearing under section Welf. & Inst. Code, § 727.2 or § 727.3.
 - A hearing under Cal. Rules of Court, rule 5.903 to occur within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
14. This hearing having taken place under Welf. & Inst. Code, § 727.2 or § 727.3 on behalf of a minor approaching majority and no referral being made to a hearing under Welf. & Inst. Code, § 241.1 or § 387(c), the matter is set for a nonminor dependent review hearing under Cal. Rules of Court, rule 5.903 no more than six months from the date of the current hearing.
15. This hearing having taken place under Welf. & Inst. Code, § 727.2 or § 727.3 on behalf of a minor approaching majority who does not currently intend to meet the eligibility requirements for nonminor dependent status after attaining 18 years of age and no referral having been made to a hearing under Welf. & Inst. Code, § 241.1 or § 387(c), the matter is set for:
- A hearing under Welf. & Inst. Code, § 391 for a date no more than one month after the minor's 18th birthday.
 - A hearing under Welf. & Inst. Code, § 727.2 or § 727.3 no more than six months from the date of the current hearing, for the minor who is otherwise eligible to and who will remain under juvenile court jurisdiction in a foster care placement.
16. Termination of juvenile court jurisdiction having been considered at this hearing held on behalf of a minor in a foster care placement who is approaching majority or a minor more than 17 years, 5 months old and less than 18 years of age and no referral being made to a hearing under Welf. & Inst. Code, § 241.1 or § 387(c):
- The court having found that a return would not be detrimental, the minor is returned to home of the parent or legal guardian and a progress report is set within the next six months
 - The court having found that a return would not be detrimental, the minor is returned to the home of the parent or legal guardian and juvenile court jurisdiction is terminated as set forth in form JV-794.
 - The court having found that a return to the home would be detrimental, a hearing under Cal. Rules of Court, rule 5.903 is set within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
 - The court having found that a return to the home would be detrimental and that the minor does not currently intend to meet the eligibility requirements for nonminor dependent status after attaining 18 years of age, the court sets;
 - A hearing under Welf. & Inst. Code, § 391 for a date no more than one month after the child's 18th birthday.
 - A hearing under Welf. & Inst. Code, § 727.2 or § 727.3 no more than six months from the date of the current hearing, for the child who is otherwise eligible to and who will remain under juvenile court jurisdiction in a foster care placement.

CHILD'S NAME:	CASE NUMBER:
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ATTACHMENT: HEARING FOR DISMISSAL-ADDITIONAL FINDINGS AND ORDERS-FOSTER CARE PLACEMENT-DELINQUENCY

Use this form to document the juvenile court's findings and orders regarding the possible modification of jurisdiction over a minor who is 17 years, 5 months of age or younger from that of a ward to that of a dependent at the following hearings:

1. A review hearing under Welf. & Inst. Code, § 727.2 or § 727.3 held on behalf of a minor 17 years, 5 months of age or younger, during which a recommendation to terminate juvenile court jurisdiction is considered.
2. Any other hearing held on behalf of a minor 17 years, 5 months of age or younger who is in a foster care placement, during which a recommendation to terminate juvenile court jurisdiction is considered.
3. Any hearing held on behalf of a minor who is not currently in a foster care placement but was in such a placement when he or she was adjudged a ward, during which a recommendation to terminate juvenile court jurisdiction is considered.

BASED ON THE REPORTS READ, CONSIDERED, AND ADMITTED INTO EVIDENCE AND ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

Findings:

1.
 - a. The minor's rehabilitative goals have been met. Juvenile court jurisdiction over the minor as a ward is no longer required. The facts supporting this determination were stated on the record.
 - b. The minor's rehabilitative goals have not been met. Continued juvenile court jurisdiction over the minor as a ward is required. The facts supporting this determination were stated on the record.
2. For a minor other than a dual status minor:
 - a. The minor is at risk of abuse or neglect and cannot be returned to a safe home. The facts supporting this determination were stated on the record.
 - b. The minor is not at risk of abuse or neglect and can be returned to a safe home. The facts supporting this determination were stated on the record.
3. For a dual status minor:
 - a. A return to the minor's home would be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent should be resumed. The facts supporting this determination were stated on the record.
 - b. A return to the minor's home would not be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent does not need to be resumed. The facts supporting this determination were stated on the record.

Orders:

4. The minor having been previously determined to be a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(A) and this court having found that juvenile court jurisdiction over the minor as a dependent should be resumed, the court orders:
 - a. The probation department minor's attorney to file within 5 court days of the entry of this order a petition under Welf. & Inst. Code, § 387(c) to resume juvenile court jurisdiction over the minor as a dependent of the court.
 - b. The matter is continued on this court's calender for a hearing under Welf. & Inst. Code, § 727.2 or § 727.3 to occur within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

CHILD'S NAME: _____	CASE NUMBER: _____
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5. This court having found that the minor has achieved his or her rehabilitative goals and that he or she is at risk of abuse or neglect and cannot be returned to a safe home, orders:
 - a. A hearing set under Welf. & Inst. Code, § 241.1(d) within 30 calendar days . The juvenile court clerk must provide notice as required in Cal. Rules of Court, rule 5.812(d)(2).
 - b. The probation department and child welfare services agency to prepare a joint assessment report regarding the appropriateness of assuming juvenile court jurisdiction of the child as a dependent as set forth in Cal. Rules of Court, rule 5.577(c).
 - c. The matter is continued on this court's calender for hearing under Welf. & Inst. Code, § 727.2 or § 727.3. to occur within six months of the most recent hearing under section Welf. & Inst. Code, § 727.2 or § 727.3.

6. Termination of juvenile court jurisdiction having been considered at this hearing held on behalf of a minor in a foster care placement who is 17 years, 5 months of age or younger and no referral being made to a hearing under Welf. & Inst. Code, § 241.1 or § 387(c):
 - a. The court having found that a return would not be detrimental, the child is returned to home of the parent or legal guardian and a progress report is set within the next six months
 - b. The court having found that a return would not be detrimental, the child is returned to home of the parent or legal guardian and juvenile court jurisdiction is terminated as set forth in form JV-794
 - c. The court having found that a return to the home would be detrimental, a hearing under Welf. & Inst. Code, § 727.2 or § 727.3 is set within six months of the most recent hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

7. Termination of juvenile court jurisdiction having been considered at this hearing held on behalf of a minor who is not currently in a foster care placement but who was in such a placement when he or she was adjudged a ward and no referral being made to a hearing under Welf. & Inst. Code, § 241.1 or § 387(c):
 - a. Juvenile court jurisdiction is terminated as set forth in form JV-794.
 - b. Juvenile court jurisdiction is not terminated and the minor is released to his or her parent or legal guardian.
 - c. Juvenile court jurisdiction is not terminated and the minor remains in an out-of-home placement.

**SPR11-50 Juvenile Law: Extending Juvenile Court Jurisdiction–Nonminor Foster Youth
Bill Sections referenced for proposed rule and forms**

(Beall; Stats. 2010, ch. 559) SEC 5.5. Section 242.1 of the Welfare and Institutions Code is amended to read:

241.1. (a) Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition that is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. Any other juvenile court having jurisdiction over the minor shall receive notice from the court, within five calendar days, of the presentation of the recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(b) The probation department and the child welfare services department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor described in subdivision (a), and the development of recommendations by these departments for consideration by the juvenile court. These protocols shall require, but not be limited to, consideration of the nature of the referral, the age of the minor, the prior record of the minor's parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents' cooperation with the minor's school, the minor's functioning at school, the nature of the minor's home environment, and the records of other agencies that have been involved with the minor and his or her family. The protocols also shall contain provisions for resolution of disagreements between the probation and child welfare services departments regarding the need for dependency or ward status and provisions for determining the circumstances under which ~~a new petition should be filed to request to the court may be made to~~ consider a change in the minor's status.

(c) Whenever a minor who is under the jurisdiction of the juvenile court of a county pursuant to Section 300, 601, or 602 is alleged to come within the description of Section 300, 601, or 602 by another county, the county probation department or child welfare services department in the county that has jurisdiction under Section 300, 601, or 602 and the county probation department or child welfare services department of the county alleging the minor to be within one of those sections shall initially determine which status will best serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court in which the petition is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. In making their recommendation to the juvenile court, the departments shall conduct an assessment consistent with the requirements of subdivision (b). Any other juvenile court having jurisdiction over the minor shall receive notice from the court in which the petition is filed within five calendar days of the

presentation of the recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(d) Except as provided in subdivision (e), nothing in this section shall be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court. However, on and after January 1, 2012, if the court finds that a delinquent ward under 18 years of age, who was removed from his or her parents or guardian and placed in foster care as a dependent child of the court at the time the court adjudged the child a delinquent ward or who was removed from his or her parents or guardian and placed in foster care as a delinquent ward, no longer appears to come within the description of a delinquent ward, but does come within the description of a dependent child as set forth in Section 300, the court may modify its order of jurisdiction pursuant to Section 601 or 602, and assert dependency jurisdiction pursuant to Section 300 by means of a petition filed pursuant to Section 387 or 388. The county protocols described in subdivisions (a) and (b) shall include a process for determining which agency and court shall supervise dependent children whose jurisdiction is modified pursuant to this subdivision.

(e) Notwithstanding subdivision (d), the probation department and the child welfare services department, in consultation with the presiding judge of the juvenile court, in any county may create a jointly written protocol to allow the county probation department and the child welfare services department to jointly assess and produce a recommendation that the child be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the court. This protocol shall be signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court prior to its implementation. No juvenile court may order that a child is simultaneously a dependent child and a ward of the court pursuant to this subdivision unless and until the required protocol has been created and entered into. This protocol shall include all of the following:

- (1) A description of the process to be used to determine whether the child is eligible to be designated as a dual status child.
- (2) A description of the procedure by which the probation department and the child welfare services department will assess the necessity for dual status for specified children and the process to make joint recommendations for the court's consideration prior to making a determination under this section. These recommendations shall ensure a seamless transition from wardship to dependency jurisdiction, as appropriate, so that services to the child are not disrupted upon termination of the wardship.
- (3) A provision for ensuring communication between the judges who hear petitions concerning children for whom dependency jurisdiction has been suspended while they are within the jurisdiction of the juvenile court pursuant to Section 601 or 602. A judge may communicate by providing a copy of any reports filed pursuant to Section 727.2 concerning a ward to a court that has jurisdiction over dependency proceedings concerning the child.

(4) A plan to collect data in order to evaluate the protocol pursuant to Section 241.2.

(5) Counties that exercise the option provided for in this subdivision shall adopt either an "on-hold" system as described in subparagraph (A) or a "lead court/lead agency" system as described in subparagraph (B). In no case shall there be any simultaneous or duplicative case management or services provided by both the county probation department and the child welfare services department. It is the intent of the Legislature that judges, in cases in which more than one judge is involved, shall not issue conflicting orders.

(A) In counties in which an on-hold system is adopted, the dependency jurisdiction shall be suspended or put on hold while the child is subject to jurisdiction as a ward of the court. When it appears that termination of the court's jurisdiction, as established pursuant to Section 601 or 602, is likely and that reunification of the child with his or her parent or guardian would be detrimental to the child, the county probation department and the child welfare services department shall jointly assess and produce a recommendation for the court regarding whether the court's dependency jurisdiction shall be resumed.

(B) In counties in which a lead court/lead agency system is adopted, the protocol shall include a method for identifying which court or agency will be the lead court/lead agency. That court or agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

(Beall; Stats. 2010, ch. 559) SEC 6. Section 293 of the Welfare and Institutions Code is amended to read:

293. The social worker or probation officer shall give notice of the review hearings held pursuant to Section 366.21, 366.22, or 366.225 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The presumed father or any father receiving services.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(6) In the case of a child removed from the physical custody of his or her parent or legal guardian, the current caregiver of the child, including the foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, community care facility, or foster family agency having

custody of the child. In a case in which a foster family agency is notified of the hearing pursuant to this section, and the child resides in a foster home certified by the foster family agency, the foster family agency shall provide timely notice of the hearing to the child's caregivers.

(7) Each attorney of record if that attorney was not present at the time that the hearing was set by the court.

(b) No notice is required for a parent whose parental rights have been terminated. On and after January 1, 2012, in the case of a nonminor dependent, as described in subdivision (v) of Section 11400, no notice is required for a parent.

(c) The notice of hearing shall be served not earlier than 30 days, nor later than 15 days, before the hearing.

(d) The notice shall contain a statement regarding the nature of the hearing to be held and any change in the custody or status of the child being recommended by the supervising agency. If the notice is to the child, parent or parents, or legal guardian or guardians, the notice shall also advise them of the right to be present, the right to be represented by counsel, the right to request counsel, and the right to present evidence. The notice shall also state that if the parent or parents or legal guardian or guardians fail to appear, the court may proceed without them.

(e) Service of the notice shall be by first-class mail addressed to the last known address of the person to be noticed or by personal service on the person. Service of a copy of the notice shall be by personal service or by certified mail, return receipt requested, or any other form of notice that is equivalent to service by first-class mail.

(f) Notice to the current caregiver of the child, including a foster parent, a relative caregiver, a preadoptive parent, or a nonrelative extended family member, or to a certified foster parent who has been approved for adoption, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, shall indicate that the person notified may attend all hearings or may submit any information he or she deems relevant to the court in writing.

(g) If the social worker or probation officer knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(Beall; Stats. 2010, ch. 559) SEC 6.5. Section 295 of the Welfare and Institutions Code is amended to read:

295. The social worker or probation officer shall give notice of review hearings held pursuant to Section 366.3 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The presumed father.

- (3) The legal guardian or guardians.
- (4) The child, if the child is 10 years of age or older.
- (5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.
- (6) The current caregiver of the child, including foster parents, relative caregivers, preadoptive parents, nonrelative extended family members, community care facility, or foster family agency having physical custody of the child if a child is removed from the physical custody of the parents or legal guardian. The person notified may attend all hearings and may submit any information he or she deems relevant to the court in writing.
- (7) The attorney of record if that attorney of record was not present at the time that the hearing was set by the court.
- (8) The alleged father or fathers, but only if the recommendation is to set a new hearing pursuant to Section 366.26.
- (b) No notice is required for a parent whose parental rights have been terminated. On and after January 1, 2012, in the case of a nonminor dependent, as described in subdivision (v) of Section 11400, no notice is required for a parent.
- (c) The notice of the review hearing shall be served no earlier than 30 days, nor later than 15 days, before the hearing.
- (d) The notice of the review hearing shall contain a statement regarding the nature of the hearing to be held, any recommended change in the custody or status of the child, and any recommendation that the court set a new hearing pursuant to Section 366.26 in order to select a more permanent plan.
- (e) Service of notice shall be by first-class mail addressed to the last known address of the person to be provided notice. In the case of an Indian child, notice shall be by registered mail, return receipt requested.
- (f) If the child is ordered into a permanent plan of legal guardianship, and subsequently a petition to terminate or modify the guardianship is filed, the probation officer or social worker shall serve notice of the petition not less than 15 court days prior to the hearing on all persons listed in subdivision (a) and on the court that established legal guardianship if it is in another county.
- (g) If the social worker or probation officer knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(Beall; Stats. 2010, ch. 559) SEC 6.7 Section 297 of the Welfare and Institutions Code is amended to read:

297. (a) Notice required for an initial petition filed pursuant to Section 300 is

applicable to a subsequent petition filed pursuant to Section 342.

(b) Upon the filing of a supplemental petition pursuant to Section 387, the clerk of the juvenile court shall immediately set the matter for hearing within 30 days of the date of the filing, and the social worker or probation officer shall cause notice thereof to be served upon the persons required by, and in the manner prescribed by, Sections 290.1, 290.2, and 291.

(c) If a petition for modification has been filed pursuant to Section 388, and it appears that the best interest of the child may be promoted by the proposed change of the order, the recognition of a sibling relationship, or the termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the social worker or probation officer and to the child's attorney of record, or if there is no attorney of record for the child, to the child, and his or her parent or parents or legal guardian or guardians in the manner prescribed by Section 291 unless a different manner is prescribed by the court.

(d) If the court knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(e) On and after January 1, 2012, if a petition for modification has been filed pursuant to subdivision (e) of Section 388 by a nonminor dependent, as described in subdivision (v) of Section 11400, no notice is required for a parent.

(Beall; Stats. 2010, ch. 559) SEC 7. Section 300.3 is added to Welfare and Institutions Code to read:

300.3. (a) Notwithstanding Section 215 or 272, or any other provision of law, a child or nonminor whose jurisdiction is modified pursuant to subdivision (d) of Section 241.1 and who is placed in foster care may be supervised by the probation department of the county in which the court with jurisdiction over the dependent is located, if the county protocol in that county requires it. In those counties, all case management, case plan review, and reporting functions as described in Sections 671 and 675 of Title 42 of the United States Code and contained in this article shall be performed by the probation officer for these dependents.

(b) This section shall become operative on January 1, 2012.

(Beall; Stats. 2010, ch. 559) SEC 8. Section 303 of the Welfare and Institutions Code is amended to read:

~~303. The court may retain jurisdiction over any person who is found to be a dependent child of the juvenile court until the ward or dependent child attains the age of 21 years.~~

303. (a) The court may retain jurisdiction over any person who is found to be a dependent child of the juvenile court until the ward or dependent child attains the age of 21 years.

(b) On and after January 1, 2012, the court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency or delinquency jurisdiction over the nonminor

dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency or delinquency jurisdiction, the nonminor dependent shall remain under the jurisdiction of the court in order to allow for a petition under subdivision (e) of Section 388.

(c) On and after January 1, 2012, a nonminor who has not yet attained 21 years of age and who exited foster care at or after the age of majority may petition the court pursuant to subdivision (e) of Section 388 to resume dependency or delinquency jurisdiction over the nonminor dependent.

(d) Nothing in this code, including, but not limited to, Sections 340, 366.27, and 369.5, shall be construed to provide legal custody of a person who has attained 18 years of age to the county welfare or probation department or to otherwise abrogate any other rights that a person who has attained 18 years of age may have as an adult under California law. A nonminor dependent shall retain all of his or her legal decisionmaking authority as an adult. The nonminor shall enter into a mutual agreement for placement, as described in subdivision (d) of Section 11403, in which the nonminor consents to placement in a setting supervised by the placing agency as a condition of the receipt of foster care benefits.

(e) Unless otherwise specified the rights of a dependent child and the responsibilities of the county welfare or probation department, or tribe, and other entities, toward the child and family, shall also apply to nonminor dependents.

(Beall; Stats. 2010, ch. 559) SEC 8.5 Section 317 of the Welfare and Institutions Code is amended to read:

317. (a) (1) When it appears to the court that a parent or guardian of the child desires counsel but is presently financially unable to afford and cannot for that reason employ counsel, the court may appoint counsel as provided in this section.

(2) When it appears to the court that a parent or Indian custodian in an Indian child custody proceeding desires counsel but is presently unable to afford and cannot for that reason employ counsel, the provisions of subsection (b) of Section 1912 of the Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) and Section 23.13 of Title 25 of the Code of Federal Regulations are applicable.

(b) When it appears to the court that a parent or guardian of the child is presently financially unable to afford and cannot for that reason employ counsel, and the child has been placed in out-of-home care, or the petitioning agency is recommending that the child be placed in out-of-home care, the court shall appoint counsel for the parent or guardian, unless the court finds that the parent or guardian has made a knowing and intelligent waiver of counsel as provided in this section.

(c) If a child is not represented by counsel, the court shall appoint counsel for the child unless the court finds that the child would not benefit from the appointment of counsel. The court shall state on the record its reasons for that finding. A primary responsibility of any counsel appointed to represent

a child pursuant to this section shall be to advocate for the protection, safety, and physical and emotional well-being of the child. Counsel for the child may be a district attorney, public defender, or other member of the bar, provided that the counsel does not represent another party or county agency whose interests conflict with the child's interests. The fact that the district attorney represents the child in a proceeding pursuant to Section 300 as well as conducts a criminal investigation or files a criminal complaint or information arising from the same or reasonably related set of facts as the proceeding pursuant to Section 300 is not in and of itself a conflict of interest. The court may fix the compensation for the services of appointed counsel. The appointed counsel shall have a caseload and training that ensures adequate representation of the child. The Judicial Council shall promulgate rules of court that establish caseload standards, training requirements, and guidelines for appointed counsel for children and shall adopt rules as required by Section 326.5 no later than July 1, 2001.

(d) The counsel appointed by the court shall represent the parent, guardian, or child at the detention hearing and at all subsequent proceedings before the juvenile court. Counsel shall continue to represent the parent, guardian, or child unless relieved by the court upon the substitution of other counsel or for cause. The representation shall include representing the parent, guardian, or the child in termination proceedings and in those proceedings relating to the institution or setting aside of a legal guardianship. On and after January 1, 2012, in the case of a nonminor dependent, as described in subdivision (v) of Section 11400, no representation by counsel shall be provided for a parent.

(e) The counsel for the child shall be charged in general with the representation of the child's interests. To that end, the counsel shall make or cause to have made any further investigations that he or she deems in good faith to be reasonably necessary to ascertain the facts, including the interviewing of witnesses, and he or she shall examine and cross-examine witnesses in both the adjudicatory and dispositional hearings. He or she may also introduce and examine his or her own witnesses, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree necessary to adequately represent the child. In any case in which the child is four years of age or older, counsel shall interview the child to determine the child's wishes and to assess the child's well-being, and shall advise the court of the child's wishes. Counsel for the child shall not advocate for the return of the child if, to the best of his or her knowledge, that return conflicts with the protection and safety of the child. In addition counsel shall investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings. The attorney representing a child in a dependency proceeding is not required to assume the responsibilities of a social worker and is not expected to provide nonlegal services to the child. The court shall take whatever appropriate action is necessary to fully protect

the interests of the child.

(f) Either the child or the counsel for the child, with the informed consent of the child if the child is found by the court to be of sufficient age and maturity to so consent, which shall be presumed, subject to rebuttal by clear and convincing evidence, if the child is over 12 years of age, may invoke the psychotherapist-client privilege, physician-patient privilege, and clergyman-penitent privilege; and if the child invokes the privilege, counsel may not waive it, but if counsel invokes the privilege, the child may waive it.

Counsel shall be holder of these privileges if the child is found by the court not to be of sufficient age and maturity to so consent. For the sole purpose of fulfilling his or her obligation to provide legal representation of the child, counsel for a child shall have access to all records with regard to the child maintained by a health care facility, as defined in Section 1545 of the Penal Code, health care providers, as defined in Section 6146 of the Business and Professions Code, a physician and surgeon or other health practitioner, as defined in former Section 11165.8 of the Penal Code, as that section read on January 1, 2000, or a child care custodian, as defined in former Section 11165.7 of the Penal Code, as that section read on January 1, 2000.

Notwithstanding any other law, counsel shall be given access to all records relevant to the case which are maintained by state or local public agencies. All information requested from a child protective agency regarding a child who is in protective custody, or from a child's guardian ad litem, shall be provided to the child's counsel within 30 days of the request.

(g) In a county of the third class, if counsel is to be provided to a child at county expense other than by counsel for the agency, the court shall first utilize the services of the public defender prior to appointing private counsel, to provide legal counsel. Nothing in this subdivision shall be construed to require the appointment of the public defender in any case in which the public defender has a conflict of interest. In the interest of justice, a court may depart from that portion of the procedure requiring appointment of the public defender after making a finding of good cause and stating the reasons therefor on the record.

(h) In a county of the third class, if counsel is to be appointed for a parent or guardian at county expense, the court shall first utilize the services of the alternate public defender, prior to appointing private counsel, to provide legal counsel. Nothing in this subdivision shall be construed to require the appointment of the alternate public defender in any case in which the public defender has a conflict of interest. In the interest of justice, a court may depart from that portion of the procedure requiring appointment of the alternate public defender after making a finding of good cause and stating the reasons therefor on the record.

(Beall; Stats. 2010, ch. 559) SEC 15. Section 366 of the Welfare and Institutions Code is amended to read:

366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts, or, in the case of an Indian child, active efforts as described in Section 361.7, to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

(C) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(D) (i) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(I) The nature of the relationship between the child and his or her siblings.

(II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(IV) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(V) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(E) The extent of progress ~~which has been made toward alleviating or mitigating~~

~~the causes necessitating placement in foster care.~~

~~(2) The court shall project a likely date by which the child may be returned to and safely maintained in the that has been made toward alleviating or mitigating the causes necessitating placement in foster care.~~

~~(F) On and after January 1, 2012, if the review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall ensure all of the following:~~

~~(i) That the child's transitional independent living case plan includes a plan for the child to satisfy one or more of the criteria set forth in subdivision (b) of Section 11403, so that the child is eligible to remain a nonminor dependent.~~

~~(ii) That the child has been informed of his or her right to seek termination of dependency jurisdiction pursuant to Section 391, and understands the potential benefits of continued dependency.~~

~~(iii) That the child is informed of his or her right to have dependency reinstated pursuant to subdivision (e) of Section 388, and understands the potential benefits of continued dependency.~~

~~(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, legal guardianship, or in another planned permanent living arrangement.~~

~~(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.~~

~~(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.~~

~~(d) A child may not be placed in an out-of-state group home, or placed for adoption, legal guardianship, or in another remain in an out-of-state group home, unless the group home is in complianned permanent living arrangement.~~

~~(b) Subsequent to the hearing, periodic reviews of ce with Section 7911.1 of the Family Code.~~

~~(e) The implementation and operation of the amendments to subparagraph (B) of paragraph (1) of subdivision (a) enach child in foster care shall be conducted pursuant to the requirements of ted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Sections 366.3 and 165035.~~

~~(e) If the child has been placed out of state, each review described in subdivision (a) and any reviews f) On and after January 1, 2012, the status review of every nonminor dependent, as defined in subdivision (v) of Section 11400, shall be conducted pursuant to the requirements of Sections 366.3 and 16503 shall also address whether the out-of-stuntil dependency jurisdiction is terminated placement continues to be the most appropriate placement selection and in the best interests of the child.~~

~~(d) A child may not be placed in an out-of-state group home, or remain in an out-of-state group home, unless the group home is in compliance with Section 7911.1 of the Family Code.~~

~~(e) The implementation and operation of the amendments to subparagraph (B) of~~

paragraph (1) of subdivision (a) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35, pursuant to Section 391. The review shall include all of the issues set forth in subdivision (a), except subparagraph (C) of paragraph (1) of subdivision (a), and shall be conducted in a manner that respects the nonminor dependent's status as a legal adult, be focused on the goals and services described in the nonminor dependent's transitional independent living case plan, including efforts made to achieve permanence, including maintaining or obtaining permanent connections with caring and committed adults, and attended as appropriate by additional participants invited by the nonminor dependent. An appropriate placement for a nonminor dependent may include a supervised independent living setting, as described in Section 11400.

(Beall; Stats. 2010, ch. 559) SEC. 16. Section 366.21 of the Welfare and Institutions Code, as amended by Section 8 of Chapter 287 of the Statutes of 2009, is amended to read:

366.21. (a) Every hearing conducted by the juvenile court reviewing the status of a dependent child shall be placed on the appearance calendar. The court shall advise all persons present at the hearing of the date of the future hearing and of their right to be present and represented by counsel.

(b) Except as provided in Sections 294 and 295, notice of the hearing shall be provided pursuant to Section 293.

(c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental report with the court regarding the services provided or offered to the parent or legal guardian to enable him or her to assume custody and the efforts made to achieve legal permanence for the child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships between a child who is 10 years of age or older and has been in out-of-home placement for six months or longer and individuals who are important to the child, consistent with the child's best interests; the progress made; and, where relevant, the prognosis for return of the child to the physical custody of his or her parent or legal guardian; and shall make his or her recommendation for disposition. If the child is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, the report and recommendation may also take into account those factors described in subdivision (e) relating to the child's sibling group. If the recommendation is not to return the child to a parent or legal guardian, the report shall specify why the return of the child would be detrimental to the child. The social worker shall provide the parent or legal guardian, counsel for the child, and any court-appointed child advocate with a copy of the report, including his or her recommendation for disposition, at least 10 calendar days prior to the hearing. In the case of a child removed from the physical custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days prior to the hearing, provide a summary of his or her recommendation for disposition to any foster parents, relative

caregivers, and certified foster parents who have been approved for adoption by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, community care facility, or foster family agency having the physical custody of the child. The social worker shall include a copy of the Judicial Council Caregiver Information Form (JV-290) with the summary of recommendations to the child's foster parents, relative caregivers, or foster parents approved for adoption, in the caregiver's primary language when available, along with information on how to file the form with the court.

(d) Prior to any hearing involving a child in the physical custody of a community care facility or a foster family agency that may result in the return of the child to the physical custody of his or her parent or legal guardian, or in adoption or the creation of a legal guardianship, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, the facility or agency shall file with the court a report, or a Judicial Council Caregiver Information Form (JV-290), containing its recommendation for disposition. Prior to the hearing involving a child in the physical custody of a foster parent, a relative caregiver, or a certified foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency or by a licensed adoption agency, the foster parent, relative caregiver, or the certified foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, may file with the court a report containing his or her recommendation for disposition. The court shall consider the report and recommendation filed pursuant to this subdivision prior to determining any disposition.

(e) At the review hearing held six months after the initial dispositional hearing, but no later than 12 months after the date the child entered foster care as determined in Section 361.49, whichever occurs earlier, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. At the hearing, the court shall consider the criminal history, obtained pursuant to paragraph (1) of subdivision (f) of Section 16504.5, of the parent or legal guardian subsequent to the child's removal to the extent that the criminal record is substantially related to the welfare of the child or the parent's or guardian's ability to exercise custody and control regarding his or her child, provided the parent or legal guardian agreed to submit fingerprint images to obtain criminal history information as part of the case plan. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment

programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; and shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself to services provided, taking into account the particular barriers to an incarcerated or institutionalized parent or legal guardian's access to those court-mandated services and ability to maintain contact with his or her child. Regardless of whether the child is returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental or would not be detrimental. The court also shall make appropriate findings pursuant to subdivision (a) of Section 366; and, where relevant, shall order any additional services reasonably believed to facilitate the return of the child to the custody of his or her parent or legal guardian. The court shall also inform the parent or legal guardian that if the child cannot be returned home by the 12-month permanency hearing, a proceeding pursuant to Section 366.26 may be instituted. This section does not apply in a case where, pursuant to Section 361.5, the court has ordered that reunification services shall not be provided.

If the child was under three years of age on the date of the initial removal, or is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, and the court finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan, the court may schedule a hearing pursuant to Section 366.26 within 120 days. If, however, the court finds there is a substantial probability that the child, who was under three years of age on the date of initial removal or is a member of a sibling group described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, may be returned to his or her parent or legal guardian within six months or that reasonable services have not been provided, the court shall continue the case to the 12-month permanency hearing.

For the purpose of placing and maintaining a sibling group together in a permanent home, the court, in making its determination to schedule a hearing pursuant to Section 366.26 for some or all members of a sibling group, as described in subparagraph (C) of paragraph (1) of subdivision (a) of Section 361.5, shall review and consider the social worker's report and recommendations. Factors the report shall address, and the court shall consider, may include, but need not be limited to, whether the sibling group was removed from parental care as a group, the closeness and strength of the sibling bond, the ages of the siblings, the appropriateness of maintaining the sibling group together, the detriment to the child if sibling ties are not maintained, the likelihood of finding a permanent home for the sibling group, whether the sibling group is currently placed together in a preadoptive home or has a concurrent plan goal of legal permanency in the

same home, the wishes of each child whose age and physical and emotional condition permits a meaningful response, and the best interest of each child in the sibling group. The court shall specify the factual basis for its finding that it is in the best interest of each child to schedule a hearing pursuant to Section 366.26 in 120 days for some or all of the members of the sibling group.

If the child was removed initially under subdivision (g) of Section 300 and the court finds by clear and convincing evidence that the whereabouts of the parent are still unknown, or the parent has failed to contact and visit the child, the court may schedule a hearing pursuant to Section 366.26 within 120 days. The court shall take into account any particular barriers to a parent's ability to maintain contact with his or her child due to the parent's incarceration or institutionalization. If the court finds by clear and convincing evidence that the parent has been convicted of a felony indicating parental unfitness, the court may schedule a hearing pursuant to Section 366.26 within 120 days.

If the child had been placed under court supervision with a previously noncustodial parent pursuant to Section 361.2, the court shall determine whether supervision is still necessary. The court may terminate supervision and transfer permanent custody to that parent, as provided for by paragraph (1) of subdivision (b) of Section 361.2.

In all other cases, the court shall direct that any reunification services previously ordered shall continue to be offered to the parent or legal guardian pursuant to the time periods set forth in subdivision (a) of Section 361.5, provided that the court may modify the terms and conditions of those services.

If the child is not returned to his or her parent or legal guardian, the court shall determine whether reasonable services that were designed to aid the parent or legal guardian in overcoming the problems that led to the initial removal and the continued custody of the child have been provided or offered to the parent or legal guardian. The court shall order that those services be initiated, continued, or terminated.

(f) The permanency hearing shall be held no later than 12 months after the date the child entered foster care, as that date is determined pursuant to Section 361.49. At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when, within the time limits of subdivision (a) of Section 361.5. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. At the permanency hearing, the court shall consider the criminal history, obtained pursuant to paragraph (1) of subdivision (f) of Section 16504.5, of the parent or legal guardian

subsequent to the child's removal to the extent that the criminal record is substantially related to the welfare of the child or the parent or legal guardian's ability to exercise custody and control regarding his or her child, provided that the parent or legal guardian agreed to submit fingerprint images to obtain criminal history information as part of the case plan. The court shall also determine whether reasonable services that were designed to aid the parent or legal guardian to overcome the problems that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian. For each youth 16 years of age and older, the court shall also determine whether services have been made available to assist him or her in making the transition from foster care to independent living. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5, shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided, taking into account the particular barriers to an incarcerated or institutionalized parent or legal guardian's access to those court-mandated services and ability to maintain contact with his or her child and shall make appropriate findings pursuant to subdivision (a) of Section 366.

Regardless of whether the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental. The court also shall make a finding pursuant to subdivision (a) of Section 366. If the child is not returned to his or her parent or legal guardian, the court shall consider, and state for the record, in-state and out-of-state placement options. If the child is placed out of the state, the court shall make a determination whether the out-of-state placement continues to be appropriate and in the best interests of the child.

(g) If the time period in which the court-ordered services were provided has met or exceeded the time period set forth in subparagraph (A), (B), or (C) of paragraph (1) of subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following:

(1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been

provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

(A) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(B) That the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home.

(C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interests of the child.

The court shall inform the parent or legal guardian that if the child cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court may not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent or legal guardian.

(2) Order that a hearing be held within 120 days, pursuant to Section 366.26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent.

(3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. For purposes of this section, a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency that adoption is not in the best interest of the child shall constitute a compelling reason for the court's determination. That recommendation shall be based on the present circumstances of the child and ~~may~~shall not preclude a different recommendation at a later date if the child's circumstances change. On and after January 1, 2012, the nonminor

dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement.

If the court orders that a child who is 10 years of age or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained.

If the child is not returned to his or her parent or legal guardian, the court shall consider, and state for the record, in-state and out-of-state options for permanent placement. If the child is placed out of the state, the court shall make a determination whether the out-of-state placement continues to be appropriate and in the best interests of the child.

(h) In any case in which the court orders that a hearing pursuant to Section 366.26 shall be held, it shall also order the termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child pending the hearing unless it finds that visitation would be detrimental to the child. The court shall make any other appropriate orders to enable the child to maintain relationships with individuals, other than the child's siblings, who are important to the child, consistent with the child's best interests.

(i) (1) Whenever a court orders that a hearing pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents or legal guardians.

(B) A review of the amount of and nature of any contact between the child and his or her parents or legal guardians and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, including the prospective tribal customary adoptive parent, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor,

~~and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.34.~~

(E) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, and a statement from the child concerning placement and the adoption or guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) A description of efforts to be made to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment and listing on an adoption exchange within the state or out of the state.

(G) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(H) In the case of an Indian child, in addition to subparagraphs (A) to (G), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child's tribe, a customary tribal adoption, as defined in Section 366.24, is recommended. If tribal customary adoption is recommended, the assessment shall include an analysis of both of the following:

(i) Whether tribal customary adoption would or would not be detrimental to the Indian child and the reasons for reaching that conclusion.

(ii) Whether the Indian child cannot or should not be returned to the home of the Indian parent or Indian custodian and the reasons for reaching that conclusion.

(2) (A) A relative caregiver's preference for legal guardianship over adoption, if it is due to circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, shall not constitute the sole basis for recommending removal of the child from the relative caregiver for purposes of adoptive placement.

(B) A relative caregiver shall be given information regarding the permanency options of guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing legal guardianship or pursuing adoption.

(j) If, at any hearing held pursuant to Section 366.26, a guardianship is established for the minor with a relative approved relative caregiver, and juvenile court dependency is subsequently dismissed, the ~~relative~~ minor shall be eligible for aid under the Kin-GAP Program, as provided for in Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with

Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9.

(k) As used in this section, "relative" means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(l) For purposes of this section, evidence of any of the following circumstances may not, in and of itself, be deemed a failure to provide or offer reasonable services:

(1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.

(2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.

(3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

(m) The implementation and operation of the amendments to subdivisions (c) and (g) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(n) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

(Beall; Stats. 2010, ch. 559) SEC 18. Section 366.22 of the Welfare and Institutions Code, as Amended by Section 10 of Chapter 287 of the Statutes of 2009, is amended to read:

366.22. (a) When a case has been continued pursuant to paragraph (1) of subdivision (g) of Section 366.21, the permanency review hearing shall occur within 18 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. At the permanency review hearing, the court shall consider the criminal history, obtained pursuant to paragraph (1) of subdivision (f) of Section 16504.5, of the parent or legal guardian subsequent to the child's removal, to the extent that the criminal record is substantially related to the welfare of the child or the parent's or legal guardian's ability to exercise custody and control regarding his or her child, provided that the parent or legal guardian agreed to submit fingerprint

images to obtain criminal history information as part of the case plan. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided, taking into account the particular barriers of an incarcerated or institutionalized parent or legal guardian's access to those court-mandated services and ability to maintain contact with his or her child; and shall make appropriate findings pursuant to subdivision (a) of Section 366.

Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that return would be detrimental. If the child is not returned to his or her parent or legal guardian, the court shall consider, and state for the record, in-state and out-of-state options for the child's permanent placement. If the child is placed out of the state, the court shall make a determination whether the out-of-state placement continues to be appropriate and in the best interests of the child.

Unless the conditions in subdivision (b) are met and the child is not returned to a parent or legal guardian at the permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26 in order to determine whether adoption, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, guardianship, or long-term foster care is the most appropriate plan for the child. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent. However, if the court finds by clear and convincing evidence, based on the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason, as described in paragraph (3) of subdivision (g) of Section 366.21, for determining that a hearing held under Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship, then the court may, only under these circumstances, order that the child remain in long-term foster care. On and after January 1, 2012, the nonminor dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement. If the court orders that a child who is 10 years of age or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to

maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. The hearing shall be held no later than 120 days from the date of the permanency review hearing. The court shall also order termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child unless it finds that visitation would be detrimental to the child. The court shall determine whether reasonable services have been offered or provided to the parent or legal guardian. For purposes of this subdivision, evidence of any of the following circumstances shall not, in and of themselves, be deemed a failure to provide or offer reasonable services:

- (1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.
- (2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.
- (3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

(b) If the child is not returned to a parent or legal guardian at the permanency review hearing and the court determines by clear and convincing evidence that the best interests of the child would be met by the provision of additional reunification services to a parent or legal guardian who is making significant and consistent progress in a court-ordered residential substance abuse treatment program, or a parent recently discharged from incarceration or institutionalization and making significant and consistent progress in establishing a safe home for the child's return, the court may continue the case for up to six months for a subsequent permanency review hearing, provided that the hearing shall occur within 24 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

- (1) That the parent or legal guardian has consistently and regularly contacted and visited with the child.
- (2) That the parent or legal guardian has made significant and consistent progress in the prior 18 months in resolving problems that led to the child's removal from the home.
- (3) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her substance abuse treatment plan

as evidenced by reports from a substance abuse provider as applicable, or complete a treatment plan postdischarge from incarceration or institutionalization, and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interests of the child.

The court shall inform the parent or legal guardian that if the child cannot be returned home by the subsequent permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court may not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent or legal guardian.

(c) (1) Whenever a court orders that a hearing pursuant to Section 366.26, including when a tribal customary adoption is recommended, shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purposes of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed legal guardian is a relative of the minor, ~~and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and Section 361.34.~~

(E) The relationship of the child to any identified prospective adoptive parent or legal guardian, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to

caring permanently for the child, the motivation for seeking adoption or legal guardianship, and a statement from the child concerning placement and the adoption or legal guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(G) In the case of an Indian child, in addition to subparagraphs (A) to (F), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child's tribe, a customary tribal adoption, as defined in Section 366.24, is recommended. If tribal customary adoption is recommended, the assessment shall include an analysis of both of the following:

(i) Whether tribal customary adoption would or would not be detrimental to the Indian child and the reasons for reaching that conclusion.

(ii) Whether the Indian child cannot or should not be returned to the home of the Indian parent or Indian custodian and the reasons for reaching that conclusion.

(2) (A) A relative caregiver's preference for legal guardianship over adoption, if it is due to circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, shall not constitute the sole basis for recommending removal of the child from the relative caregiver for purposes of adoptive placement.

(B) A relative caregiver shall be given information regarding the permanency options of guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing legal guardianship or pursuing adoption.

(d) This section shall become operative January 1, 1999. If at any hearing held pursuant to Section 366.26, a legal guardianship is established for the minor with a ~~relative~~ approved relative caregiver, and juvenile court dependency is subsequently dismissed, the ~~relative~~ minor shall be eligible for aid under the Kin-GAP Program, as provided for in Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9.

(e) As used in this section, "relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(f) The implementation and operation of the amendments to subdivision (a) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(g) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before

January 1, 2014, deletes or extends that date.

(Beall; Stats. 2010, ch. 559) SEC 20. Section 366.25 of the Welfare and Institutions Code, as amended by Section 13 of Chapter 287 of the Statutes of 2009, is amended to read:

366.25. (a) (1) When a case has been continued pursuant to subdivision (b) of Section 366.22, the subsequent permanency review hearing shall occur within 24 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. At the subsequent permanency review hearing, the court shall consider the criminal history, obtained pursuant to paragraph (1) of subdivision (f) of Section 16504.5, of the parent or legal guardian subsequent to the child's removal to the extent that the criminal record is substantially related to the welfare of the child or parent or legal guardian's ability to exercise custody and control regarding his or her child provided that the parent or legal guardian agreed to submit fingerprint images to obtain criminal history information as part of the case plan. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided; and shall make appropriate findings pursuant to subdivision (a) of Section 366.

(2) Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that return would be detrimental. If the child is not returned to his or her parents or legal guardian, the court shall consider and state for the record, in-state and out-of-state options for the child's permanent placement. If the child is placed out of the state, the court shall make a determination whether the out-of-state placement continues to be appropriate and in best interests of the child.

(3) If the child is not returned to a parent or legal guardian at the subsequent permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26 in order to determine whether adoption, or, in the case of an Indian child, tribal customary adoption, guardianship, or long-term foster care is the most appropriate plan for the child. On and after

January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent. However, if the court finds by clear and convincing evidence, based on the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason, as described in paragraph (3) of subdivision (g) of Section 366.21, for determining that a hearing held under Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption or, in the case of an Indian child, tribal customary adoption, and has no one willing to accept legal guardianship, then the court may, only under these circumstances, order that the child remain in long-term foster care. On and after January 1, 2012, the nonminor dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement. If the court orders that a child who is 10 years of age or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. The hearing shall be held no later than 120 days from the date of the subsequent permanency review hearing. The court shall also order termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child unless it finds that visitation would be detrimental to the child. The court shall determine whether reasonable services have been offered or provided to the parent or legal guardian. For purposes of this subdivision, evidence of any of the following circumstances shall not, in and of themselves, be deemed a failure to provide or offer reasonable services:

- (A) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.
- (B) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.
- (C) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

(b) (1) Whenever a court orders that a hearing pursuant to Section 366.26 shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include:

- (A) Current search efforts for an absent parent or parents.
- (B) A review of the amount of, and nature of, any contact between the child and his or her parents and other members of his or her extended family since

the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purposes of this paragraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or legal guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed legal guardian is a relative of the minor, ~~and the relative was assessed for foster care placement of the minor prior to January 1, 1998,~~ the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4.

(E) The relationship of the child to any identified prospective adoptive parent or legal guardian, including a prospective tribal customary adoptive parent, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to caring permanently for the child, the motivation for seeking adoption or legal guardianship, ~~and~~ a statement from the child concerning placement and the adoption or legal guardianship, and whether the child, if over 12 years of age, has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(G) In the case of an Indian child, in addition to subparagraphs (A) to (F), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child's tribe, a customary tribal adoption, as defined in Section 366.24, is recommended. If tribal customary adoption is recommended, the assessment shall include an analysis of both of the following:

(i) Whether tribal customary adoption would or would not be detrimental to the Indian child and the reasons for reaching that conclusion.

(ii) Whether the Indian child cannot or should not be returned to the home of the Indian parent or Indian custodian and the reasons for reaching that conclusion.

(2) (A) A relative caregiver's preference for legal guardianship over adoption, if it is due to circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, shall not constitute the sole basis for recommending removal of the child from the relative caregiver

for purposes of adoptive placement.

(B) A relative caregiver shall be given information regarding the permanency options of guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing legal guardianship or pursuing adoption.

(c) If, at any hearing held pursuant to Section 366.26, a guardianship is established for the minor with a ~~relative~~ approved relative caregiver, and juvenile court dependency is subsequently dismissed, the ~~relative~~ minor shall be eligible for aid under the Kin-GAP Program, as provided for in Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), as applicable, of Chapter 2 of Part 3 of Division 9.

(d) As used in this section, "relative" means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(e) The implementation and operation of subdivision (a) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(f) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

(Beall; Stats. 2010, ch. 559) SEC 22. Section 266.3 of the Welfare and Institutions Code, as amended by Section 17 of Chapter 287 of the Statutes of 2009 is amended to read:

~~366.3. (a) If a juvenile court orders a permanent plan of adoption, tribal customary adoption, or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established, except as provided for in Section 366.29. The status of the child shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. When the adoption of the child has been granted, or in the case of a tribal customary adoption, when the tribal customary adoption order has been afforded full faith and credit and the petition for adoption has been granted, the court shall terminate its jurisdiction over the child. Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative of the child is appointed the legal guardian of the child and the child has been placed with the relative for at least 12 months, the court shall, except if the relative guardian objects, or upon a finding of exceptional~~

circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4. Following a termination of parental rights, the parent or parents shall not be a party to, or receive notice of, any subsequent proceedings regarding the child.

(b) If the court has dismissed dependency jurisdiction following the establishment of a legal guardianship, or no dependency jurisdiction attached because of the granting of a legal guardianship pursuant to Section 360, and the legal guardianship is subsequently revoked or otherwise terminated, the county department of social services or welfare department shall notify the juvenile court of this fact. The court may vacate its previous order dismissing dependency jurisdiction over the child.

Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship as authorized by Section 366.4 or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child. The juvenile court having jurisdiction over the guardianship shall receive notice from the court in which the petition is filed within five calendar days of the filing. Prior to the hearing on a petition to terminate legal guardianship pursuant to this subdivision, the court shall order the county department of social services or welfare department having jurisdiction or jointly with the county department where the guardian and child currently reside to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in, or be returned to, the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended family maintenance or reunification services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, either juvenile court may resume dependency jurisdiction over the child, and may order the county department of social services or welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation he or she deems necessary to determine whether the child may be within the jurisdiction of the juvenile court, as provided in Section 328. Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests

of the child, order that reunification services again be provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption or, for an Indian child, tribal customary adoption, may be an appropriate plan for the child, the department shall so notify the court. The court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120 days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services if it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) If the child is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

- (1) Upon the request of the child's parents or legal guardians.
- (2) Upon the request of the child.
- (3) It has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in long term foster care pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision (h).
- (4) It has been 12 months since a review was conducted by the court. The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

(e) Except as provided in subdivision (g), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

- (1) The continuing necessity for, and appropriateness of, the placement.
- (2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older and has been in out-of-home placement for six months or longer, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child

to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(3) The continuing appropriateness and extent of compliance with the permanent plan for the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(4) The extent of the agency's compliance with the child welfare services case plan in making reasonable efforts either to return the child to the safe home of the parent or to complete whatever steps are necessary to finalize the permanent placement of the child. If the reviewing body determines that a second period of reunification services is in the child's best interests, and that there is a significant likelihood of the child's return to a safe home due to changed circumstances of the parent, pursuant to subdivision (f), the specific reunification services required to effect the child's return to a safe home shall be described.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in paragraphs (3) and (4) of subdivision (b) of Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to, and safely maintained in, the home, placed for adoption, legal guardianship, in another planned permanent living arrangement, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.

(9) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the

visits between siblings.

~~(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.~~

~~The factors the court may consider as indicators of the nature of the child's sibling relationships include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.~~

~~(10) For a child who is 16 years of age or older, the services needed to assist the child to make the transition from foster care to independent living.~~

~~The reviewing body shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.~~

~~Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the child.~~

~~(f) Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment.~~

~~(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:~~

~~(1) The child's present placement.~~

~~(2) The child's current physical, mental, emotional, and educational status.~~

~~(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to him or her, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to~~

the child.

(4) Whether the child has been placed with a prospective adoptive parent or parents.

(5) Whether an adoptive placement agreement has been signed and filed.

(6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.

(8) The progress of the search for an adoptive placement if one has not been identified.

(9) Any impediments to the adoption or the adoptive placement.

(10) The anticipated date by which the child will be adopted or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

(12) Recommendations for court orders that will assist in the placement of the child for adoption or in the finalization of the adoption.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

The court shall make appropriate orders to protect the stability of the child and to facilitate and expedite the permanent placement and adoption of the child.

(h) At the review held pursuant to subdivision (d) for a child in long-term foster care, the court shall consider all permanency planning options for the child including whether the child should be returned to the home of the parent, placed for adoption, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or appointed a legal guardian, or, if compelling reasons exist for finding that none of the foregoing options are in the best interest of the child, whether the child should be placed in another planned permanent living arrangement. The court shall order that a hearing be held pursuant to Section 366.26, unless it determines by clear and convincing evidence that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or no one is willing to accept legal guardianship. If the licensed county adoption agency, or the department when it is acting as an adoption agency in counties that are not served by a county adoption agency, has determined it is unlikely that the child will be adopted or one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, that fact shall constitute a compelling reason for purposes of this subdivision. Only upon that determination may the court order that the child remain in foster care, without holding a hearing pursuant to Section 366.26.

(i) If, as authorized by subdivision (h), the court orders a hearing pursuant to

~~Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment as provided for in subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22. A hearing held pursuant to Section 366.26 shall be held no later than 120 days from the date of the 12-month review at which it is ordered, and at that hearing the court shall determine whether adoption, tribal customary adoption, legal guardianship, or long-term foster care is the most appropriate plan for the child.~~

~~(j) The implementation and operation of the amendments to subdivision (e) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.~~

~~(k) The reviews conducted pursuant to subdivision (a) or (d) may be conducted earlier than every six months if the court determines that an earlier review is in the best interests of the child or as court rules prescribe.~~

~~(l) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.~~

366.3. (a) If a juvenile court orders a permanent plan of adoption, tribal customary adoption, or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established, except as provided for in Section 366.29 or, on and after January 1, 2012, Section 366.31. The status of the child shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. When the adoption of the child has been granted, or in the case of a tribal customary adoption, when the tribal customary adoption order has been afforded full faith and credit and the petition for adoption has been granted, the court shall terminate its jurisdiction over the child. Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative of the child is appointed the legal guardian of the child and the child has been placed with the relative for at least six months, the court shall, except if the relative guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4. Following a termination of parental rights, the parent or parents shall not be a party to, or receive notice of, any subsequent proceedings regarding the child.

(b) If the court has dismissed dependency jurisdiction following the establishment of a legal guardianship, or no dependency jurisdiction attached because of the granting of a legal guardianship pursuant to Section 360, and the legal guardianship is subsequently revoked or otherwise terminated, the county department of social services or welfare department

shall notify the juvenile court of this fact. The court may vacate its previous order dismissing dependency jurisdiction over the child.

Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship as authorized by Section 366.4 or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child. The juvenile court having jurisdiction over the guardianship shall receive notice from the court in which the petition is filed within five calendar days of the filing. Prior to the hearing on a petition to terminate legal guardianship pursuant to this subdivision, the court shall order the county department of social services or welfare department having jurisdiction or jointly with the county department where the guardian and child currently reside to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in, or be returned to, the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended family maintenance or reunification services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, either juvenile court may resume dependency jurisdiction over the child, and may order the county department of social services or welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation he or she deems necessary to determine whether the child may be within the jurisdiction of the juvenile court, as provided in Section 328. Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests of the child, order that reunification services again be provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption or, for an Indian child, tribal customary adoption, may be an appropriate plan for the child, the department shall so notify the court. The court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120

days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services if it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) If the child or, on and after January 1, 2012, nonminor dependent is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child or, on and after January 1, 2012, nonminor dependent for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

(1) Upon the request of the child's parents or legal guardians.

(2) Upon the request of the child or, on and after January 1, 2012, nonminor dependent.

(3) It has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in long-term foster care pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision (h).

(4) It has been 12 months since a review was conducted by the court.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

(e) Except as provided in subdivision (g), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement.

(2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older and has been in out-of-home placement for six months or longer, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(3) The continuing appropriateness and extent of compliance with the permanent plan for the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal

guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(4) The extent of the agency's compliance with the child welfare services case plan in making reasonable efforts either to return the child to the safe home of the parent or to complete whatever steps are necessary to finalize the permanent placement of the child. If the reviewing body determines that a second period of reunification services is in the child's best interests, and that there is a significant likelihood of the child's return to a safe home due to changed circumstances of the parent, pursuant to subdivision (f), the specific reunification services required to effect the child's return to a safe home shall be described.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to, and safely maintained in, the home, placed for adoption, legal guardianship, in another planned permanent living arrangement, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.

(9) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

The factors the court may consider as indicators of the nature of the child's sibling relationships include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best

emotional interests.

(10) For a child who is 16 years of age or older, and, effective January 1, 2012, for a nonminor dependent, the services needed to assist the child or nonminor dependent to make the transition from foster care to independent living.

The reviewing body shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made. Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the child.

(f) Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment. On and after January 1, 2012, this subdivision shall not apply to the parents of a nonminor dependent.

(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:

(1) The child's present placement.

(2) The child's current physical, mental, emotional, and educational status.

(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to him or her, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to the child.

(4) Whether the child has been placed with a prospective adoptive parent or parents.

(5) Whether an adoptive placement agreement has been signed and filed.

(6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive

parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.

(8) The progress of the search for an adoptive placement if one has not been identified.

(9) Any impediments to the adoption or the adoptive placement.

(10) The anticipated date by which the child will be adopted or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

(12) Recommendations for court orders that will assist in the placement of the child for adoption or in the finalization of the adoption.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

The court shall make appropriate orders to protect the stability of the child and to facilitate and expedite the permanent placement and adoption of the child.

(h) At the review held pursuant to subdivision (d) for a child in long-term foster care, the court shall consider all permanency planning options for the child including whether the child should be returned to the home of the parent, placed for adoption, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or appointed a legal guardian, or, if compelling reasons exist for finding that none of the foregoing options are in the best interest of the child, whether the child should be placed in another planned permanent living arrangement. The court shall order that a hearing be held pursuant to Section 366.26, unless it determines by clear and convincing evidence that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or no one is willing to accept legal guardianship. If the licensed county adoption agency, or the department when it is acting as an adoption agency in counties that are not served by a county adoption agency, has determined it is unlikely that the child will be adopted or one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, that fact shall constitute a compelling reason for purposes of this subdivision. Only upon that determination may the court order that the child remain in long-term foster care, without holding a hearing pursuant to Section 366.26. On and after January 1, 2012, the nonminor dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26.

(i) If, as authorized by subdivision (h), the court orders a hearing pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not

served by a county adoption agency, to prepare an assessment as provided for in subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22. A hearing held pursuant to Section 366.26 shall be held no later than 120 days from the date of the 12-month review at which it is ordered, and at that hearing the court shall determine whether adoption, tribal customary adoption, legal guardianship, or long-term foster care is the most appropriate plan for the child. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement.

(j) The implementation and operation of the amendments to subdivision (e) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(k) The reviews conducted pursuant to subdivision (a) or (d) may be conducted earlier than every six months if the court determines that an earlier review is in the best interests of the child or as court rules prescribe.

(l) On and after January 1, 2012, at the review hearing that occurs in the six-month period prior to the minor's attaining 18 years of age, and at every subsequent review hearing for the nonminor dependent, the report shall describe all of the following:

(1) The minor's or nonminor dependent's plans to remain in foster care and plans to meet one or more of the criteria as described in subdivision (b) of Section 11403 to continue to receive AFDC-FC benefits.

(2) The efforts made and assistance provided to the minor or nonminor dependent by the social worker or the probation officer so that the minor or nonminor dependent will be able to meet the criteria.

(3) Efforts toward completing the items described in paragraph (2) of subdivision (e) of Section 391.

(m) On and after January 1, 2012, the reviews conducted pursuant to subdivisions (e) and (h) for any nonminor dependent shall be conducted in a manner that respects the nonminor's status as a legal adult, be focused on the goals and services described in the youth's transitional independent living case plan, including efforts made to achieve permanence, including maintaining or obtaining permanent connections with caring and committed adults, and attended as appropriate by additional participants invited by the nonminor dependent. The review shall include all the issues in subdivision (e), except paragraph (5) of subdivision (e). The county child welfare or probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1 shall prepare and present to the reviewing body a report that addresses the youth's progress in meeting the goals in the transitional independent living case plan and propose modifications as necessary to further those goals. The report shall document that the nonminor has received all the information and documentation described in paragraph (2) of subdivision (e) of Section 391. If the court is considering terminating dependency jurisdiction for a nonminor dependent it shall first

hold a hearing pursuant to Section 391.

(n) On and after January 1, 2012, if a review hearing pursuant to this section is the last review hearing to be held before the child attains 18 years of age, the court shall ensure all of the following:

(1) That the child's transitional independent living case plan includes a plan for the child to satisfy one or more of the criteria set forth in subdivision (b) of Section 11403, so that the child is eligible to remain a nonminor dependent.

(2) That the child has been informed of his or her right to seek termination of dependency jurisdiction pursuant to Section 391, and understands the potential benefits of continued dependency.

(3) That the child is informed of his or her right to have dependency reinstated pursuant to subdivision (e) of Section 388, and understands the potential benefits of continued dependency.

(o) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

(Beall; Stats. 2010, ch. 559) SEC 24. Section 366.31 is added to the of the Welfare and Institutions Code to read:

366.31. (a) On and after January 1, 2012, with respect to a nonminor dependent, as defined in subdivision (v) of Section 11400, who has a permanent plan of long-term foster care that was ordered pursuant to Section 366.21, 366.22, 366.25, or 366.26 the court may continue jurisdiction of the nonminor as a dependent of the juvenile court or may dismiss dependency jurisdiction pursuant to Section 391.

(b) If the court continues dependency jurisdiction of the nonminor as a dependent of the juvenile court, the court shall order the development of a planned permanent living arrangement, which may include continued placement with the current caregiver or another licensed or approved caregiver or placement under a mutual agreement pursuant to Section 11403, or in supervised independent living, consistent with the youth's transitional independent living case plan.

(c) If the court terminates its dependency jurisdiction over a nonminor dependent pursuant to subdivision (a), it shall retain jurisdiction over the youth pursuant to Section 303. Consistent with paragraph (e) of Section 1356.21 of Title 45 of the Code of Federal Regulations, the court shall authorize a trial period of independence away from foster care as defined in subdivision (y) of Section 11400. The court shall set the end date of the trial period of Independence away from foster care to be the day prior to the day the nonminor attains 21 years of age, unless to do so is not in the nonminor's best interests. If the court has dismissed dependency

jurisdiction pursuant to subdivision (d) of Section 391, the nonminor, who has not attained 21 years of age, may subsequently file a petition pursuant to subdivision (e) of Section 388 to have dependency jurisdiction resumed and the court may vacate its previous order dismissing dependency jurisdiction over the nonminor dependent.

(Beall; Stats. 2010, ch. 559) SEC 25. Section 366.4 of the Welfare and Institutions Code is amended to read:

366.4. (a) Any minor for whom a guardianship has been established resulting from the selection or implementation of a permanency plan pursuant to Section 366.26, or for whom a related guardianship has been established pursuant to Section 360, or, on and after the date that the director executes a declaration pursuant to Section 11217, a nonminor who is receiving Kin-GAP payments pursuant to Section 11363 11386, or, on or after January 1, 2012, a nonminor former dependent child of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405, is within the jurisdiction of the juvenile court. For those minors, Part 2 (commencing with Section 1500) of Division 4 of the Probate Code, relating to guardianship, shall not apply. If no specific provision of this code or the California Rules of Court is applicable, the provisions applicable to the administration of estates under Part 4 (commencing with Section 2100) of Division 4 of the Probate Code govern so far as they are applicable to like situations.

(b) Nonrelated legal guardians of the person of a ~~minor established as a result of a permanency plan selected~~ guardianship pursuant to Section ~~360 or~~ 366.26 shall be exempt from the provisions of Sections 2850 and 2851 of the Probate Code.

(Beall; Stats. 2010, ch. 559) SEC 26. Section 388 of the Welfare and Institutions Code is amended to read:

~~388. (a) Any parent or other person having an interest in a child who is a dependent child of the juvenile court or the child himself or herself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a dependent child of the juvenile court or in which a guardianship was ordered pursuant to Section 360 for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require the change of order or termination of jurisdiction.~~

~~(b) Any person, including a child who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the~~

juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child. The court may appoint a guardian ad litem to file the petition for the dependent child asserting the sibling relationship if the court determines that the appointment is necessary for the best interests of the dependent child. The petition shall be verified and shall set forth the following:

- (1) Through which parent he or she is related to the dependent child.
 - (2) Whether he or she is related to the dependent child by blood, adoption, or affinity.
 - (3) The request or order that the petitioner is seeking.
 - (4) Why that request or order is in the best interest of the dependent child.
- (c) (1) Any party, including a child who is a dependent of the juvenile court, may petition the court, prior to the hearing set pursuant to subdivision (f) of Section 366.21 for a child described by subparagraph (A) of paragraph (1) of subdivision (a) of Section 361.5, or prior to the hearing set pursuant to subdivision (e) of Section 366.21 for a child described by subparagraph (B) or (C) of paragraph (1) of subdivision (a) of Section 361.5, to terminate court-ordered reunification services provided under subdivision (a) of Section 361.5 only if one of the following conditions exists:
- (A) It appears that a change of circumstance or new evidence exists that satisfies a condition set forth in subdivision (b) or (e) of Section 361.5 justifying termination of court-ordered reunification services.
 - (B) The action or inaction of the parent or guardian creates a substantial likelihood that reunification will not occur, including, but not limited to, the parent or guardian's failure to visit the child, or the failure of the parent or guardian to participate regularly and make substantive progress in a court-ordered treatment plan.
- (2) In determining whether the parent or guardian has failed to visit the child or participate regularly or make progress in the treatment plan, the court shall consider factors including, but not limited to, the parent or guardian's incarceration, institutionalization, or participation in a residential substance abuse treatment program.
- (3) The court shall terminate reunification services during the above-described time periods only upon a finding by a preponderance of evidence that reasonable services have been offered or provided, and upon a finding of clear and convincing evidence that one of the conditions in subparagraph (A) or (B) of paragraph (1) exists.
- (4) If the court terminates reunification services, it shall order that a hearing pursuant to Section 366.26 be held within 120 days.
- (d) If it appears that the best interests of the child may be promoted by the proposed change of order, recognition of a sibling relationship, termination of jurisdiction, or clear and convincing evidence supports revocation or termination of court-ordered reunification services, the court shall order that

~~a hearing be held and shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, and, in those instances in which the means of giving notice is not prescribed by those sections, then by means the court prescribes.~~

388. (a) Any parent or other person having an interest in a child who is a dependent child of the juvenile court or the child himself or herself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a dependent child of the juvenile court or in which a guardianship was ordered pursuant to Section 360 for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence that are alleged to require the change of order or termination of jurisdiction.

(b) Any person, including a child who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child. The court may appoint a guardian ad litem to file the petition for the dependent child asserting the sibling relationship if the court determines that the appointment is necessary for the best interests of the dependent child. The petition shall be verified and shall set forth the following:

- (1) Through which parent he or she is related to the dependent child.
- (2) Whether he or she is related to the dependent child by blood, adoption, or affinity.
- (3) The request or order that the petitioner is seeking.
- (4) Why that request or order is in the best interest of the dependent child.

(c) (1) Any party, including a child who is a dependent of the juvenile court, may petition the court, prior to the hearing set pursuant to subdivision (f) of Section 366.21 for a child described by subparagraph (A) of paragraph (1) of subdivision (a) of Section 361.5, or prior to the hearing set pursuant to subdivision (e) of Section 366.21 for a child described by subparagraph (B) or (C) of paragraph (1) of subdivision (a) of Section 361.5, to terminate court-ordered reunification services provided under subdivision (a) of Section 361.5 only if one of the following conditions exists:

- (A) It appears that a change of circumstance or new evidence exists that satisfies a condition set forth in subdivision (b) or (e) of Section 361.5 justifying termination of court-ordered reunification services.
- (B) The action or inaction of the parent or guardian creates a substantial

likelihood that reunification will not occur, including, but not limited to, the parent or guardian's failure to visit the child, or the failure of the parent or guardian to participate regularly and make substantive progress in a court-ordered treatment plan.

(2) In determining whether the parent or guardian has failed to visit the child or participate regularly or make progress in the treatment plan, the court shall consider factors including, but not limited to, the parent or guardian's incarceration, institutionalization, or participation in a court-ordered residential substance abuse treatment program.

(3) The court shall terminate reunification services during the above-described time periods only upon a finding by a preponderance of evidence that reasonable services have been offered or provided, and upon a finding of clear and convincing evidence that one of the conditions in subparagraph (A) or (B) of paragraph (1) exists.

(4) If the court terminates reunification services, it shall order that a hearing pursuant to Section 366.26 be held within 120 days.

(d) If it appears that the best interests of the child may be promoted by the proposed change of order, recognition of a sibling relationship, termination of jurisdiction, or clear and convincing evidence supports revocation or termination of court-ordered reunification services, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, and, in those instances in which the means of giving notice is not prescribed by those sections, then by means the court prescribes.

(e) (1) On and after January 1, 2012, a nonminor who has not attained 19 years of age, or, commencing January 1, 2013, 20 years of age, or, commencing January 1, 2014, 21 years of age, for whom the court has dismissed dependency jurisdiction pursuant to Section 391, or delinquency jurisdiction pursuant to subdivision (e) of Section 785, but has retained general jurisdiction under Section 303, and has ordered a period of trial independence may petition the court in the same action in which the child was found to be a dependent or delinquent child of the juvenile court for a hearing to resume the dependency or delinquency jurisdiction of the court. The petition shall be filed within the trial period of independence.

(2) The petition to resume dependency or delinquency jurisdiction may be filed in the juvenile court that retains jurisdiction under subdivision (b) of Section 303 or the juvenile court in the county where the youth resides. The juvenile court having jurisdiction under Section 303 shall receive the petition from the court in which the petition is filed within five court days of the filing if the petition is filed in the county of residence. Upon filing of the petition, the court shall order that a hearing be held, if there is a prima facie showing that the nonminor satisfies at least one of the conditions in subdivision (b) of Section 11403. Upon ordering a hearing, the court shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, except that notice to parents or former guardians shall not be provided if the nonminor objects, in writing, on the

face of the petition.

(3) The Judicial Council, by January 1, 2012, shall adopt rules of court to allow for telephonic appearances by nonminor former dependents or delinquents in these proceedings.

(4) Prior to the hearing on a petition to resume dependency jurisdiction, the court shall order the county child welfare or probation department or Indian tribe that has entered into an agreement pursuant to Section 10553.1 to prepare a report for the court addressing whether the nonminor is able to meet at least one of the criteria set forth in subdivision (b) of Section 11403. When the recommendation is for the nonminor dependent to be placed in a setting where minor dependents also reside, the results of a background check of the petitioning nonminor conducted pursuant to Section 16504.5, used by the placing agency to determine appropriate placement options for the nonminor. The existence of a criminal conviction is not a bar to eligibility for reentry or resumption of dependency jurisdiction of a nonminor.

(5) The court, if it finds that the nonminor is able to meet at least one of the criteria set forth in subdivision (b) of Section 11403, shall resume dependency or delinquency jurisdiction and order the county child welfare or probation department or tribe to develop a new transitional independent living case plan with the youth, which shall be presented to the court within 60 days of the resumption of the dependency or delinquency jurisdiction.

(f) A parent or other person having an interest in a child who was removed from his or her parents or guardian and placed in foster care under jurisdiction established pursuant to Section 601 or 602, which is to be terminated, may file a supplemental petition with the court, consistent with subdivision (d) of Section 241.1, to modify the court's jurisdiction in order to establish jurisdiction pursuant to Section 300, if the child appears to come within the description of Section 300 and cannot be returned home safely.

(Beall; Stats. 2010, ch. 559) SEC 28. Section 391 of the Welfare and Institutions Code is amended to read:

391. (a) The court shall not terminate jurisdiction over a dependent youth who has reached 18 years of age unless a hearing is conducted pursuant to this section.

(b) At any hearing for a dependent youth who has attained 18 years of age at which the court is considering termination of the jurisdiction of the juvenile court and the accompanying foster care services as described in Section 11403, the county welfare department shall do all of the following:

(1) Ensure that the dependent is present in court, unless the dependent does not wish to appear in court, or document efforts by the county welfare department to locate the child when the child is not available.

(2) Submit a report describing whether it is in the youth's best interests to remain under the court's dependency jurisdiction, which

includes a recommended transitional independent living case plan for any youth who is continuing dependency as a nonminor.

(3) If the dependent has indicated that he or she does not want dependency jurisdiction to continue, the report shall address the advisability of a court-ordered trial discharge from foster care.

(c) The court shall continue dependency jurisdiction for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible pursuant to Section 11403 unless the court finds that after reasonable and documented efforts the nonminor cannot be located or does not wish to remain subject to dependency jurisdiction. In making this finding, the court shall ensure that the nonminor has been informed of his or her options including the right to file a petition pursuant to Section 388 to resume dependency jurisdiction, and had an opportunity to confer with his or her counsel if counsel has been appointed pursuant to Section 317. The court shall terminate dependency jurisdiction for a nonminor dependent if it finds that the nonminor dependent is not eligible pursuant to subdivision (b) of Section 11403.

(d) If the court terminates dependency jurisdiction, the nonminor shall remain within the jurisdiction of the court until the nonminor attains 21 years of age, although no review proceedings shall be required. As authorized in paragraph (e) of Section 1356.21 of Title 45 of the Code of Federal Regulations, the court shall authorize a trial period of departure from foster care as defined in subdivision (y) of Section 11400. In order to ensure eligibility for federal financial participation, the court shall set the end date of the trial period of departure from foster care to be the day prior to the day the nonminor attains 21 years of age, unless to do so is not in the nonminor's best interests. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.

(e) Unless the nonminor does not wish to remain under the dependency or delinquency jurisdiction of the court, or, after reasonable efforts by the county welfare department the nonminor cannot be located, the court shall not terminate dependency or delinquency jurisdiction over a nonminor dependent who has reached 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the child:

(1) Written information concerning the child's dependency case, including any known information regarding the child's Indian heritage or tribal connections, if applicable, his or her family history and placement history, any photographs of the child or his or her family in the possession of the county welfare department, other than forensic photographs, the whereabouts of any siblings under the

jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the child is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(2) The following documents:

(A) Social security card.

(B) Certified copy of his or her birth certificate.

(C) Health and education summary, as described in subdivision (a) of Section 16010.

(D) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(E) A letter prepared by the county welfare department that includes the following information:

(i) The child's name and date of birth.

(ii) The dates during which the child was within the jurisdiction of the juvenile court.

(iii) A statement that the child was a foster youth in compliance with state and federal financial aid documentation requirements.

(F) If applicable, the death certificate of the parent or parents.

(G) If applicable, proof of the child's citizenship or legal residence.

(3) Assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance.

(4) Referrals to transitional housing, if available, or assistance in securing other housing.

(5) Assistance in obtaining employment or other financial support.

(6) Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate.

(7) Assistance in maintaining relationships with individuals who are important to a child who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the child's best interests.

(8) For nonminors between 18 and 21 years of age, assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence.

(f) At the hearing closest to and before a dependent child's 18th birthday and every review hearing thereafter, the department shall submit a report describing efforts toward completing the items described in paragraph (2) of subdivision (e).

(g) The Judicial Council shall develop and implement standards, and develop and adopt appropriate forms necessary to implement this provision.

(h) This section shall become operative on January 1, 2012.

(Beall; Stats. 2010, ch. 559) SEC 29. Section 727.2 of the Welfare and Institutions Code is amended to read:

727.2. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his or her home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(1) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21 or 366.22, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(2) The parent has been convicted of any of the following:

(A) Murder of another child of the parent.

(B) Voluntary manslaughter of another child of the parent.

(C) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in subparagraph (A) or (B).

(D) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(3) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.

If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months.

The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty

of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation

officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative or referred to another planned permanent living arrangement.

(6) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to independent living.

The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(f) At any status review hearing prior to the first permanency hearing, the court shall order return of the minor to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to

subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed himself or herself of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a permanent plan of "return to the physical custody of the parent or legal guardian after further reunification services are offered," as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

(i) On and after January 1, 2012, at any status review hearing at which a recommendation to terminate delinquency jurisdiction is being considered, or at the status review hearing held closest to the ward attaining 18 years of age, but no fewer than 60 days before the ward's 18th birthday, the court shall consider whether to modify its jurisdiction pursuant to Section 601 or 602 and assume jurisdiction over the child as a dependent pursuant to Section 300. The probation department shall address this issue in its report to the court and make a recommendation as to whether dependency jurisdiction is appropriate for the child. If the court finds that the ward no longer requires delinquency supervision, but is at risk of abuse or neglect and cannot be returned home safely, the court shall set a hearing pursuant to Section 241.1 to determine whether a modification of its jurisdiction, as described in subdivision (d) of Section 241.1, is appropriate.

(j) On and after January 1, 2012, if a review hearing pursuant to this section is the last review hearing to be held before the minor attains 18 years of age, the court shall ensure that the minor's transitional independent living case plan includes a plan for the minor to meet one or more of the criteria in Section 11403, so that the minor can become a nonminor dependent, and that the minor has been informed of his or her right to decline to become a nonminor dependent and to seek termination of the court's jurisdiction pursuant to Section 785.

(Beall; Stats. 2010, ch. 559) S. 29.5. Section 785 of the Welfare and Institutions Code is amended to read:

~~785. (a) Where a minor is a ward of the juvenile court, the wardship did not result in the minor's commitment to the Youth Authority, and the minor is found not to be a fit and proper subject to be dealt with under the juvenile court law with respect to a subsequent allegation of criminal conduct, any parent or other person having an interest in the minor, or the minor, through~~

~~a properly appointed guardian, the prosecuting attorney, or probation officer, may petition the court in the same action in which the minor was found to be a ward of the juvenile court for a hearing for an order to terminate or modify the jurisdiction of the juvenile court. The court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to those persons and by the means prescribed by Sections 776 and 779, or where the means of giving notice is not prescribed by those sections, then by such means as the court prescribes.~~

~~(b) The petition shall be verified and shall state why jurisdiction should be terminated or modified in concise language.~~

~~(c) In determining whether or not the wardship shall terminate or be modified, the court shall be guided by the policies set forth in Section 202.~~

~~(d) In addition to its authority under this chapter, the Judicial Council shall adopt rules providing criteria for the consideration of the juvenile court in determining whether or not to terminate or modify jurisdiction pursuant to this section.~~

785. (a) Where a minor is a ward of the juvenile court, the wardship did not result in the minor's commitment to the Youth Authority, and the minor is found not to be a fit and proper subject to be dealt with under the juvenile court law with respect to a subsequent allegation of criminal conduct, any parent or other person having an interest in the minor, or the minor, through a properly appointed guardian, the prosecuting attorney, or probation officer, may petition the court in the same action in which the minor was found to be a ward of the juvenile court for a hearing for an order to terminate or modify the jurisdiction of the juvenile court. The court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to those persons and by the means prescribed by Sections 776 and 779, or where the means of giving notice is not prescribed by those sections, then by such means as the court prescribes.

(b) The petition shall be verified and shall state why jurisdiction should be terminated or modified in concise language.

(c) In determining whether or not the wardship shall terminate or be modified, the court shall be guided by the policies set forth in Section 202.

(d) On and after January 1, 2012, at any hearing pursuant to this section involving a minor who was removed from the physical custody of his or her parent or guardian and placed in foster care at the time the court adjudged the child a delinquent ward, or who was removed from his or her parents or guardian and placed in foster care as a dependent child immediately prior to the court adjudging the child a delinquent ward, the court shall consider, as an alternative to terminating jurisdiction, whether to modify its jurisdiction and declare the minor to be a dependent child, pursuant to Section 300. If the court finds that the ward no longer requires delinquency supervision, but is at risk of abuse or neglect and cannot be returned home safely, the court shall set a hearing pursuant to Section 241.1 to determine whether a modification of its jurisdiction as described in subdivision (d) of Section 241.1 is appropriate.

(e) On and after January 1, 2012, the court shall continue delinquency jurisdiction for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible to remain in foster care pursuant to Section 11403, unless the court finds that after reasonable and documented efforts, the nonminor cannot be located or does not wish to remain a nonminor dependent. In making this finding, the court shall ensure that the nonminor has been informed of his or her options, including the right to file a petition pursuant to Section 388 to resume delinquency jurisdiction, and has had an opportunity to confer with his or her counsel. As authorized in paragraph (e) of Section 1356.21 of Title 45 of the Code of Federal Regulations, the court shall authorize a trial period of departure from foster care as defined in subdivision (y) of Section 11400. In order to ensure eligibility for federal financial participation, the court shall set the end date of the trial period of departure from foster care to be the day before the nonminor attains 21 years of age unless it is not in the nonminor's best interests.

(f) In addition to its authority under this chapter, the Judicial Council shall adopt rules providing criteria for the consideration of the juvenile court in determining whether or not to terminate or modify jurisdiction pursuant to this section.

(Beall; Stats. 2010, ch. 559) SEC 38. Section 11400 of the Welfare and Institutions Code is amended to read:

11400. For the purposes of this article, the following definitions shall apply:

~~(a) "Aid to Families with Dependent Children Foster Care (AFDC-FC)" means the aid provided on behalf of needy children in foster care under the terms of this division.~~

~~(b) "Case plan" means a written document that, at a minimum, specifies the type of home in which the child shall be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. It shall also include the agency's plan for ensuring that the child receive proper care and protection in a safe environment, and shall set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care, and to reunify the child with the child's family. In addition, the plan shall specify the services that will be provided or steps that will be taken to facilitate an alternate permanent plan if reunification is not possible.~~

~~(c) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.~~

~~(d) "Family home" means the family residency of a licensee in which 24-hour care and supervision are provided for children.~~

~~(e) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require~~

special care and supervision as a result of their disabilities.

(f) "Foster care" means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) "Foster family agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) "Group home" means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, or a nondetention licensed residential care home operated by the County of San Mateo with a capacity of up to 25 beds, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code.

(i) "Periodic review" means review of a child's status by the juvenile court or by an administrative review panel, that shall include a consideration of the safety of the child, a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child's return home or establishment of alternative permanent placement.

(j) "Permanency planning hearing" means a hearing conducted by the juvenile court in which the child's future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.

(k) "Placement and care" refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of his or her being appointed the child's legal guardian.

(l) "Preplacement preventive services" means services that are designed to help children remain with their families by preventing or eliminating the need for removal.

(m) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

(n) "Nonrelative extended family member" means an adult caregiver who has an established familial or mentoring relationship with the child, as described in Section 362.7.

(o) "Voluntary placement" means an out-of-home placement of a child by (1) the

county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(p) "Voluntary placement agreement" means a written agreement between either the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

(1) The legal status of the child.

(2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.

(q) "Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

(r) "Transitional housing placement facility" means either of the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years of age, and not more than 18 years of age unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(s) "Transitional housing placement program" means a program that provides supervised housing opportunities to eligible youth pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

(t) "Whole family foster home" means a new or existing family home, approved relative caregiver or nonrelative extended family member's home, the home of a nonrelated legal guardian whose guardianship was established pursuant to Section 366.26 or 360, certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.

(u) This section shall become operative on January 1, 2008.

11400. For the purposes of this article, the following definitions shall apply:

(a) "Aid to Families with Dependent Children-Foster Care (AFDC-FC)" means the aid provided on behalf of needy children in foster care under the terms of this division.

(b) "Case plan" means a written document that, at a minimum, specifies the type of home in which the child shall be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. It shall also include the agency's plan for ensuring that the child receive proper care and protection in a safe environment, and shall set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care, and to reunify the child with the child's family. In addition, the plan shall specify the services that will be provided or steps that will be taken to facilitate an alternate permanent plan if reunification is not possible.

(c) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

(d) "Family home" means the family residency of a licensee in which 24-hour care and supervision are provided for children.

(e) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

(f) "Foster care" means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) "Foster family agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) "Group home" means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, or a nondetention licensed residential care home operated by the County of San Mateo with a capacity of up to 25 beds, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code.

(i) "Periodic review" means review of a child's status by the juvenile court or by an administrative review panel, that shall include a consideration of the safety of the child, a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child's return home or establishment of alternative permanent placement.

(j) "Permanency planning hearing" means a hearing conducted by the juvenile court in which the child's future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.

(k) "Placement and care" refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization

having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of his or her being appointed the child's legal guardian.

(l) "Preplacement preventive services" means services that are designed to help children remain with their families by preventing or eliminating the need for removal.

(m) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

(n) "Nonrelative extended family member" means an adult caregiver who has an established familial or mentoring relationship with the child, as described in Section 362.7.

(o) "Voluntary placement" means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(p) "Voluntary placement agreement" means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

(1) The legal status of the child.

(2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.

(q) "Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

(r) "Transitional housing placement facility" means either of the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years of age, and not more than 18 years of age unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county

department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(s) "Transitional housing placement program" means a program that provides supervised housing opportunities to eligible youth and nonminor dependents pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

(t) "Whole family foster home" means a new or existing family home, approved relative caregiver or nonrelative extended family member's home, the home of a nonrelated legal guardian whose guardianship was established pursuant to Section 366.26 or 360, certified family home that provides foster care for a minor or nonminor dependent parent and his or her child, and is specifically recruited and trained to assist the minor or nonminor dependent parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor or nonminor dependent parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.

(u) "Mutual agreement" means an agreement of consent for placement in a supervised setting between a minor or, on and after January 1, 2012, a nonminor dependent, and the agency responsible for the foster care placement, that documents the nonminor's continued need for supervised out-of-home placement and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional living plan.

(v) "Nonminor dependent" means, on and after January 1, 2012, a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act who is a current or former dependent child or ward of the juvenile court who satisfies all of the following criteria:

(1) He or she has attained 18 years of age but is less than 21 years of age.

(2) He or she is in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe that entered into an agreement pursuant to Section 10553.1.

(3) He or she is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351).

(w) "Supervised independent living setting" means, on and after January 1, 2012, a supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which the youth is living independently, pursuant to Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec. 672(c)(2)).

(x) "THP-Plus Foster Care" means, on and after January 1, 2012, a placement that offers supervised housing opportunities and supportive services to eligible nonminor dependents at least 18 years of age, on and after January 1, 2013, 19 years of age, and on and after January 1, 2014, 20 years of age, and not more than 21 years of age, who are in out-of-home placement under the supervision of

the county department of social services or the county probation department or Indian tribe that entered into an agreement pursuant to Section 10553.1, and who are described in paragraph (3) of subdivision (a) of Section 11403.2.

(y) "Trial independence" means, on or after January 1, 2012, consistent with paragraph (e) of

(Beall; Stats. 2010, ch. 559) tion 1356.21 of Title 45 of the Code of Federal Regulations, a period not to exceed six months, unless the juvenile court authorizes a longer period, during which the court may terminate and subsequently resume the nonminor's dependency jurisdiction, and the nonminor's Title IV-E foster care benefits may be resumed if the nonminor otherwise is eligible pursuant to Section 11403. Operation of this subdivision shall be contingent upon receipt of all necessary federal approvals.

(Beall; Stats. 2010, ch. 559) SEC 39. Section 11401 of the Welfare and Institutions Code, as amended By Section 2 of Chapter 4 of the Eighth Extraordinary Session of the Statutes of 2010, is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under ~~the age of 18 years~~ 18 years of age, and, on and after January 1, 2012, to any nonminor dependent, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), (f), (g), or (gh):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for placement and care, provides to those children all services as required by the department to children in foster care.

(b) The child has been removed from the physical custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, and any of the following applies:

(1) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(2) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602.

(3) The child has been detained under a court order, pursuant to Section 319 or 636, that remains in effect.

(4) The child's dependency jurisdiction has resumed pursuant to Section 387,

or subdivision (a) or (e) of Section 388.

(c) The child has been voluntarily placed by his or her parent or guardian pursuant to Section 11401.1.

(d) The child is living in the home of a nonrelated legal guardian.

(e) On and after January 1, 2012, the child is a nonminor dependent who is placed pursuant to a mutual agreement as set forth in subdivision (d) of Section 11403, under the responsibility of the county welfare department, an Indian tribe that entered into an agreement pursuant to Section 10553.1, or the county probation department.

(f) The child has been placed in foster care under the federal Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall not be construed as limiting payments to Indian children, as defined in the federal Indian Child Welfare Act, placed in accordance with that act.

(~~g~~) To be eligible for federal financial participation, the conditions described in paragraph (1), (2), (3), or (34) shall be satisfied:

(1) (A) The child meets the conditions of subdivision (b).

(B) The child has been deprived of parental support or care for any of the reasons set forth in Section 11250.

(C) The child has been removed from the home of a relative as defined in Section 233.90(c)(1) of Title 45 of the Code of Federal Regulations, as amended.

(D) The requirements of Sections 671 and 672 of Title 42 of the United States Code, as amended, have been met.

(2) (A) The child meets the requirements of subdivision (g).

(B) The requirements of Sections 671 and 672 of Title 42 of the United States Code, as amended, have been met.

(C) This paragraph shall be implemented only if federal financial participation is available for the children described in this paragraph.

(3) (A) The child has been removed from the custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, and any of the following applies:

(i) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(ii) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602.

(iii) The child has been detained under a court order, pursuant to Section 319 or 636, that remains in effect.

(iv) The child's dependency jurisdiction has resumed pursuant to Section 387.

(B) The child has been placed in an eligible foster care placement, as set forth in Section 11402.

(C) The requirements of Sections 671 and 672 of Title 42 of the United States Code have been satisfied.

(D) This paragraph shall be implemented only if federal financial participation is available for the children described in this paragraph.

~~(g)~~ With respect to a nonminor dependent, in addition to meeting the conditions specified in paragraph (1), the requirements of Section 675(8)(B) of Title 42 of the United States Code have been satisfied.

(h) The child meets all of the following conditions:

(1) The child has been adjudged to be a dependent child or ward of the court on the grounds that he or she is a person described in Section 300, 601, or 602.

(2) The child's parent also has been adjudged to be a dependent child or nonminor dependent of the court on the grounds that he or she is a person described by Section 300 ~~or Section, 601, or 602~~ and is receiving benefits under this chapter.

(3) The child is placed in the same licensed or approved foster care facility in which his or her parent is placed and the child's parent is receiving reunification services with respect to that child.

(Beall; Stats. 2010, ch. 559) SEC 45.1 Section 11402 of the Welfare and Institutions Code as Amended by section 7 of Chapter 288 of the Statutes of 2007, is amended to read:

11402. In order to be eligible for AFDC-FC, a child shall be placed in one of the following:

(a) The approved home of a relative, provided the child is otherwise eligible for federal financial participation in the AFDC-FC payment.

(b) (1) The licensed family home of a nonrelative.

(2) The approved home of a nonrelative extended family member as described in Section 362.7.

(c) A licensed group home, as defined in subdivision (h) of Section 11400, provided that the placement worker has documented that the placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.

(d) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child who is otherwise eligible for AFDC-FC has been dismissed due to the child's attaining 18 years of age.

(e) An exclusive-use home.

(f) A licensed transitional housing placement facility, as described in Section 1559.110 of the Health and Safety Code, and as defined in subdivision (r) of Section 11400, or a transitional housing placement program, as defined in subdivision (s) of Section 11400.

(g) An out-of-state group home, provided that the placement worker, in

addition to complying with all other statutory requirements for placing a minor in an out-of-state group home, documents that the requirements of Section 7911.1 of the Family Code have been met.

(h) ~~A licensed crisis nursery, as described in Section 1516 of the Health and Safety Code, and supervised independent living setting for nonminor dependents, as defined in Section 11400.~~

(i) An approved THP-Plus Foster Care placement for nonminor dependents, as defined in subdivision (a) of Section 11400.4.

~~(j) This section shall remain in effect only until July 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2011, deletes or extends that date.~~ become operative on July 1, 2012.

(Beall; Stats. 2010, ch. 559) SEC 45.5. Section 11402.2 of the Welfare and Institutions Code is amended to read:

11402.2. Recognizing that transitions to independence involve self-initiated changes in placements, it is the intent of the Legislature that regulations developed regarding the approval of the supervised independent living setting, as defined in subdivision (w) of Section 11400, shall ensure continuity of placement and payment while the nonminor dependent is temporarily absent from an approved placement while awaiting approval of his or her new supervised independent living setting.

(Beall; Stats. 2010, ch. 559) SEC 47. Section 11403 of the Welfare and Institutions Code is amended to read:

11403. (a) It is the intent of the Legislature to exercise the option afforded states under Section 475(8) (42 U.S.C. Sec. 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the federal Social Security Act, as contained in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), to receive federal financial participation for current or former dependent children or wards of the juvenile court who meet the conditions of subdivision (b), consistent with their transitional living case plan. Effective January 1, 2012, these nonminor dependents shall be eligible to receive support up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, consistent with their transitional independent living case plan. It is the intent of the Legislature both at the time of initial determination of the nonminor dependent's eligibility and throughout the time the nonminor dependent is eligible for aid pursuant to this section, that the social worker or probation officer or Indian tribe and the nonminor dependent shall work together to ensure the nonminor dependent's ongoing eligibility. All case planning shall be a collaborative

effort between the nonminor dependent and the social worker, probation officer, or Indian tribe, with the nonminor dependent assuming increasing levels of responsibility and independence.
(b) A nonminor dependent receiving aid pursuant to this chapter, who satisfies the age criteria set forth in subdivision (a), shall continue to receive aid so long as the nonminor has signed a mutual agreement as set forth in subdivision (d), and is otherwise eligible for AFDC-FC payments pursuant to Section 11401 or CalWORKs payments pursuant to Section 11253 or aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) or adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4. Effective January 1, 2012, a nonminor former dependent child of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

(1) The nonminor is completing secondary education or a program leading to an equivalent credential.

(2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.

(3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.

(4) The nonminor is employed for at least 80 hours per month.

(5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.

(c) The county child welfare or probation department or Indian tribe that has entered into an agreement pursuant to Section 10553.1, shall work together with a nonminor dependent who is in foster care on his or her 18th birthday and thereafter or a nonminor former dependent receiving aid pursuant to Section 11405, to meet one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) and shall certify the nonminor's applicable condition or conditions in the nonminor's six-month transitional independent living case plan update, and provide the certification to the eligibility worker and to the court at each six-month case plan review hearing for the nonminor dependent. Relative guardians who receive Kin-GAP payments and adoptive parents who receive adoption assistance payments shall be responsible for reporting to the county welfare agency that the nonminor does not satisfy at least one of the conditions described in subdivision (b). The social worker,

probation officer, or tribe shall verify and obtain assurances that the nonminor dependent continues to meet at least one of the conditions in paragraphs (1) to (5), inclusive, of subdivision (b) at each six-month transitional independent living case plan update. The six-month case plan update shall certify the nonminor's eligibility pursuant to subdivision (b) for the next six-month period. During the six-month certification period, the payee and nonminor shall report any change in placement or other relevant changes in circumstances that may affect payment. The nonminor dependent or a nonminor former dependent receiving aid pursuant to Section 11405, shall be afforded all due process requirements in accordance with state and federal law prior to an involuntary termination of aid. The nonminor dependent or nonminor former dependent receiving aid pursuant to Section 11405 shall be informed of all due process requirements, in accordance with state and federal law, prior to an involuntary termination of aid, and shall simultaneously be provided with a written explanation of how to exercise his or her due process rights and obtain referrals to legal assistance. Any notices of action regarding eligibility shall be sent to the nonminor dependent or former dependent, his or her counsel, and the placing worker, in addition to any other payee.

(d) A nonminor dependent may receive all or a portion of the payment directly provided that the nonminor is living independently in a supervised setting, and that both the youth and the agency responsible for the foster care placement have signed a mutual agreement, as defined in subdivision (u) of Section 11400, if the youth is capable of making an informed agreement, that documents the continued need for supervised out-of-home placement, and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional living plan.

(e) Eligibility for aid under this section shall not terminate until the nonminor attains 21 years of age but aid may be suspended and resumed at request of the nonminor pursuant to subdivision (e) of Section 388 or after a court terminates dependency jurisdiction pursuant to Section 391, or delinquency jurisdiction pursuant to Section 785. Consistent with paragraph (e) of Section 1356.21 of Title 45 of the Code of Federal Regulations, for the nonminor who returns to supervised placement within the six-month trial period, or if the court authorized a trial period of departure from foster care that exceeded six months in duration and ends prior to the day before the nonminor attains 21 years of age, the county welfare department is not required to establish a new Title IV-E eligibility determination for the nonminor for whom dependency jurisdiction is resumed by the court. The county welfare department, tribe, or county probation department shall provide a nonminor dependent who wishes to continue receiving aid with the assistance necessary to meet and

maintain eligibility.

(f) (1) The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence. Nonminor dependents receiving aid pursuant to Section 11405 shall be paid by their county of residence. Counties may develop courtesy supervision agreements to provide case management and independent living services by the county of residence pursuant to the youth's transitional independent living case plan. Placements made out of state are subject to the requirements of the Interstate Compact on Placement of Children, pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) The county welfare department, tribe, or county probation department shall notify all foster youth who attain 16 years of age and are under the jurisdiction of that county or tribe, including those receiving Kin-GAP, and AAP, of the existence of the aid prescribed by this section.

(3) Aid under this section shall be paid on the first of the month for that month. Notwithstanding any other provision of law, when a child attains 18 years of age those payments shall continue to the end of that calendar month and the AFDC-FC, Kin-GAP, or AAP payments under this section shall begin the first day of the following month.

(4) The department shall seek any waiver to amend its Title IV-E State Plan with the Secretary of the United States Department of Health and Human Services necessary to implement this section.

(g) (1) Subject to paragraph (3), a county shall contribute to the cost of extending aid pursuant to this section to eligible nonminor dependents who have reached 18 years of age and who are under the jurisdiction of the county, including AFDC-FC payments pursuant to Section 11401, CalWORKs payments pursuant to Section 11253, aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, and aid pursuant to Section 11405 for nonminor dependents who are residing in the county as provided in paragraph (1) of subdivision (f), at the statutory sharing ratios for each of these programs in effect on January 1, 2012.

(2) Subject to paragraph (3), a county shall contribute to the cost of providing permanent placement services pursuant to subdivision (c) of Section 16508 and administering the Aid to Families with Dependent Children Foster Care program pursuant to Section 15204.9 at the statutory sharing ratio for these services in effect on January 1, 2012. For purposes of budgeting, the department shall use a standard for the permanent placement services that is equal to the midpoint between the budgeting standards for family maintenance services and family reunification services.

(3) Notwithstanding any other provision of law, a county's total contribution pursuant to paragraphs (1) and (2) shall not exceed the savings in Kin-GAP assistance grant expenditures realized by the county from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385). The department shall work with the County Welfare Directors Association to determine a methodology for calculating each county's costs and savings pursuant to this section.

(h) It is the intent of the Legislature that no county currently participating in the Child Welfare Demonstration Capped Allocation Project be adversely impacted by the department's exercise of its option to extend foster care benefits pursuant to Section 673(a)(4) and Section 675(8) of Title 42 of the United States Code in the federal Social Security Act, as contained in the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). Therefore, the department shall negotiate with the United States Department of Health and Human Services on behalf of those counties that are currently participating in the demonstration project to ensure that those counties receive reimbursement for these new programs outside of the provisions of those counties' waiver under Subtitle IV-E (commencing with Section 470) of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.).

(i) The department, on or before July 1, 2012, shall develop regulations to implement this section in consultation with concerned stakeholders, including, but not limited to, representatives of the Legislature, the County Welfare Directors Association, the Chief Probation Officers of California, the Judicial Council, representatives of Indian tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, juvenile justice advocacy organizations, foster caregiver organizations, and researchers. In the development of these regulations, the department shall consider its Manual of Policy and Procedures, Division 30, Chapter 30-912, 913, 916, and 917, as guidelines for developing regulations that are appropriate for young adults who can exercise incremental responsibility concurrently with their growth and development. The department, in its consultation with stakeholders, shall take into consideration the impact to the Automated Child Welfare Services Case Management Services (CWS-CMS) and required modifications needed to accommodate eligibility determination under this section, benefit issuance, case management across counties, and recognition of the legal status of nonminor dependents as adults, as well as changes to data tracking and reporting requirements as required by the Child Welfare System Improvement and Accountability Act as specified in Section 10601.2, and federal outcome measures as required by the John H. Chafee Foster Care Independence Program (42 U.S.C. Sec. 677(f)). In addition, the

department, in its consultation with stakeholders, shall define the supervised independent living setting which shall include, but not be limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings, and define how those settings meet health and safety standards suitable for nonminors. The department, in its consultation with stakeholders, shall define the six-month certification of the conditions of eligibility pursuant to subdivision (b) to be consistent with the flexibility provided by federal policy guidance, to ensure that there are ample supports for a nonminor to achieve the goals of his or her transition independent living case plan. The department, in its consultation with stakeholders, shall ensure that notices of action and other forms created to inform the nonminor of due process rights and how to access them shall be developed, using language consistent with the special needs of the nonminor dependent population.

(j) Notwithstanding the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall prepare for implementation of the applicable provisions of this section by publishing, after consultation with the stakeholders listed in subdivision (i), all-county letters or similar instructions from the director by October 1, 2011, to be effective January 1, 2012. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of the emergency regulations and one readoption of the emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

(k) Notwithstanding any other provision of law, the extension of benefits to nonminor dependents between 20 and 21 years of age, as provided for in this section, shall be contingent upon an appropriation by the Legislature.

(l) This section shall become operative on January 1, 2012.

SEC. 3.3. of Senate Bill 945 (Liul; Stats. 2010, ch. 631) amended Section 16501.1 of the Welfare and Institutions Code to read:

~~16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.~~

~~(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.~~

~~(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.~~

~~(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.~~

~~(3) (A) In determining the reasonable services to be offered or provided, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison during the time that a minor child of that parent is involved in dependency care. Once a consistent data entry field or fields have been designated in the statewide child welfare database, social workers shall make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents.~~

~~(B) In order to further the goals of this paragraph, the Legislature encourages the State Department of Social Services to consult with the county welfare directors regarding the best way to incorporate the information specified in subparagraph (A) as a required field in the statewide database. The Legislature also encourages the Department of Justice, the Department of Corrections and Rehabilitation, county welfare departments, and county sheriffs to develop protocols for facilitating the exchange of information regarding the location and sentencing of the incarcerated parent or parents of a minor child who is in dependency care.~~

~~(C) Nothing in this paragraph shall be interpreted to require the department to create a new dedicated field in the statewide database for incorporating the information specified in subparagraph (A).~~

~~(4) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (c) of Section 361.5, the court determines that reunification services shall not be provided.~~

~~(5) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.~~

~~(c) (1) If out-of-home placement is used to attain case plan goals, the~~

decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day timeframe for preparing a written case plan.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect,

as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. For children in out of state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out of home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out of home caregiver as soon as possible after the court order is made.

(6) When out of home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes

in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out of home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(9) (A) If out of home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out of home caregiver as soon as possible after the court order is made.

(10) If out of home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out of state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(11) If out of home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination

of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(13) A child shall be given a meaningful opportunity to participate in the development of the case plan and state his or her preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(14) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(16) (A) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social Security Act, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 (42 U.S.C. Sec. 677) of the federal Social Security Act, a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, must address, in the written transitional independent living plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) When a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(k) On or before June 30, 2008, the department, in consultation with the

~~County Welfare Directors Association and other advocates, shall develop a comprehensive plan to ensure that 90 percent of foster children are visited by their caseworkers on a monthly basis by October 1, 2011, and that the majority of the visits occur in the residence of the child. The plan shall include any data reporting requirements necessary to comply with the provisions of the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288).~~

~~(4) The implementation and operation of the amendments to subdivision (i) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.~~

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made.

(2) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(3) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison during the time that a minor child of that parent is involved in dependency care.

(4) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(5) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family-like and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with

relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code. On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living setting, as described in Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to independent living. If admission to, or continuation in, a group home placement is being considered for a nonminor dependent, the group home placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to independent living. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive and more family-like setting, including a target date for discharge from the group home placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to independent living. The group home placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home placement is likely to remain in group home placement on his or her 18th birthday, in order to expedite the transition to a less restrictive and more family-like setting if he or she becomes a nonminor dependent. The case planning process shall include informing the youth of all of his or her options, including, but not limited to, admission to or continuation in a group home placement. Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains his or her 19th birthday, whichever is earlier, continuation in or admission to a group home is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the

number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day timeframe for preparing a written case plan.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals. (3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5

(commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in

foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section. (B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) Effective January 1, 2010, a case plan shall ensure the educational

stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(9) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(11) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of

the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC up to 21 years of age pursuant to Section 11403, the case plan shall be developed with, and signed by, the nonminor.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(13) A child shall be given a meaningful opportunity to participate in the development of the case plan and state his or her preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(14) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(16) (A) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include a written description of the programs and services that will help the

child, consistent with the child's best interests, prepare for the transition from foster care to independent living, and whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for Special Juvenile Immigration Status or other applicable application for legal residency and an active dependency case is required for that application. When appropriate, for a nonminor dependent, the case plan shall include a written description of the program and services that will help the nonminor dependent, consistent with his or her best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living setting as defined, in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B) (iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social Security Act, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 (42 U.S.C. Sec. 677) of the federal Social Security Act, a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) When a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's

relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(k) On or before June 30, 2008, the department, in consultation with the County Welfare Directors Association and other advocates, shall develop a comprehensive plan to ensure that 90 percent of foster children are visited by their caseworkers on a monthly basis by October 1, 2011, and that the majority of the visits occur in the residence of the child. The plan shall include any data reporting requirements necessary to comply with the provisions of the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288).

(l) The implementation and operation of the amendments to subdivision (i) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(Beall; Stats. 2010, ch. 559) SEC. 64. Section 16503 of the Welfare and Institutions Code is amended to read:

16503. (a) Subsequent to completion of the hearing conducted pursuant to Section ~~366.25~~ or 366.26, the agency responsible for placement and care of a minor, or, on or after January 1, 2012, a nonminor dependent, as defined in subdivision (e~~v~~) of Section 11400, shall ensure that a child in foster care shall receive administrative reviews periodically but no less frequently than once every six months. The administrative review shall determine the appropriateness of the placement, the continuing appropriateness and extent of compliance with the permanent plan for the child, the extent of compliance with the case plan, and adequacy of services provided to the child.

(b) The term "administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. On and after January 1, 2012, administrative reviews held for nonminor dependents shall be conducted pursuant to subdivision (b) of Section 295 and subdivision (m) of Section 366.3.

(c) The department shall develop and implement regulations establishing processes, procedures, and standards for the conduct of administrative reviews

that conform to Section 675.6 of Title 42 of the United States Code.

(d) The requirements of this section shall not be interpreted as requiring duplicate concurrent court and administrative reviews.

(Beall; Stats. 2010, ch. 559) SEC. 64.5 Section 16504.5 of the Welfare and Institutions Code is amended to read:

16504.5. (a) (1) Notwithstanding any other provision of law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental criminal justice agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System pursuant to subdivision (d) of Section 309, and subdivision (a) of Section 1522 of the Health and Safety Code for the following purposes:

(A) To conduct an investigation pursuant to Section 11166.3 of the Penal Code or an investigation involving a child in which the child is alleged to come within the jurisdiction of the juvenile court under Section 300.

(B) (i) To assess the appropriateness and safety of placing a child who has been detained or is a dependent of the court, in the home of a relative assessed pursuant to Section 309 or 361.4, or in the home of a nonrelative extended family member assessed as described in Section 362.7 during an emergency situation.

(ii) When a relative or nonrelative family member who has been assessed pursuant to clause (i) and approved as a caregiver moves to a different county and continued placement of the child with that person is intended, the move shall be considered an emergency situation for purposes of this subparagraph.

(C) To attempt to locate a parent or guardian pursuant to Section 311 of a child who is the subject of dependency court proceedings.

(D) To obtain information about the background of a nonminor who has petitioned to reenter foster care under subdivision (e) of Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(2) Any time that a child welfare agency initiates a criminal background check through the California Law Enforcement Telecommunications System for the purpose described in subparagraph (B) of paragraph (1), the agency shall ensure that a state-level fingerprint check is initiated within 10 calendar days of the check, unless the whereabouts of the subject of the check are unknown or the subject of the check refuses to submit to the fingerprint check. The Department of Justice shall provide the requesting agency a copy of all criminal history information regarding an individual that it maintains pursuant to subdivision (b) of Section 11105 of the Penal Code.

(b) Criminal justice personnel shall cooperate with requests for criminal history information authorized pursuant to this section and shall provide the information to the requesting entity in a timely manner.

(c) Any law enforcement officer or person authorized by this section to receive the information who obtains the information in the record and knowingly provides the information to a person not authorized by law to receive the information is guilty of a misdemeanor as specified in Section 11142 of the Penal Code.

(d) Information obtained pursuant to this section shall not be used for any purposes other than those described in subdivision (a).

(e) Nothing in this section shall preclude anonminor petitioning to reenter foster care or a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the state- or federal-level criminal records check revealed erroneous information.

(f) (1) A state or county welfare agency may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of parents or legal guardians when determining their suitability for reunification with a dependent child subject to the jurisdiction of the juvenile court, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests, as well as information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. Of the information received by the Department of Justice pursuant to this subdivision, only the parent's or legal guardian's criminal history for the time period following the removal of the child from the parent or legal guardian shall be considered.

~~(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and respond to the state or county welfare agency.~~

(3) submit to the Department of Justice fingerprint images and related information required by the Department of Justice of nonminors petitioning to reenter foster care under Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(3) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and respond to the state or county welfare agency.

(4) The Department of Justice shall provide a response to the state or county welfare agency pursuant to subdivision (p) of Section 11105 of the Penal Code.

(45) The state or county welfare agency shall not request from the

Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for individuals described in this subdivision.

(~~56~~) The Department of Justice shall charge a fee sufficient to cover the costs of processing the request described in this subdivision.

(~~67~~) This subdivision shall become operative on July 1, 2007.

(g) A fee, determined by the Federal Bureau of Investigation and collected by the Department of Justice, shall be charged for each federal-level criminal offender record information request submitted pursuant to this section and Section 361.4.

Item SPR11-50 Response Form

Title: **Juvenile Law: Extending Juvenile Court Jurisdiction–Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502, 5.570, and 5.740; adopt rules 5.577, 5.707, 5.812, 5.900, 5.903, 5.906 and 5.909; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.