



## Judicial Council of California . Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2011

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Title

Juvenile Law: Extending Juvenile Court  
Jurisdiction to Nonminor Foster Youth

Agenda Item Type

Action Required

Effective Date

January 1, 2012

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rules 5.502 and  
5.740; adopt rules 5.555, 5.707, 5.812, 5.900,  
5.903, and 5.906; revise form JV-365;  
approve forms JV-281, JV-282, JV-460, JV-  
680, JV-681; adopt forms JV-367, JV-462,  
JV-464-INFO, JV-466, JV-468

Date of Report

October 21, 2011

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Recommended by

Family and Juvenile Law Advisory  
Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Dean Stout, Cochair

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending two rules, adopting six rules and five forms, approving five forms, and revising one form to implement those provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559),<sup>1</sup> the California Fostering Connections to Success Act, as amended in the current legislative session by Assembly Bill 212 (Beall; Stats. 2011, ch. 459),<sup>2</sup> related to the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age.

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<sup>1</sup> Available at [www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0001-0050/ab\\_12\\_bill\\_20100930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_12_bill_20100930_chaptered.pdf)

<sup>2</sup> Available at [www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0201-0250/ab\\_212\\_bill\\_20111004\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0201-0250/ab_212_bill_20111004_chaptered.pdf)

## Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012:

1. Amend rule 5.502 to add definitions for the terms “90-day Transition Plan,” “Transitional Independent Living Case Plan,” and “Transitional Independent Living Plan,” which are distinct documents that serve different purposes, and also to add definitions for the terms “nonminor dependent,” “general jurisdiction,” and “transition jurisdiction”;
2. Adopt rule 5.707, approve *Additional Findings and Orders for Child Approaching Majority—Dependency* (form JV-460) as an optional form, and amend rule 5.740 to implement provisions of AB 12, as amended by AB 212, related to planning for the transition of a juvenile court dependent from a supervised foster care setting to independent living;
3. Adopt rule 5.812 and approve, for optional use, *Attachment: Additional Findings and Orders for Minor Approaching Majority—Delinquency* (form JV-680) and *Attachment: Hearing for Dismissal—Additional Findings and Orders—Foster Care Placement—Delinquency* (form JV-681) to implement provisions of AB 12 and AB 212 related to planning for the transition of a juvenile court ward from a supervised foster care setting to independent living and for the modification of the court’s jurisdiction over a child from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction during a hearing at 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;
4. Adopt rule 5.555 and *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) and revise *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority*<sup>3</sup> (form JV-365) to implement those provision of AB 12, as amended by AB 212, related to the termination of jurisdiction over a nonminor;
5. Adopt rules 5.900, 5.903, and 5.906 and, for mandatory use, *Findings and Orders After Nonminor Dependent Review Hearing* (form JV-462), *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and *Confidential Information— Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) to implement the provisions of AB 12, as amended by AB 212, for court jurisdiction over nonminor dependents in extended foster care. The proposed rules include information related to the general conduct of hearings involving nonminor dependents, the procedures for a nonminor dependent status review hearing, and the procedures for the resumption of court jurisdiction over a nonminor who wishes to return to foster care; and

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<sup>3</sup> As revised, JV-365 would be entitled *Termination of Juvenile Court Jurisdiction—Nonminor*.

6. Approve *Notice of Hearing—Nonminor* (form JV-281) and *Proof of Service—Nonminor* (form JV-282) to provide court and county agencies with optional forms for use in proceedings involving nonminors.

The text of the new and amended rules is attached at pages 12–54. The new forms and revised form are attached at pages 55–81.

### **Previous Council Action**

Assembly Bill 12 was cosponsored by the Judicial Council and other organizations and implemented a key recommendation of the California Blue Ribbon Commission on Children in Foster Care, chaired by former California Supreme Court Associate Justice Carlos R. Moreno.

### **Rationale for Recommendation**

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 the extension of foster care services to nonminors up to age 19, 20, or 21 years when certain education, training, or work requirements are met or are incapable of being met due to a medical condition. Participation by a state in this program is optional and requires the state to align state law and regulations with the provisions of Pub.L. No. 110-351.

California chose 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. No. 110-351, including those related to the extension of foster care services for dependents and wards up to 21 years of age.<sup>4</sup> The legislation makes it possible to access federal funding for foster care services for dependents and wards beyond their 18th birthday, which will 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 each nonminor 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 difficulties are encountered.

As work began on the implementation of Assembly Bill 12, the need to revise many sections of that act to fully comply with the federal legislation and eliminate ambiguities became apparent and Assembly Bill 212 (Beall; Stats. 2011, ch. 459) was introduced by Assembly Member Jim Beall, Jr., to address those issues and was enacted as urgency legislation. This proposal, as it appeared in the invitation to comment circulated from April 21, 2011 through June 20, 2011, was based on the provisions of Assembly Bill 12. The subsequent enactment of Assembly Bill 212 with its amendments to various provisions of Assembly Bill 12 required both the withdrawal of 2

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<sup>4</sup> The California Department of Social Services has projected a total foster care caseload for FY 2012 of 55,441 with 2.2 percent or 1,243 of those being dependents and wards who have remained in or returned to foster care as nonminor dependents.

of the rules and extensive revisions to 4 of the rules and 5 of the forms included in the original proposal. The current proposal includes 6 new rules, 2 amended rules, 10 new forms (5 optional and 5 mandatory), and 1 revised form necessary to implement the provisions of AB 12 related to juvenile court jurisdiction and the extension of foster care services.<sup>5</sup>

These statutory provisions created two new hearing types—nonminor’s request to return to foster care hearing and nonminor dependent status review hearing—as well as extensive amendments to three existing hearing types—the last status review hearing before a court dependent or court ward in a foster care placement attains 18 years of age, hearing to terminate juvenile court jurisdiction over a ward who is or was subject to an order for a foster care placement, and hearing to terminate jurisdiction over a nonminor.

The rules and forms in the current proposal implement these statutory mandates and relieve the 58 county court systems of the burden and expense of developing local rules and forms. The uniform procedural framework created by this proposal will ensure compliance throughout the state with the requirements for the federal funding needed to support this extension of foster care services to nonminor dependents and will help ensure the consistent application of the legislative provisions to dependents and wards throughout the state.

Uniformity is especially important for those nonminors who received information from the juvenile court with jurisdiction about how to file a request to return to foster care at the time he or she initially left foster care because the nonminor has the option of submitting the request to return to the court in his or her county of residence at the time the request is submitted rather than the court in the county that had jurisdiction over him or her. Differences in the court process between these two counties could lead to confusion, the need for additional court time, and possibly delay a nonminor’s receipt of needed services and return to juvenile court jurisdiction as a nonminor dependent.

“Nonminor dependent” is the term used in the legislation and this proposal to describe a dependent or ward who, on his or her 18th birthday, (1) was under an order for a foster care placement, (2) is currently in foster care under the placement and care of the county welfare department, county probation department, or Indian tribe, (3) has chosen to remain under or return to juvenile court jurisdiction and to participate in a Transitional Independent Living Case Plan that includes meeting at least one of the education, training, or work requirements in section 11403(b) or is unable to meet any of those requirements due a medical condition, and (4) has agreed to live in a supervised foster care setting. A nonminor who does not meet the criteria for status as a nonminor dependent may remain under juvenile court jurisdiction as a ward or dependent but he or she will not be eligible to receive the Aid for Dependent Children–Foster Care (AFDC-FC) funding. (Sections 303(a), 607(a).)

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<sup>5</sup> Assuming approval of this proposal by the Judicial Council at the October 28, 2011 meeting, the rules and forms not previously circulated for comment will be circulated during the winter 2012 invitation-to-comment cycle for further comment. This will allow public comment on those rules and forms included in this proposal that have not been subject to public comment.

## Definitions

As detailed in the first recommendation above, rule 5.502 would be amended to add definitions of six terms that appear frequently in the recommended new rules of court. Although references to the terms are found in various sections of the Welfare and Institutions Code<sup>6</sup> and the California Department of Social Services' *Manual of Policies and Procedures, Division 31: Child Welfare Services Manual*, placing the definitions in amended rule 5.502 will ensure that the meanings of these terms are readily available and understood.

## Planning for transition from foster care to independence

**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) to ensure at the last status review hearing held before a dependent turns 18 years of age that the child understands the following:

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

New rule 5.707 sets out the information to include in the social worker's report prepared for this hearing, which is needed to implement the legislative mandates including appropriate findings and orders. The findings and orders are included on the new 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, the juvenile court is also required by section 607.2 to consider at this hearing (and at any other hearing during which the court will consider terminating its jurisdiction over a ward in foster care or over a ward who was a juvenile court dependent in foster care when he or she was adjudged to be a ward) whether the court's jurisdiction should be modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction.

Transition jurisdiction is a new form of jurisdiction described in section 450 and added to the code by AB 212. This type of jurisdiction is available to a ward 17 years and 5 months of age or older who has achieved his or her rehabilitative goals, is at risk of abuse or neglect, cannot be returned to a safe home, and intends to meet the requirements for status as a nonminor dependent.

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<sup>6</sup> All code references are to the California Welfare and Institutions Code unless otherwise indicated.

At a hearing during which the court will consider terminating its delinquency jurisdiction over the minor, the court must determine whether:

- The ward has achieved his or her rehabilitative goals and no longer requires probation supervision;
- The ward is at risk of abuse or neglect and cannot be returned to a safe home; and
- Return to the home of a parent or legal guardian would create a substantial risk of detriment to a ward who is a dual status child<sup>7</sup> for whom dependency jurisdiction was suspended.

Depending on the ward's circumstances, several alternatives are included in new rule 5.812 when the court determines that the ward's rehabilitative goals have been achieved and the ward is at risk of abuse or neglect and cannot be returned to a safe home.

- For a ward previously determined to be a dual status child for whom dependency jurisdiction was suspended, dependency jurisdiction must be resumed if the court finds that a return to the home of the parent or legal guardian would be detrimental to the ward.
- For a child previously determined to be a dual status child for whom the probation department was designated the lead agency, dual status is terminated with the dismissal of delinquency jurisdiction over the minor and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care.<sup>8</sup>
- For a ward, other than a dual status child, who comes within the court's transition jurisdiction as described in section 450(a), the court must enter an order modifying its jurisdiction from delinquency jurisdiction to transition jurisdiction.
- For a ward who was not subject to the court's dependency jurisdiction at the time he or she was made a ward, is currently subject to an order for a foster care placement, and does not come within the court's transition jurisdiction (e.g. the ward is less than 17 years, five months old), the court must direct the ward's probation officer or attorney to submit an application, under section 329, to the county child welfare services department to commence a proceeding to declare the ward a dependent of the court by filing a petition under section 300.
- For a ward who was subject to an order for foster care placement as a dependent of the court at the time he or she was adjudged a ward, the court must modify its delinquency jurisdiction over the ward by vacating the order terminating jurisdiction over the ward as a dependent of the court and resuming dependency jurisdiction over him or her if the ward does not come within the court's transition jurisdiction.

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<sup>7</sup> A "dual status child" is a child who is simultaneously a dependent child and a ward of the court. (Section 241.1(e).)

<sup>8</sup> The committee did not address the procedure for termination of dual status when the child welfare services department is the designated lead agency because the provisions in AB12 and AB212 were limited to requiring the court to consider the modification of its delinquency jurisdiction to dependency jurisdiction or transition jurisdiction. In addition, local dual status protocols generally include a procedure for the reconsideration of the appropriate lead agency.

Because of these additional requirements, a separate rule and two forms are recommended for delinquency proceedings. New rule 5.812 sets out the hearings at which the juvenile court must consider modifying its jurisdiction, the additional information that the probation officer must include in the report prepared for that hearing, and the required findings and orders.

Findings and orders after a hearing for a ward approaching majority, including those related to termination or modification of the court's jurisdiction, may be made on the new optional *Attachment: Additional Findings and Orders for Minor Approaching Majority—Delinquency* (form JV-680). The findings and orders after a hearing to consider terminating juvenile court jurisdiction held for a ward 17 years and five months or younger may be made on the new optional *Attachment: Hearing for Dismissal—Additional Findings and Orders—Foster Care Placement—Delinquency* (form JV-681).

### **Nonminor dependent**

The recommended addition to title 5, division 3 of the California Rules of Court of a new chapter titled, "Nonminor Dependent," includes three new rules related to a nonminor in foster care under juvenile court jurisdiction as a nonminor dependent and to the resumption of juvenile court jurisdiction over nonminors for whom juvenile court jurisdiction was terminated with the court retaining general jurisdiction for the purpose of considering a request to resume its jurisdiction over the nonminor as a nonminor dependent. The passage of AB 12 created juvenile court jurisdiction over this group and the recommended rules related to these nonminors do not fit within the current chapters for juvenile rules.

***Rule 5.900. Nonminor dependent—preliminary provisions.*** New rule 5.900 sets out general provisions related to this group of nonminors (including the purpose of continued juvenile court jurisdiction), each nonminor's status as an adult, and the general conduct of hearings under the new chapter, including the nonminor's appearance at a court hearing by telephone. (Sections 303, 366(f), 366.3(m), 388(e)(3).)

***Rule 5.903. Nonminor dependent review hearing.*** New rule 5.903 sets out the purpose of the hearing that must be held every six months to review the status of a nonminor dependent 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. This hearing is focused on the goals and services in the nonminor dependent'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 nonminor dependent, the social worker or probation officer, the judicial officer, and other participants the nonminor dependent may have invited.

The recommended 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 new mandatory form, *Findings and Orders After Nonminor Dependent Review Hearing* (form JV-462), is recommended to promote

consistency in the issues considered and to ensure compliance with the requirements related to the findings and orders at the review hearing for a nonminor dependent.

***Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction.*** New rule 5.906 sets out the procedures for the juvenile court to resume jurisdiction over a nonminor, including those related to the contents of the request; the filing and, if necessary when submitted to the court in the county where the nonminor resides, the forwarding of the request for filing to the juvenile court that retained general jurisdiction; providing notice; appointment of an attorney for the nonminor; the contents of the report; and related findings and orders. The rule also includes provisions to provide additional information for the nonminor whose request was denied either for failure to make a prima facie showing or after the hearing on the request.

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

#### **Termination of juvenile court jurisdiction over a nonminor**

***Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a nonminor.*** New rule 5.555 provides the procedures for the required hearing under sections 391 and 607.3 to consider the termination of juvenile court jurisdiction over a nonminor who is a ward, dependent, or nonminor dependent subject to an order for a foster care placement. The rule addresses the procedures for calendaring a hearing, the information that the social worker or probation officer must include in the report prepared for the hearing, and the related findings and orders.

When terminating jurisdiction over a nonminor, irrespective of his or her status as a ward, dependent, or nonminor dependent, entering an order retaining general jurisdiction for the purposes of resuming jurisdiction over the nonminor is critical because a nonminor who has not yet reached 21 years of age will then be able to return to foster care if he or she meets the eligibility requirements for status as a nonminor dependent. This flexibility is important as 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 recommended as a mandatory form for use in a hearing under section 391 or sections 607.2 and 607.3 held on behalf of a nonminor who is appearing before a judicial officer exercising juvenile court jurisdiction under section 300, 450, 601, or 602. It is proposed as a mandatory form to promote consistency in the issues considered and to ensure compliance with the requirements related to the findings and orders required at this critical hearing.



The revision to the current mandatory form *Termination of Juvenile Court Jurisdiction—Child Attaining Age of Majority* (form JV-365) incorporates several new requirements included in sections 391 and 607.3. In addition, because this hearing is not held on behalf of a child, the term “child” was replaced with the term “nonminor,” a term that is used in the Welfare and Institutions Code and the proposed rules.<sup>9</sup>

The *Notice of Hearing—Nonminor* (form JV-281) and *Proof of Service—Nonminor* (form JV-282) are recommended as optional forms which will be available to the court and county agencies for use in proceedings involving nonminors.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal was circulated for comment as part of the spring 2011 invitation-to-comment cycle from April 21 to June 20. In addition to the standard mailing list for proposals—which includes appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, county counsel, district attorneys, parents’ and children’s attorneys, social workers, probation officers, and other juvenile court professionals—the committee sought comment from the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. A total of 17 comments were received. Three commentators agreed with the proposal and did not provide further comment. Two commentators did not agree with the proposal. Nine of the commentators agreed with the proposal if modified and three commentators did not indicate a position.<sup>10</sup>

The Joint Rules Working Group did not agree with the proposal based on the operational and fiscal impacts upon the trial courts, including those related to the training of court As detailed in the “Rationale for Recommendation” above, the extensive changes to California statutes, including those requiring the new and amended hearing requirements, were made to comply with provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub.L. No. 110-351. The proposed new and amended rules and new and revised forms implement those statutory changes. The statutorily mandated nature of the proposal was acknowledged by the Joint Rules Working Group.

A second commentator also expressed significant concerns about the fiscal and workload impact on the courts. The committee is mindful of the workload ramifications of AB 12 and AB 212 and related training needs. The majority of the concerns noted by the commentator stem directly from the statute or are necessary procedural elements to implement the statutory mandates. It would be confusing and very difficult to provide statewide training if there were 58 county-specific rules and forms implementing the statutory mandates. Local courts would need to develop trainings on their local procedures. Every effort was made in the development of the rules and forms to provide an efficient framework for the implementation of this important and

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<sup>9</sup> This change in terminology is reflected in the title of revised JV-365, *Termination of Juvenile Court Jurisdiction—Nonminor*.

<sup>10</sup> A chart containing the comments and the committee’s responses is attached at pages 83–150.

complex legislation. Training materials, including a *Court Guide for Bench and Bar*, are under development and will be available for statewide education sessions scheduled for November and December 2011. Regional trainings are planned for January and February 2012. The *Court Guide for Bench and Bar*, relevant links, resources, and other material will be available on the California Dependency Online Guide (CalDOG). The Center for Families, Children & the Court's Juvenile Court Assistance Team liaison for each county is also available to provide technical assistance related to the legislation.

One commentator who did not agree with the proposal raised extensive concerns with the procedures for the court's modification of its jurisdiction over a child from delinquency jurisdiction to dependency jurisdiction and its impact on the due process rights of the parents. These concerns were also raised by five commentators who agreed with the proposal if modified and one commentator who did not indicate a position. Those procedures were based on the provisions of AB 12 before AB 212 was enacted and were included in the two rules that were withdrawn and in rule 5.812, which was rewritten to implement the provisions of AB 212.

Four of the commentators who agreed with the proposal if modified and one who did not indicate a position recommended changes to the definitions in rule 5.502 and the definitions were modified, as necessary, to ensure conformity with the applicable federal and state statutes and regulations.

One of the commentators who agreed with the proposal if modified raised concerns about what appeared to be a requirement in the rules that a nonminor had to comply with the eligibility requirements for status as a nonminor dependent in order to remain in foster care after he or she turned 18 years of age. The committee recognizes the concerns raised and modifications were made to clarify those provisions of the rules that are applicable only to nonminor dependents described in section 11400(v) and that the court may continue its jurisdiction over a nonminor regardless of his or her status as a nonminor dependent as described in section 11400(v).

Two of the commentator who agreed with the proposal if amended asked about forms for providing notice of the nonminor review hearing and proof of service of that notice. The committee agrees that these would be helpful to the court and local county agencies and is recommending the approval of *Notice of Hearing—Nonminor* (form JV-281) and *Proof of Service—Nonminor* (form JV-282). These forms did not circulate for comment but they are modeled on existing forms and will be included with the rules and forms modified by AB 212 that will be circulated during the winter 2012 invitation-to-comment cycle.

Nine of the commentators offered recommendations for various modifications to improve the clarity and quality of the proposed forms, which were incorporated as appropriate. One of the commentators made extensive copyediting suggestions for all the rules and forms. The committee found these helpful and the suggested modifications were incorporated as appropriate.

### **Alternatives considered and policy implications**

*Option 1.* The committee considered taking no action, but the extensive changes to California statutes as well as the complexity of those changes as a whole, persuaded the committee that the proposed new and modified rules and forms were both necessary and desirable. If the option of doing nothing to respond to this legislation were pursued, California's rules and forms would be out of compliance with these statutes, which could result in the loss of federal funding to support the extension of foster care to nonminors. In addition, local courts would have to fill that gap by creating local rules and forms which would result in duplication of effort and expenditure of local court funds in a multiple counties.

*Option 2.* The committee considered presenting the council with the rules and forms necessary to implement AB 12 without the additional changes stemming from AB 212 that did not circulate for comment. However, this option is problematic because AB 212 corrected many errors in AB 12 and these errors would be perpetuated in the adopted rules and forms. Also, this would render the rules legally inaccurate when the legislation becomes effective on January 1, 2012. For those reasons the committee rejected this option.

*Option 3.* The committee considered and now recommends the proposed new and modified rules and forms as outlined and for the reasons discussed above in the recommendation and rationale for recommendation.

### **Implementation Requirements, Costs, and Operational Impacts**

Court workload and staff training needs will likely increase because of the mandates created by AB 12 and AB 212. Having the recommended uniform statewide rules and forms in place should increase the efficiency with which courts can respond to these mandates by setting forth the procedures necessary to deal with these new cases without needing to expend local resources creating local rules and forms.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

Because this proposal will provide a set of rules and standardized forms that ensure compliance with state and federal legal requirements, it supports the integrity of court orders: Goal IIIA, Modernization of Management and Administration, Objective 4.

### **Attachments**

1. Cal. Rules of Court, rules 5.502, 5.555, 5.707, 5.740, 5.812, 5.900, 5.903, and 5.906, at pages 12–54
2. Forms JV-281, JV-282, JV-365, JV-367, JV-460, JV-462, JV-464-INFO, JV-466, JV-468, JV-680, JV-681, at pages 55–81
3. Chart of Comments, at pages 82–149



Rules 5.502 and 5.740 of the California Rules of Court are amended, and rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906 are adopted, effective January 1, 2012, to read:

**Title 5. 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)–(15) \*\*\*

(16) “General jurisdiction” means the jurisdiction the juvenile court retained over a nonminor at the time of the dismissal of dependency jurisdiction, delinquency jurisdiction, or transition jurisdiction for the purpose of considering a request to resume its dependency jurisdiction or to assume or resume its transition jurisdiction over the person as a nonminor dependent.

~~(16)~~(17) \*\*\*

~~(17)~~(18) \*\*\*

~~(18)~~(19) \*\*\*

~~(19)~~(20) \*\*\*

~~(20)~~(21) \*\*\*

(22) “90-day Transition Plan” means the personalized plan developed at the direction of a child currently in a foster care placement during the 90-day period before the child’s planned exit from foster care when she or he attains 18 years of age or, if applicable, developed at the direction of a nonminor during the 90-day period prior to his or her anticipated exit from foster care. A 90-day Transition Plan must also be developed for and at the direction of a former foster child who remains eligible for Independent Living Program services during the 90-day period before he or she attains 18 years of age. The plan is as detailed as the child or nonminor chooses and includes information about a power of attorney for health care and specific options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports, and employment services.

1 Inclusion of information in the plan relating to sexual health, services, and  
2 resources to ensure the child or nonminor is informed and prepared to make healthy  
3 decisions about his or her life is encouraged.

4  
5 (23) “Nonminor dependent” means a person at least 18 years of age and no more than  
6 20 years of age who was under an order for a foster care placement on his or her  
7 18th birthday and is currently in foster care under the placement and care of the  
8 county welfare department, county probation department, or Indian tribe that  
9 entered into an agreement under Welfare and Institutions Code section 10553.1;  
10 who is participating in a Transitional Independent Living Case Plan; and who is  
11 meeting at least one of the education, training, or work requirements in Welfare and  
12 Institutions Code section 11403(b) or is incapable of meeting one of those  
13 requirements due a medical condition.

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41 ~~(34)~~(37) \*\*\*

1 (38) “Transition jurisdiction” means the juvenile court’s jurisdiction over a child or  
2 nonminor described in Welfare and Institutions Code section 450.

3  
4 (39) "Transitional independent living case plan" means the a child’s case plan submitted  
5 for the last review hearing held before he or she turns 18 years of age or a  
6 nonminor dependent's case plan, developed with the child or nonminor dependent  
7 and individuals identified as important to him or her, signed by the child or  
8 nonminor dependent and updated every six months, that describes the goals and  
9 objectives of how the child or nonminor will make progress in the transition to  
10 living independently and assume incremental responsibility for adult decision  
11 making; the collaborative efforts between the child or nonminor dependent and the  
12 social worker, probation officer, or Indian tribe and the supportive services as  
13 described in the Transitional Independent Living Plan (TILP) to ensure the child’s  
14 or nonminor dependent’s active and meaningful participation in one or more of the  
15 eligibility criteria described in subdivision (b) of section 11403; the child or  
16 nonminor dependent's appropriate supervised placement setting; the child or  
17 nonminor dependent's permanent plan for transition to living independently; and  
18 the steps the social worker, probation officer, or Indian tribe is taking to ensure the  
19 child or nonminor dependent achieves permanence, including maintaining or  
20 obtaining permanent connections to caring and committed adults, as set forth in  
21 paragraph (16) of subdivision (f) of section 16501.1.

22  
23 (40) “Transitional Independent Living Plan” means the written unique, individualized  
24 service delivery plan for a child or nonminor mutually agreed upon by the child or  
25 nonminor and the social worker or probation officer that identifies the child’s or  
26 nonminor’s current level of functioning, emancipation goals, and the specific skills  
27 needed to prepare the child or nonminor to live independently upon leaving foster  
28 care.

29  
30 ~~(35)~~(41) \*\*\*

31  
32 **Chapter 3. General Conduct of Juvenile Court Proceedings**

33  
34 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**  
35 **nonminor—Dependents or wards of the juvenile court in a foster care**  
36 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 607.3,**  
37 **16501.1(f)(16))**

38  
39 **(a) Applicability**

40  
41 (1) This rule applies to any hearing during which the termination of the juvenile  
42 court’s jurisdiction over the following nonminors will be considered:

1           (A) A nonminor dependent as defined in section 11400(v); and

2  
3           (B) A ward or dependent of the juvenile court who is a nonminor 18 years  
4           of age or older, and subject to an order for a foster care placement.

5  
6           (2) Nothing in the Welfare and Institutions Code or in the California Rules of  
7           Court restricts the ability of the juvenile court to maintain dependency  
8           jurisdiction or delinquency jurisdiction over a person, 18 years of age and  
9           older, who does not meet the eligibility requirements for status as a nonminor  
10           dependent and to proceed as to that person under the relevant sections of the  
11           Welfare and Institutions Code and California Rules of Court.

12  
13       **(b) Setting a hearing**

14  
15           (1) A court hearing placed on the appearance calendar must be held prior to  
16           terminating juvenile court jurisdiction.

17  
18           (2) The hearing under this rule may be held during a hearing required under  
19           section 366(f), 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 or rule 5.903.

20  
21           (3) Notice of the hearing to the parents of a nonminor dependent as defined in  
22           section 11400(v) is not required.

23  
24           (4) If juvenile court jurisdiction was previously terminated with the juvenile  
25           court retaining general jurisdiction for the purpose of resuming its  
26           jurisdiction, and subsequently jurisdiction was resumed, a hearing under this  
27           rule must be held if the nonminor dependent wants juvenile court jurisdiction  
28           terminated again. The social worker or probation officer is not required to file  
29           the 90-day Transition Plan, and the court need not make the findings included  
30           in (d)(1)(L)(iii) or (d)(2)(E)(vi).

31  
32           (5) The hearing must be continued for no more than five court days for the  
33           submission of additional information as ordered by the court, if the court  
34           determines that the report, the Transitional Independent Living Plan, the  
35           Transitional Independent Living Case Plan (TILCP) if required, or the 90-day  
36           Transition Plan submitted by the social worker or probation officer do not  
37           provide the information required by (c) and the court is unable to make the  
38           findings and orders required by (d).

39  
40       **(c) Reports**

41  
42           (1) In addition to complying with all other statutory and rule requirements  
43           applicable to the report prepared by the social worker or probation officer for



1 any hearing during which termination of the court’s jurisdiction will be  
2 considered, the report must include:

- 3
- 4 (A) Whether remaining under juvenile court jurisdiction is in the  
5 nonminor’s best interests and the facts supporting the conclusion  
6 reached;
- 7
- 8 (B) The specific criteria in section 11403(b) met by the nonminor that  
9 makes him or her eligible to remain under juvenile court jurisdiction as  
10 a nonminor dependent defined in section 11400(v);
- 11
- 12 (C) For an Indian child to whom the Indian Child Welfare Act applies,  
13 when and how the nonminor was provided with information about the  
14 right to continue to be considered an Indian child for the purposes of  
15 the ongoing application of the Indian Child Welfare Act to him or her  
16 as a nonminor;
- 17
- 18 (D) Whether the nonminor has applied for and, if so, the status of any in-  
19 progress application pending for title XVI Supplemental Security  
20 Income benefits and whether remaining under juvenile court  
21 jurisdiction until a final decision has been issued is in the nonminor’s  
22 best interests;
- 23
- 24 (E) Whether the nonminor has applied for and, if so, the status of any in-  
25 progress application pending for Special Juvenile Immigration Status or  
26 other applicable application for legal residency and whether an active  
27 juvenile court case is required for that application;
- 28
- 29 (F) When and how the nonminor was provided with information about the  
30 potential benefits of remaining under juvenile court jurisdiction as a  
31 nonminor dependent, and the social worker’s or probation officer’s  
32 assessment of the nonminor’s understanding of those benefits;
- 33
- 34 (G) When and how the nonminor was informed that if juvenile court  
35 jurisdiction is terminated with the court retaining general jurisdiction  
36 for the purpose of resuming jurisdiction, he or she has the right to file a  
37 request to return to foster care and have the juvenile court resume  
38 jurisdiction over him or her as a nonminor dependent until he or she has  
39 attained the age of 21 years or the age of 20 years if the Legislature  
40 does not appropriate funding to extend the availability of foster care  
41 placement to the age of 21 years;
- 42

1           (H) When and how the nonminor was informed that if juvenile court  
2           jurisdiction is continued over him or her, he or she has the right to have  
3           juvenile court jurisdiction terminated;

4  
5           (I) For a nonminor who is not present for the hearing:

6  
7               (i) Documentation of the nonminor’s statement that the he or she did  
8               not wish to appear in court for the scheduled hearing; or

9  
10              (ii) Documentation of the reasonable efforts made to locate the  
11              nonminor when his or her current location is unknown;

12  
13           (J) Verification that the nonminor was provided with the information,  
14           documents, and services as required under section 391(e)(1)–(8); and

15  
16           (K) Verification for a nonminor who is under delinquency jurisdiction that  
17           the notices and information required under section 607.5 were  
18           provided.

19  
20           (2) The social worker or probation officer must file with the report a completed  
21           Termination of Juvenile Court Jurisdiction—Nonminor (form JV-365).

22  
23           (3) The social worker or probation officer must file with the report the  
24           nonminor’s:

25  
26               (A) Transitional Independent Living Case Plan when recommending  
27               continuation of juvenile court jurisdiction;

28  
29               (B) Most recent Transitional Independent Living Plan (TILP); and

30  
31               (C) Completed 90-day Transition Plan.

32  
33           (4) The social worker or probation officer’s report and all documents required by  
34           (c)(2)–(3) must be filed with the court at least 10 calendar days before the  
35           hearing, and the social worker or probation officer must provide copies of the  
36           report and other documents to the nonminor, the nonminor’s parents, and all  
37           attorneys of record. If the nonminor is under juvenile court jurisdiction as a  
38           nonminor dependent, the social worker or probation officer is not required to  
39           provide copies of the report and other documents to the nonminor  
40           dependent’s parents.

41  
42           (d) **Findings and orders**

1 In addition to complying with all other statutory and rule requirements applicable  
2 to the hearing, the following judicial findings and orders must be made on the  
3 record and included in the written, signed court documentation of the hearing:  
4

5 (1) *Findings*  
6

- 7 (A) Whether the nonminor had the opportunity to confer with his or her  
8 attorney about the issues currently before the court;  
9
- 10 (B) Whether remaining under juvenile court jurisdiction is in the  
11 nonminor's best interests and the facts in support of the finding made;  
12
- 13 (C) Whether the nonminor meets the eligibility criteria in section 11403(b)  
14 to remain in foster care as a nonminor dependent under juvenile court  
15 jurisdiction and, if so, the specific criteria in section 11403(b) met by  
16 the nonminor;  
17
- 18 (D) For an Indian child to whom the Indian Child Welfare Act applies,  
19 whether the nonminor was provided with information about the right to  
20 continue to be considered an Indian child for the purposes of the  
21 ongoing application of the Indian Child Welfare Act to him or her;  
22
- 23 (E) Whether the nonminor has an in-progress application pending for title  
24 XVI Supplemental Security Income benefits and, if such an application  
25 is pending, whether it is in the nonminor's best interests to continue  
26 juvenile court jurisdiction until a final decision has been issued to  
27 ensure that the nonminor receives continued assistance with the  
28 application process;  
29
- 30 (F) Whether the nonminor has an in-progress application pending for  
31 Special Juvenile Immigration Status or other applicable application for  
32 legal residency and whether an active juvenile court case is required for  
33 that application;  
34
- 35 (G) Whether the nonminor understands the potential benefits of remaining  
36 in foster care under juvenile court jurisdiction;  
37
- 38 (H) Whether the nonminor has been informed that if juvenile court  
39 jurisdiction is continued, he or she may have the right to have juvenile  
40 court jurisdiction terminated with the court retaining general  
41 jurisdiction for the purpose of resuming dependency jurisdiction or  
42 assuming or resuming transition jurisdiction over him or her as a  
43 nonminor dependent;

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(I) Whether the nonminor has been informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, he or she has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a nonminor dependent 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;

(J) Whether the nonminor was provided with the information, documents, and services as required under section 391(e) and, if not, whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided;

(K) Whether verification was submitted that the requirements of section 607.5 have been completed for a nonminor who is subject to delinquency jurisdiction; and

(L) Whether the nonminor's:

(i) Transitional Independent Living Case Plan, if required, includes a plan for a placement the nonminor believes is consistent with his or her need to gain independence, reflects the agreements made between the nonminor and social worker or probation officer to obtain independent living skills, and sets out the benchmarks that indicate how both will know when independence can be achieved;

(ii) Transitional Independent Living Plan identifies the nonminor's level of functioning, emancipation goals, and the specific skills he or she needs to prepare to live independently upon leaving foster care; and

(iii) 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.

(M) For a nonminor who is not present for the hearing, whether the reason for his or her failure to appear was:

- 1 (i) The nonminor's expressed wish to not appear in court for the  
2 scheduled hearing; or  
3  
4 (ii) The nonminor's current location remains unknown although  
5 reasonable efforts were made to locate the nonminor.  
6

7 (2) Orders  
8

9 (A) Order the continuation of juvenile court jurisdiction for a nonminor  
10 who meets the eligibility criteria in section 11403(b) to remain in  
11 placement under dependency jurisdiction as a nonminor dependent or  
12 under transition jurisdiction as a nonminor dependent, unless the court  
13 finds that:  
14

15 (i) The nonminor does not wish to remain under juvenile court  
16 jurisdiction as a nonminor dependent;  
17

18 (ii) The nonminor is not participating in a reasonable and  
19 appropriate Transitional Independent Living Case Plan; or  
20

21 (iii) Reasonable efforts were made to locate the nonminor whose  
22 current location is unknown.  
23

24 (B) When juvenile court jurisdiction is continued for the nonminor to  
25 remain in placement as a nonminor dependent:  
26

27 (i) Order a permanent plan consistent with the nonminor's  
28 Transitional Independent Living Plan or Transitional Independent  
29 Living Case Plan;  
30

31 (ii) Continue the nonminor's status as an Indian child for the  
32 purposes of the ongoing application of the Indian Child Welfare  
33 Act to him or her unless he or she has elected not to have his or  
34 her status as an Indian child continued; and  
35

36 (iii) Set a status review hearing under rule 5.903 within six months of  
37 the date of his or her most recent status review hearing.  
38

39 (C) For a nonminor who does not meet and does not intend to meet the  
40 eligibility requirements for nonminor dependent status but who is  
41 otherwise eligible to and will remain under juvenile court's jurisdiction  
42 in a foster care placement, the court must set a hearing under section

1 366.21, 366. 2, 366.25, 366.3, 727.2, or 727.3 within six months of the  
2 date of the nonminor’s most recent status review hearing.

3  
4 (D) For a nonminor whose current location is unknown the court may enter  
5 an order for termination of juvenile court jurisdiction only after finding  
6 that reasonable efforts were made to locate the nonminor whose current  
7 location is unknown;

8  
9 (E) For a nonminor (1) who does not meet the eligibility criteria of section  
10 11403(b) and is not otherwise eligible to remain under juvenile court  
11 jurisdiction, (2) who does meet the eligibility criteria of section  
12 11403(b) but does not wish to remain under the jurisdiction of the  
13 juvenile court as a nonminor dependent, or (3) who does meet the  
14 eligibility criteria of section 11403(b) but is not participating in a  
15 reasonable and appropriate Transitional Independent Living Case Plan,  
16 the court may enter an order for the termination of juvenile court  
17 jurisdiction only after entering the following findings and orders:

18  
19 (i) The nonminor was provided with the information, documents,  
20 and services as required under section 391(e);

21  
22 (ii) The nonminor was informed of the options available to him or  
23 her to assist with the transition from foster care to independence;

24  
25 (iii) The nonminor was informed that if juvenile court jurisdiction is  
26 terminated, he or she has the right to return to foster care and to  
27 file a request to have the juvenile court resume jurisdiction over  
28 him or her as a nonminor dependent until he or she has attained  
29 the age of 21 years or the age of 20 years if the Legislature does  
30 not appropriate funding to extend the availability of nonminor  
31 foster care placement to the age of 21 years;

32  
33 (iv) The nonminor was provided with a copy of *How to Return to*  
34 *Juvenile Court Jurisdiction and Foster Care* (form JV-464-  
35 INFO), *Request to Return to Juvenile Court Jurisdiction and*  
36 *Foster Care* (form JV-466), *Confidential Information— Request*  
37 *to Return to Juvenile Court Jurisdiction and Foster Care* (form  
38 JV-468), and an endorsed, filed copy of the *Termination of*  
39 *Juvenile Court Jurisdiction—Nonminor* (form JV-365);

40  
41 (v) The nonminor had an opportunity to confer with his or her  
42 attorney regarding the issues currently before the court;  
43

1 (vi) The nonminor’s 90-day Transition Plan includes specific options  
2 regarding housing, health insurance, education, local  
3 opportunities for mentors and continuing support services,  
4 workforce supports and employment services, and information  
5 that explains how and why to designate a power of attorney for  
6 health care;

7  
8 (F) An order retaining general jurisdiction over the nonminor for the  
9 purpose of considering a request filed under section 388(e) to resume  
10 dependency jurisdiction or to assume or resume transition jurisdiction  
11 over him or her as a nonminor dependent must be made when juvenile  
12 court jurisdiction is terminated under this rule.

## 13 Chapter 12. Cases Petitioned Under Section 300

### 14 Article 4. Reviews, Permanent Planning

#### 15 **Rule 5.707. Review hearing requirements for child approaching majority (§§ 224.1,** 16 **366(a)(1)(F), 366.3(l), 366.3(n), 16501.1(f)(16)**

##### 17 (a) **Reports**

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

- 22
- 23 (1) The child’s plans to remain under juvenile court jurisdiction as a nonminor  
24 dependent including the criteria in section 11403(b) that he or she plans to  
25 meet;
  - 26 (2) The efforts made by the social worker to help the child meet the criteria in  
27 section 11403(b);
  - 28 (3) For an Indian child to whom the Indian Child Welfare Act applies, his or her  
29 plans to continue to be considered an Indian child for the purposes of the  
30 ongoing application of the Indian Child Welfare Act to him or her as a  
31 nonminor dependent;
  - 32 (4) Whether the child has applied for and, if so, the status of any in-progress  
33 application pending for title XVI Supplemental Security Income benefits and,  
34 if such an application is pending, whether it will be the child’s best interest to  
35  
36  
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42

1 continue juvenile court jurisdiction until a final decision is issued to ensure  
2 that the child receives continued assistance with the application process;

3  
4 (5) Whether the child has an in-progress application pending for Special Juvenile  
5 Immigration Status or other applicable application for legal residency and  
6 whether an active dependency case is required for that application;

7  
8 (6) The efforts made by the social worker toward providing the child with the  
9 written information described in section 391(e)(1), and to the extent that the  
10 child has not yet been provided with the information, the barriers to providing  
11 that information, and the steps that will be taken to overcome those barriers  
12 by the date the child attains 18 years of age;

13  
14 (7) The efforts made by the social worker toward completing and providing the  
15 child with the documents and services described in section 391(e)(2), and to  
16 the extent that the child has not yet been provided with them, the barriers to  
17 providing documents and services, and the steps that will be taken to  
18 overcome those barriers by the date the child attains 18 years of age;

19  
20 (8) When and how the child was informed of his or her right to have juvenile  
21 court jurisdiction terminated when he or she attains 18 years of age;

22  
23 (10) When and how the child was provided with information about the potential  
24 benefits of remaining under juvenile court jurisdiction as a nonminor  
25 dependent and the social worker's assessment of the child's understanding of  
26 those benefits; and

27  
28 (11) When and how the child was informed that if juvenile court jurisdiction is  
29 terminated, he or she has the right to file a request to return to foster care and  
30 have the juvenile court resume jurisdiction over him or her as a nonminor  
31 dependent.

32  
33 **(b) Transitional Independent Living Case Plan**

34  
35 At the last review hearing before the child attains 18 years of age held under  
36 section 366.21, 366.22, 366.25, or 366.3, the child's Transitional Independent  
37 Living Case Plan:

38  
39 (1) Must be submitted with the social worker's report prepared for the hearing at  
40 least 10 calendar days before the hearing; and

41  
42 (2) Must include:



1 (A) The individualized plan for the child to satisfy one or more of the  
2 criteria in section 11403(b) and the child's anticipated placement as  
3 specified in section 11402; and

4  
5 (B) The child's alternate plan for his or her transition to independence,  
6 including housing, education, employment, and a support system in the  
7 event the child does not remain under juvenile court jurisdiction after  
8 attaining 18 years of age.

9  
10 (c) **Findings**

11  
12 (1) At the last review hearing before the child attains 18 years of age held under  
13 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all  
14 other statutory and rule requirements applicable to the hearing, the court must  
15 find on the record and in the written, signed orders:

16  
17 (A) Whether the child's Transitional Independent Living Case Plan  
18 includes a plan for the child to satisfy one or more of the criteria in  
19 section 11403(b) and the specific criteria it is anticipated the child will  
20 satisfy;

21  
22 (B) Whether there is included in the child's Transitional Independent  
23 Living Case Plan an alternative plan for the child's transition to  
24 independence, including housing, education, employment, and a  
25 support system in the event the child does not remain under juvenile  
26 court jurisdiction after attaining 18 years of age;

27  
28 (C) For an Indian child to whom the Indian Child Welfare Act applies,  
29 whether he or she intends to continue to be considered an Indian child  
30 for the purposes of the ongoing application of the Indian Child Welfare  
31 Act to him or her as a nonminor dependent;

32  
33 (D) Whether the child has an in-progress application pending for title XVI  
34 Supplemental Security Income benefits and, if such an application is  
35 pending, whether it is in the child's best interest to continue juvenile  
36 court jurisdiction until a final decision has been issued to ensure that  
37 the child receives continued assistance with the application process;

38  
39 (E) Whether the child has an in-progress application pending for Special  
40 Juvenile Immigration Status or other applicable application for legal  
41 residency and whether an active dependency case is required for that  
42 application;

43

1 (F) Whether all the information, documents, and services in sections 391(e)  
2 were provided to the child, and

3  
4 (i) Whether the barriers to providing any missing information,  
5 documents, or services can be overcome by the date the child  
6 attains 18 years of age; and

7  
8 (ii) Whether juvenile court jurisdiction should be continued to ensure  
9 that all information, documents, and services are provided to the  
10 child if the barriers cannot be overcome by the date the child  
11 attains 18 years of age;

12  
13 (G) Whether the child has been informed of his or her right to have juvenile  
14 court jurisdiction terminated when he or she attains 18 years of age;

15  
16 (H) Whether the child understands the potential benefits of remaining under  
17 juvenile court jurisdiction as a nonminor dependent; and

18  
19 (I) Whether the child has been informed that if juvenile court jurisdiction  
20 is terminated, he or she has the right to file a request to return to foster  
21 care and have the juvenile court resume jurisdiction over him or her as  
22 a nonminor dependent.

23  
24 (2) The hearing must be continued for no more than five court days for the  
25 submission of additional information as ordered by the court if the court finds  
26 that the report and Transitional Independent Living Case Plan submitted by  
27 the social worker do not provide the information required by (a) and (b) and  
28 the court is unable to make all the findings required by (c)(1).

29  
30 **(d) Orders**

31  
32 (1) For a child who intends to remain under juvenile court jurisdiction as a  
33 nonminor dependent, as defined in section 11400(v), after attaining 18 years  
34 of age, the court must set a nonminor dependent review hearing under rule  
35 5.903 within six months from the date of the current hearing.

36  
37 (2) For a child who does not intend to remain under juvenile court as a nonminor  
38 dependent, as defined in section 11400(v), after attaining 18 years of age, the  
39 court must:

40  
41 (A) Set a hearing under rule 5.555 for a date within one month after the  
42 child's 18th birthday, for the child who requests that the juvenile court  
43 terminate its jurisdiction after he or she attains 18 years of age; or

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  
3           will remain under juvenile court jurisdiction in a foster care placement.  
4

5 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, ~~391~~)**

6  
7 (a)–(c)       \*\*\*

8  
9 ~~(d) — Hearings on termination of jurisdiction—child reaching age of majority (§ 391)~~

10  
11       Petitioner must file ~~Termination of Dependency Jurisdiction—Child Attaining Age of~~  
12       ~~Majority (Juvenile) (form JV-365) with the court at least 10 calendar days before~~  
13       ~~the hearing to terminate dependency jurisdiction based on the child's age and must~~  
14       ~~provide copies to the child, the parents or guardians, any CASA volunteer, and all~~  
15       ~~counsel of record at least 10 calendar days before the hearing.~~  
16

17                           **Chapter 13. Case Petitioned Under Sections 601 and 602**

18  
19                           **Article 5. Reviews and Sealing**

20  
21 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**  
22 **child in foster care and for status review hearing for child approaching**  
23 **majority (§§ 450, 451, 727.2(i)–(j), 778)**

24  
25 **(a) Hearings subject to this rule**

26  
27       The following hearings are subject to this rule:

28  
29       (1) The last review hearing under section 727.2 or 727.3 before the child turns 18  
30       years of age. This hearing must be set at least 90 days before the child attains  
31       his or her 18th birthday and within six months of the previous hearing held  
32       under section 727.2 or 727.3.

33  
34       (2) Any review hearing held under section 727.2 or 727.3 for a child less than 18  
35       years of age during which a recommendation to terminate juvenile court  
36       jurisdiction will be considered;

37  
38       (3) Any hearing to terminate juvenile court jurisdiction over a child less than 18  
39       years of age who is subject to an order for foster care placement; and

40  
41       (4) Any hearing to terminate juvenile court jurisdiction over a child less than 18  
42       years of age who is not currently subject to an order for foster care  
43       placement, but was previously removed from the custody of his or her parents

1 or legal guardian as a dependent of the juvenile court and an order for a foster  
2 care placement as a dependent of the juvenile court was in effect at the time  
3 the juvenile court adjudged the child to be a ward of the juvenile court under  
4 section 725.

5  
6 **(b) Conduct of the hearing**

- 7  
8 (1) The hearing must be held before a judicial officer and recorded by a court  
9 reporter.
- 10  
11 (2) The hearing must be continued for no more than five court days for the  
12 submission of additional information as ordered by the court if the court finds  
13 that the report and, if required, the Transitional Independent Living Plan  
14 submitted by the probation officer do not provide the information required by  
15 (c) and the court is unable to make all the findings required by (d).

16  
17 **(c) Reports**

- 18  
19 (1) In addition to complying with all other statutory and rule requirements  
20 applicable to the report prepared by the probation officer for a hearing  
21 described in (a)(1)–(4), the report must include verification that the  
22 requirements of section 607.5 have been completed and a description of:
- 23  
24 (A) The child’s progress toward meeting the case plan goals that will  
25 enable him or her to be a law-abiding and productive member of his or  
26 her family and the community.
- 27  
28 (B) If reunification services have not been previously terminated, the  
29 progress of each parent or legal guardian toward participating in case  
30 plan service activities and meeting the case plan goals developed to  
31 assist in the efforts to resolve his or her issues that were identified and  
32 contributed to the child’s removal from his or her custody.
- 33  
34 (C) The current ability of each parent or legal guardian to provide the care,  
35 custody, supervision, and support the child requires in a safe and  
36 healthy environment.
- 37  
38 (D) For a child previously determined to be a dual status child for whom  
39 juvenile court jurisdiction as dependent was suspended under section  
40 241.1(e)(5)(A), a joint assessment by the probation department and the  
41 child welfare services agency under section 366.5 regarding the  
42 detriment, if any, to the child of a return to the home of his or her  
43 parents or legal guardian and a recommendation on the resumption of

1 dependency jurisdiction .The facts in support of the opinions expressed  
2 and the recommendations made must be included in the joint  
3 assessment section of the report. If the probation department and the  
4 child welfare services agency do not agree, the child welfare services  
5 agency must file a separate report with facts in support of its opinions  
6 and recommendations.

7  
8 (E) For a child previously determined to be a dual status child for whom  
9 the probation department was designated the lead agency under section  
10 241.1(e)(5)(B), the detriment, if any, to the child of a return to the  
11 home of his or her parents or legal guardian and the probation officer’s  
12 recommendation regarding the modification of the court’s jurisdiction  
13 over the child from that of a dual status child to that of a child under  
14 the court’s jurisdiction as a dependent under section 300 and the facts  
15 in support of the opinion expressed and the recommendation made.

16  
17 (F) For a child other than a dual status child, the probation officer’s  
18 recommendation regarding the modification of the juvenile court’s  
19 jurisdiction over the child from that of a ward under section 601 or 602  
20 to that of a dependent under section 300 or to that of a transition  
21 dependent under section 450 and the facts in support of his or her  
22 recommendation.

23  
24 (2) For the review hearing held on behalf of a child approaching majority  
25 described in (a)(1) and any hearing described in (a)(2) or (a)(3) held on  
26 behalf of a child more than 17 years, 5 months old and less than 18 years of  
27 age, in addition to complying with all other report requirements set forth in  
28 (c)(1), the report prepared by the probation officer must include:

29  
30 (A) The child’s plans to remain under juvenile court jurisdiction as a  
31 nonminor dependent including the criteria in section 11403(b) that he  
32 or she plans to meet;

33  
34 (B) The efforts made by the probation officer to help the child meet the  
35 criteria in section 11403(b);

36  
37 (C) For an Indian child, his or her plans to continue to be considered an  
38 Indian child for the purposes of the ongoing application of the Indian  
39 Child Welfare Act to him or her as a nonminor dependent;

40  
41 (D) Whether the child has applied for and, if so, the status of any in-  
42 progress application pending for title XVI Supplemental Security  
43 Income benefits and, if such an application is pending, whether it is in

1 the child's best interest to continue juvenile court jurisdiction until a  
2 final decision has been issued to ensure that the child receives  
3 continued assistance with the application process;  
4

5 (E) Whether the child has an in-progress application pending for Special  
6 Juvenile Immigration Status or other applicable application for legal  
7 residency and whether an active juvenile court case is required for that  
8 application;  
9

10 (F) The efforts made by the probation officer toward providing the child  
11 with the written information described in section 391(e)(1), and to the  
12 extent that the child has not yet been provided with the information, the  
13 barriers to providing the information, and the steps that will be taken to  
14 overcome those barriers by the date the child attains 18 years of age;  
15

16 (G) The efforts made by the probation officer toward completing and  
17 providing the child with the items described in section 391(e)(2), and to  
18 the extent that the child has not yet been provided with each of the  
19 documents and services, the barriers to providing those items, and the  
20 steps that will be taken to overcome those barriers by the date the child  
21 attains 18 years of age;  
22

23 (H) When and how the child was informed that upon reaching 18 years of  
24 age he or she may request the dismissal of juvenile court jurisdiction  
25 over him or her under section 778;  
26

27 (I) When and how the child was provided with information regarding the  
28 potential benefits of remaining under juvenile court jurisdiction as a  
29 nonminor dependent and the probation officer's assessment of the  
30 child's understanding of those benefits;  
31

32 (J) When and how the child was informed that if juvenile court jurisdiction  
33 is terminated, he or she has the right to file a request to return to foster  
34 care and have the juvenile court assume or resume transition  
35 jurisdiction over him or her as a nonminor dependent; and  
36

37 (K) The child's Transitional Independent Living Plan, which must include:  
38

39 (i) The individualized plan for the child to satisfy one or more of the  
40 criteria in section 11403(b) and the child's anticipated placement  
41 as specified in section 11402; and  
42

- 1 (ii) The child’s alternate plan for his or her transition to  
2 independence, including housing, education, employment, and a  
3 support system in the event the child does not remain under  
4 juvenile court jurisdiction after attaining 18 years of age.

5 **(d) Findings**

6  
7 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other  
8 statutory and rule requirements applicable to the hearing, the court must find  
9 on the record and in the written, signed orders:

10  
11 (A) Whether the rehabilitative goals for this child have been met and  
12 juvenile court jurisdiction over the child as a ward is no longer  
13 required. The facts supporting the finding must be stated on the record.

14  
15 (B) For a dual status child for whom dependency jurisdiction was  
16 suspended under section 241.1(e)(5)(A) whether the return to the home  
17 of the parent or legal guardian would be detrimental to the minor. The  
18 facts supporting the finding must be stated on the record.

19  
20 (C) For a child previously determined to be a dual status child for whom  
21 the probation department was designated the lead agency under section  
22 241.1(e)(5)(B), whether the return to the home of the parent or legal  
23 guardian would be detrimental to the minor. The facts supporting the  
24 finding must be stated on the record.

25  
26 (D) For a child other than a dual status child:

27  
28 (i) Whether the child is at risk of abuse or neglect. The facts  
29 supporting the finding must be stated on the record;

30  
31 (ii) Whether the return to the home of the parent or legal guardian  
32 would create a substantial risk of detriment to the child’s safety,  
33 protection, or physical or emotional well-being. The facts  
34 supporting the finding must be stated on the record

35  
36 (iii) Whether reunification services have been terminated;

37  
38 (iv) Whether the matter has been set for a hearing to terminate  
39 parental rights or establish a guardianship; and

40  
41 (v) Whether the minor intends to sign a mutual agreement for a  
42 placement in a supervised setting as a nonminor dependent.

1           (2) At the review hearing held on behalf of a child approaching majority  
2 described in (a)(1) and any hearing under (a)(2) or (a)(3) held on behalf of a  
3 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 Case Plan, if  
9 required, or Transitional Independent Living Plan, includes:

10  
11                   (i) A plan specific to the child for him or her to satisfy one or more  
12 of the criteria in section 11403(b) and the specific criteria in  
13 section 11403(b) it is anticipated the child will satisfy; and

14  
15                   (ii) The child's alternate plan for his or her transition to  
16 independence, including, housing, education, employment, and a  
17 support system, in the event the child does not remain under  
18 juvenile court jurisdiction after attaining 18 years of age.

19  
20           (B) For an Indian child to whom the Indian Child Welfare Act applies,  
21 whether he or she intends to continue to be considered an Indian child  
22 for the purposes of the ongoing application of the Indian Child Welfare  
23 Act to him or her as a nonminor dependent;

24  
25           (C) Whether the child has an in-progress application pending for title XVI  
26 Supplemental Security Income benefits and, if such an application is  
27 pending, whether it is in the child's best interest to continue juvenile  
28 court jurisdiction until a final decision has been issued to ensure that  
29 the child receives continued assistance with the application process;

30  
31           (D) Whether the child has an in-progress application pending for Special  
32 Juvenile Immigration Status or other applicable application for legal  
33 residency and an active juvenile court case is required for that  
34 application;

35  
36           (E) Whether the child has been informed that he or she may decline to  
37 become a nonminor dependent;

38  
39           (F) Whether the child has been informed that upon reaching 18 years of  
40 age he or she may request the dismissal of juvenile court jurisdiction  
41 over him or her under section 778;



- 1           (G) Whether the child understands the potential benefits of remaining under  
2           juvenile court jurisdiction as a nonminor dependent; and  
3  
4           (H) Whether the child has been informed that if juvenile court jurisdiction  
5           is terminated, he or she has the right to file a request to return to foster  
6           care and have the juvenile court assume or resume transition  
7           jurisdiction over him or her as a nonminor dependent;  
8  
9           (I) Whether all the information, documents, and services in sections 391(e)  
10           were provided to the child, and  
11  
12           (i) Whether the barriers to providing any missing information,  
13           documents or services can be overcome by the date the child  
14           attains 18 years of age; and  
15  
16           (ii) Whether juvenile court jurisdiction should be continued to ensure  
17           that all information, documents, and services are provided to the  
18           child if the barriers cannot be overcome by the child attains 18  
19           years of ages; and  
20  
21           (J) Whether verification was submitted that the notices and information  
22           required under section 607.5 were provided to a child who is or was  
23           subject to an order for foster care placement.  
24

25   (e) **Orders**

- 26  
27           (1) For a child previously determined to be a dual status child for whom  
28           dependency jurisdiction was suspended under section 241.1(e)(5)(A),  
29           dependency jurisdiction must be resumed if the court finds that the child's  
30           rehabilitative goals have been achieved and a return to the home of the parent  
31           or legal guardian would be detrimental to the child.  
32  
33           (2) For a child previously determined to be a dual status child for whom the  
34           probation department was designated the lead agency under section  
35           241.1(e)(5)(B), the court must terminate dual status, dismiss delinquency  
36           jurisdiction and continue dependency jurisdiction with the child welfare  
37           services department responsible for the child's placement if the court finds  
38           that the child's rehabilitative have been achieved and a return to the home of  
39           the parent or legal guardian would be detrimental to the child.  
40  
41           (3) For a child who comes within the description of section 450(a), other than a  
42           child described in (e)(1) or (e)(2), the court must enter an order modifying its  
43           jurisdiction over him or her from delinquency jurisdiction to transition

1 jurisdiction and set a nonminor dependent status review hearing under rule  
2 5.903 within six months of the last hearing held under section 727.2.

3  
4 (4) For a child who was not subject to the court's dependency jurisdiction at the  
5 time he or she was adjudged a ward and is currently subject to an order for a  
6 foster care placement the court must:

7  
8 (A) Order the probation department or the child's attorney to submit an  
9 application, under section 329, to the county child welfare services  
10 department to commence a proceeding to declare the child a dependent  
11 of the court by filing a petition under section 300 if the court finds:

12  
13 (i) The child does not come within the description of section 450(a);

14  
15 (ii) The rehabilitative goals for the child included in his or her case  
16 plan have been met and delinquency jurisdiction is no longer  
17 required; and

18  
19 (iii) The child appears to come within the description of section 300  
20 and a return to the home of the parent or legal guardian may be  
21 detrimental to his or her safety, protection, or physical or  
22 emotional well-being.

23  
24 (B) Set a hearing to review the county child welfare services department's  
25 decision within 20 court days of the date the order to file an application  
26 under section 329 was entered and at that hearing:

27  
28 (i) Affirm the county child welfare services department's decision  
29 not to file a petition under section 300; or

30  
31 (ii) Order the county child welfare services department to file a  
32 petition under section 300.

33  
34 (C) If the court affirms the decision not to file a petition under section 300  
35 or a petition filed under section 300 is not sustained, the court may:

36  
37 (i) Return the child to the home of the parent or legal guardian and  
38 set a progress report hearing within the next six months;

39  
40 (ii) Return the child to the home of the parent or legal guardian and  
41 terminate juvenile court jurisdiction over the child; or  
42

1                   (iii) Continue the child’s foster care placement and set a hearing  
2                   under section 727.2 no more than six months from the date of the  
3                   most recent hearing held under 727.2.  
4

5 (5) For a child who was subject to an order for foster care placement as a  
6 dependent of the court at the time he or she was adjudged a ward, the court  
7 must modify its delinquency jurisdiction over the child by vacating the order  
8 terminating jurisdiction over the child as a dependent of the court and  
9 resuming dependency jurisdiction over him or her if the court finds:

10  
11 (A) The child does not come within the description of section 450(a);

12  
13 (B) The rehabilitative goals for the child included in his or her case plan  
14 have been met and delinquency jurisdiction may not be required; and

15  
16 (C) The child remains within the description of a dependent child under  
17 section 300 and a return to the home of a parent or legal guardian  
18 would create a substantial risk of detriment to his or her safety,  
19 protection, or physical or emotional well-being.  
20

21 (6) At a hearing described in (a)(1) for a child approaching majority or at any  
22 hearing described in (a)(2) or (a)(3) held on behalf of a child more than 17  
23 years, 5 months old and less than 18 years of age that did not result in  
24 modification of jurisdiction over the child from delinquency jurisdiction to  
25 dependency jurisdiction or transition jurisdiction, the court must:

26  
27 (A) Return the child to the home of the parent or legal guardian and set a  
28 progress report hearing within the next six months; or

29  
30 (B) Return the child to the home of the parent or legal guardian and  
31 terminate juvenile court jurisdiction over the child; or

32  
33 (C) Continue the child’s foster care placement and:

34  
35 (i) For the child who intends to meet the eligibility requirements for  
36 status as a nonminor dependent after attaining 18 years of age,  
37 the court must set a nonminor dependent review hearing under  
38 rule 5.903 no more than six months from the most recent hearing  
39 held under section 727.2; or

40  
41 (ii) For the child who does not intend to meet the eligibility  
42 requirements for nonminor dependent status after attaining 18  
43 years of age, the court must:

- a. Set a hearing to terminate delinquency jurisdiction under section 607.2(b)(4) and section 607.3 for a date within one month after the child’s 18th birthday; or
- b. Set a hearing under section 727.2 no more than six months from the date of the most recent hearing held under section 727.2 for the child who will remain under delinquency jurisdiction in a foster care placement.

(7) At 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 modification of jurisdiction over the child from delinquency jurisdiction to dependency jurisdiction, 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 hearing under section 727.2 to occur within six months of the most recent hearing under section 727.2.

(8) At any hearing under (a)(4) on behalf of a child less than 18 years of age that did not result in modification of jurisdiction over the child from delinquency jurisdiction to dependency jurisdiction, 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 within the next six months.

**(f) Modification of jurisdiction—conditions**

Whenever the court modifies its jurisdiction over a dependent or ward under section 241.1, 607.2, or 727.2, the court must ensure that all of the following conditions are met:

1 (1) The petition under which jurisdiction was taken at the time the dependent or  
2 ward was originally removed from his or her parents or legal guardian and  
3 placed in foster care is not dismissed until after the new petition is sustained;  
4 and

5  
6 (2) The order modifying the court’s jurisdiction contains all of the following  
7 provisions:

8  
9 (A) A reference to the original removal findings, the date those findings  
10 were made, and a statement that the finding, “continuation in the home  
11 is contrary to the child’s welfare,” and the finding, “reasonable efforts  
12 were made to prevent removal,” made at that hearing remain in effect;

13  
14 (B) A statement that the child continues to be removed from the parents or  
15 legal guardian from whom the child was removed under the original  
16 petition; and

17  
18 (C) Identification of the agency that is responsible for placement and care  
19 of the child based upon the modification of jurisdiction.  
20

## 21 Chapter 14. Nonminor Dependent

### 22 23 Rule 5.900. Nonminor dependent—Preliminary provisions (§§ 224.1(b), 295, 303, 24 366, 366.3, 388, 391, 607(a))

#### 25 26 (a) Applicability

27  
28 (1) The provisions of this chapter apply to nonminor dependents as defined in  
29 section 11400(v).

30  
31 (2) Nothing in the Welfare and Institutions Code or in the California Rules of  
32 Court restricts the ability of the juvenile court to maintain dependency  
33 jurisdiction or delinquency jurisdiction over a person, 18 years of age and  
34 older, who does not meet the eligibility requirements for status as a nonminor  
35 dependent and to proceed as to that person under the relevant sections of the  
36 Welfare and Institutions Code and California Rules of Court.

#### 37 38 (b) Purpose

39  
40 Maintaining juvenile court jurisdiction under section 300,450, 601, or 602 over a  
41 person as a nonminor dependent is the result of a consensual agreement between  
42 the person and child welfare services agency or the probation department for a  
43 voluntary placement in a supervised setting and includes the agreement between the

1 social worker or probation officer and the person to work together to facilitate the  
2 implementation of the mutually developed supervised placement agreement or  
3 reentry agreement and Transitional Independent Living Case Plan. Maintaining  
4 juvenile court jurisdiction and supervision by the child welfare services agency or  
5 probation department is for the purpose of providing support, guidance, and foster  
6 care services to the person as a nonminor dependent so he or she is able to  
7 successfully achieve independence.

8  
9 **(c) Legal status**

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

16  
17 (2) A nonminor dependent retains all his or her legal decision-making authority  
18 as an adult.

19  
20 **(d) Conduct of hearings**

21  
22 (1) All hearings involving a person who is a nonminor dependent must be  
23 conducted in a manner that respects the person's legal status as an adult.

24  
25 (2) Unless there is a contested issue of fact or law, the hearings must be informal  
26 and nonadversarial and all parties must work collaboratively with the  
27 nonminor dependent as he or she moves toward the achievement of his or her  
28 Transitional Independent Living Case Plan goals.

29  
30 (3) The nonminor dependent may designate his or her attorney to appear on his  
31 or her behalf at a hearing under this chapter.

32  
33 **(e) Telephone appearance**

34  
35 (1) The person who is the subject of the hearing may appear, at his or her  
36 request, by telephone at a hearing to terminate juvenile court jurisdiction held  
37 under rule 5.555, a status review hearing under rule 5.903, or a hearing on a  
38 request to have juvenile court jurisdiction resumed held under rule 5.906.  
39 Rule 5.531 applies to telephone appearances under this paragraph.

40  
41 (2) The court may require the nonminor dependent or the person requesting to  
42 return to juvenile court jurisdiction and foster care to appear personally on a

1            showing of good cause and a showing that the personal appearance will not  
2            create an undue hardship for him or her.

- 3  
4            (3) The telephone appearance must be permitted at no cost to the nonminor  
5            dependent or the person requesting to return juvenile court jurisdiction and  
6            foster care.

7  
8            **Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366(f),**  
9            **366.1, 366.3)**

10  
11            (a) **Purpose**

12  
13            The primary purpose of the nonminor dependent status review hearing is to focus  
14            on the goals and services described in the nonminor dependent’s Transitional  
15            Independent Living Case Plan and the efforts and progress made toward achieving  
16            independence and establishing lifelong connections with caring and committed  
17            adults.

18  
19            (b) **Setting and conduct of a nonminor dependent status review hearing**

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

- 24  
25            (2) The hearing must be placed on the appearance calendar, held before a judicial  
26            officer, and recorded by a court reporter under any of the following  
27            circumstances:

28  
29            (A) The hearing is the first hearing following the nonminor dependent’s  
30            18th birthday;

31  
32            (B) The hearing is the first hearing following the resumption of juvenile  
33            court jurisdiction over a person as a nonminor dependent under rule  
34            5.906;

35  
36            (C) The nonminor dependent or the nonminor dependent’s attorney  
37            requests that the hearing be conducted by the court; or

38  
39            (D) It has been 12 months since the hearing was conducted by the court.

- 40  
41            (3) The hearing may be attended, as appropriate, by participants invited by the  
42            nonminor dependent in addition to those entitled to notice under (c).

1 (4) The nonminor dependent may appear by telephone as provided in rule 5.900  
2 at a hearing conducted by the court.

3  
4 (5) The hearing must be continued for no more than five court days for the social  
5 worker, probation officer, or nonminor dependent to submit additional  
6 information as ordered by the court if the court determines that the report and  
7 Transitional Independent Living Case Plan submitted by the social worker or  
8 probation officer do not provide the information required by (d)(1) and the  
9 court is unable to make all the findings and orders required by (e).

10  
11 **(c) Notice of hearing (§ 295)**

12  
13 (1) The social worker or probation officer must serve written notice of the  
14 hearing in the manner provided in section 295, and to all persons required to  
15 receive notice under section 295, except notice to the parents of the nonminor  
16 dependent is not required.

17  
18 (2) The written notice served on the nonminor dependent must include:

19  
20 (A) A statement that he or she may appear for the hearing by telephone; and

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

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

27  
28 **(d) Reports**

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

32  
33 (A) The continuing necessity for the nonminor dependent's placement and  
34 the facts supporting the conclusion reached;

35  
36 (B) The appropriateness of the nonminor dependent's current foster care  
37 placement;

38  
39 (C) The nonminor dependent's plans to remain under juvenile court  
40 jurisdiction including the criteria in section 11403(b) that he or she  
41 meets;



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

1 **(e) Findings and orders**

2  
3 The court must consider the safety of the nonminor dependent, and the following  
4 judicial determinations and orders must be made on the record and included in the  
5 written, signed court documentation of the hearing:  
6

7 **(1) Findings**

- 8  
9 (A) Whether notice was given as required by law;  
10  
11 (B) Whether the nonminor dependent’s continuing placement is necessary;  
12  
13 (C) Whether the nonminor dependent’s current placement is appropriate;  
14  
15 (D) Whether the Transitional Independent Living Case Plan includes a plan  
16 for the nonminor dependent to satisfy one or more of the criteria in  
17 section 11403(b);  
18  
19 (E) The specific criteria in section 11403(b) the nonminor dependent  
20 satisfied since the last hearing held under this rule;  
21  
22 (F) The specific criteria in section 11403(b) it is anticipated the nonminor  
23 dependent will satisfy during the next six months;  
24  
25 (G) Whether reasonable efforts were made and assistance provided by the  
26 social worker or probation officer to help the nonminor dependent  
27 establish and maintain compliance with section 11403(b);  
28  
29 (H) Whether the nonminor dependent was provided with the information,  
30 documents, and services as required under section 391(e);  
31  
32 (I) Whether the Transitional Independent Living Case Plan was developed  
33 jointly by the nonminor dependent and the social worker or probation  
34 officer, reflects the living situation and services that are consistent in  
35 the nonminor dependent’s opinion with what he or she needs to gain  
36 independence, and sets out the benchmarks that indicate how both will  
37 know when independence can be achieved;  
38  
39 (J) For the nonminor dependent who has elected to have the Indian Child  
40 Welfare Act continue to apply, whether the representative from his or  
41 her tribe was consulted during the development of the Transitional  
42 Independent Living Case Plan;  
43

- 1           (K) Whether reasonable efforts were made by the social worker or  
2           probation officer to comply with the Transitional Independent Living  
3           Case Plan, including efforts to finalize the nonminor dependent’s  
4           permanent plan and prepare him or her for independence;  
5  
6           (L) Whether the Transitional Independent Living Case Plan includes  
7           appropriate and meaningful independent living skill services that will  
8           assist him or her with the transition from foster care to independent  
9           living;  
10  
11           (M) Whether the nonminor dependent signed and received a copy of his or  
12           her Transitional Independent Living Case Plan;  
13  
14           (N) The extent of progress made by the nonminor dependent toward  
15           meeting the Transitional Independent Living Case Plan goals and any  
16           modifications needed to assist in attaining the goals;  
17  
18           (O) Whether reasonable efforts were made by the social worker or  
19           probation officer to maintain relationships between the nonminor  
20           dependent and individuals who are important to him or her, including  
21           the efforts made to establish and maintain relationships with caring and  
22           committed adults who can serve as lifelong connections; and  
23  
24           (P) Whether reasonable efforts were made by the social worker or  
25           probation officer to establish or maintain the nonminor dependent’s  
26           relationship with his or her siblings who are under the juvenile court’s  
27           jurisdiction as required in section 366(a)(1)(D).  
28

29           (2) *Orders*

- 30  
31           (A) Order the continuation of juvenile court jurisdiction and set a nonminor  
32           dependent review hearing under this rule within six months and;  
33  
34                   (i) Order a permanent plan consistent with the nonminor  
35                   dependent’s Transitional Independent Living Case Plan and  
36  
37                   (ii) Specify the likely date by which independence is anticipated to  
38                   be achieved; or  
39  
40           (B) Order the continuation of juvenile court jurisdiction and set a hearing to  
41           consider termination of juvenile court jurisdiction over a nonminor  
42           under rule 5.555 within 30 days; or  
43

1 (C) Order termination of juvenile court jurisdiction pursuant to rule 5.555 if  
2 this nonminor dependent status review hearing was heard at the same  
3 time as a hearing under rule 5.555.  
4

5 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§**  
6 **224.1(b), 303, 388(e))**

7  
8 **(a) Purpose**

9  
10 This rule provides the procedures that must be followed when a nonminor wants to  
11 have juvenile court jurisdiction resumed over him or her as a nonminor dependent  
12 described in section 11400(v).  
13

14 **(b) Contents of the request**

15  
16 (1) The request to have the juvenile court resume jurisdiction must be made on  
17 the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form  
18 JV-466).

19  
20 (2) The request must be liberally construed in favor of its sufficiency. It must be  
21 verified by the nonminor or the nonminor's designee and, to the extent  
22 known to the nonminor, must include the following information:

23  
24 (A) The nonminor's name and date of birth;

25  
26 (B) The nonminor's address and contact information, unless the nonminor  
27 requests that this information be kept confidential from those persons  
28 entitled to access to the juvenile court file, including his or her parents,  
29 by filing *Confidential Information—Request to Return to Juvenile*  
30 *Court Jurisdiction and Foster Care* (form JV-468). Form JV-468 must  
31 be kept in the court file under seal, and only the court, the child welfare  
32 services agency, the probation department, or the Indian tribe with an  
33 agreement under section 10553.1 to provide child welfare services to  
34 Indian children (Indian tribal agency), and the nonminor's attorney may  
35 have access to this information;

36  
37 (C) The name and action number or court file number of the nonminor's  
38 case and the name of the juvenile court that terminated its dependency  
39 jurisdiction, delinquency jurisdiction, or transition jurisdiction and  
40 retained general jurisdiction for the purpose of considering a request to  
41 assume or resume its jurisdiction over him or her as a nonminor  
42 dependent;  
43

- 1 (D) The date the juvenile court entered the order terminating its  
2 dependency jurisdiction, delinquency jurisdiction, or transition  
3 jurisdiction and retained general jurisdiction over him or her.  
4
- 5 (E) If the nonminor wants his or her parents or former legal guardians to  
6 receive notice of the filing of the request and the hearing, the name and  
7 residence addresses of the nonminor's parents or former guardians;  
8
- 9 (F) The name and telephone number of the court-appointed attorney who  
10 represented the nonminor at the time the juvenile court terminated its  
11 dependency jurisdiction, delinquency jurisdiction, or transition  
12 jurisdiction and retained general jurisdiction if the nonminor wants that  
13 attorney to be the attorney appointed to represent him or her for the  
14 purposes of the hearing on the request;  
15
- 16 (G) If the nonminor is an Indian child within the meaning of the Indian  
17 Child Welfare Act and he or she chooses to have the Indian Child  
18 Welfare Act apply to him or her, the name of the tribe and the name,  
19 address, and telephone number of his or her tribal representative;  
20
- 21 (H) If the nonminor had a Court Appointed Special Advocate (CASA)  
22 when he or she was a dependent or ward of the court and wants the  
23 CASA to receive notice of the filing of the request and the hearing, the  
24 CASA's name;  
25
- 26 (I) The condition or conditions under section 11403(b) that the nonminor  
27 intends to satisfy; and  
28
- 29 (J) Whether the nonminor requires assistance to maintain or secure an  
30 appropriate, supervised placement, or is in need of immediate  
31 placement and will agree to a supervised placement under a voluntary  
32 reentry agreement.  
33
- 34 (3) The court may dismiss without prejudice a request filed under this rule that is  
35 not verified.  
36

37 **(c) Filing the request**  
38

- 39 (1) The form JV-466 may be filed by the nonminor or the county child welfare  
40 services, probation department, or Indian tribe (placing agency) on behalf of  
41 the nonminor.  
42

- 1           (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor  
2 wishes to keep his or her contact information confidential, the *Confidential*  
3 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*  
4 *Care* (form JV-468) may be:  
5  
6           (A) Filed with the juvenile court that retained general jurisdiction in the  
7 same action in which the nonminor was found to be a dependent or  
8 ward of the court, or  
9  
10          (B) Submitted to the juvenile court in the county in which the nonminor  
11 currently resides:  
12  
13           (i) The court clerk must record the date and time received on the  
14 face of the originals submitted and provide a copy of the originals  
15 marked as received to the nonminor at no cost to the him or her.  
16  
17           (ii) To ensure receipt of the original JV-466 and, if submitted the JV-  
18 468, by the court that retained general within five court days as  
19 required in section 388(e), the court clerk must forward those  
20 originals to the clerk of the court that retained general jurisdiction  
21 within two court days of submission of the originals by the  
22 nonminor.  
23  
24           (iii) The court in the county in which the nonminor resides is  
25 responsible for all costs of processing, copying, and forwarding  
26 the form JV-466 and form JV-468 to the clerk of the court that  
27 retained general jurisdiction.  
28  
29           (iv) The court clerk in the county in which the nonminor resides must  
30 retain a copy of the documents submitted.  
31  
32           (v) The form JV-466 and, if submitted, the form JV-468 must be  
33 filed immediately upon receipt by the clerk of the juvenile court  
34 that retained general jurisdiction.  
35  
36          (C) For a nonminor living outside the state of California, the form JV-466  
37 and, if the nonminor wishes to keep his or her contact information  
38 confidential, the form JV-468 must be filed with the juvenile court that  
39 retained general jurisdiction.  
40  
41          (4) If form JV-466 is filed by the nonminor, within two court days of its filing  
42 with the clerk of the court in the county that retained general jurisdiction, the  
43 clerk of that court must notify the placing agency that was supervising the

1 nonminor when juvenile court jurisdiction was terminated that the nonminor  
2 has filed form JV-466 and provide the placing agency with the nonminor's  
3 contact information. The notification must be by telephone, fax, e-mail, or  
4 other method approved by the presiding juvenile court judge that will ensure  
5 prompt notification and inform the placing agency that a copy of form JV-  
6 466 will be served on the agency and that one is currently available in the  
7 office of the juvenile court clerk.  
8

9 (5) If form JV-466 has not been filed at the time the nonminor completes the  
10 voluntary reentry agreement described in section 11400(z), the placing  
11 agency must file form JV-466 on the nonminor's behalf within 15 court days  
12 of the date the voluntary reentry agreement was signed, unless the nonminor  
13 files form JV-466 prior to the expiration of the 15 court days.  
14

15 (6) No filing fees are required for the filing of form JV-466 and, if filed, form  
16 JV-468. An endorsed, filed copy of each form filed must be provided at no  
17 cost to the nonminor or the placing agency that filed the request on the  
18 nonminor's behalf.  
19

20 **(d) Determination of prima facie showing**  
21

22 (1) Within three court days of the filing of form JV-466 with the clerk of the  
23 juvenile court that retained general jurisdiction, a juvenile court judicial  
24 officer must review form JV-466 and determine whether a prima facie  
25 showing has been made that the nonminor meets all of the criteria set forth  
26 below in (d)(1)(A)-(D) and enter an order as set forth in (d)(2) or (d)(3).  
27

28 (A) The nonminor was previously under juvenile court jurisdiction subject  
29 to an order for foster care placement when he or she attained 18 years  
30 of age;  
31

32 (B) On and after January 1, 2012, the nonminor will not have not attained  
33 19 years of age; or commencing January 1, 2013, he or she will not  
34 have attained 20 years of age; or commencing on January 1, 2014, he or  
35 she will not have attained 21 years of age;  
36

37 (C) The nonminor wants assistance to maintain or secure an appropriate,  
38 supervised placement or is in need of immediate placement and agrees  
39 to a supervised placement under a voluntary reentry agreement; and  
40

41 (D) The nonminor intends to satisfy at least one of the conditions as  
42 described in section 11403(b) and set forth below:  
43

- 1 (i) Complete secondary education or a program leading to an  
2 equivalent credential.  
3  
4 (ii) Enroll in an institution that provides postsecondary or vocational  
5 education.  
6  
7 (iii) Participate in a program or activity designed to promote or  
8 remove barriers to employment.  
9  
10 (iv) Be employed for at least 80 hours per month.  
11  
12 (v) Incapable of doing any of the activities described in  
13 subparagraphs (i) to (iv), inclusive, due to a medical condition;  
14  
15 (2) If the court determines that a prima facie showing has not been made, the  
16 court must enter a written order denying the request, listing the issues that  
17 resulted in the denial and informing the nonminor that a new JV-466 may be  
18 filed when those issues are resolved.  
19  
20 (A) The court clerk must serve on the nonminor:  
21  
22 (i) A copy of the written order;  
23  
24 (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction*  
25 and *Foster Care* (form JV-466) and *Confidential Information—*  
26 *Request to Return to Juvenile Court Jurisdiction and Foster*  
27 *Care* (form JV-466);  
28  
29 (iii) A copy of *How to Ask the to Return to Juvenile Court*  
30 *Jurisdiction and Foster Care* (form JV-464-INFO); and  
31  
32 (iv) The names and contact information for those attorneys approved  
33 by the court to represent children in juvenile court proceedings  
34 who have agreed to provide a consultation to any nonminor  
35 whose request was denied due to the failure to make a prima facie  
36 showing.  
37  
38 (B) The court clerk must serve on the placing agency a copy of the written  
39 order.  
40  
41 (C) Service must be by personal service or first-class mail within two court  
42 days of the issuance of the order.  
43



1           (D) A proof of service must be filed.

2  
3           (3) If the judicial officer determines that a prima facie showing has been made,  
4           the judicial officer must issue a written order:

5  
6           (A) Directing the court clerk to set the matter for a hearing and

7  
8           (B) Appointing an attorney to represent the nonminor for the sole purpose  
9           of the hearing on the request.

10  
11       (e) **Appointment of attorney**

12  
13           (1) If the nonminor included on the form JV-466 a request for the appointment of  
14           the court-appointed attorney who represented the nonminor during the period  
15           of time he or she was a ward or dependent or nonminor dependent, the  
16           judicial officer must appoint that attorney for the sole purpose of the hearing  
17           on the request, if the attorney is available to accept such an appointment.

18  
19           (2) If the nonminor did not request the appointment of his or her former court-  
20           appointed attorney, the judicial officer must appoint an attorney to represent  
21           the nonminor for the sole purpose of the hearing on the request. The attorney  
22           must be selected from the panel or organization of attorneys approved by the  
23           court to represent children in juvenile court proceedings.

24  
25           (3) In addition to complying with the requirements in (g)(1) for service of notice  
26           of the hearing, the juvenile court clerk must notify the attorney of his or her  
27           appointment as soon as possible, but no later than one court day from the date  
28           the order for his or her appointment was issued under (d)(3). This notification  
29           must be made by telephone, fax, e-mail, or other method approved by the  
30           presiding juvenile court judge that will ensure prompt notification. The notice  
31           must also include the nonminor's contact information and inform the attorney  
32           that a copy of the JV-466 will be served on him or her and that one is  
33           currently available in the office of the juvenile court clerk.

34  
35           (4) If the request is granted, the court must continue the attorney's appointment  
36           to represent the nonminor regarding matters related to his or her status as a  
37           nonminor dependent until the jurisdiction of the juvenile court is terminated,  
38           unless the court finds that the nonminor would not benefit from the  
39           appointment of an attorney.

40  
41           (A) In order to find that a nonminor would not benefit from the  
42           appointment of an attorney, the court must find all of the following:

- 1 (i) The nonminor understands the nature of the proceedings;  
2  
3 (ii) The nonminor is able to communicate and advocate effectively  
4 with the court, other attorneys, and other parties, including social  
5 workers, probation officers, and other professionals involved in  
6 the case; and  
7  
8 (iii) Under the circumstances of the case, the nonminor would not  
9 gain any benefit from representation by an attorney.

10  
11 (B) If the court finds that the nonminor would not benefit from  
12 representation by an attorney, the court must make a finding on the  
13 record as to each of the criteria in (e)(4)(A) and state the reasons for  
14 each finding.

15  
16 (5) Representation of the nonminor by the court-appointed attorney for the  
17 hearing on the request to return to juvenile court jurisdiction and for matters  
18 related to his or her status as a nonminor dependent must be at no cost to the  
19 nonminor.

20  
21 (6) If the nonminor chooses to be represented by an attorney other than a court-  
22 appointed attorney, the fees for an attorney retained by the nonminor are the  
23 nonminor's responsibility.

24  
25 **(f) Setting the hearing**

26  
27 (1) Within two court days of the issuance of the order directing the court clerk to  
28 do so, the court clerk must set a hearing on the juvenile court's calendar  
29 within 15 court days from the date the JV-466 was filed with the court that  
30 retained general jurisdiction.

31  
32 (2) The hearing must be placed on the appearance calendar, heard before a  
33 juvenile court judicial officer, and recorded by a court reporter.

34  
35 **(g) Notice of hearing**

36  
37 (1) The juvenile court clerk must serve notice as soon as possible but no later  
38 than five court days before the date the hearing is set, as follows:

39  
40 (A) The notice of the date, time, place, and purpose of the hearing and a  
41 copy of the JV-466 must be served on the nonminor, the nonminor's  
42 attorney, and the child welfare services agency, the probation  
43 department, or the Indian tribal agency that was supervising the

1                    nonminor when the juvenile court entered the order retaining general  
2                    jurisdiction over the nonminor.

3  
4                    (B) The notice of the date, time, place, and purpose of the hearing must be  
5                    served on the nonminor’s parents only if the nonminor included in the  
6                    JV-466 a request that notice be provided to his or her parents.

7  
8                    (C) The notice of the date, time, place, and purpose of the hearing must be  
9                    served on the nonminor’s tribal representative if the nonminor is an  
10                   Indian child and indicated on the JV-466 his or her choice to have the  
11                   Indian Child Welfare Act apply to him or her as a nonminor dependent.

12  
13                   (D) The notice of the date, time, place, and purpose of the hearing must be  
14                   served on the local CASA office if the nonminor had a CASA and  
15                   included on the JV-466 a request that notice be provided to his or her  
16                   former CASA.

17  
18                   (2) The written notice served on the nonminor dependent must include:

19  
20                   (A) A statement that the nonminor may appear for the hearing by  
21                   telephone; and

22  
23                   (B) Instructions regarding the local juvenile court procedures for arranging  
24                   to appear and appearing at the hearing by telephone.

25  
26                   (3) Service of the notice must be by personal service or by first-class mail.

27  
28                   (4) Proof of service of notice must be filed by the juvenile court clerk at least two  
29                   court days prior to the hearing.

30  
31                   **(h) Reports**

32  
33                   (1) The social worker, probation officer, or Indian tribal agency case worker  
34                   (tribal case worker) must submit a report to the court that includes:

35  
36                   (A) Confirmation that the nonminor was previously under juvenile court  
37                   jurisdiction subject to an order for foster care placement when he or she  
38                   attained 18 years of age, that the juvenile court retained general  
39                   jurisdiction over the nonminor, and that on and after January 1, 2012,  
40                   the nonminor will not have not attained 19 years of age; or  
41                   commencing January 1, 2013, he or she will not have attained 20 years  
42                   of age; or commencing on January 1, 2014, he or she will not have  
43                   attained 21 years of age;

- 1           (B) The condition or conditions under section 11403(b) that the nonminor  
2           intends to satisfy;  
3  
4           (C) The social worker, probation officer, or tribal case worker’s opinion as  
5           to whether continuing in a foster care placement is in the nonminor’s  
6           best interests and recommendation about the resumption of juvenile  
7           court jurisdiction over the nonminor as a nonminor dependent;  
8  
9           (D) Whether the nonminor and the placing agency have entered into a  
10          reentry agreement for placement in a supervised setting under the  
11          placement and care responsibility of the placing agency;  
12  
13          (E) The type of placement recommended if the request to return to juvenile  
14          court jurisdiction and foster care is granted;  
15  
16          (F) If the type of placement recommended is a placement in a setting where  
17          minor dependents also reside, the results of the background check of  
18          the nonminor under section 16504.5.  
19  
20                (i) The background check under section 16504.5 is required only if a  
21                minor dependent resides in the placement under consideration for  
22                the nonminor.  
23  
24                (ii) A criminal conviction is not a bar to a return to foster care and  
25                the resumption of juvenile court jurisdiction over the nonminor as  
26                a nonminor dependent.  
27  
28          (2) At least two court days before the hearing, the social worker, probation  
29          officer, or tribal case worker must file the report and any supporting  
30          documentation with the court and provide a copy to the nonminor and to his  
31          or her attorney of record; and  
32  
33          (3) If the court determines that the report and other documentation submitted by  
34          the social worker, probation officer, or tribal case worker does not provide  
35          the information required by (h)(1) and the court is unable to make the  
36          findings and orders required by (i), the hearing must be continued for no  
37          more than five court days for the social worker, probation officer, tribal case  
38          worker, or nonminor to submit additional information as ordered by the court.  
39

40          **(i) Findings and orders**

41  
42          The court must read and consider, and state on the record that it has read and  
43          considered, the report; supporting documentation submitted by the social worker,

1 probation officer, or tribal case worker; the evidence submitted by the nonminor;  
2 and any other evidence. The following judicial findings and orders must be made  
3 on the record and included in the written, signed court documentation of the  
4 hearing:

5  
6 (1) *Findings*

- 7  
8 (A) Whether notice was given as required by law;  
9  
10 (B) Whether the nonminor was previously under juvenile court jurisdiction  
11 subject to an order for foster care placement when he or she attained 18  
12 years of age;  
13  
14 (C) Whether the juvenile court retained general jurisdiction over the  
15 nonminor;  
16  
17 (D) Whether on and after January 1, 2012, the nonminor will not have not  
18 attained 19 years of age; or commencing January 1, 2013, he or she will  
19 not have attained 20 years of age; or commencing on January 1, 2014,  
20 he or she will not have attained 21 years of age;  
21  
22 (E) Whether the nonminor intends to satisfy a condition or conditions  
23 under section 11403(b);  
24  
25 (F) The condition or conditions that the nonminor intends to satisfy under  
26 section 11403(b);  
27  
28 (G) Whether continuing in a foster care placement is in the nonminor's best  
29 interests;  
30  
31 (H) Whether the nonminor and the placing agency have entered into a  
32 reentry agreement for placement in a supervised setting under the  
33 placement and care responsibility of the placing agency; and  
34  
35 (I) Whether a nonminor who is an Indian child chooses to have the Indian  
36 Child Welfare Act apply to him or her as a nonminor dependent.

37  
38 (2) *Orders*

- 39  
40 (A) If the court finds that the nonminor comes within the age requirements  
41 under (i)(1)(D), that the juvenile court entered an order retaining  
42 general jurisdiction over the nonminor, that the nonminor does intend  
43 to satisfy at least one condition under section 11403(b), and that the

1 nonminor and placing agency have entered into a reentry agreement,  
2 the court must:

3  
4 (i) Grant the request and enter an order resuming juvenile court  
5 jurisdiction over the nonminor as a nonminor dependent and  
6 vesting responsibility for the nonminor's placement and care with  
7 the placing agency;

8  
9 (ii) Order the social worker, probation officer, or tribal case worker  
10 to develop with the nonminor and file with the court within 60  
11 days a new Transitional Independent Living Case Plan;

12  
13 (iii) Order the social worker or probation officer to consult with the  
14 tribal representative regarding a new Transitional Independent  
15 Living Case Plan for the nonminor who chooses to have the  
16 Indian Child Welfare Act apply to him or her as a nonminor  
17 dependent and who is not under the supervision of a tribal case  
18 worker;

19  
20 (iv) Set a nonminor dependent review hearing under rule 5.903 within  
21 the next six months; and

22  
23 (v) Make the findings and enter the appropriate orders under (e)(4)  
24 regarding appointment of an attorney for the nonminor.

25  
26 (B) If the court finds that the nonminor comes within the age requirements  
27 under (i)(1)(D) and that the juvenile court entered an order retaining  
28 general jurisdiction over the nonminor, but the nonminor does not  
29 intend to satisfy at least one of the conditions under section 11403(b)  
30 and/or the nonminor and placing agency have not entered into a reentry  
31 agreement, the court must:

32  
33 (i) Enter an order denying the request, listing the reasons for the  
34 denial, and informing the nonminor that a new JV-466 may be  
35 filed when those circumstances change;

36  
37 (ii) Enter an order terminating the appointment of the attorney  
38 appointed by the court to represent the nonminor, effective seven  
39 calendar days after the hearing; and

40  
41 (iii) In addition to the service of a copy of the written order as  
42 required in (i)(3), the juvenile court clerk must cause to be served  
43 on the nonminor a blank copy of the *Request to Return to*

1 Juvenile Court Jurisdiction and Foster Care (form JV-466) and  
2 Confidential Information— Request to Return to Juvenile Court  
3 Jurisdiction and Foster Care (form JV-468), and a copy of How  
4 to Ask to Return to Juvenile Court Jurisdiction and Foster Care  
5 (form JV-464-INFO).

6  
7 (C) If the court finds that the nonminor does not come within the age  
8 requirements under (i)(1)(D) and/or the juvenile court did not retain  
9 general jurisdiction over the nonminor, the court must:

10  
11 (i) Enter an order denying the request to have juvenile court  
12 jurisdiction resumed; and

13  
14 (ii) Enter an order terminating the appointment of the attorney  
15 appointed by the court to represent the nonminor, effective seven  
16 calendar days after the hearing.

17  
18 (3) Findings and orders: service

19  
20 (A) The written findings and order must be served by the juvenile court  
21 clerk on all persons provided with notice of the hearing under (g)(1).

22  
23 (B) Service must be by personal service or first-class mail within three  
24 court days of the issuance of the order.

25  
26 (C) A proof of service must be filed.

27  
28 **Advisory Committee Comment**

29  
30 Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success  
31 Act and Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the federal Fostering  
32 Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351, which provides  
33 funding resources to extend the support of the foster care system to children who are still in a  
34 foster care placement on their 18th birthday. Every effort was made in the development of the  
35 rules and forms to provide an efficient framework for the implementation of this important and  
36 complex legislation.

37  
38 The extension of benefits for nonminors up to 18 years of age during the first year and for  
39 nonminors up to 19 years of age during the following year is fully provided for in Assembly Bill  
40 12 and does not require further action by the Legislature; however, extension of those benefits to  
41 nonminors between 20 and 21 years of age is contingent upon an appropriation by the  
42 Legislature. (Welf. & Inst. Code, § 11403(k).)





|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br>_____<br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): _____ | <b>FOR COURT USE ONLY</b><br><br><br><b>DRAFT</b><br>Not approved by<br>the Judicial Council |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  |  |
| NONMINOR'S NAME:   |  |
| <p style="text-align: center;"><b>NOTICE OF HEARING</b></p> <input type="checkbox"/> <b>NONMINOR DEPENDENT REVIEW HEARING</b> <input type="checkbox"/> <b>OTHER</b>  | CASE NUMBER:   |

**NOTICE TO** (name and address):

1. A hearing will be held

|            |            |           |       |
|------------|------------|-----------|-------|
| on (date): | at (time): | in Dept.: | Room: |
|------------|------------|-----------|-------|

located at  court address above  other (specify address):

2. At the hearing, the court will:

- a.  Review the nonminor dependent's goals and services as described in the Transitional Independent Living Case Plan and the efforts and progress made toward achieving independence.
- b.  Other (specify):

3. **THE**  **SOCIAL WORKER**  **PROBATION OFFICER RECOMMENDS:**

- a.  A change in orders, services, placement, custody, or status (specify):
- b.  No change in orders, services, placement, custody, or status.
- c.  Other (specify):

4. **TO THE NONMINOR:**

- a. **You have the right to be present at the hearing, to present evidence, and to be represented by an attorney.** You may invite other persons to attend the hearing.
- b. **You may appear for the hearing by telephone.** Instructions about the local court procedures for arranging to appear and appearing at the hearing by telephone are included with this notice.
- c. Prior to the hearing, the social worker or probation officer will prepare a report with recommendations. You must be provided with a copy of this report.
- d. The court will proceed with this hearing whether or not you are present.

5. **TO THE PRESENT SUPERVISOR OF THE NONMINOR DEPENDENT'S RESIDENCE, IF ANY:**

- a. You may be present at the hearing.
- b. You may submit relevant written material to the court.

Date:

|                               |   |  |
|-------------------------------|---|--|
| _____<br>(TYPE OR PRINT NAME) | } | _____<br>(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER) |
|-------------------------------|---|--|



**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i><br><br>TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____<br>E-MAIL ADDRESS <i>(Optional):</i> _____<br>ATTORNEY FOR <i>(Name):</i> _____ | <b>FOR COURT USE ONLY</b><br><br><b>DRAFT</b><br><b>Not approved by</b><br><b>the Judicial Council</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:   |  |
| NONMINOR'S NAME:  |  |
| <b>PROOF OF SERVICE—NONMINOR</b>  | CASE NUMBER:   |

I served a copy of the *(name of document)*

on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the United States mail with postage prepaid or at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Nonminor<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:   | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
| 2. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:   | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>Notice provided only if requested by nonminor dependent<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service:        | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Former legal guardian<br>Notice provided only if requested by nonminor dependent<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |

|                    |                      |
|--------------------|----------------------|
| CASE NAME:<br><br> | CASE NUMBER:<br><br> |
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5.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney  
 a. Name and address: a. Name and address:  
  
 b. Date of service: b. Date of service:  
 c. Method of service: c. Method of service:

6.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney  
 a. Name and address: a. Name and address:  
  
 b. Date of service: b. Date of service:  
 c. Method of service: c. Method of service:

7.  Supervisor of nonminor dependent's residence  Attorney  
 a. Name and address: a. Name and address:  
  
 b. Date of service: b. Date of service:  
 c. Method of service: c. Method of service:

8.  Other  Attorney  
 a. Name and address: a. Name and address:  
  
 b. Date of service: b. Date of service:  
 c. Method of service: c. Method of service:

9.  Other  Attorney  
 a. Name and address: a. Name and address:  
  
 b. Date of service: b. Date of service:  
 c. Method of service: c. Method of service:

10. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE)

|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><hr/><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): _____ | <b>FOR COURT USE ONLY</b><br><br><br><br><br><br><br><br><br><br><b>DRAFT</b><br>Not approved by<br>the Judicial Council |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b><br><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  |  |
| NONMINOR'S NAME: _____<br>NONMINOR'S DATE OF BIRTH: _____<br>HEARING DATE AND TIME: _____ DEPT.: _____   |  |
| <b>TERMINATION OF JUVENILE COURT JURISDICTION—NONMINOR</b>   | 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 nonminor (if nonminor 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 the box. Sign your initials on the line after items 2a–h, items 3a–j, item 4, items 5a–b, and items 6a–g if you received the service or information. Then sign and date item 9. The form may be given to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.

1. a.  The nonminor wants to attend the termination hearing.
- b.  The nonminor does not want to attend the termination hearing. The petitioner has attached verification that the nonminor has been informed of the potential consequences of failure to attend the termination hearing.
- c.  The nonminor is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the nonminor and to obtain his or her signature is attached.
2. An attached report verifies that the nonminor has received written information concerning his or her juvenile court case, including (check all that apply):
  - a.  Information known about the nonminor's Indian heritage or tribal connections, if applicable \_\_\_\_\_
  - b.  The nonminor's family history \_\_\_\_\_
  - c.  The nonminor's placement history \_\_\_\_\_
  - d.  The nonminor's educational and medical history \_\_\_\_\_
  - e.  Any photographs of the nonminor or his or her 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 except for those siblings for whom the juvenile court has found that sibling contact would jeopardize the safety or welfare of the sibling \_\_\_\_\_
  - g.  The nonminor'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 his or her 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 \_\_\_\_\_
3. The nonminor has been provided with the following documents (check all that apply):
  - a.  Certified birth certificate \_\_\_\_\_
  - b.  Social security card \_\_\_\_\_
  - c.  Identification card and/or driver's license \_\_\_\_\_
  - d.  Proof of citizenship or residency status \_\_\_\_\_
  - e.  Death certificate of parent or parents, if applicable \_\_\_\_\_
  - f.  Health and Education Passport maintained by the county welfare department or the probation department \_\_\_\_\_

|                  |              |
|------------------|--------------|
| NONMINOR'S NAME: | CASE NUMBER: |
|------------------|--------------|

- 3. g.  An advance health care directive form \_\_\_\_\_
- h.  Letter prepared by the county welfare department that includes the nonminor's name and date of birth, the dates during which the he or she was within the jurisdiction of the juvenile court, and a statement that the nonminor was a foster child in compliance with state and federal financial aid documentation requirements \_\_\_\_\_
- i.  The nonminor's 90-day Transition Plan \_\_\_\_\_
- j.  A blank copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and *Confidential Information-Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) \_\_\_\_\_
- 4.  If the nonminor continues to be eligible for services or accommodations under the Individuals With Disabilities Education Act, the Americans With Disabilities Act, or section 504 of the Rehabilitation Act of 1973, he or she has been provided with his or her most recent service or accommodation plan. \_\_\_\_\_
- 5.  The nonminor has been receiving services as provided in the Individuals With Disabilities Education Act (34 C.F.R. §§ 300.320(b) and (c), 300.321(b)), and
  - a.  the nonminor has received his or her transition service plan. \_\_\_\_\_
  - b.  the nonminor has been informed of the rights that will transfer to him or her under this act. \_\_\_\_\_
- 6. The nonminor received the following:
  - a.  Assistance with an application for Medi-Cal or other health insurance, including information about the availability of extended Medi-Cal benefits until age 21 \_\_\_\_\_
  - b.  Assistance with an application for college, a vocational training program, or other educational or employment program \_\_\_\_\_
  - c.  Assistance in obtaining financial aid for college, a vocational training program, or other educational or employment program \_\_\_\_\_
  - d.  A referral to transitional housing, if available, or assistance in securing other housing \_\_\_\_\_
  - e.  Assistance in obtaining employment or other financial support including the CalFresh Program \_\_\_\_\_
  - f.  Assistance in maintaining relationships with individuals important to him or her, consistent with the his or her best interest (*required only if the nonminor has been in an out-of-home placement for six months or longer*)
  - g.  Assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence
  - h.  Other services ordered by the court (*specify*): \_\_\_\_\_

7. Number of pages attached: \_\_\_\_\_

8. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME)

\_\_\_\_\_  
 ▲ (SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)

9. I certify that I have received the information and services that I initialed above.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME)

\_\_\_\_\_  
 ▲ (NONMINOR'S SIGNATURE)

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

- |  | Present                  |                                 | Present                  |
|--|--------------------------|---------------------------------|--------------------------|
| 1. Parties <i>(name)</i> :   |                          | <u>Attorney <i>(name)</i></u> : |                          |
| a. Nonminor:   | <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  |                          |                                 |                          |
| a. Other <i>(name)</i> :   |                          |                                 |                          |
| b. Other <i>(name)</i> :   |                          |                                 |                          |
| c. Other <i>(name)</i> :   |                          |                                 |                          |
| 7. <b>The court has read and considered and admits into evidence:</b>              |                          |                                 |                          |
| a. <input type="checkbox"/> Report of social worker dated:                         |                          |                                 |                          |
| b. <input type="checkbox"/> Report of probation officer dated:                     |                          |                                 |                          |
| c. <input type="checkbox"/> Other <i>(specify)</i> :                               |                          |                                 |                          |
| d. <input type="checkbox"/> Other <i>(specify)</i> :                               |                          |                                 |                          |
| e. <input type="checkbox"/> Other <i>(specify)</i> :                               |                          |                                 |                          |

|                          |                      |
|--------------------------|----------------------|
| NONMINOR'S NAME:<br><br> | CASE NUMBER:<br><br> |
|--------------------------|----------------------|

**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.  Nonminor who is not present:
- a.  The nonminor expressed a wish to not appear for hearing and did not appear.
- b.  The nonminor's current location is unknown and reasonable efforts were made to locate the youth.
10.  The nonminor had the opportunity to confer with his or her attorney about the issues currently before the court.
11. Remaining under juvenile court jurisdiction  is  is not in the nonminor's best interests. The facts supporting this determination were stated on the record.
12. a.  The nonminor 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 nonminor 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 nonminor continues attending high school or a high school equivalency certificate (GED) program.
- (2)  The nonminor attends a college, a community college, or a vocational education program.
- (3)  The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
- (4)  The nonminor is employed at least 80 hours per month.
- (5)  The nonminor is incapable of doing any of the activities in (b)(1)–(4) due to a medical condition.
13.  The nonminor has an in-progress application pending for title XVI Supplemental Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process  is  is not in the nonminor's best interest.
14.  The nonminor has 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.
15.  The nonminor was informed of the options available to assist with the transition from foster care to independence.
16.  The potential benefits of remaining in foster care under juvenile court jurisdiction were explained to the nonminor and the nonminor has stated that he or she understands those benefits.
17.  The nonminor was informed that if juvenile court jurisdiction is continued he or she may have the right to have that jurisdiction terminated with the court retaining general jurisdiction for the purpose of resuming jurisdiction over him or her as a nonminor dependent.
18.  The nonminor was informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, he or she has the right to file a petition to have the court resume dependency jurisdiction or transition jurisdiction over him or her so long as he or she is within the eligible age range for status as a nonminor dependent.
19. a.  The nonminor was provided with the information, documents, and services required under Welf. & Inst. Code, § 391(e) and a completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365), was filed with this court.
- b.  The nonminor 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 19a.
20.  For a nonminor who is subject to delinquency jurisdiction the juvenile court  was  was not provided with verification that the requirements of Welf. & Inst. Code, § 607.5 were met.



|                          |                      |
|--------------------------|----------------------|
| NONMINOR'S NAME:<br><br> | CASE NUMBER:<br><br> |
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21.  For a nonminor who is an Indian child under the Indian Child Welfare Act 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 ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.
22. a.  The Transitional Independent Living Case Plan includes a plan for a placement the nonminor 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 nonminor and social worker or probation officer will know when independence can be achieved.
- b.  The Transitional Independent Living Plan (TILP) identified the nonminor'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:**

23.  The nonminor meets at least one of the conditions listed in item 12(b)(1)–(5) and juvenile court
- a.  dependency jurisdiction  termination jurisdiction over the nonminor as a nonminor dependent is ordered.
- b. The nonminor'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 nonminor 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 of the date indicated in item 29.
24.  The nonminor does not meet and does not intend to meet the eligibility criteria for status as a nonminor dependent but is otherwise eligible to and will remain under the juvenile court's jurisdiction in a foster care placement and the matter is set for a status review hearing on the date indicated in item 29 which is within six months of the date of the nonminor's most recent status review hearing.
25.  Reasonable efforts were made to locate the nonminor under the court's jurisdiction as a dependent, ward, or nonminor dependent and his or her current location remains unknown. The juvenile court's jurisdiction over the nonminor is terminated with the juvenile court retaining general jurisdiction over the nonminor for the purpose of considering a petition filed under Welf. & Inst. Code, § 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
26.  The nonminor:
- a.  Does not meet the eligibility criteria for status as a nonminor dependent and is not otherwise eligible to remain under juvenile court jurisdiction;
- b.  Does meet the eligibility criteria for status as a nonminor dependent but does not wish to remain under juvenile court jurisdiction as a nonminor dependent; or
- c.  Does meet the eligibility criteria for status as a nonminor dependent but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan; and

the nonminor was given an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) and the findings required in items 10, 16, 19a, and 22c were made. The juvenile court's jurisdiction over the nonminor is terminated with the juvenile court retaining general jurisdiction over the nonminor for the purpose of considering a petition filed under Welf. & Inst. Code, § 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.

|                  |              |
|------------------|--------------|
| NONMINOR;S NAME: | CASE NUMBER: |
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27.  The nonminor is no longer within the eligible age range for status as a dependent, a ward, or a nonminor dependent subject to the jurisdiction of the juvenile court. The findings required by items 19 and 22c were made. Juvenile court jurisdiction over the nonminor is dismissed

28.  **Other findings and orders:**  
 a.  See attachment 28a.  
 b.  Other (*specify*):

29.  **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*):

30. 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 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 take part in a program or activities to promote employment or overcome barriers to employment.
  - 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 program, a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition.
2.  The child's Transitional Independent Living Case Plan includes an alternative plan for the child's transition to independence, including housing, education, employment, and a support system in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age.
3.  The child has an in-progress application pending for title XVI Supplemental Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process
  - a.  is in the child's best interest.
  - b.  is not in the child's best interest.
4.  The child has 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.
5.  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 California Rules of Court, rule 5.555.
6.  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.
7.  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.
8.
  - a.  All the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the child.
  - b.  Not all the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the child and the barriers to providing any missing information, documents or services can be overcome by the date the child attains 18 years of age.
  - c.  Not all the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the child. The barriers to providing any missing information, documents, or services may not be overcome by the date the child attains 18 years of age. Juvenile court jurisdiction must be continued to ensure that all information, documents, and services are provided to the child.
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 ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.

|                        |              |
|------------------------|--------------|
| CHILD'S NAME:<br>_____ | CASE NUMBER: |
|------------------------|--------------|

**Orders:**

10.  The child does not currently intend to remain under juvenile court jurisdiction after attaining 18 years of age as a dependent of the court or as a nonminor dependent as described in Welf. & Inst. Code, §11402(v) and, at the child's request, a hearing is ordered set under California Rules of Court, rule 5.555 for a date no more than one month after the child's 18th birthday.
11.  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.
12.  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 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><br><br><br><br>TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____<br>E-MAIL ADDRESS <i>(Optional)</i> : _____<br>ATTORNEY FOR <i>(Name)</i> : _____ |                        | <b>FOR COURT USE ONLY</b><br><br><br><b>DRAFT</b><br>Not approved by<br>the Judicial Council |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  |                        |  |
| NONMINOR'S NAME:<br>NONMINOR'S DATE OF BIRTH:<br>HEARING DATE AND TIME: _____ DEPT.: _____   |                        |  |
| <b>FINDINGS AND ORDERS AFTER NONMINOR DEPENDENT REVIEW HEARING</b>   |                        | CASE NUMBER:   |
| Judicial Officer:  | Court Clerk:           | Court Reporter:  |
| Bailliff:  | Other Court Personnel: | Interpreter:<br>Language:  |

- |   |                          |  |                         |                          |
|---|--------------------------|--|-------------------------|--------------------------|
|   | <u>Present</u>           |  | <u>Attorney (name):</u> | <u>Present</u>           |
| 1. Parties <i>(name)</i> :  |                          |  |                         |                          |
| a. Nonminor dependent:  | <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:                                       |                          |  |                         |                          |
| a. Other <i>(specify)</i> :   |                          |  |                         |                          |
| b. Other <i>(specify)</i> :   |                          |  |                         |                          |
| c. Other <i>(specify)</i> :   |                          |  |                         |                          |
| d. Other <i>(specify)</i> :   |                          |  |                         |                          |
| 4. <b>The court has read and considered and admits into evidence:</b> |                          |  |                         |                          |
| a. <input type="checkbox"/> Report of social worker dated:            |                          |  |                         |                          |
| b. <input type="checkbox"/> Report of probation officer dated:        |                          |  |                         |                          |
| c. <input type="checkbox"/> Other <i>(specify)</i> :                  |                          |  |                         |                          |
| d. <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 nonminor dependent's continued placement is necessary.**
7.  **The nonminor dependent's continued placement is no longer necessary.**

|                          |                      |
|--------------------------|----------------------|
| NONMINOR'S NAME:<br><br> | CASE NUMBER:<br><br> |
|--------------------------|----------------------|

- 8.  **The nonminor dependent's current placement is appropriate.**
- 9.  **The nonminor dependent's current placement is not appropriate.** The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
- 10.  The nonminor dependent's Transitional Independent Living Case Plan does include a plan for him or her to satisfy the the criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care under juvenile court jurisdiction. The specific criteria it is anticipated the nonminor dependent will continue to satisfy are indicated below:
  - a.  Attending high school or a high school equivalency certificate (GED) program.
  - b.  Attending a college, a community college, or a vocational education program.
  - c.  Attending a program or participating in an activity that will promote or help remove a barrier to employment.
  - d.  Employed at least 80 hours per month.
  - e.  The nonminor dependent 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 activity, 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 nonminor dependent establish and maintain compliance with the conditions in Welf. & Inst. Code, § 11403(b).
- 12. The nonminor dependent  was  was not provided with the information, documents, and services as required under Welf. & Inst. Code, § 391(e).
- 13. The Transitional Independent Living Case Plan  was  was not developed jointly by the nonminor dependent and the county agency.
- 14.  For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the representative from his or her tribe  was  was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
- 15. The nonminor dependent's Transitional Independent Living Case Plan  does  does not reflect the living situation and services consistent, in the nonminor dependent'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 nonminor dependent'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 nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.
- 18. The nonminor dependent  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 nonminor dependent 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 to assist the nonminor dependent in his or her efforts to attain those goals were stated on the record.
- 20. The county agency  has  has not made reasonable efforts to maintain relations between the nonminor dependent 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.
- 21. The county agency  has  has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with his or her siblings who are under juvenile court jurisdiction.
- 22. The likely date by which it is anticipated the nonminor dependent will achieve independence is: \_\_\_\_\_.

|                          |                      |
|--------------------------|----------------------|
| NONMINOR'S NAME:<br><br> | CASE NUMBER:<br><br> |
|--------------------------|----------------------|

23.  It appears that juvenile court jurisdiction over the nonminor may no longer be necessary and a hearing to consider termination of juvenile court jurisdiction under Cal. Rules of Court, rule 5.555 is ordered
24.  At a hearing under Cal. Rules of Court, rule 5.555 held on the date below, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor* (form JV-367) and juvenile court jurisdiction is terminated pursuant to those findings and orders.
25.  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.
26. **All prior orders not in conflict with this order remain in full force and effect.**
27.  **Other findings and orders:**
- a.  See attachment 27a.
- b.  (*Specify*):

28. **The next hearings 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: |
|---------------|-------|-------|-------|

- b.  Hearing to consider termination of jurisdiction under Cal. Rules of Court, rule 5.555

|               |       |       |       |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

- c.  Other (*specify*):

|               |       |       |       |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

29. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

JUDICIAL OFFICER





**JV-464-INFO****How to Ask to Return to Juvenile Court  
Jurisdiction and Foster Care**

Some 18, 19, and 20 year-olds can return to the jurisdiction (authority) of the juvenile court and foster care. This form explains:

- The benefits of returning to foster care,
- Who qualifies to return to foster care, and
- How to ask to return to the jurisdiction (authority) of the juvenile court and a foster care placement.

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

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

- Relative's home
- Home of a nonrelated extended family member (a person close to your family but not related to you)
- Foster home
- Group home if you need to because of a medical condition. You can also stay in a group home until your 19th birthday or until you finish high school, whichever one happens first.
- Supervised independent living setting, such as an apartment or college dormitory

You can also get:

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

**Do I qualify to return juvenile court jurisdiction and 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.*

 **Court Requirements:**

The court must have made order to keep its jurisdiction (authority) to reopen your case until your 21st birthday.

 **Work/School Requirements:**

You must want to do one of the following:

- Finish high school or get a high school equivalency (GED) certificate,
- Attend college or community college,
- Attend a vocational education program, or
- Attend a program or do activities that will help you get a job

*Exception:* If you have a medical problem that makes you unable to meet these requirements, you do not have to be in school, a program, or working.

 **Sign an Agreement to Return to Foster Care:**

You and a social worker (SW) or probation officer (PO) must sign an agreement that says:

- You want to return to foster care to be placed in a supervised setting.
- The SW or PO will be responsible for your placement and care.
- Together, you and the SW or PO will make a plan that helps you to learn how to live independently.
- If you ask the SW or PO to file your court papers, you will cooperate with them.
- If your situation changes and you no longer qualify to stay in foster care, you will tell the SW or PO.

*Important!* Even if you are not sure you qualify, you should still apply.

**When can I get help to find housing?**

As soon as you sign the agreement to return to foster care, your social worker or probation officer can help you find housing and other services you may need.

**How do I ask to return to Juvenile Court  
Jurisdiction and foster care?**

You - or a SW at the child welfare department or a PO at the probation department that supervised you when you were in foster care - must fill out and file the court form, *Request to Return to Juvenile Court Jurisdiction and Foster Care* (JV-466). This form tells the court you want to return to foster care.

If you want to fill out the form yourself, you can find a lot of the information you need on the form, *Termination of Juvenile Court Jurisdiction—Nonminor* (JV-365), the court gave you when you left foster care.

**Where can I get the form I need to fill out?**

The court may already have given you the form when your foster care ended. Or you can get the form at:

- Your county's courthouse or law library, or
- The court's website: [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm).

**What if I need help with the form?**

If you want help to fill out the form, ask:

- A SW at the child welfare department or a PO at the probation department that supervised you when you were in foster care,
- The person who was your lawyer when you were in foster care, or
- A friend.

**What do I do with my completed form?**

You can:

- File the form yourself, or
- Ask the SW or PO to file the form for you. If you do this, they will ask you to sign an agreement to return to foster care first.

*Note:* If you file it yourself, your court hearing will be about three weeks sooner.

**Where do I file my completed form?**

You can file it by mail or in person at:

The Juvenile Court Clerk's Office for the court that terminated its jurisdiction and kept the authority to reopen your case until your 21st birthday.

You can submit it by mail or in person at:

The Juvenile Court Clerk's Office in the county where you live. The clerk will send it to the court that kept authority to reopen your case.

*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 the form?**

No. It's free.

**Do I have to fill out other court forms?**

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

If so, 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 Juvenile Court Jurisdiction and Foster Care* (form JV-468).

**When will the court decide if I can return to  
juvenile court jurisdiction and foster care?**

If you file your court papers yourself, there will be a court hearing in about 3 weeks. The court will decide at the hearing.

If you ask a social worker or probation officer to file your court papers, you will have to wait an extra 3 weeks.

**Who will decide if I am eligible?**

A judge with the same court that kept the authority to reopen your case will decide if the court's jurisdiction (authority) over you should be resumed and you should be permitted to return to foster care.

**The judge can decide that...**

- **You do not qualify** because of your age or because there was no order retaining the court's authority to reopen your case. 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. The court will also send you a list of lawyers who can help you with your case. You can file another request that includes the information that was missing.
- **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 juvenile court's jurisdiction was dismissed. 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 former legal guardian and the CASA office for your former CASA.

**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 you used to be a dependent, you will be under the juvenile court's dependency jurisdiction.

If you used to be a ward, you will be under the juvenile court's transition jurisdiction.

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 kept its jurisdiction (authority) over you just in case you wanted to return to the court’s jurisdiction and a foster care placement. If you don’t want other people, for example, a parent or brother or sister who was part of your case when you were a child, to know your contact information, do not write it in ①. Write that information on *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468). Read *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO) for information about filling out and filing the forms. If you do not know the information asked for, leave the space blank. Remember to get and keep copies of all court papers and other papers you sign or receive from the child welfare services agency or the probation department.

*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 area code and telephone number: \_\_\_\_\_
  - d. Your date of birth: \_\_\_\_\_
- ② The location of the juvenile court that had authority over you when you turned 18 years old.
  - a. City: \_\_\_\_\_
  - b. County: \_\_\_\_\_
- ③ The name and court file number or case number of your case in juvenile court:
  - a. Name of your case: \_\_\_\_\_
  - b. Court file number or case number: \_\_\_\_\_
- ④ The date the juvenile court terminated its jurisdiction (authority) over you: \_\_\_\_\_
- ⑤ I need help to keep or find an appropriate place to live.
  - I need a placement right now.
- ⑥ Voluntary Reentry Agreement with child welfare services or the probation department to return to foster care:
  - I agree to sign a voluntary reentry agreement for a supervised placement
  - I signed a voluntary reentry agreement for a supervised placement on (date): \_\_\_\_\_ with
    - Child welfare services
    - Probation department



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 7 You must plan to meet at least one of the five conditions listed below. Please check all that apply to you:
- a.  I plan to attend a high school or a high school equivalency certificate (GED) program.
  - b.  I plan to attend a college, a community college, or a vocational education program.
  - c.  I plan to attend a program or take part in activities that will help train me to be employed or will help me solve problems that prevented me from finding a job.
  - d.  I plan to 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, take part in a program or activities to help me find a job, or work 80 hours per month because of a medical condition.

- 8 The judge will set a hearing about this request if the judge decides that he or she has enough information to think that you have probably satisfied all the requirements.
- Do you want your parents or former legal guardian to be told about the hearing if the judge sets one?
- NO. I do not want my parents or former legal guardian to be told about the hearing.
  - YES. I do want my parents or formal legal guardian to be told about the hearing. Their names and addresses are:

Parent's name and address: \_\_\_\_\_  
\_\_\_\_\_

Parent's name and address: \_\_\_\_\_  
\_\_\_\_\_

Former legal guardian's name and address: \_\_\_\_\_  
\_\_\_\_\_

- 9 The judge will give you a free lawyer to help before and during the hearing. If you want the lawyer who represented you when you were a dependent, ward, or nonminor dependent, please write the lawyer's name and telephone number on the line below, and if that lawyer is available, the court will appoint him or her to help you before and during the hearing.

Name and telephone number of the lawyer who used to represent me and who I want to represent me again:  
\_\_\_\_\_  
\_\_\_\_\_

- 10 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 be told about the hearing if the judge schedules a hearing?
- NO. I do not want the CASA to be told about the hearing.
  - YES. I want the CASA to be told about the hearing. The name of the person who was my CASA is:

\_\_\_\_\_



Your name: \_\_\_\_\_

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

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

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

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

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

1.  I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.

Name of tribe(s) (name each):

Name of band (if applicable):

2.  I may have Indian ancestry

Name of tribe(s) (name each):

Name of band (if applicable):

3.  I have no Indian ancestry as far as I know.

12 Your 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 Juvenile Court Jurisdiction and 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 nonminor's representative:

The nonminor 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 Juvenile Court Jurisdiction and 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 representative's name

\_\_\_\_\_  
Signature of representative





**Confidential Information—  
Request to Return to Juvenile Court  
Jurisdiction and Foster Care**

*This information about the nonminor provided by him or her must be kept under seal in the court file. The court, the nonminor, the nonminor’s attorney, and the county agency designated to provide supervision of the nonminor may look at this information.*

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

- ① Your information:
  - a. Your address: \_\_\_\_\_  
\_\_\_\_\_
  - b. Your city, state, zip code: \_\_\_\_\_
  - c. Your telephone number: \_\_\_\_\_

*Clerk stamps date here when form is filed.*

**DRAFT  
Not approved by  
the Judicial Council**

*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:**



|                            |                           |
|----------------------------|---------------------------|
| MINOR'S NAME:<br><br>_____ | CASE NUMBER:<br><br>_____ |
|----------------------------|---------------------------|

**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 delinquency jurisdiction to transition jurisdiction or dependency jurisdiction, 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 held on behalf of a minor approaching majority.
2. A review hearing under Welf. & Inst. Code, § 727.2 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 or who was subject to an order for a foster care placement as a dependent when he or she was adjudged to be a ward.

**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 finding 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 finding are stated on the record.
2.  For a dual status minor for whom dependency jurisdiction was suspended under section 241.1(e)(5)(A):
  - 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 finding 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 finding were stated on the record.
3.  For a dual status minor for whom the probation department was designated the lead agency under section 241.1(e)(5)(B):
  - a.  A return to the minor's home would be detrimental to the minor, and juvenile court jurisdiction over the minor as a dual status child is no longer required. The facts supporting this finding 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 is not required. The facts supporting this finding were stated on the record.
4.  For other than a dual status minor:
  - a.  The minor  is  is not at risk of abuse or neglect. The facts supporting this finding are stated on the record.
  - b.  The minor's return to the home of his or her parent or legal guardian  would  would not create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being. The facts supporting this finding are stated on the record.
  - c.  Reunification services  have  have not been terminated.
  - d.  The minor's case  has  has not been set for a hearing to terminate parental rights or establish a guardianship.
  - e.  The minor  does  does not intend to sign a mutual agreement for a placement in a supervised setting as a nonminor dependent.

|                       |                      |
|-----------------------|----------------------|
| MINOR'S NAME:<br><br> | CASE NUMBER:<br><br> |
|-----------------------|----------------------|

5.  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 take part in a program or activities to promote employment or overcome barriers to employment.
  - 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 program, a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition.
  
6.  The minor's Transitional Independent Living Case Plan includes an alternative plan for the minor's transition to independence, including housing, education, employment, and a support system in the event the minor does not remain under juvenile court jurisdiction after attaining 18 years of age.
  
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 ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.
  
8.  The minor has an in-progress application pending for title XVI Supplemental Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process  is  is not in the minor's best interest.
  
9.  The minor has 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.
  
10.  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.
  
11.  The minor was informed that he or she may decline to become a nonminor dependent.
  
12.  The minor was informed that upon reaching 18 years of age he or she may have the right to have juvenile court jurisdiction terminated following a hearing under California Rules of Court, rule 5.555.
  
13.  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.
  
14.
  - a.  All the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the minor.
  - b.  Not all the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the minor and the barriers to providing any missing information, documents, or services can be overcome by the date the attains 18 years of age
  - c.  Not all the information, documents, and services included in Welf. & Inst. Code, § 391(e) have not been provided to the minor. The barriers to providing any missing information, documents, or services may not be overcome by the date the minor attains 18 years of age. Juvenile court jurisdiction must be continued to ensure that all information, documents, and services are provided to the minor.
  
15.  The matter being before the juvenile court on a request for termination of jurisdiction over a minor currently or previously subject to an order for foster care placement, the juvenile court  was  was not provided with verification that the requirements of Welf. & Inst. Code, § 607.5 were met.

|                            |                           |
|----------------------------|---------------------------|
| MINOR'S NAME:<br><br>_____ | CASE NUMBER:<br><br>_____ |
|----------------------------|---------------------------|

**Orders:**

16.  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:
- a. Dependency jurisdiction over the minor previously suspended is resumed and delinquency jurisdiction is dismissed.
  - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or 727.3.
17.  The minor having been previously determined to be a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(B) and this court having found that the child's rehabilitative goals were achieved, that a return to the minor's home would be detrimental and that juvenile court jurisdiction over the minor as a dual status child is no longer required, orders:
- a. The child's dual status is terminated, delinquency jurisdiction over the minor is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care.
  - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
18.  The minor comes within the juvenile court's transition jurisdiction as described in Welf. & Inst. Code, § 450.
- a. The minor was originally removed from the physical custody of his or her parents or legal guardians on **(specify date):** \_\_\_\_\_ and continues to be removed from their custody.
  - b. The removal findings, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," made at that hearing remain in effect.
  - c. The  child welfare services department  probation department is responsible for the minor's placement and care.
- The minor is adjudged a transition dependent pending his or her attaining the age of 18 years and assuming the status of a nonminor dependent under the transition jurisdiction of this court. The matter is continued for a status review hearing set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or 727.3.
19.  The minor (1) was not a court dependent at the time he or she was declared a ward; (2) is currently subject to an order for a foster care placement; (3) does not come within the juvenile court's transition jurisdiction; (4) has achieved his or her rehabilitative goals; (5) no longer requires delinquency jurisdiction; and (6) appears to come within the description of Welf. & Inst. Code, § 300 and a return to the home of the parent or legal guardian may be detrimental to his or her safety, protection, or physical or emotional well-being.
- a. The  probation officer  minor's attorney must submit an application, under Welf. & Inst. Code, § 329, to the child welfare services department to commence a proceeding to declare the minor a dependent of the court.
  - b. The matter is set for a hearing to review the child welfare services department's decision on the date stated on the record which is within 20 court days of the date of this order.

|                            |                           |
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| MINOR'S NAME:<br><br>_____ | CASE NUMBER:<br><br>_____ |
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20.  The minor (1) was a court dependent at the time he or she was declared a ward; (2) does not come within the juvenile court's transition jurisdiction; (3) has achieved his or her rehabilitative goals; (4) no longer requires delinquency jurisdiction; and (5) remains within the description of a dependent child under Welf. & Inst. Code, § 300 and a return to the home of a parent or legal guardian would create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being.
- a. The minor was originally removed from the physical custody of his or her parents or legal guardians on **(specify date):** \_\_\_\_\_ and continues to be removed from their custody.
  - b. The removal findings, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," made at that hearing remain in effect.
  - c. The  child welfare services department  probation department is responsible for the minor's placement and care.

The order terminating jurisdiction over the minor as a dependent of the juvenile court is vacated and dependency jurisdiction over the minor is resumed. Delinquency jurisdiction is terminated. The matter is continued for a status review hearing set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or 727.3.

21.  Jurisdiction over the minor is not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction:
- a.  The minor is returned to the home of the parent or legal guardian. A progress report hearing is set on the date stated on the record.
  - b.  The minor is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the minor is terminated as set forth in *Petition to Terminate Wardship and Order* (form JV-794).
  - c.  Delinquency jurisdiction is continued and the order for an out-of-home placement in a non-foster care placement remains in full force and effect. A progress report hearing is set on the date stated on the record.
  - d.  Delinquency jurisdiction is continued and the order for a foster care placement remains in full force and effect.
    - (1)  The minor intends to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age and a status review hearing is set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or 727.3.
    - (2)  The minor does not intend to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age.
      - (a)  A hearing to terminate delinquency jurisdiction under Welf. & Inst. Code, §§ 607.2(b)(4) and 607.3 is set for the date stated on the record which is within one month of the minor's 18th birthday.
      - (b)  A status review hearing is set under Welf. & Inst. Code, § 727.2. on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or 727.3.

|                        |                       |
|------------------------|-----------------------|
| MINOR'S NAME:<br>_____ | CASE NUMBER:<br>_____ |
|------------------------|-----------------------|

**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 finding 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 finding were stated on the record.
  
2.  For a dual status minor for whom dependency jurisdiction was suspended under section 241.1(e)(5)(A):
  - 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 finding 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 finding were stated on the record.
  
3.  For a dual status minor for whom the probation department was designated the lead agency under section 241.1(e)(5)(B):
  - a.  A return to the minor's home would be detrimental to the minor, and juvenile court jurisdiction over the minor as a dual status child is no longer required. The facts supporting this finding 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 is not required. The facts supporting this finding were stated on the record.
  
4.  For a minor other than a dual status minor:
  - a.  The minor  is  is not at risk of abuse or neglect. The facts supporting this finding are stated on the record.
  - b.  The minor's return to the home of his or her parent or legal guardian  would  would not create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being. The facts supporting this finding are stated on the record.
  
5.  The matter being before the juvenile court on a request for termination of jurisdiction over a minor currently or previously subject to an order for foster care placement, the juvenile court  was  was not provided with verification that the requirements of Welf. & Inst. Code § 607.5 were met.

**Orders:**

6.  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:
  - a. Dependency jurisdiction over the minor previously suspended is resumed and delinquency jurisdiction is dismissed.
  - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

|                        |                       |
|------------------------|-----------------------|
| MINOR'S NAME:<br>_____ | CASE NUMBER:<br>_____ |
|------------------------|-----------------------|

7.  The minor having been previously determined to be a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(B) and this court having found that the child's rehabilitative goals were achieved, that a return to the minor's home would be detrimental and that juvenile court jurisdiction over the minor as a dual status child is no longer required, orders:
- The child's dual status is terminated, delinquency jurisdiction over the minor is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care.
  - The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
8.  The minor (1) was not a court dependent at the time he or she was declared a ward; (2) is currently subject to an order for a foster care placement; (3) does not come within the juvenile court's transition jurisdiction; (4) has achieved his or her rehabilitative goals; (5) no longer requires delinquency jurisdiction; and (6) appears to come within the description of Welf. & Inst. Code, § 300 and a return to the home of the parent or legal guardian may be detrimental to his or her safety, protection, or physical or emotional well-being.
- The  probation officer  minor's attorney must submit an application, under Welf. & Inst. Code, § 329, to the county child welfare services department to commence proceeding to declare the minor a dependent if the court.
  - The matter is set for a hearing to review the county child welfare services department's decision on the date stated on the record which is within 20 court day of the date of this order.
9.  The minor (1) was a court dependent at the time he or she was declared a ward; (2) does not come within the juvenile court's transition jurisdiction; (3) has achieved his or her rehabilitative goals; (4) delinquency jurisdiction is no longer required; and (5) he or she remains within the description of a dependent child under Welf. & Inst. Code, § 300 and a return to the home of a parent or legal guardian would create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being.
- The minor was originally removed from the physical custody of his or her parents or legal guardians on **(specify date):** \_\_\_\_\_ and continues to be removed from their custody.
  - The removal findings, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," made at that hearing remain in effect.
  - The  child welfare services department  probation department is responsible for the minor's placement and care.
- The order terminating jurisdiction over the minor as a dependent of the juvenile court is vacated and dependency jurisdiction over the minor is resumed. Delinquency jurisdiction is terminated. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or 366.3 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
10.  Jurisdiction over the minor was not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction:
- The minor is returned to the home of the parent or legal guardian. A progress report hearing is set on the date stated on the record.
  - The minor is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the minor is terminated as set forth in *Petition to Terminate Wardship and Order* (form JV-794).
  - Delinquency jurisdiction is continued and the order for an out-of-home placement in a non-foster care placement remains in full force and effect. A progress report hearing is set on the date stated on the record.
  - Delinquency jurisdiction is continued and the order for a foster care placement remains in full force and effect. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 727.2 or § 727.3 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b> |   |                 |  |   |
|--|---|-----------------|--|---|
|  | <b>Commentator</b>  | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b>   |
| 1.   | Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel  | N               | See comments on specific provisions below.   |   |
| 2.   | Childrens Advocacy Institute<br>Melanie Delgado<br>Staff Attorney   | AM              | See comments on specific provisions below.   |   |
| 3.   | Contra Costa County<br>Children and Family Services<br>Valerie J. Ranche<br>Assistant County Counsel                                  | AM              | See comments on specific provisions below.   |   |
| 4.   | County Welfare Directors Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento  | AM              | See comments on specific provisions below.   |   |
| 5.   | Joint Rules Working Group of the Trial<br>Court Presiding Judges Advisory<br>Committee and the Court Executives<br>Advisory Committee | N               | While the TCPJAC/CEAC Joint Rules Working Group recognizes that these proposals are statutorily mandated, it cannot adopt an “Agree with proposed changes” position given the numerous and severe challenges facing California’s trial courts. The working group has adopted a “Do not agree with the proposed changes” position because the proposals create numerous and significant operational and fiscal impacts upon trial courts that are grappling with one of the worst economies in recent U.S. history. The new requirements created by the proposals, while well-intended, will only | The extensive changes to California statutes, including those requiring the new and amended hearing requirements, were made to comply with provisions of federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub.L. No. 110-351. The proposed new and amended rules and new and revised forms implement those statutory changes. The committee is mindful of workload ramifications of AB 12 and AB 212. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | <b>Commentator</b> | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b>  |
|  |                    |                 | <p>worsen the financial condition of the courts. At a time when courts are facing severe budget reductions, potential layoffs, possible court closures, and other urgent matters, rules of court should not create new responsibilities unless absolutely necessary and driven by statutory mandates. The trial courts must use this time to focus on ensuring continuation of the most critical services rather than on dedicating new resources to new requirements.</p> <p>The working group recommends that the committee re-evaluate how the proposals can be implemented with minimal impact to court operations. The committee could consider only moving forward the most critical and clearly mandated proposals, moving back or phasing in implementation deadlines, and identifying all available alternatives to lessen negative impacts to the courts.</p> <p>This proposal will create the following impacts on the courts:</p> <ul style="list-style-type: none"> <li>• Increased Training Needs Requiring the Commitment of Staff Time and Court Resources - Significant impact to the courts is anticipated in this assessment area. Because this proposal implements the extension of foster care services to court dependents and wards 18 through 20 years of age as mandated by Assembly Bill 12 (Beall; Stats. 2010, ch. 559)</li> </ul> | <ul style="list-style-type: none"> <li>• Educational materials will be available to help meet the training needs of the trial courts.</li> </ul> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|--|--------------------|-----------------|---|---|
|  | <b>Commentator</b> | <b>Position</b> | <b>Comment</b>  | <b>Committee Response</b>   |
|  |                    |                 | <p>some training will be required for judges and court staff to better understand the eligibility status and additional findings for a nonminor dependent, and the modification of juvenile court jurisdiction over a child from that of a ward to that of a dependent. In particular, juvenile court proceedings and hearings under the Welfare and Institutions Code Section 391 (hearing to terminate jurisdiction over a dependent child who has reached the age of majority) could be the most impacted if the proposal is implemented as currently written.</p> <ul style="list-style-type: none"> <li>• Increase to Existing Court Staff Workload - Significant impact to the courts is anticipated in this assessment area. Even though the proposed rules and forms provide a comprehensive framework for a set of hearings and procedures for a group of youth, nonminor dependents, who were not previously under court jurisdiction, and this includes youth who remain in foster care as well as those who have left foster care for a period of trial independence and wish to return to a foster care placement, court staff could experience a noticeable increase to existing workload. For example, and in particular courts in counties with large populations, anticipated increase in filings for nonminor dependent status review hearings, hearings to consider termination of juvenile</li> </ul> | <ul style="list-style-type: none"> <li>• Every effort was made in the development of the rules and forms to provide an efficient framework for the implementation of this important and complex legislation.</li> </ul> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | <b>Commentator</b>  | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b> |
|  |   |                 | <p>court jurisdiction over a nonminor, and petitions to resume juvenile court jurisdiction over nonminors could contribute to impacting court staff workload.</p> <ul style="list-style-type: none"> <li>• Impact on Local or Statewide Justice Partners - Significant impact to the courts is anticipated in this assessment area. The Department of Social Services (DSS), county probation departments, and attorneys representing nonminor youths will be the justice partners most impacted by the proposal. With the statute mandated extension of foster care services to court dependents and wards 18 through 20 years of age, justice partners such as DSS and probation could take on significant added responsibilities in the areas of increased caseload management, especially in the case where a nonminor youth who left foster care for a period of trial independence and wish to return to a foster care placement.</li> </ul> |                           |
| 6.   | Los Angeles County<br>Office of the County Counsel<br>James Owens<br>Assistant County Counsel | AM              | See comments on specific provisions below.   |                           |
| 7.   | Orange County Bar Association   | A               | No specific comment.   | No response required.     |
| 8.   | Orange County<br>Public Defender’s Office<br>Deborah A. Kwast                                 | AM              | See comments on specific provisions below.   |                           |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|--|---|-----------------|--|--|
|  | <b>Commentator</b>  | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b>  |
|  | Public Defender   |                 |  |  |
| 9.   | Public Counsel Law Center<br>Susan McClure<br>Los Angeles                               | AM              | See comments on specific provisions below.   |  |
| 10.  | State Bar of California<br>Family Law Section<br>Saul Bercovitch<br>Legislative Counsel | AM              | See comments on specific provisions below.   |  |
| 11.  | Superior Court of Monterey County<br>Eva Mihi<br>Operations Manager                     | A               | No specific comment.   | No response required.  |
| 12.  | Superior Court of Riverside County<br>Michael Capelli, Staff                            | A               | No specific comment.   | No response required.  |
| 13.  | Superior Court of Sacramento County<br>Robert Turner<br>ASO II                          | N/I             | No specific comment.   | No response required.  |
| 14.  | Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                | AM              | <p>This proposal is adding a tremendous amount of workload for court staff and judges during a time of limited resources and reduced budget. In addition, the process described and requirements noted are convoluted and confusing.</p> <p>It is requiring the setting of several new hearings to address extended services and there are several conditions that determine the timeframe for the hearings which are confusing. This will also impact various areas including:</p> <ul style="list-style-type: none"> <li>· Clerical processing- many more orders to serve</li> </ul> | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates.</p> <p>Based on amendments included in Assembly Bill 212 and review of public comments, some modifications were made to the “short turnaround” times for noticing included in the version of the rules circulated for comment and noticing requirements and other aspects of the</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|--|--------------------|-----------------|--|---|
|  | <b>Commentator</b> | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b>   |
|  |                    |                 | <p>which impacts workload and costs of mailing to the court.</p> <ul style="list-style-type: none"> <li>· Courtroom calendars that are already overset will have added hearings. More wait time for customers with more hearings on calendar.</li> <li>· Courtroom clerks- There are numerous required findings and orders that will require additional minute codes for the clerks to learn that will lead to lengthier minutes. As it is today, clerks are already having a difficult time with the complex processes in Juvenile and need extra time to complete their workload. In addition, more hearings means more minute orders to be created which means more workload. As it is today, we are short on resources to support the courtroom.</li> <li>· There are also requirements to submit additional reports for each hearing that will add the clerk processing time as well as judicial time to review.</li> <li>· The extended jurisdiction means cases will remain open longer thereby requiring us to keep files on our shelves. Our court has limited storage space and we are microfilming files soon after they close in order to make space. Now, files will remain on our shelves longer causing additional storage issues.</li> </ul> | <p>process were also clarified. In addition, the Welf. &amp; Inst. Code as amended by Assembly Bill 12 and Assembly Bill 212, the legislation enacted to implement the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, requires the additional status review hearing for a nonminor dependent as well as the additional issues the court must consider and then make appropriate findings and related orders about at a hearing held when a minor is approaching adulthood or a hearing held to consider termination of the court’s jurisdiction. This legislation includes resources for the foster care agencies to provide support to children who are still in a foster care placement on their 18th birthday. Every effort was made in the development of the rules and forms to provide an efficient framework for the implementation of this important and complex legislation.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b> |  |                 |   |   |
|--|--|-----------------|---|---|
|  | <b>Commentator</b>   | <b>Position</b> | <b>Comment</b>  | <b>Committee Response</b>   |
|  |  |                 | There are several noticing requirements falling on the clerks with short turnaround times which will be difficult to meet due to lack of resources. In addition, the means of noticing in some instances must be done via phone, fax or “electronic means” which is not consistent with other noticing requirement. It will be difficult for staff to remember when to serve by each means which will slow processing as well as work production. | These short turnaround times occur for the hearing to resume juvenile court jurisdiction and are intended to alert the social worker or probation officer and the appointed attorney as quickly as possible of a nonminor who is more likely than not in need of immediate assistance. Also, the method of noticing for the two instances related to the hearing to resume juvenile court jurisdiction—one for notice to the child welfare agency or the probation department within two court days of the filing of the petition by the nonminor and the other for notice to the appointed attorney within one court date of the appointment — has been modified as follows: “by telephone, fax, e-mail, or other method that will ensure prompt notification approved by the presiding juvenile court judge...” |
| 15.  | The Alliance for Children’s Rights<br>Angie Schwartz<br>Policy Director                  | N/I             | See comments on specific provisions below.  |   |
| 16.  | The California CASA Association<br>Phil Ladew<br>Associate and Legal Director<br>Oakland | AM              | *The <i>proposed</i> Rules of Court/Forms, as they currently stand, employ a term “nonminor dependent,” which inextricably links the court ability to maintain jurisdiction with the youth’s eligibility for funding. Doing so misstates the law, applies the wrong standard, and can confuse parties and the court, and can result in the dismissal of a case when it is not in the best interests of the youth. The passage of AB12             | The committee recognizes the concerns raised and modifications were made to the clarify those provisions of the rules that are applicable only to nonminor dependents described in section 11400 (v) and to clarify that the court may continue its jurisdiction over a nonminor regardless of his or her status as a nonminor dependent as described in section 11400 (v).   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b> |                    |                 |  |                           |
|--|--------------------|-----------------|--|---------------------------|
|  | <b>Commentator</b> | <b>Position</b> | <b>Comment</b>   | <b>Committee Response</b> |
|  |                    |                 | <p>(2010) did not alter the court’s ability to maintain jurisdiction until 21, and did not create the requirement that there be a federal share of cost before doing so. However, the proposed court rules steer parties and the court to this conclusion.</p> <p>The proposed rules, from the definitions and procedure, to the finds, orders, and forms force the court to concern themselves entirely with the issue of eligibility – with no room for 303(a)/5.900(b)(4). This is especially problematic since advocates and attorneys are often embattled with trying to convince bench officers, many new to the dependency bench, that it is within the court’s discretion to maintain jurisdiction regardless of any federal eligibility. Rules 5.906 5.903 as proposed seems as though this entire section uses “nonminor dependent” to mean any youth who is not a minor and is still a dependent. However, the term “nonminor dependent” as defined in 5.502(22) does not include youth who have reached the age of majority, but do not qualify to allow the county to draw certain financial reimbursement benefits; that is nonminor dependents who are ineligible for Public Law No: 110-351 benefits.</p> <p>If the rules proceed as proposed, they perpetuate this incorrect notion that a youths eligibility for</p> |                           |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>List of All Commentators, Overall Positions on the Proposal, and General Comments</b> |   |                 |   |                           |
|--|---|-----------------|---|---------------------------|
|  | <b>Commentator</b>  | <b>Position</b> | <b>Comment</b>  | <b>Committee Response</b> |
|  |   |                 | continued jurisdiction is dependent is 100% contingent on the youth's eligibility for benefits (i.e.the county's ability to draw down federal share of cost.) This confuses parties, bench officers, and can result in cases being dismissed contra to the best interests of the youth. True, reopening dependency per 388(e)(2) requires a prima facie showing that one of the 11403(b) elements exist, and 391(c) requires a finding of 11403(b) eligibility, but this does not apply to all times and all circumstances. |                           |
| 17.  | Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco | N/I             | See comments on specific provisions below.  |                           |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>Rule 5.502</b>  |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| <p>County Welfare Directors Association<br/>Diana Boyer<br/>Senior Policy Analyst<br/>Sacramento</p> | <p>Rule 5.502 (22): Concern-The definition of nonminor dependent is confusing and inconsistent with the statute. The statute defines nonminor dependent in WIC section 11400(v) and later describes what a nonminor dependent must do to receive aid in 11403(b). Rule 5.502 (22) does not require the youth to meet all the criteria in 11400(v) to be considered a nonminor dependent. It also incorporates the conditions set forth in 11403(b) which is not required by the definition in WIC section 11400(v).</p> <p>Rule 5.502 (39): Concern-Definition of “Trial Independence”</p>  | <p>Language in the proposed definition was modified to provide greater clarity. However, the definition continues to reference Welf. &amp; Inst. Code § 11403(b) because under Welf. &amp; Inst. Code § 11400(v) a nonminor dependent is a person who comes within the within the description in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act. The description in Section 675(8)(B) includes the conditions in set out in Welf. &amp; Inst. Code § 11403(b).</p> <p>Provisions related to a “trial period of independence” were deleted from the Welf. &amp; Inst. Code by Assembly Bill 212 and all reference to the term was deleted from the proposed rules and forms.</p> |
| <p>Los Angeles County Office of the County Counsel<br/>James Owens<br/>Assistant County Counsel</p>  | <p>Rule 5.502 (22): Concern-The definition of nonminor dependent is confusing and inconsistent with the statute. The statute defines nonminor dependent in Welfare and Institutions Code [hereinafter “WIC”] section 11400(v) and later describes what a nonminor dependent must do to receive aid in WIC 11403(b). Proposed rule 5.502(22) does not require the youth to meet all the criteria in WIC section 11400(v) to be considered a nonminor dependent. Proposed rule 5.502(22) also incorporates the conditions set forth in WIC section 11403(b) which is not required by the definition in WIC section 11400(v).</p> <p>Rule 5.502 (39): Concern-Definition of “Trial Independence”</p> | <p>Language in the proposed definition was modified to provide greater clarity. However, the definition continues to reference Welf. &amp; Inst. Code § 11403(b) because under Welf. &amp; Inst. Code § 11400(v) a nonminor dependent is a person who comes within the within the description in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act. The description in Section 675(8)(B) includes the conditions in set out in Welf. &amp; Inst. Code § 11403(b).</p> <p>Provisions related to a “trial period of independence” were deleted from the Welf. &amp; Inst. Code by Assembly</p>   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.502</b>   |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   |   | Bill 212 and all reference to the term was deleted from the proposed rules and forms.  |
| Public Counsel Law Center<br>Susan McClure<br>Los Angeles | <p>Rule 5.502: Please ensure that the following definitions are consistent with definitions in existing statutes and regulations as these terms are already being used in contexts outside of AB 12 and nonminor dependents.</p> <ul style="list-style-type: none"> <li>• “90-Day Transition Plan”: please refer to 42 U.S.C. 675 (5)(H) and Ca. Welf. &amp; Inst. Code (WIC) §16501.1(f)(16) and WIC § 10609.4 which require former foster youth who are ILP eligible also received 90-Day Transition Plans.</li> <li>• “Transitional independent living case plan”: According to 42 U.S.C. 675(1)(D), WIC 16501.1(f) (16)(A) and California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) § 31-002, for all youth age 16 or over, including nonminor dependents, their case plans must include a description of programs and services that will assist them transition from foster care to independent living. MPP § 31-002 refers to this portion of a youth’s case plan as the “transitional independent living plan” which is distinct from the “Transitional Independent Living Plan” below. The term “transitional independent living case plan” is a term that is used throughout AB 12 and appears to be the same as the “transitional independent living plan”. Draft rules currently define transitional independent living case plan as only for nonminor dependents but the term’s usage in statutes is more inclusive. See WIC § 366(a)(1)(F) which refers to the transitional independent living case plan for youth who are</li> </ul> | The definitions of a 90-Day Transition Plan, Transitional Independent Living Case Plan, and Transitional Independent Living Plan were modified, as necessary, to ensure conformity with the applicable federal and state statutes and regulations. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.502</b>   |  |   |
|---|--|---|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>   |
|   | <p>about to turn 18. See also WIC §16501.1(f)(16)(A) which describes the content requirements of case plans for youth 16 or older including nonminors.</p> <ul style="list-style-type: none"> <li>• “Transitional Independent Living Plan”: please refer to MPP § 31-002 which defines this terms as a “written service delivery plan available on CWS/CMS that identifies the youth’s current level of function, emancipation goals and specific skills needed to prepare the youth to live independently upon leaving foster care.” This document is also referred to as the “TILP”. According to MPP § 31-236, the TILP is reviewed and updated every six months starting at age 15.5 and is included as part of the youth’s case plan.</li> </ul> <p>In practice, this is the document that the social worker/probation officers use to help youth document transitional goals and services. This is also the document, rather than the case plan that is required to be signed by the youth with each review and update. Draft rules currently define the TILP as only for youth under age 18; however no such restrictions exist under current regulations. We believe that under AB 12, social workers/probation officers are required to continue to update and submit the TILP as part of the case plan for any youth age 16 and over, including nonminor dependents.</p> |   |
| The Alliance for Children’s Rights<br>Angie Schwartz<br>Policy Director | Rule 5.502 (22): Comment: The proposed rule defines a nonminor dependent as “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.” We believe that this definition of a   | The committee agrees with the recommendation and the rule was modified. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.502</b>  |  |   |
|--------------------|--|---|
| <b>Commentator</b> | <b>Comment</b>   | <b>Committee Response</b>   |
|                    | <p>nonminor dependent is more restrictive than the definition provided in statute at Welfare and Institutions Code section 11400(v), which does not require that the youth be “in a foster care placement on his or her 18th birthday” but only that the youth “be in foster care under the responsibility of the county welfare department.” This is an important distinction, as there are often youth that are “in foster care under the responsibility of the county welfare department” on their 18th birthday who are not in a placement, either because they are AWOL or on trial home visit.</p> <p>Recommendation: Amend the definition of nonminor dependent in Rule 5.502 to say: “Nonminor dependent means a youth at least 18 years of age and no more than 20 years of age <i>who is in foster care under the responsibility of the county welfare department, probation department, or Indian tribe...</i>”</p> <p>5.502 (37): Comment: The definition for “Transitional Independent Living Case Plan” does not specify that this plan must include a plan for the nonminor dependent to satisfy one or more of the criteria set forth in Welfare and Institutions Code § 11403(b). This requirement of the Transitional Independent Living Case Plan is a new requirement and should be reflected in the definition. <i>See Welf. &amp; Inst. Code § 366(a)(1)(F)(i).</i></p> <p>Recommendation: Amend the definition of “Transitional Independent Living Case Plan” to define the Transitional Independent Living Case Plan as the case plan developed jointly by the nonminor dependent and the social worker or</p> | <p>The definition of a Transitional Independent Living Case Plan was modified, as necessary, to ensure conformity with the applicable federal and state statutes and regulations.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.502</b>  |  |   |
|--------------------|--|---|
| <b>Commentator</b> | <b>Comment</b>   | <b>Committee Response</b>   |
|                    | <p>probation officer that includes a plan for the youth to satisfy one of the education, training, or work conditions under Welfare and Institutions Code section 11403(b)....”</p> <p>Rule 5.502 (37) &amp; (38): Comment: It appears that the distinction is made in the construction of these two definitions such that the “Transitional Independent Living Case Plan” is the Plan for those youth participating in extended foster care who are age 18 or older and a “Transitional Independent Living Plan” is the Plan for those youth who are under age 18. This distinction is misleading, given that both the TILP and the Transitional Independent Living Case Plan will continue to be used for nonminors after the age of 18, and the TILP is simply a part of the overall case plan for the nonminors.</p> <p>Recommendation: We recommend that the distinction and relationship between the TILP and the Transitional Independent Living Case Plan be more clearly defined in the definitions. The TILP is the document that sets forth the goals, activities and services that both youth under 18 and nonminors are working towards during a 6-month period. The Transitional Independent Living Case Plan includes the TILP, but also includes the nonminor’s Placement Agreement, case notes regarding monthly meetings, certification form verifying eligibility under one of the 5 participation conditions, and other information relevant to the nonminor’s ongoing participation and eligibility in the extended foster care plan.</p> | <p>The definitions of a Transitional Independent Living Case Plan and a Transitional Independent Living Plan (TILP) were modified, as necessary, to ensure conformity with the applicable federal and state statutes and regulations.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |  |   |
|--|--|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |  |   |
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>   |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel   | <p>Given that the Agency will have to request dismissal of a dependency matter for a nonminor dependent at a WIC 366.21, 366.22, 366.25, 366.3, 727.2, or 388, 778, or 785 hearing (Rule 906(a)(2)(A),(B)), and that a 391 hearing is also required for such termination (Rule 5.906(a)(5)), this rule has the potential to add to the inefficiency of the dependency system by requiring continuances for a secondary hearing. Moreover, if a parent is not entitled to services for nonminor dependents, the courts will most likely not be hearing cases under sections 366.21, 366.22, or 366.25.</p> <p>The requirement to set a hearing if the case is not coming on the regular court calendar is also problematic. There will be situations in which it makes sense to terminate dependency between regularly schedule hearings. In such cases, requiring a 388 motion to place the matter on calendar would be overly burdensome for all parties.</p> | <p>The committee understands the concern raised and the rule provision was modified to clarify that a hearing to terminate the juvenile court’s jurisdiction over a nonminor or a nonminor dependent may be heard with a hearing held under other sections of the Welf. &amp; Inst. Code.</p> <p>The committee understands the concern raised and provisions related to setting a hearing to terminate juvenile court jurisdiction using the section 388 procedure were deleted.</p>  |
| County Welfare Directors<br>Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento                                    | <p>Rule 5.906. (b) Reports</p> <p>(1) The social worker or probation officer must submit a report to the court that includes:</p> <p>(A) Whether remaining under juvenile court jurisdiction as a nonminor dependent is in the youth’s best interests and the facts supporting the conclusion reached;</p> <p>(B) The specific criteria in section 11403(b) met by the youth that makes him or her eligible to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in section 11402;</p> <p>Question: This seems contradictory. In sub A you are</p>  | <p>The committee does not recommend that the suggested modification be adopted. These are two separate issues and the court needs to make a determination as to each one. There may be a situation in which the nonminor does not meet the criteria required under 11403(b) and the placing agency is requesting termination of jurisdiction on that basis, but remaining under juvenile court jurisdiction is in the nonminor’s best interest. (Welf. &amp; Inst. Code § 303(a); In re Tamika C. (2005) 131 Cal. App.4th 1153)</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |  |  |
|--|--|--|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |  |  |
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>  |
|  | <p>asking the social worker to document whether it is in the best interest to terminate jurisdiction and in sub B you are providing criteria to allow them to remain under court jurisdiction. Shouldn't it be one or the other, not both? Shouldn't there be an "and" between the two sections?</p> <p>Rule 5.906. (c) Findings and Orders<br/>(2) Orders (D) (II) The youth was informed of the options available to him or her to assist with the transition from foster care to independence.<br/>If a minor has been AWOL for a length of time (e.g. 1 year) prior to his/her 18th birthday, how will social worker comply with this?</p>   | <p>The committee understands the concerns raised and pursuant to amendments to the Welf. &amp; Inst. Code in AB 212 related to these, the rule has been modified regarding nonminors, including nonminor dependents, whose whereabouts are unknown.</p>  |
| <p>Los Angeles County<br/>Office of the County Counsel<br/>James Owens<br/>Assistant County Counsel</p>                          | <p>Rule 5.906(a)(2): Concern – It is unclear why the proposed rule is limiting the circumstances under which the child welfare agency, probation department, or the youth can request that court jurisdiction be terminated. For example, there are times in between review hearings when it is appropriate to terminate jurisdiction over a nonminor, and any party should be able to request the court set a section 391 hearing to do so without the filing of a 388 petition.</p> <p>Rule 5.906(a)(3): Concern – This proposed rule refers to “the youth is described in (a)(1),” which does not describe a youth, and therefore, this proposed rule is unclear as to what prima facie showing is required.</p> <p>Rule 5.906(b)(1)(D): Concern – Same comment as for Rule</p> | <p>The committee understands the concern raised and provisions related to setting a hearing to terminate juvenile court jurisdiction using the section 388 procedure were deleted.</p> <p>The committee noted the concern. That provision of the rule has been modified.</p> <p>The committee agrees with the suggestion and has</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |   |
|--|---|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |   |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>   |
|  | <p>5.707 (5). For clarification of the meaning of this rule, the word “applied” should be inserted.</p> <p>Rule 5.906(c)(1)(J)(iii): Concern: - The requirement that the 90-day Transition Plan include information explaining how and why to designate a power of attorney for health care is outside of the requirements set forth in WIC section 16501.1 and inconsistent with the definition of 90-day transition plan found at proposed rule of court 5.502(21). Neither the current WIC code nor the proposed rule of court defining the 90-day transition plan, include the requirement that the plan contain information that explains how and why to designate a power of attorney for health care. This is something that seems completely out of the purview of a child welfare social worker’s or probation officer’s training and abilities. Further, it is not something that would be universally appropriate for all 18-21 year olds to address and designate a power of attorney for health care.</p> <p>Rule 5.906(c)(2)(D): Concern- This proposed rule of court includes findings and orders that must be made prior to terminating court jurisdiction in three circumstances, one of which is where a youth is whereabouts unknown. Only subsection (i), however, recognizes that when a youth cannot be located they cannot be provided with the required 391 documents. The other subsection would also need to be similarly qualified as it would be likely be impossible to inform the youth of the options available to assist with the</p> | <p>clarified the meaning by inserting the phrase “applied for” in the sentence in the proposed rule.</p> <p>The California Department of Social Services released ALL COUNTY LETTER (ACL) NO. 10-45 on October 14, 2010 “...to inform all counties of the new federal mandate effective October 1, 2010. The Patient Protection and Affordable Care Act, P.L. 111-148, requires that all foster youth be provided with information about a “power of attorney for health care”, during the development of the 90-day Transition Plan.” This requirement was added to the Welf. &amp; Inst. Code by Assembly Bill 212.</p> <p>The committee understands the concerns raised and pursuant to amendments to the Welf. &amp; Inst. Code in AB 212 related to these, the rule has been modified regarding nonminors, including nonminor dependents, whose whereabouts are unknown.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |  |
|--|---|--|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |  |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
|  | <p>transition from foster care to independence, of their right to file a request to return to foster care, etc. We recommend that provisions (i)-(v) apply only to youth who can be located.</p> <p>Rule 5.906(c)(2)(D)(v): Concern – same concerns as those stated above under proposed rule 5.906(c)(1)(J)(iii).</p>  | <p>The Welf. &amp; Inst. Code was amended by Assembly Bill 212 to incorporate the requirement in the Patient Protection and Affordable Care Act (P.L. 111-148) that the transition plan include information on the importance of designating someone to make health care treatment decisions.</p>                              |
| <p>Public Counsel Law Center<br/>Susan McClure<br/>Los Angeles</p>   | <p>Rule 5.906(b)(1)(H): In accordance with WIC391(d), best interest should be the standard used in determining whether a youth should have a trial period of independency.</p> <p>Rule 5.906(c)(2)(D)(vi): The section implies that even if the court finds that ordering a trial independence until the day before a youth turns 21 is not in the best interest of the youth, the court can still set a period of trial independence for a shorter period of time. This authority is not apparent under WIC §391.</p> <p>Rule 5.906(c)(2)(D): The reference to “(e)(2)(a)(ii)” is unclear.</p> | <p>Provisions related to a “trial period of independence” were deleted from the Welf. &amp; Inst. Code by Assembly Bill 212.</p> <p>Provisions related to a “trial period of independence” were deleted from the Welf. &amp; Inst. Code by Assembly Bill 212.</p> <p>The committee agrees and the reference was corrected.</p> |
| <p>Superior Court of San Diego<br/>County<br/>Michael Roddy<br/>Executive Officer</p>  | <p>Generally rule 5.906-</p> <ul style="list-style-type: none"> <li>• Requires a view hearing to consider termination of jurisdiction which impacts court calendars, staff time and judicial officer time on calendars that are already overset. Reports required for the hearing will add processing time for</li> </ul>   | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates.</p>  |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |   |
|--|---|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |   |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>   |
|  | clerical staff as well as reading time for judges.<br><br>• New findings and orders will require us to create new codes and will impact courtroom clerk’s workload.<br><br>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |  |
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| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |  |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| <p>The Alliance for Children’s Rights<br/>Angie Schwartz<br/>Policy Director</p>   | <p>Rule 5.906 Subsection (b)(1)(A) requires the social worker or probation officer to include in his/her report “Whether remaining under juvenile court jurisdiction as a nonminor dependent is in the youth’s best interests and the facts supporting the conclusion reached.”<br/>Comment: Because AB 12 is an opt-in, whether remaining under juvenile court jurisdiction as a nonminor dependent youth is in the youth’s best interest is not relevant, as long as the youth is meeting one of the five requirements and voluntary opts in to AB 12.<br/>Recommendation: Strike subpart (1)(A) entirely.</p> <p>Rule 5.906 Subpart (1)(D) requires the social worker or probation officer to include in his/her report “Whether the child 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 whether an active dependency case is required for that Application.”<br/>Comment: A finding that a youth does, in fact, have an SSI application pending is not sufficient. The additional requirement that the court make a finding as to whether an active dependency case is required for the SSI application is also not sufficient given that this is never a “requirement” for an application for SSI benefits. However, while not required, it is helpful for the dependency to remain intact in order to ensure that inquiries or requests for documents by the Social Security Administration are promptly responded to, that</p> | <p>The committee does not recommend that the suggested modification be adopted. These are two separate issues and the court needs to make a determination as to each one. There may be a situation in which the nonminor does not meet the criteria required under 11403(b) and the placing agency is requesting termination of jurisdiction on that basis, but remaining under juvenile court jurisdiction is in the nonminor’s best interest. (Welf. &amp; Inst. Code § 303(a); In re Tamika C. (2005) 131 Cal. App.4th 1153)</p> <p>The committee agrees with the suggestion and the appropriate modification was made.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |  |
|--|---|--|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |  |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
|  | <p>reconsiderations and appeals are pursued, and that benefits are in place so that the youth can transition seamlessly from foster care to SSI without a gap in assistance that could lead to homelessness.</p> <p>Recommendation: If the court makes a finding that the youth has an SSI application pending, the court should make a further finding as to whether the dependency case should be continued in order to ensure the youth has continued assistance during the pendency of the application until it can be processed to a final decision.</p> <p>Rule 5.906 Subsection (c)(1)(E) requires the court to make a finding as to “Whether the child 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 whether an active dependency case is required for that Application.”</p> <p>Comment: A finding that a youth does, in fact, have an SSI application pending is not sufficient. The additional requirement that the court make a finding as to whether an active dependency case is required for the SSI application is also not sufficient given that this is never a “requirement” for an application for SSI benefits. However, while not required, it is helpful for the dependency to remain intact in order to ensure that inquiries or requests for documents by the Social Security Administration are promptly responded to, that reconsiderations and appeals are pursued, and that benefits are</p> | <p>The committee agrees with the suggestion and the appropriate modification was made.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.555</b>  |   |                           |
|--|---|---------------------------|
| <b>This rule appeared in the Invitation to Comment as Rule 5.906 and all comments refer to proposed rule 5.555 as rule 5.906</b> |   |                           |
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b> |
|  | <p>in place so that the youth can transition seamlessly from foster care to SSI without a gap in assistance that could lead to homelessness.</p> <p>Recommendation: If the court makes a finding that the youth has an SSI application pending, the court should make a further finding as to whether the dependency case should be continued in order to ensure the youth has continued assistance during the pendency of the application until it can be processed to a final decision.</p> |                           |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.570 and Rule 5.577.</b>  |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel             | Using the 241.1 and 388 processes to move minors from the 600 system to the 300 system, where no 300 petition has actually been filed, creates a number of legal, due process, and procedural problems for the parties involved | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |
| Contra Costa County<br>Children and Family Services<br>Valerie J. Ranche<br>Assistant County Counsel | It is not apparent from this legislation how due process for the parents would otherwise be accomplished without the right to counsel and contest.  | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |
| County Welfare Directors<br>Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento        | These rules, as well as the statutes that they are intended to implement, are lacking in procedural due process provisions including notice, evidentiary considerations, and burdens of proof.                                  | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |
| Los Angeles County<br>Office of the County Counsel<br>James Owens<br>Assistant County Counsel        | These rules, as well as the statutes that they are intended to implement, are lacking in procedural due process provisions including notice, evidentiary considerations, and burdens of proof.                                  | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |
| Orange County<br>Public Defender’s Office<br>Deborah A. Kwast  | Our dependency system is said to comport with federal due process requirements because of the clear and convincing removal standard and other subsequent findings the court must  | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were  |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.570 and Rule 5.577.</b>  |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| Public Defender  | make before termination of rights. ( <i>Cynthia D. v Superior Court</i> (1993) 5 Cal.4th 242,256.) Arguably, eliminating this requirement for wards, at least in those instances where the county petitions to make them first-time dependents, fails to comport with due process. (U.S. Const., 14th Amend.: Cal. Const., art. I, §7.)   | amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn.   |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer | The statues and rules governing notice of 388 hearings are inconsistent, confusing, and in need of clean-up. When the minor was adjudicated a ward, the court likely did not appoint separate counsel for the parents or legal guardian unless there was a conflict of interest between the minor and the parent or guardian. When a 388(f) petition is filed in such cases, shouldn't the court advise the parent or legal guardian of the right to counsel under WIC § 634 (as opposed to WIC § 317) and, if requested, appoint counsel under CRC rule 5.534(h)(1) (as opposed to CRC rule 5.534(h)(2))? Without counsel, a parent or guardian might not be capable of contesting the allegations under WIC §300. Further, it can be argued the court should advise the parent or legal guardian of the rights described in WIC §§ 311(b), 341, and CRC rule 5.534(k)(1) because in the delinquency proceeding only the minor received the advisement regarding those rights. | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |
| Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco    | Rule 5.570(j)(1)-(2) The Judicial Council has specifically asks for comments on this rule and AB212 will likely address some of the identified concerns. However, we would like to note that current law purports to make findings for wards placed in foster care that parallel the findings for dependents and give parents of those wards due process that comports with those findings  | The proposed amendment to rule 5.570 and the proposed rule 5.577 implemented the procedures in Welf. & Inst. Code §§ 241.1(d), 388(f), 727.2(i) and 785, which were amended by Assembly Bill 212 and the proposed amendment to rule 5.570 and the proposed rule 5.577 have been withdrawn. |

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**SPR11-50**

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| <b>Rule 5.570 and Rule 5.577.</b> |   |                           |
|-----------------------------------|---|---------------------------|
| <b>Commentator</b>                | <b>Comment</b>  | <b>Committee Response</b> |
|                                   | and the removal of custody. The modification of jurisdiction from delinquency to dependency could be based on a continuation of conditions that caused the court to find that continuation in the home was “contrary to the welfare of the minor” before the ward was placed in foster care. Presumably the court has made the requisite “contrary to the welfare” finding for every ward placed in foster care. The court also makes findings that reasonable efforts were made to prevent the removal of the minor from the parents. The ward’s parents are served with notice of the proceedings, their right to be represented by council and their obligation to support the minor (liability of support costs) when the minor is placed out-of-home. If the modification of jurisdiction is based on the continuation of conditions that lead to the initial “contrary to the welfare findings”, the parents receive the same due process that they were afforded when the minor was placed into foster care as a ward. |                           |

| <b>Rule 5.707.</b>  |  |  |
|---|--|--|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>  |
| Childrens Advocacy Institute<br>Melanie Delgado<br>Staff Attorney | Rule 5.707(b)(2): CAI has found, through our interactions with current and former foster youth and professionals in the child welfare community that TILP’s are often not tailored to the youth’s individual needs enough to serve the purposes for which they are intended. As a result, CAI would request language in rules relating to the TILP specifying that these plans are to be individualized. For example, *by referring to | The committee agrees with the suggestion and language denoting the individualized nature of the plans was inserted in the proposed rules as appropriate. |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.707.</b>  |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | <p>the TILP as the <i>unique, individualized</i> plan for the child.*</p> <p>Two of the proposed rules include a requirement that the court must find in the record and in the written, signed orders whether 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 juvenile court resume jurisdiction over him or her as a nonminor dependent. [Specifically, Rules 5.707(a)(10), 5.812(c)(2)(J)] While this is a vital component to the implementation of AB 12, there is no requirement for the court to ensure that the youth has information about who to contact to file a request to return to foster care. It has come to our attention through our work with former foster youth, particularly those in the homeless population, that many youth do not take part in services that are available to them simply because they do not know how to approach applying for them and / or they are intimidated by the system and the process. CAI recommends that the rule incorporate language to require that the youth is informed regarding contact information for the appropriate person or agency should the youth decide to file a request to return to foster care.</p> | <p>The committee agrees with the suggestion that the nonminor be provided guidance regarding the process for returning to foster care and the resuming of juvenile court jurisdiction and a modifications were made to require that the hearing during which the court’s jurisdiction over a nonminor is terminated, he or she be provided with a copy of each of the following forms: <i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction</i> (form JV-464-INFO), <i>Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468), <i>Confidential Information—Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468) ) and an endorsed, filed copy of the <i>Termination of Juvenile Court Jurisdiction—Nonminor</i> (form JV-365) completed and signed by him or her and the social worker or probation officer.</p> <p>.</p> |
| <p>Los Angeles County<br/>Office of the County Counsel<br/>James Owens<br/>Assistant County Counsel</p> | <p>Rule 5.707(a)-(c)(1): Concern-Given that the information listed in this proposed rule is required to be reported at the section 366.21, 366.22, and 366.25 hearings, it appears the proposed rule is placing an additional burden on the child welfare agency to report on issues that are traditionally viewed as issues that arise during the permanency phase of the case (i.e. SSI, SJIS, TILP, etc.) even during stages of reunification.</p>   | <p>The committee does not agree that these are issues that arise only during the permanency phase of a case. The proposed rule sets forth the information that must be submitted for the last status review before the child turns 18 years of age and about which the court is to make specific determinations, which includes title XVI Supplemental Security Income benefits and any pending</p>  |

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**SPR11-50**

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| <b>Rule 5.707.</b> |   |  |
|--------------------|---|--|
| <b>Commentator</b> | <b>Comment</b>  | <b>Committee Response</b>  |
|                    | <p>Rule 5.707(a)(5): Concern-For clarification of the meaning of this rule, the word “applied” should be inserted. “(5) Whether the child has applied and, if so, the status of any in-progress application...”</p> <p>Rule 5.707(c)(2): Concern – It seems inappropriate to continue a section 366.21, 366.22, and 366.25 hearing for additional information on a TILP, since the issues before the court at these hearings relate to whether reasonable services were offered to the parent to reunify with the child and whether the child can be safely returned to the parents custody. We suggest that this finding relate only to hearings held under section 366.3.</p> | <p>application for legal residency as well as the submission to the court of the child’s most recently completed Transition Independent Living Plan (TILP). This is information that must be included in the case plan for any child who is 16 years of age or older. (Welf. &amp; Inst. Code §16501.1(f)(16).) These are issues of a critical nature to a child on the threshold of adulthood regardless of the status of his or her dependency case.</p> <p>The committee agrees with the suggestion and has clarified the meaning by inserting the words “applied for” in the proposed rule.</p> <p>The committee does not recommend adopting the suggestion that the finding be limited to hearings held under section 366.3. The issue of whether the youth’s Transitional Independent Living Plan (TILP) includes the services needed to assist the youth in his or her transition from foster care to independent living is before the court at all status review hearings held on behalf of a youth 16 years of age and older who is subject to an order for a foster care placement. Under Welf. &amp; Inst. Code § 366(a) the court must determine whether the TILP includes services that will assist the youth in the transition from foster care to independent living “until the hearing described in Section 366.26 is completed” and under Welf. &amp; Inst. Code § 366.3 at each status review hearing following the selection of a</p> |

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| <b>Rule 5.707.</b>  |  |   |
|---|--|---|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>   |
|   |  | permanent plan at the section 366.26 hearing. In addition, for a youth who enters foster care after his or her 16th birthday, a TILP must be completed before the dispositional hearing (Cal. Code Regs., tit. 31, § 236(a)(2).) and the court is required to make this same determination regarding the TILP at the dispositional hearing for a youth who was removed and placed in a foster care placement pending the disposition hearing. (Welf. & Inst. Code §§ 361(e) and 366(a).) The finding required under proposed rule 5.707(a) enumerates the specific services of importance at the status review hearing before the youth’s 18th birthday, a hearing of significance to a youth in foster care regardless of the current phase of his or her dependency proceeding. |
| State Bar of California<br>Family Law Section<br>Saul Bercovitch<br>Legislative Counsel | Rule 5.707(d)(2): The current language requires the court to set a dismissal hearing if the youth expresses the intent to leave the system. FLEXCOM supports that interpretation. The language can also be interpreted to require a dismissal hearing if the youth is ambivalent. A youth that has yet to decide whether to remain in foster care following his 18 <sup>th</sup> birthday should not be subject to a dismissal hearing. Therefore, the language should be modified to avoid expansive interpretation. FLEXCOM proposes that the language be changed to read “For a child that has expressed the intent to emancipate from the foster care system upon the child’s 18 <sup>th</sup> birthday, the court must:…” | The committee agrees with the suggestion and the proposed rule was modified to clarify that a hearing under rule 5.555 to consider termination of jurisdiction will be set only when the child specifically requests.   |
| Superior Court of San Diego   | Generally Rule 5.707   | The committee is mindful of the workload ramifications  |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>Rule 5.707.</b>   |  |   |
|--|--|---|
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>   |
| <p>County<br/>Michael Roddy<br/>Executive Officer</p>                            | <ul style="list-style-type: none"> <li>• Required hearings pre &amp; post age 18 will result in an increase in hearings set on calendars already overset.</li> <li>• Require submission of lengthy reports. Will result in impact to clerical staff who will have more reports to receive, process and distribute as well as judges who have to consider them.</li> <li>• Impact to courtroom clerks: There are many new findings and orders that must be made at this review hearing. Several new minute codes will be needed for the court and justice partners and creating them will be an impact. It will impact courtroom staff as there will be more codes for them to learn when they are already struggling with the volume of codes currently used. Since Dependency and Delinquency are on separate case management systems, certain orders will require updating two separate case management systems that not everyone knows how to use. This will be a significant training impact.</li> </ul> <p>Rule 5.707(c)(2)-Query: should a maximum period for the continuance be specified (e.g., 5 court days)?</p> <p>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.</p> | <p>of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates. For example, in order for the court to make the findings needed to ensure that a dependent child in a foster care placement has the knowledge needed to make a thoughtful decision about remaining in foster care, the social worker’s report must include information related to that issue.</p> <p>The committee agrees with the suggestion and a maximum period of continuance was included.</p> <p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p> |
| <p>The Alliance for Children’s Rights<br/>Angie Schwartz<br/>Policy Director</p> | <p>Subsection (a)(7) requires the social worker to include a description of, “[t]he efforts made by the social worker toward completing and providing the child with the items described in section 391(e)(2).”</p> <p>Comment: Many of the items listed in section 391(e)(2) are items that are essential to aiding the youth in securing</p>   | <p>The committee agrees with the suggestion and the appropriate modification was made.</p>  |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.707.</b> |   |  |
|--------------------|---|--|
| <b>Commentator</b> | <b>Comment</b>  | <b>Committee Response</b>  |
|                    | <p>employment, enrolling in higher education, or pursuing other interests after age 18. These items are critical whether the young person plans to remain in care and meet one of the participation conditions of section 11403 or if the young person chooses not to remain in care. However, the court rule simply requires the social worker to document whatever efforts have been made toward providing the youth with the items. Recommendation: We believe the social worker should be required to document efforts made toward providing the youth with the items listed and, to the extent that the youth has not yet been provided with each of the documents, to further inform the court as to any barriers in providing the items, the steps that will be taken to overcome those barriers to ensure that the youth has each item in his/her possession by the time he/she turns 18.</p> <p>.</p> <p>Rule 5.707 Subsection (b): This subsection outlines what must be included in the youth’s Transitional Independent Living Plan that is submitted at the last review hearing before the minor turns 18 and specifies that the TILP must include: “(A) The plan for the child to satisfy one or more of the criteria in section 11403(b); and (B)The child’s plan for his or her transition to independence including housing, education, employment, and a support system if the child does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent residing in a placement specified in section 11402 after attaining 18 years of age.”</p> <p>Comment: While we understand that the TILP must include a plan for a nonminor to satisfy one of the criteria in subsection</p> | <p>The committee agrees with the suggestion and the appropriate modifications were made.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.707.</b> |   |  |
|--------------------|---|--|
| <b>Commentator</b> | <b>Comment</b>  | <b>Committee Response</b>  |
|                    | <p>11403(b), these two plans appear at odds with one another. We believe the purpose of the rule would be clarified by specifying that subsection (B) is an alternative plan, such that the court is ensuring that the social worker and the youth have discussed and devised a plan that covers the youth if he/she remains in care or if he/she chooses not to remain in care. Further, for those young people who decide to remain in foster care, the TILP should include more than a plan for satisfying one of the participation conditions of section 11403(b). In addition, the TILP should set forth where the nonminor plans to live in accordance with section 11402.</p> <p>Recommendation: In subsection (B), specify that this is an “alternative” plan that is in place in the event that the nonminor decides to not remain in care. In addition, the rule should specify that the TILP also includes the plan for where the nonminor will reside as specified in section 11402.</p> <p>Rule 5.707 Subsection (c)(E): This subsection requires the Court to make a finding as to “[w]hether the child 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 whether an active dependency case is required for that Application.”</p> <p>Comment: A finding that a youth does, in fact, have an SSI application pending is not sufficient. The additional requirement that the court make a finding as to whether an active dependency case is required for the SSI application is also not sufficient given that this is never a requirement for an</p> | <p>The committee agrees with the suggestion and the appropriate modifications were made.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.707.</b> |   |  |
|--------------------|---|--|
| <b>Commentator</b> | <b>Comment</b>  | <b>Committee Response</b>  |
|                    | <p>application for SSI benefits. While not required, it is helpful for the dependency to remain intact in order to ensure that inquiries or requests for documents by the Social Security Administration are promptly responded to, that reconsiderations and appeals are pursued, and that benefits are in place so that the youth can transition seamlessly from foster care to SSI without a gap in assistance that could lead to homelessness.</p> <p>Recommendation: If the court makes a finding that the youth has an SSI application pending, the court should make a further finding as to whether the dependency case should be continued in order to ensure the youth has continued assistance during the pendency of the application until it can be processed to a final decision.</p> <p>Rule 5.707 There is no requirement in Subsection (c) that the court make a finding that the social worker has provided the youth with each of the items delineated in section 391(e)(2).</p> <p>Comment: Many of the items listed in section 391(e)(2) are items that are essential to aiding the youth in securing employment, enrolling in higher education, or pursuing other interests after age 18. These items are critical whether the young person plans to remain in care and meet one of the participation conditions of section 11403 or if the young person chooses not to remain in care. However, the court rule simply requires the social worker to document whatever efforts have been made toward providing the youth with the items.</p> <p>Recommendation: Given that these items are essential to the</p> | <p>The committee agrees with the suggestion and the appropriate modifications were made.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.707.</b> |   |                           |
|--------------------|---|---------------------------|
| <b>Commentator</b> | <b>Comment</b>  | <b>Committee Response</b> |
|                    | youth at the point that dependency is terminated, we believe the court should have to make a finding that each of the items has been provided to the youth or, if there are items that have not been provided, the court should make a finding as to whether dependency should be continued in order to ensure that all the items are provided to the youth |                           |

| <b>Rule 5.812.</b>  |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
| Superior Court of San Diego<br>County<br>Michael Roddy<br>Executive Officer | Generally Rule 5.812-<br><ul style="list-style-type: none"> <li>Additional requirements have been added for any hearing terminating jurisdiction or minor in foster care approaching age 18: 1) new findings and orders will require us to create new codes and will impact courtroom clerks 2) impact to clerical support staff who will be required to notice 3) setting timeframes for hearings have various conditions that will be difficult to track</li> </ul><br>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates. For example, the time frames for setting of status review hearings are required to ensure that there is no more than six months between hearing and thereby maintain compliance with federal and state mandates.<br><br>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.812.</b>   |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| <p>The Alliance for Children’s Rights<br/>Angie Schwartz<br/>Policy Director</p> | <p>Rule 5.812: Subsection (d)(2)(A): This subsection directs the Court to make a finding as to “[w]hether the child’s Transitional Independent Living Plan includes: (i) A plan for the child to satisfy one or more of the criteria in section 11403(b) so the child is eligible to remain under juvenile court jurisdiction as a nonminor dependent and the specific criteria in section 11403(b) it is anticipated the child will satisfy; and (ii) The child’s plan for his or her transition to independence including housing, education, employment, and a support system if the child does not currently intend to remain under juvenile court jurisdiction as a nonminor dependent.”</p> <p>Comment: While we understand that the TILP must include a plan for a nonminor to satisfy one of the criteria in subsection 11403(b), these two plans appear at odds with one another. We believe the purpose of the rule would be clarified by specifying that subsection (B) is an alternative plan, such that the court is ensuring that the social worker and the youth have discussed and devised a plan that covers the youth if he/she remains in care or if he/she chooses not to remain in care.</p> <p>Recommendation: In subsection (B), specify that this is an “alternative” plan that is in place in the event that the nonminor decides to not remain in care. In addition, the rule should specify that the TILP also includes the plan for where the nonminor will reside as specified in section 11402.</p> | <p>The committee agrees with the suggestion and the appropriate modifications were made.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.812.</b> |  |  |
|--------------------|--|--|
| <b>Commentator</b> | <b>Comment</b>   | <b>Committee Response</b>  |
|                    | <p>Rule 5.812: Subsection (d)(2)(C): requires the Court to make a finding as to “Whether the child 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 whether an active dependency case is required for that Application.”</p> <p>Comment: A finding that a youth does, in fact, have an SSI application pending is not sufficient. The additional requirement that the court make a finding as to whether an active dependency case is required for the SSI application is also not sufficient given that this is never a “requirement” for an application for SSI benefits. However, while not required, it is helpful for the dependency to remain intact in order to ensure that inquiries or requests for documents by the Social Security Administration are promptly responded to, that reconsiderations and appeals are pursued, and that benefits are in place so that the youth can transition seamlessly from foster care to SSI without a gap in assistance that could lead to homelessness.</p> <p>Recommendation: If the court makes a finding that the youth has an SSI application pending, the court should make a further finding as to whether the dependency case should be continued in order to ensure the youth has continued assistance during the pendency of the application until it can be processed to a final decision.</p> | <p>The committee agrees with the suggestion and the appropriate modifications were made.</p> |

|                    |
|--------------------|
| <b>Rule 5.900.</b> |
|--------------------|

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| Commentator  | Comment   | Committee Response  |
|--|---|---|
| <p>Alameda County<br/>Office of the County Counsel<br/>Shanna Connor<br/>Deputy County Counsel</p>   | <p>Rule 5.900(b)(2) indicates that “the youth’s status as a nonminor dependent does not provide legal custody of his or her person to the child welfare services agency.” Given that the source of funding for AB 12 has not been determined, and the finding “care, custody, and control” of the minor under the social services agency currently allows for Title IVE funding, it is unclear whether this rule will conflict with funding requirements. If this rule is adopted, it is important that it not create additional obstacles to funding</p> | <p>The rule does not create an obstacle to funding. The rule conforms to Welf. &amp; Inst. Code § 303(d). A nonminor will enter into a mutual agreement with the child welfare services agency consenting to placement in a supervised setting under the placement and care responsibility of the agency. Obtaining placement and care responsibility over the nonminor in this fashion is authorized by the U.S. Department of Health and Human Services. (ACYF-CB-PI-10-11, issued on July 9, 2010)</p>   |
| <p>County Welfare Directors Association<br/>Diana Boyer<br/>Senior Policy Analyst<br/>Sacramento</p> | <p>Rule 5.900 (d) Telephone Appearance<br/>Question: How will this be accomplished as many Courts do not have the capacity for compliance? Does this include all telephonic modalities such as Skype?</p>   | <p>Another proposal recommended to the Judicial Council (SPR11-51) includes rule 5.531 which requires the juvenile court to provide for the development of the technological capacity to accommodate telephone appearances in any department in which juvenile court proceedings are heard. Telephone appearances as defined in proposed rule 5.531 does include telephonic modalities such as Skype.</p>   |
| <p>Superior Court of San Diego County<br/>Michael Roddy<br/>Executive Officer</p>                    | <p>Generally Rule 5.900-<br/>• Requires a telephonic appearance option for non-minor youth “at no cost to the minor”. This will 1) impact courtroom processing it will take staff time to coordinate 2) may impact the flow of the hearing as it is often difficult to hear and carry out the hearings with a telephonic appearance, 3) will increase court cost since the court has to cover the cost of the call.</p>   | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates. For example, Welf. &amp; Inst. Code §388(e) as amended by AB 212, requires the Judicial Council to adopt rules to allow for a telephonic appearance in a hearing to resume jurisdiction over a nonminor as a nonminor dependent and at any hearing in which the nonminor dependent is a party and elects a telephonic appearance. A nonminor who seeks a return</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.900.</b>  |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.  | to foster care and resumption of juvenile court jurisdiction or is a nonminor dependent will not have the sufficient funds available to him or her to pay for a telephone appearance.<br><br>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |
| The Alliance for Children’s Rights<br>Angie Schwartz<br>Policy Director | Designating Attorney to Appear on Nonminor’s Behalf – Rule 5.900 addresses the nonminor’s status as a legal adult, the conduct of the hearings, and the nonminor’s right to appear at hearings by telephone.<br>Comment: The Rule does not allow the nonminor to designate his/her attorney to appear on his/her behalf at a hearing. It is typical for adults in judicial proceedings to designate his/her attorney to make the appearance and, in some instances, this may be appropriate for nonminors. While we believe this might not be appropriate at a hearing to terminate the court’s jurisdiction or to request to have foster care resumed, it should be an option available to nonminors for their status review hearings. Many nonminors will be living out of county, pursuing work or educational activities, and may not be available to participate in the status review hearing either in person or via telephone. Further, to the extent that there are no major issues to discuss and the nonminor is making progress towards his/her transitional independent living case plan goals, it may not be necessary for the nonminor to appear. This is particularly true in counties where the status hearing is | The committee agrees with the suggestion and the appropriate modifications were made.  |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.900.</b>   |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
|  | <p>scheduled to occur at any time during a half-day or day-long period, which would require the nonminor to be available, and thus not working or attending classes, for most of the day every six months. Accordingly, we believe this should be an option available to nonminors through the rules.</p> <p>Recommendation: Add a new subpart (e) that specifies that nonminors have the right to designate their attorney to appear on their behalf at status review hearings.</p>  |  |
| <p>The California CASA Association<br/>Phil Ladew<br/>Associate and Legal Director<br/>Oakland</p> | <p>Rule 5.900(c) This section states that the “hearings must be informal and nonadversarial with all parties working collaboratively with the youth as he or she moves...” These hearing can raise contested issues – for example, questions may arise as to whether court orders were followed. Also, there can be situations where IEPs are not being followed for a 20 year old youth, and the school gets involved and litigates the issue. Also, a youth may have some need to argue an issue. Therefore, it should be clear that room exists to hold an evidentiary hearing if appropriate. It would be unfortunate if the rule was interpreted so literally that it caused issues for any judge trying to adhere to the rule but needed to afford due process.</p> <p>Suggestion: Existing Rule of Court 5.534(b) states that for all matters: “Unless there is a contested issue of fact or law, the proceedings must be conducted in a nonadversarial atmosphere.”</p> | <p>The committee agrees with the commentator and has included the language as suggested.</p> |
| <p>Youth Law Center<br/>Maria Remiu<br/>Managing Attorney<br/>San Francisco</p>                    | <p>Rule 5.900 (d) Telephone Appearance<br/>The rule should be revised to make it clear that telephone appearances should occur at the request of the youth (the former dependent or ward).</p>  | <p>The committee agrees with the commentator and has revised the language as suggested.</p>  |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.903.</b>   |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| <p>Alameda County<br/>Office of the County Counsel<br/>Shanna Connor<br/>Deputy County Counsel</p> | <p>According to Rule 5.903, at status review hearings for nonminor dependents, notice to the parents of the nonminor is not required (Rule 5.903(c)(2)). Given that a parent of a nonminor shall not be provided with representation by counsel, per the amended WIC 317, This rule ensures a lack of meaningful participation by a parent. Consequently, this rule will continue the denial of due process to parents of nonminor dependents. Without notice, there is no chance for these individuals to attend, participate in any significant way, or argue against jurisdiction. Further, it would provide the parents with no opportunity to show changed circumstances, or demonstrate their ability to offer a safe and appropriate home to their nonminor child.</p> <p>Rule 5.903 also outlines the information that the child welfare worker would have to include in its periodic status review reports for nonminor dependents, as well as the findings that the juvenile court must make in order for a youth to remain eligible for such status. The information and requirements do not match up. Though the social services agency would have to indicate both the specific criteria under WIC 11403(b) that the nonminor met to remain under the court’s jurisdiction and the youth’s future plans to satisfy these conditions (Rule 5.903(d)(1)(D) and (F)), the court’s findings must only include mention of what criteria it is anticipated the youth will satisfy (Rule 5.903(e)(1)(E)). In other words, there does not appear to be a requirement that the court find that the nonminor actually,</p> | <p>The rule conforms to Welf. &amp; Inst. Code § 295(b). A nonminor dependent is a person who was a dependent or ward of the juvenile court in a foster care placement when he or she attained adulthood at the age of 18 years and entered into a voluntary mutual agreement for placement in a supervised setting under the placement and care responsibility of the county child welfare services, probation department, or tribal agency. As an adult, the nonminor dependent may invite the parent to attend the hearing and may choose to exit foster care and reside in the home of the parent.</p> <p>The committee discussed the concerns raised and rule 5.903(e) was modified to include a finding regarding the criteria the nonminor dependent met during the preceding six months and a finding regarding the criteria the nonminor dependent intends to meet over the next six months. If the agency is of the opinion that the nonminor is not in compliance with the mutual agreement or reentry agreement he or she signed with the agency, the agency may set a hearing under rule 5.555 for the same date as the status review hearing and request termination of juvenile court jurisdiction over the nonminor as a nonminor dependent.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | <p>currently, satisfies any of the criteria set forth in WIC 11403(b). Coupled with Rule 5.900(b)(4), which indicates that “nothing in the Welfare and Institutions code or the California Rules of Court restricts the ability of the juvenile court to maintain jurisdiction over a youth, 18 years of age and older, who does not meet the eligibility requirements for status as a nonminor dependent,” the rules seem to render meaningless WIC 11403. Not only does this rule appear to negate the conditions set forth in WIC 11403, but it also sends a message to the youth in this program that their actions are less meaningful than their intentions. While it is not necessary to establish a “zero tolerance” system, where a nonminor is cut off from the dependency structure after the first showing of noncompliance, it is still important to expect some degree of accountability on behalf of the youth.</p> <p>Rule 5.903(b)(5) also requires that status review hearings for nonminor dependents be continued if the case plan submitted does not provide information in section (d)(1), or the court is unable to make findings and orders as set out in section (e). Some of the information that must be presented in the social worker’s report and/or found by the court includes:</p> <ul style="list-style-type: none"> <li>(1) the appropriateness of the youth’s current foster care placement (5.903(d)(1)(B); 5.903(e)(1)(C);</li> <li>(2) the youth’s plans to remain under juvenile court jurisdiction...(5.903(d)(1)(C));</li> <li>(3) verification that the youth was provided with the information, documents, and services as required under section 391...(5.903(d)(1)(G); 5.903(e)(1)(G).</li> </ul> <p>In certain situations, for example if the nonminor is AWOL and refusing to contact or cooperate with the child welfare worker this information will not be available, and the court will not be</p> | <p>The committee does not agree that the rule will require the continuation of a hearing because the nonminor’s whereabouts are unknown or the nonminor is refusing to contact or cooperate with the child welfare worker. In those circumstances the court may still make a finding. For example, the court may find the verification that the youth was provided with information, documents, and services required cannot be made because the youth’s whereabouts are unknown. In addition, the social worker may also request that the court consider the termination of jurisdiction based on the social worker’s documented reasonable efforts that the nonminor’s whereabouts are unknown under rule 5.555 (d)(2)(D).</p> |
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Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | able to make such findings. These hearings should not be continued on the basis of an insufficient report or the court not being able to make particular findings, if a nonminor is AWOL. These requirements should only apply to nonminor dependents that can be located and have maintained contact with the social worker.   |   |
| Contra Costa County<br>Children and Family Services<br>Valerie J. Ranche<br>Assistant County Counsel | Rule 5.903 (c) (4) - Question: will a Judicial Council form be provided for the Proof of Service? Is this not a notice function ordinarily executed by the Superior Court?  | The proposed <i>Notice of Hearing–Nonminor</i> (JV–281) and proposed <i>Proof of Service: Hearing–Nonminor</i> (JV-282) are new optional forms to provide notice of and proof of service of hearings involving nonminor dependents and persons seeking to have juvenile court jurisdiction resumed.<br><br>The social worker or probation officer is required to provide notice of review hearings. (Welf. & Inst. Code §§ 295, 366(f), 727.4)  |
| County Welfare Directors<br>Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento        | Rule 5.903. Nonminor dependent status review hearing (§§ 295, 366, 366.3)<br>(c) Notice of hearing (§ 295)<br>(3) The written notice served on the non-minor dependent must include:<br>(A) A statement that the youth may appear for the hearing by telephone, and<br>(B) Instructions about the local court procedures for arranging to appear and appearing at the hearing by telephone.<br>Question: Will the JV-280, Notice of Review Hearing, Juvenile, be revised to address this requirement? Make all fields in JV forms as unlimited text. This will enable the worker to completely enter information for the court. | The proposed <i>Notice of Hearing–Nonminor</i> (JV–281) and proposed <i>Proof of Service: Hearing–Nonminor</i> (JV-282) are new optional forms for providing notice of and proof of service of hearings involving nonminor dependents and persons seeking to have juvenile court jurisdiction resumed.<br><br>Space is provided on the forms for appropriate information to be added in the majority of cases. It would be inappropriate to allow unlimited text because it would change the placement of the items on the forms thus making it difficult for users to easily find information. |
| Public Counsel Law Center<br>Susan McClure   | Rule 5.903(d)(1)(A) and 5.903(e)(1)(B): Please revise “necessary” to “in youth’s best interest” as the standard for   | The committee does not recommend modifying the provision as suggested. Welf. & Inst. Code §366(f)   |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <p>Los Angeles</p>  | <p>whether nonminor dependent should remain under juvenile court jurisdiction.</p> <p>Rule 5.903(d)(1)(C) and (D): The two sections seem to be asking for the same information.</p>   | <p>provides, “The review shall include all of the issues set forth in subdivision (a), except subparagraph (C) of paragraph (1) of subdivision (a)... .” Under subparagraph (C) of paragraph (1) of subdivision (a) the court is required to determine, “The continuing necessity for ....the placement.” Whether “remaining under juvenile court jurisdiction is in the best interests of the youth” is included as an issue for the court’s consideration during a hearing to terminate the court’ jurisdiction in proposed rule 5.555.</p> <p>The committee agrees with the comment and the two sections were consolidated.</p> |
| <p>Superior Court of San Diego County<br/>Michael Roddy<br/>Executive Officer</p> | <p>Generally rule 5.903-</p> <ul style="list-style-type: none"> <li>• Requires 6 month reviews to be set which impacts court calendars, staff time and judicial officer time on calendars that are already overset. Some may be heard by a local “administrative review panel” which may alleviate court impact but will still require coordination. Reports required for the 6 month reviews will add processing time for clerical staff as well as reading time for judges.</li> <li>• New findings and orders will require us to create new codes and will impact courtroom clerk’s workload.</li> </ul> <p>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.</p> | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates.</p> <p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p>   |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <p>The Alliance for Children’s Rights<br/>Angie Schwartz<br/>Policy Director</p> | <p>Rule 5.903 Subsection (b) Setting and Conduct of a nonminor dependent status review hearing<br/>Comment on subpart (2): The circumstances listed in subpart (2) should be separated by the word “or” because these are independent instances when the court must place the appearance on calendar, hold the hearing before a judicial officer and have the hearing recorded by a court reporter. In addition, subclause (C) should permit the nonminor or his/her attorney to request the hearing be conducted by the court.<br/>Recommendation: (1) Separate these 4 circumstances by the word “or”; (2) amend subclause (C) to permit the nonminor or his/her attorney to request the hearing be conducted by the court.</p> <p>Rule 5.903 Subsection (d)(1)(A): This subpart requires the social worker or probation officer to submit a report to the court that includes whether remaining under juvenile court jurisdiction as a nonminor dependent is “necessary” and the facts supporting that conclusions.<br/>Comment: Nothing in AB 12 or the provisions that allow nonminors to continue in foster care between ages 18 – 21 requires a finding that it is “necessary” for the nonminor to continue in care. Rather, a nonminor can elect to continue in care and if he/she is meeting one of the five participation conditions (Welf. &amp; Inst. Code § 11403), living in an approved placement (Welf. &amp; Inst. Code § 11402), and complying with other program criteria, he/she is entitled to remain in care. Adding a component to the social worker or probation officer’s report that requires them to document whether and how it is</p> | <p>The committee agrees with the suggestion and the modification was made.</p> <p>The committee does not recommend striking the provision as suggested. Welf. &amp; Inst. Code §366(f) provides, “The review all of the issues set forth in subdivision (a), except subparagraph (C) of paragraph (1) of subdivision (a)... .” Under subparagraph (C) of paragraph (1) of subdivision (a) the court is required to determine, “The continuing necessity for ....the placement.” The committee recognizes that rule language referencing “juvenile court jurisdiction” did not align with the code’s reference to “placement” and has modified the language in the rule.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | <p>“necessary” for the nonminor to remain in foster care detracts from the fact that these young people have the right to participate in extended care as long as they are complying with the program rules.<br/>Recommendation: Strike subpart (1)(A) entirely.</p> <p>(e)(1)(B): This subpart requires the court to make a finding as to whether remaining under juvenile court jurisdiction as a nonminor is “necessary.”<br/>Comment: Nothing in AB 12 or the provisions that allow nonminors to continue in foster care between ages 18 – 21 requires a finding that it is “necessary” for the nonminor to continue in care. Rather, a nonminor can elect to continue in care and if he/she is meeting one of the five participation conditions (Welf. &amp; Inst. Code § 11403), living in an approved placement (Welf. &amp; Inst. Code § 11402), and complying with other program criteria, he/she is entitled to remain in care. Adding a component to the social worker or probation officer’s report that requires them to document whether and how it is “necessary” for the nonminor to remain in foster care detracts from the fact that these young people have the right to participate in extended care as long as they are complying with the program rules.<br/>Recommendation: Strike subpart (1)(B) entirely.</p> | <p>The committee does not recommend striking the provision as suggested. Welf. &amp; Inst. Code §366(f) provides, “The review shall include all of the issues set forth in subdivision (a), except subparagraph (C) of paragraph (1) of subdivision (a)... .” Under subparagraph (C) of paragraph (1) of subdivision (a) the court is required to determine, “The continuing necessity for ...the placement.” The committee recognizes that rule language referencing “juvenile court jurisdiction” did not align with the code’s reference to “placement” and has modified the language in the rule.</p> |
| <p>The California CASA Association<br/>Phil Ladew<br/>Associate and Legal Director<br/>Oakland</p> | <p>Rule 5.903 as proposed, is entitled “Nonminor Dependent status review hearing...” Does this only apply to nonminor dependents as defined in 5.502(22), or does it apply to all dependents over the age of 18?</p> <p>Rule 5.903(a) as proposed, states that the “purpose of the</p>   | <p>The rule applies only to nonminors under the court’s dependency, delinquency, or transition jurisdiction as nonminor dependents as the term is defined in Welf. &amp; Inst. Code §11400(v). The rule was modified to clarify that its provisions are limited to nonminor dependents.</p> <p>The committee agrees that additional issues may be</p>   |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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|  | <p>nonminor dependent status review is...” We submit that this is not the sole purpose, and during the case other issues may arise. As stated, the purpose is too limited.<br/>Suggestion: Amend the language to say: “The main purpose of the nonminor...”</p> <p>Rule 5.903(d)(1)(A) requires a report on “Whether remaining under juvenile court jurisdiction as a nonminor dependent is necessary and the facts supporting the conclusion reached; 5.903(e)(1)(B) requires that the court make a finding as to “Whether remaining under juvenile court jurisdiction as a nonminor dependent is necessary....”<br/>“ However, the law (e.g. 366(a)(1)(A) and 366.3(e)) requires the court to determine “the continuing necessity for, and appropriateness of, the placement.” However, the necessity of the placement does not equate to the necessity of jurisdiction, nor does it equate to the necessity of receiving nonminor dependent/11400(v) benefits. Thus, this rule asks a different question than the statute. Also, the rule does not ask that the court consider whether “remaining under juvenile court jurisdiction is in the best interests of the youth.</p> <p>The proposed 5.903(d)(1)(B) states “appropriateness of current foster care placement;” however, the youth may be in a non-foster care placement – i.e. between placements, not in an “approved placement,” etc. The “foster care placement” language again speaks to the requirements necessary to be/remain eligible for benefits, and is not necessarily applicable to youth under juvenile court jurisdiction who are ineligible for 11400(v) benefits.</p> | <p>considered and the provision was modified to read, “The primary purpose...”</p> <p>The committee recognizes that language in the code refers to the “continuing necessity for...the placement” and has modified the language of the rule to align with the language of the code. Also the continuing necessity for a foster care placement is not an issue related to eligibility for “11400(v) benefits.” It is an issue about which the court is required to make a finding at all status review hearings for children under its jurisdiction in an out-of-home foster care placement and under Welf. &amp; Inst. Code §366(f) the court is required to make this same determination for nonminors under its jurisdiction. Whether “remaining under juvenile court jurisdiction is in the best interests of the youth” is included as an issue for the court’s consideration during a hearing to terminate the court’ jurisdiction in proposed rule 5.555.</p> <p>The committee does not recommend adopting this suggestion. The continuing appropriateness of the foster care placement is not an issue related to eligibility for “11400(v) benefits.” It is an issue about which the court is required to make a finding at all status review hearings for children under its jurisdiction in an out-of-home foster care placement and under Welf. &amp; Inst. Code §366(f) the court is required to make this same determination for nonminors under its jurisdiction.</p> |
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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |   |  |
|---|---|--|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |   |  |
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel  | <p>Rule 5.909 – Reinstating Jurisdiction</p> <p>Rule 5.909 presents another set of due process difficulties. This proposed rule allows nonminor adults to file a request with the juvenile court to reinstate dependency jurisdiction regardless of whether they were previously deemed dependents of the court in the 300 system or wards under the 600 system. Within two days of receiving the request, a judicial officer must determine whether the applicant meets the requirements of this section, and the conditions laid out in WIC 11403(b). If the court officer finds that the necessary criteria have been met, he/she must set the matter for a hearing. If the nonminor does not want his/her parents to receive notice of the hearing, the parents will not be notified (Rule 5.909(i)(1)(B)).</p> <p>This rule is particularly problematic, in that it not only enables the juvenile court to “reinstate” dependency for individuals that were never in the dependency system as minors, but it allows the court to do so without providing notice to the person’s parents. There is no requirement that the individual show that he/she could be described as a minor under WIC 300 (which would be impossible, anyway, given that he/she is an adult); there is no condition that a 300 petition be filed by any party or that the court make findings that the allegations are true. However the juvenile court would be finding that adults, with</p> | <p>The committee has discussed the concerns raised and concluded that the amendments to the relevant Welf. &amp; Inst. Code section and subsequent modifications to the proposed rules have resolved the due process and related issues discussed by the commentator. Nonminor wards who come within the description of a nonminor dependent in Welf. &amp; Inst. Code § 11400(v) will be subject to the juvenile court’s transition jurisdiction under Welf. &amp; Inst. Code § 450. A former ward’s reentry to foster care and assumption of juvenile court transition jurisdiction over him or her as a nonminor dependent does not require that he or she would come with the description of a dependent under the court’s dependency jurisdiction pursuant to Welf. &amp; Inst. Code § 300.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |   |   |
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| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |   |   |
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>   |
|   | <p>no historical involvement in the 300 system, fall under its dependency jurisdiction. In addition to the above, there are no procedural protections for the parents of the nonminor. They are not entitled to notice, and therefore, presumably, would not be present to participate in the proceedings or be heard by the court. Because this is not a program of simple general assistance to former wards and foster youth; because it is additional support through the auspices of the <i>child</i> welfare system and a finding has to be made that the minors would be at risk if placed with their child, but would also suffer a distinct social stigma – all without the right to even be noticed for the hearing.</p> <p>It is unknown if the court’s finding would result in a notice to the Child Abuse Central Index (CDCI) for the parents of the nonminor. If so, that would also seriously affect the parents’ reputation in the community, as well as work options. Rule 5.909 – Nonminors living outside the state.</p> <p>If the nonminor dependents are able to reside outside the State of California, as per Rule 5.909(d)(8), then the rules should allow for monthly contact between the child welfare worker and the nonminor by telephone. It’s also imperative that the rules not conflict with the Interstate Compact for the Placement of Children (ICPC) regulations</p> |   |
| <p>Contra Costa County<br/>Children and Family Services<br/>Valerie J. Ranche<br/>Assistant County Counsel</p>                          | <p>Rule 5.909 (e) Comment: Although time is of the essence for a nonminor dependent who seeks assistance, are the short one and two day time deadlines feasible for a Superior Court system already heavily burdened?</p>   | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. Based on amendments included in Assembly Bill 212 and review of public comments, there was some modification to the timelines.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |  |  |
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| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |  |  |
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>  |
| <p>County Welfare Directors Association<br/>Diana Boyer<br/>Senior Policy Analyst<br/>Sacramento</p>                                    | <p>Rule 5.909. (f) Determination of prima facie showing Concern/Suggestion: In sub 1 the court must make a determination of whether or not to resume jurisdiction. In sub 2 if the court determines not to resume jurisdiction it issues an order the clerks offices notifies the youth of the court’s order. In Section (e) Notice to county agency of filing of Request to Return to Foster Care (form JV-466), the Rule has the Clerk’s office notifying the child welfare services agency, the probation department, or the Indian tribal agency of the filing of a request by a youth to reenter foster care. In Section (3) it has the clerk’s office notifying the child welfare services agency, the probation department, or the Indian tribal agency when the court approves the request. However, nowhere in Section (f) does it have the clerk’s office notifying the child welfare services agency, the probation department, or the Indian tribal agency that the court denied the request. This needs to be added to the rule.</p> <p>Rule 5.909.<br/>(h) Setting the hearing (1) Within three court days of the filing of the JV-466 with the clerk of the juvenile court that retained general jurisdiction, the juvenile court clerk must schedule a hearing on the juvenile court’s calendar on a date within 30 calendar days from the date the JV-466 was filed with the court that retained jurisdiction.<br/>(i) Notice of hearing The juvenile court clerk must serve notice as soon as possible but, in any event, at least 15 calendar</p> | <p>The committee agrees with the suggestion and the rule was modified to include it.</p> <p>The procedure for the reentry to foster care and return to juvenile court jurisdiction and associated time frames included in Welf. &amp; Inst. Code § 388(e) were amended by provisions of AB 212. Based on those amendments and the review of public comments, modifications were made to noticing timelines as appropriate.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |   |  |
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| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |   |  |
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | <p>days before the date the hearing is set, as follows.... the youth, the youth’s attorney, and the child welfare services agency, the probation department, or the Indian tribal agency...</p> <p>(B)(4) Notice by first-class mail must be postmarked 20 calendar days prior to the date set for the hearing</p> <p>(j) Reports (C(2)) At least five court days before the hearing, the social worker, probation officer, or tribal case worker must file the report and any supporting documentation with the court and provide a copy to the youth and to his or her attorney of record...</p> <p>Comment/Suggestion: Items h-j above demonstrate that the timeframe for the setting of a hearing for the return of the youth to foster care (within 30 calendar days) is too short. This is based on the fact that the proposed rules allow the clerk’s office to notify the child welfare services agency, the probation department, or the Indian tribal agency within 15 calendar days before the date the of the hearing and the fact that the report must be filed with the court at least five court days before the hearing and that the notice by first-class mail must be postmarked 20 calendar days prior to the date set for the hearing. It is recommended to have the time frame for the clerk to notify parties to five calendar days rather than 15 calendar days.</p> <p>5.909(k)(2) Orders (C)(ii) If the court finds that the youth does not meet the age requirements under (b)(1), and/or the juvenile court did not enter an order for a period of trial independence for the youth and did not retain general jurisdiction over the</p> | <p>The committee agrees that the sentence required clarification and an appropriate modification was made.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |   |   |
|---|---|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |   |   |
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>   |
|   | youth, the court must:<br>(i) Enter an order denying the request to return to foster care and have juvenile court jurisdiction resumed terminated and...<br>Comment/Suggestion: It appears there is a typo, the word resumed should be stricken and replaced with terminated.   |   |
| Los Angeles County<br>Office of the County Counsel<br>James Owens<br>Assistant County Counsel   | Rule 5.909(j)(1): Concern – The proposed rule requires that the juvenile court find that the court ordered a period of trial independence and retained general jurisdiction over the youth. It is unnecessary to require the social worker, probation officer, or Indian tribal agency to investigate and verify the information (which would require the procurement of a minute order) that the juvenile court must verify and has within its access.   | The committee does not recommend deleting the information from the report. The placing agency will have the information in its files and a thorough report that includes all the information needed will facilitate the nonminor’s return to court jurisdiction and a foster care placement in a timely manner.   |
| Public Counsel Law Center<br>Susan McClure<br>Los Angeles   | Rule 5.909(d)(2) requires that the request to return to foster care include very specific information that youth may not remember or have easy access to such as the name of the juvenile court that ordered the period of trial independence, the court file number, the date of the order of trial of independence and the name and number of the court appointed attorney.<br>In order to facilitate youth’s return to foster care, Rule 5.909(k)(2)(B)(iii) and 5.909(k)(3) require that after the JV-466 hearing youth who are found ineligible to return to foster care be provided with the written findings and orders and forms JV-466 and JV-464-INFO. Similar provisions should be adopted in Rule 5.906 so that youth whose cases are terminated under WIC§309/Rule 5.906 will have information needed for them to return to foster care. Specifically youth should receive a copy of their JV-367 in addition to forms JV-466 and JV-464-INFO. | The committee agrees with the suggestion that the nonminor be provided guidance regarding the process for returning to foster court and the resuming of juvenile court jurisdiction and modifications were made to require that the hearing during which the court’s jurisdiction over a nonminor is terminated, he or she be provided with a copy of each of the following forms: <i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction</i> (form JV-464-INFO), <i>Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468), <i>Confidential Information—Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468) ) and an endorsed, filed copy of the <i>Termination of Juvenile Court Jurisdiction—Nonminor</i> (form JV-365) completed and signed by him or her and the social worker or probation officer. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>Rule 5.906</b>   |  |   |
|---|--|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |  |   |
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>   |
|   | <p>Rule 5.909(e)(1): When a youth files the JV-466 with the juvenile court in the county where she lives but such court did not order the period of trial independence, Rule 5.909(d)(6)(B) requires that the clerk of the court of residence forward the forms to the clerk of the juvenile court that ordered the period of trial independence. However, it's unclear which clerk is then responsible to notify the child welfare agency, probation department or Indian tribal agency under rule 5.909(e)(1) regarding the filing of JV-466.</p>  | <p>The committee agrees that the reference was vague and a clarifying modification was made.</p>  |
| <p>Superior Court of San Diego County<br/>Michael Roddy<br/>Executive Officer</p>   | <p>Generally rule 5.909-</p> <ul style="list-style-type: none"> <li>• Creates a new form JV-466 for a minor to request to return to foster case which requires a hearing be set. Clerk must confirm form is verified and return conformed copy to minor at no cost. This is an impact to processing clerks, court costs for mailing, courtroom calendars and courtroom clerks as well as judicial officers.</li> <li>• Allows the juvenile to file form JV-466 in the juvenile court where the minor resides which may not be the court that has the minor's case. Requires the court within one court day to fax and mail a certified copy of the JV-466 to the court that had the minor's case. This is a significant impact to workload when we are to receive filings on cases that are not San Diego cases as well as an increase in court costs to certify, fax and mail to the other court. In addition, based on lack of resources and backlog, a one day turnaround time is not enough time.</li> <li>• Requires the clerk notice HHSA, Probation, Indian Tribe within one court day that a JV-466 was filed and the</li> </ul> | <p>The committee is mindful of the workload ramifications of AB 12 and AB 212. The majority of the concerns noted by the commentator come directly from the statute or are necessary procedural elements to implement the statutory mandates.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Rule 5.906</b>   |  |   |
|---|--|---|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |  |   |
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>   |
|   | <p>requirement notice via telephone or e-mail. This requirement will place a significant burden on clerical staff and it will be very difficult to know exactly who to contact.</p> <ul style="list-style-type: none"> <li>• Two day turnaround time for judicial review of the JV-466 is too brief. In addition, the turnaround time for the clerk to serve, send notice of hearing, etc. is not sufficient time given our lack of resources. It essentially ends up being one day. It also requires notification of appointment of counsel to be made by telephone, fax or other electronic means. We notify by dropping off appointment notices in attorney-boxes that are in turn picked-up by counsel. This notification process should be allowed.</li> <li>• New findings and orders will require us to create new codes and will impact courtroom clerk’s workload.</li> </ul> <p>Rule 5.909(e)(2), line 30 – Suggest inserting “of the filing” after “The notification” to clarify that the agency must be notified that the JV-466 (and JV-468 if applicable) were filed by the youth. Paragraph (1) requires the clerk to notify the agency, but it does not state what information must be contained in the notification.</p> <p>Rule 5.909(g) [appointment of attorney]<br/> <i>Comment: The intent underlying this provision is commendable, but it begs the question, who will pay the attorneys’ fees in counties that do not have DRAFT contracts with the AOC?</i></p> | <p>The committee agrees with the suggested insertion and that paragraph (1) was incomplete. Appropriate modifications were made to the rule.</p> <p>The committee recognizes that there may be a fiscal impact associated with this aspect of the implementation of Assembly Bill 12.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>Rule 5.906</b>   |   |  |
|---|---|--|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |   |  |
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.  | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.  |
| The California CASA Association<br>Phil Ladew<br>Associate and Legal Director<br>Oakland  | Rule 5.909(d) – subsections: (B) requires the action number or court file number; (F) the name and telephone number of the court appointed attorney who represented the youth in the past; (G) if an Indian Child, and he or she wants tribal involvement, the tribes name, address, and telephone number of the tribal representative; (H) the name of the CASA; (I) the date the court entered the order for a period of trial independence;... all of these, and perhaps others are nice to have, but not essential to the prima facie showing that the youth can resume jurisdiction per 388(e). Why are we mandating that this information be included in the moving papers? Wouldn't this be best dealt with after professionals (i.e. attorneys, social workers, etc.) get involved? Suggestion: Trim the form down to make it easier for a youth to fill out the form – require only the essential identifying information and facts necessary for a prima facie showing. Other information should be asked for later, or as an alternative, other information can be asked but clearly marked “optional,” or “if you have it.” | The committee does not recommend deleting the referenced items from the rule or the corresponding form. The items are intended to elicit information which will ensure that all resources and professionals are available to the nonminor seeking a return to foster care as soon as possible. The rule states the information is to be provided to the extent known to the youth and the same limitation to information known to the youth was included on the corresponding form (JV-466) as well as the information form (JV-464-INFO). |
| Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco   | Rule 5.909: In subsection (d), the youth’s “verification” of eligibility should be sufficient for the request to reenter foster care. The youth should be able to verify the eligibility criterion he or she meets. The youth should not be required to submit contact information for a third party to “verify” that the youth satisfies one of the criteria. The court may require at the hearing some proof or evidence that the verification is accurate,   | As amended by AB 212, Welf. & Inst. Code §388(e) the nonminor is no longer required to satisfy one of the conditions and the information previously requested is no longer included in the rule.   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b>Rule 5.906</b>   |  |                           |
|---|--|---------------------------|
| <b>This rule appeared in the Invitation to Comment as Rule 5.909 and all comments below refer to proposed rule 5.906 as rule 5.909.</b> |  |                           |
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b> |
|   | but the youth should have the flexibility to offer “proof” in any number of ways that do not require the contact information of an individual at a place of employment or educational institution. The youth may not want to disclose his or her foster care status to a school, program or employer (the “Confidential” filing option does not solve this problem) or other evidence may be sufficient to support the verification. The youth could submit evidence (e.g. paystubs or a certification of enrollment status) that does not require contact information for an individual at a place of employment or study. Furthermore, the statutory eligibility language of participating in an “activity designed to promote, or remove barriers to employment” is broad enough to encompass self-study activities (e.g. online G.E.D. preparation). The court rules should provide the broadest flexibility permitted by statute. |                           |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>Termination of Juvenile Court Jurisdiction-Nonminor (form JV-365)</i>                   |   |   |
|--|---|---|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>   |
| County Welfare Directors Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento | <p>JV-365 – Directions for the Youth<br/>Question: It is not clear what the youth is supposed to do with the JV-365 after they review it. Give it back to the social worker, bring it to court, mail it to court?</p> <p>Item 2d and item 3f<br/>2d The youth's educational and medical history<br/>3f Health and education summary, as described in Welf. &amp; Inst. Code, § 16010(a)<br/>Comment/Suggestion: These are items that the youth is being asked if they have been given this information. Seems first of all to be repetitive and secondly how is a youth suppose to know what WIC 1610(a) is?</p> <p>Item 6-Question: The list of things the youth received there appears to be no mention of assisting the youth with food stamp application. Is that suppose to be included in item 6e “Assistance in obtaining employment or other financial support”</p> | <p>The committee agrees with the suggestion and additional instructions were added to the form.</p> <p>The committee agrees and item 2d was deleted as repetitive and item 3f was revised to provide the nonminor with a complete copy of his or her health and education passport, the document in which the county child welfare agency maintains the information required by Welf. &amp; Inst. Code, § 16010(a).</p> <p>Although not specifically included in Welf. &amp; Inst. Code § 391(e), the committee inserted a reference to the CalFresh Program (formerly known as Food Stamp Program) in item 6e to ensure that the nonminor has received assistance in obtaining the financial support and benefits of that food assistance program if needed.</p> |
| Public Counsel Law Center<br>Susan McClure<br>Los Angeles                                  | <p>“Nonminors” should be added to the title as this form would still be applicable to termination of jurisdiction of nonminors and not just for those attaining age of majority.</p>  | <p>The committee agrees and the form title was modified as suggested.</p>   |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                   | <p>Item 2.f. - Add “unless the court has determined that sibling contact would jeopardize the safety or welfare of the sibling” after “The whereabouts of any siblings under the jurisdiction of the juvenile court” per WIC § 391(e)(1).</p>   | <p>The committee agrees with the recommendation and the phrase was added to the item 2.f.</p>   |

Positions: A – Agree; AM – Agree if modified; N – Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

|  |  |   |
|--|--|---|
|  | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |
|--|--|---|

| <i>Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor (form JV-367)</i> |  |  |
|---|--|--|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>  |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel                                    | <p>Forms JV-367 and JV-462: Including the names of the court clerk, bailiff, and court reporter on these forms would add to the burden of filling in the form, but it is not apparent why that information would be useful.</p> <p>Form JV-367: Additionally, if the nonminor dependent is “on the run” at the time of hearing, it will often not be possible to fill in #10(“the youth had the opportunity to confer with his or her attorney about the issues currently before the court”), #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 youth was informed of the “potential benefits of remaining under juvenile court jurisdiction”), 16 (the youth was informed that he/she has the right to have juvenile court jurisdiction terminated if it is continued for a period of trial independence): or #17 (the youth was informed of his/her right to request to have juvenile court jurisdiction reinstated.) However, in order for the court to issue a period of “trial Independence” or to dismiss the matter without such a</p> | <p>The committee prefers retaining the items as these findings and orders forms are stand-alone documents and the identifying information including the names of the court clerk, bailiff, and court reporter are necessary. For example, the name of the court reporter is required in the event a transcript to of the hearing is needed.</p> <p>The committee understands the concern. The form, as originally created, was in compliance with the then existing provisions of Welf. &amp; Inst. Code § 391 that were to become effective as of 1/1/12. Those provisions were amended by Assembly Bill 212 and the referenced findings are no longer required for a nonminor whose whereabouts are unknown after a reasonable and documented effort to locate the nonminor.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor (form JV-367)</i> |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | <p>provision, it must make the findings in #10, #14-17. The court hearings should not be continued if the nonminor cannot be located. Therefore, #22(a)(3) should only be required in cases where the minor can be located.</p> <p>#18(b) should be amended to refer back to #18(a) as opposed to 12(a).</p>  | <p>The committee agrees that this was an inaccurate reference. The reference is not included in the revised form.</p>  |
| <p>County Welfare Directors Association<br/>Diana Boyer<br/>Senior Policy Analyst<br/>Sacramento</p>                        | <p>Findings 9b and 18b<br/>9b. The youth's current location is unknown and reasonable efforts were made to locate the youth.<br/>18b 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.<br/>Comment/Suggestion: These seem repetitive and perhaps should be merged together.</p> <p>Item 22b(1)* item related to trial period of independence</p> | <p>The committee agrees that item 18b was confusing due to the reference to item 12a rather than 18a. The reference was included to ensure that the finding in 18a would not be required for a nonminor whose whereabouts unknown. The provisions of AB 12 that required the reference were amended by AB212 and the reference is not included in the revised form.</p> <p>As amended by Assembly Bill 12, a “trial period of independence” was deleted from the Welf. &amp; Inst. Code.</p> |
| <p>Superior Court of San Diego County<br/>Michael Roddy<br/>Executive Officer</p>   | <p>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.</p>   | <p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p>   |
| <p>The Alliance for Children’s Rights<br/>Angie Schwartz<br/>Policy Director</p>  | <p>Section 18 (b) currently has language that reads, “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 forms specified in item 12a.”</p>   | <p>The committee agrees that this was an inaccurate reference. The reference is not included in the revised form. The provisions of AB 12 that required the reference were amended by AB212 and the reference is not included in the revised form.</p>   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor (form JV-367)</b>                                       |  |   |
|---|--|---|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>   |
|   | <p>Comment: The information, documents, services, and forms are specified in item 18a, not 12a.<br/>                     Recommendation: Change the current language from “12a” to “18a.”</p>  |   |
| <p>The California CASA Association<br/>                     Phil Ladew<br/>                     Associate and Legal Director<br/>                     Oakland</p> | <p>The proposed form JV-367 lists “Court Appointed Special Advocate (CASA) volunteer” under item #6. Rule of Court 5.655 defines CASA volunteers as those serving “a child or children,” and thus existing rules do not provided an exact match for CASA assignment to adult youth. Also, CASA programs need to work with their court to determine how best to serve these youth. For example, if a youth is not living in the same county as the court, the local program could identify a volunteer for the Court to appoint.<br/>                     Suggestion: Perhaps amend the language in #6 to delete “ Court Appointed Special Advocate (CASA) volunteer” and insert “Volunteer appointed from a CASA program; also amend language in #7 to delete CASA volunteer and insert “the volunteer from CASA”.</p> | <p>The committee is cognizant of the concerns raised and has eliminated that item from the form. The nonminor’s former CASA volunteer or an individual from a CASA program that has developed a volunteer program for nonminors who appears may be named under “Other.” The reference in item 7c to the report of CASA volunteer was also deleted. A report submitted to the court pursuant to the rules of the local CASA program and local rules of court developed regarding appointment of CASAs for nonminors may be listed under “Other.”</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <i>Additional Findings and Orders for Child Approaching Majority-Dependent (form JV-460)</i> |  |   |
|--|--|---|
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>   |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                     | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |

| <i>Findings and Orders After Nonminor Dependent Review Hearing (form JV-462)</i>         |   |  |
|--|---|--|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>  |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel | Forms JV-367 and JV-462: Including the names of the court clerk, bailiff, and court reporter on these forms would add to the burden of filling in the form, but it is not apparent why that information would be useful.  | The committee prefers retaining the items as these findings and orders forms are stand-alone documents and the identifying information including the names of the court clerk, bailiff, and court reporter are necessary. For example, the name of the court reporter is required in the event a transcript to of the hearing is needed. |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                 | Item 19a – Suggest changing “needed that will” to “that are needed to” for clarity. Query: Should the first “goals” be deleted? As written, the finding speaks of “modifications to the <u>TILCP goals</u> ” needed to assist the youth “to attain his or her <u>goals</u> ,” but wouldn’t it be more accurate to say that “modifications to the <u>TILCP</u> ” are needed to assist the youth?<br><br>Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee agrees with the suggestion and an appropriate modification was made.<br><br>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.  |
| The California CASA Association<br>Phil Ladew<br>Associate and Legal Director<br>Oakland | The proposed form JV-462 lists “Court Appointed Special Advocate (CASA) volunteer” under item #3. Rule of Court 5.655 defines CASA volunteers as those serving “a child or children,” and thus existing rules do not provided an exact match for CASA assignment to adult youth. Also, CASA   | The committee is cognizant of the concerns raised and has eliminated that item from the form. The nonminor’s former CASA volunteer or an individual from a CASA program that has developed a volunteer program for nonminors who appears may be named under “Other.”   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b><i>Findings and Orders After Nonminor Dependent Review Hearing (form JV-462)</i></b> |  |  |
|---|--|--|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>  |
|   | <p>programs need to work with their court to determine how best to serve these youth. For example, if a youth is not living in the same county as the court, the local program could identify a volunteer for the Court to appoint.</p> <p>Suggestion: Perhaps amend the language in #3 to delete “ Court Appointed Special Advocate (CASA) volunteer” and insert “Volunteer appointed from a CASA program; also amend language in #4 to delete CASA volunteer and insert “the volunteer from CASA”.</p> | <p>The reference in item 4c to the report of CASA volunteer was also deleted. A report submitted to the court pursuant to the rules of the local CASA program and local rules of court developed regarding appointment of CASAs for nonminors may be listed under “Other.”</p> |

| <b><i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction (form JV-464-INFO)</i></b> |  |  |
|---|--|--|
| <b>Commentator</b>  | <b>Comment</b>   | <b>Committee Response</b>  |
| <p>Alameda County<br/>Office of the County Counsel<br/>Shanna Connor<br/>Deputy County Counsel</p>            | <p>The JV-464-INFO form indicates “the same Judge” that ordered trial independence for a nonminor will be the same bench officer handing the request for reinstatement of dependency. Since many (if not most) juvenile court judges rotate out of dependency every three years, this is not a reasonable expectation to give nonminors. Perhaps the form could indicate that the “same court,” rather than the same judge, would hear the matter.</p> | <p>The committee agrees and the reference will be corrected. (Note that the reference will be to the court that dismissed the case and retained general jurisdiction because “trial independence” was deleted by the Assembly Bill 212 amendments to the Welf. &amp; Inst. Code.)</p>  |
| <p>County Welfare Directors<br/>Association<br/>Diana Boyer<br/>Senior Policy Analyst<br/>Sacramento</p>      | <p>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...<br/>Group home if need to because of a medical condition,<br/>Question: This implies that the only time a youth can be placed in a group home is due to a medical condition, is this accurate?</p>   | <p>The committee agrees that a nonminor dependent may remain in group home placement until he or she attains 19 years of age or completes high school whichever is earlier unless the nonminor dependent needs to remain in the group home due to a medical condition and a reference to this set of circumstances was included on the form.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction (form JV-464-INFO)</i> |   |   |
|--|---|---|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>   |
| Public Counsel Law Center<br>Susan McClure<br>Los Angeles  | <ul style="list-style-type: none"> <li>• Page 1: Many youth will likely need assistance in filling out JV-466 especially if they do not have access to information that is required on the form. In light of our comment above, Including court orders and the forms upon termination of dependency jurisdiction would hopefully facilitate foster youth’s returning to foster care. However, clerks should also assist youth in obtaining information to fill out JV-466.</li> <li>• Page 2: In paragraph under the heading “the court has enough information” please replace “speak for you” with “assist” regarding the attorney’s role.</li> <li>• Page 2: Please insert a Q&amp;A about not being able to attend the hearing in person.</li> </ul> | <p>The committee agrees with the suggestion that the nonminor be provided guidance regarding the process for returning to foster court and the resuming of juvenile court jurisdiction and modifications were made to require that the hearing during which the court’s jurisdiction over a nonminor is terminated, he or she be provided with a copy of each of the following forms: <i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction (form JV-464-INFO)</i>, <i>Petition for Juvenile Court to Resume Jurisdiction (form JV-468)</i>, <i>Confidential Information—Petition for Juvenile Court to Resume Jurisdiction (form JV-468)</i> ) and an endorsed, filed copy of the <i>Termination of Juvenile Court Jurisdiction—Nonminor (form JV-365)</i> completed and signed by him or her and the social worker or probation officer.</p> <p>The committee agrees with the suggestion and an appropriate modification was made.</p> <p>The committee agrees with the suggestion and information about a telephone appearance was included on the form.</p> |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                               | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.  | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.   |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b><i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction (form JV-464-INFO)</i></b> |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
| The Alliance for Children’s Rights<br>Angie Schwartz<br>Policy Director                                       | <p>1. Introduction paragraph currently has language that reads, “This form explains,” followed by three bullet points.<br/>Comment: The third bullet point reads “How to ask the court if you can return to fostercare,” but “care” is missing on the next line.<br/>Recommendation: Re-format the third bullet point to that “care” appears on the form.</p> <p>2. “What if I need help with the form?” currently has language that reads “You can ask someone to help you fill out the form.”<br/>Comment: It could be unclear to youth reading this form whether this language means there are specific people they should contact to help them fill out the forms, or whether it is just a recommendation to ask anyone for help.<br/>Recommendation: Provide contact information for people who can help the youth. Or clarify the language by stating that the youth is not required to fill out the forms by his/herself and can ask for assistance from anyone they feel comfortable asking for help.</p> | <p>The committee agrees with the suggestions and appropriate modifications were made.</p> <p>The committee agrees with the suggestions and appropriate modifications were made.</p>  |
| Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco   | <p>Page1- The work/school requirements description should be revised to clarify that a youth can be participating in a job readiness activity and does not have to be enrolled in “school”. The form should specifically inform youth that they can be participating in any activity or program that will help them to get a job.</p> <p>Page 1- Is there a specific reason for including the “Court Requirements” section on the cover of the form? The instructions on pages 1-2 all relate to items the youth must</p>   | <p>Assembly Bill 212 amended Welf. &amp; Inst. Code § 381(e) and the nonminor is no longer required to be participating in in one of the listed activities prior to the court resuming jurisdiction over him or her and appropriate modifications were made to that portion of the form.</p> <p>As amended by Assembly Bill 212, a “trial period of independence” was deleted from the Welf. &amp; Inst. Code and all references were deleted from the form.</p> |

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**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <b><i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction (form JV-464-INFO)</i></b> |   |  |
|---|---|--|
| <b>Commentator</b>  | <b>Comment</b>  | <b>Committee Response</b>  |
|   | <p>know. If the section is not deleted, revising it to just say that the court must find that it has the power to reopen your case should be sufficient. Also deleting this section and changing all references to “trial independence” would short circuit the anticipated problem that the AB212 voluntary reentry agreement route will create.</p> <p>Page 2- The “How Can I Show that I Meet the Requirements” section should be revised to clarify that the youth can state on the form how they qualify (i.e. I’m enrolled in school, I work x hours per week, I participate in a job readiness activity, I can’t work because of my ____ condition) and then prove when they go to court that they qualify with a paystub, letter from work, letter from school, letter from a doctor, letter from social worker or probation officer or other evidence.</p> | <p>Assembly Bill 212 amended Welf. &amp; Inst. Code § 381(e) and the nonminor is no longer required to be participating in in one of the listed activities prior to the court resuming jurisdiction over him or her and appropriate modifications were made to that portion of the form.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>Request to Return to Foster Care (form JV-466)</i>                                      |  |   |
|--|--|---|
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>   |
| County Welfare Directors Association<br>Diana Boyer<br>Senior Policy Analyst<br>Sacramento | Item 8<br>Would you like to have the Indian Child Welfare Act apply to you as a nonminor dependent?<br>Concern: Need to add “if applicable”  | The committee agrees and appropriate modifications were made.   |
| Public Counsel Law Center<br>Susan McClure<br>Los Angeles                                  | <ul style="list-style-type: none"> <li>In the introductory paragraph, first sentence, please replace “so you can return to placement” with “so you can receive support through foster care payments.” The original sentence may cause youth to believe that they will return to their last placement if their case reopens. This is a problem as some may not wish to return to their last placement or they may wish to but the placement is no longer available.</li> <li>Please insert the following sentence after the introductory paragraph “You can find many of the information that is needed on this form on the Form JV-367 or written orders that was provided to you when the court closed your case.”</li> </ul> | <p>The committee understands the concern raised and an appropriate modification was made to the sentence.</p> <p>The committee agrees with the need to provide the nonminor with the information included in the sentence suggested but prefers to include this information in the JV-464-INFO.</p> |
| Superior Court of San Diego County<br>Michael Roddy<br>Executive Officer                   | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.   | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.   |
| The Alliance for Children’s Rights<br>Angie Schwartz<br>Policy Director                    | Section (9) currently has language that reads “You must meet at least one of the five conditions listed below. Please check all that apply to you.” The five eligibility conditions are then listed.<br>Recommendation: Use the language from the current draft form of JV-680 on Form JV-466. Language should read: “I plan to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent.”  | Assembly Bill 212 amended Welf. & Inst. Code § 381(e) and the nonminor is no longer required to be participating in one of the listed activities prior to the court resuming jurisdiction over him or her and appropriate modifications were made to that section of the form.                      |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.



**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>Request to Return to Foster Care (form JV-466)</i>                                    |  |  |
|--|--|--|
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>  |
| The California CASA Association<br>Phil Ladew<br>Associate and Legal Director<br>Oakland | This form is long and asks specific legal questions, yet is mandated prior to the youth being appointed an attorney. This form is to be used by a former foster youth who is recently emancipated from the system. As proposed, the JV-466 requires a high-level of sophistication as well as factual and legally specific knowledge about the prior court case. Also, the form requires the youth to make legal decisions without legal advice; for example, even if the youth knew that ICWA applied, how is he or she supposed to make an informed decision about whether it benefits the case to have it apply now (referring to question 8)?<br>Suggestion: We suggest that as many barriers as possible be removed. Perhaps this JV-466 can be an “optional form,” and that the youth be able to petition the court with a JV-180 as well. Ultimately, the youth should only need a prima facie showing, some “optional information” and have the court request the rest through the attorney. | The committee does not agree with the recommendation that the form be designated an optional form. Assembly Bill 212 amended Welf. & Inst. Code § 381(e) and modifications made to the JV-466 to conform to the amendments have reduced the length of the form. In addition, under the proposed rule 5.555 for a hearing to consider termination of juvenile court jurisdiction over a nonminor, the nonminor must be provided with a copy of each of the following forms: <i>How to Ask the Court for Permission to Return to Juvenile Court Jurisdiction</i> (form JV-464-INFO), <i>Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468), <i>Confidential Information—Petition for Juvenile Court to Resume Jurisdiction</i> (form JV-468) ) and an endorsed, filed copy of the <i>Termination of Juvenile Court Jurisdiction-Nonminor</i> (form JV-365). The JV-365 includes most of the information requested on the JV-466. A sentence that is included on the JV-464-INFO stating that the nonminor need only provide the information known to him or her was added to the introductory paragraph on the JV-466. |
| Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco                    | Page 1 – Again delete references to “trial independence”. The term may confuse reentering youth who are more likely to know the court that handled their juvenile court case.<br><br>Page 2- item 9c should be changed to “I participate in an activity or a program that train me or help me to get a job.” The statute does not require enrollment in a program and is not limited to job training programs.   | As amended by Assembly Bill 212, a “trial period of independence” was deleted from the Welf. & Inst. Code and all references were deleted from the form.<br><br>As amended by AB 212, Welf. & Inst. Code §388(e) requires only that the minor intend to satisfy one of the five conditions under 11403(b) and the information previously requested is no longer included in the rule.  |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

All comments are verbatim unless indicated by an asterisk (\*).

| <i>Request to Return to Foster Care (form JV-466)</i> |   |   |
|---|---|---|
| <b>Commentator</b>                                    | <b>Comment</b>  | <b>Committee Response</b>   |
|   | <p>Page 3- Item 10 should be revised to clarify that the youth need only identify his school, work or job readiness activity. The contact information and box to indicate that a letter is attached should be deleted or made optional.</p> <p>Page 3- The reference to the “Confidential” form is never sufficiently explained. If the information is going to remain truly confidential, why is the contact information requested? The form should explain what is meant by confidential.</p> | <p>As amended by AB 212, Welf. &amp; Inst. Code §388(e) requires only that the minor intend to satisfy one of the five conditions under 11403(b) and the information previously requested is no longer included in the rule.</p> <p>As amended by AB 212, Welf. &amp; Inst. Code §388(e) requires only that the minor intend to satisfy one of the five conditions under 11403(b) and the contact information previously requested is no longer included in the rule. Welf. &amp; Inst. Code section 388(e) directs that the petition be filed in the same action in which the nonminor was found to be a dependent or ward of the juvenile court. The “Confidential” form is provided for those situations in which the nonminor does not want an individual who has access to the court file, e.g. a parent, to know his or her current whereabouts or contact information.</p> |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <b>Confidential Information—Petition for Juvenile Court to Resume Jurisdiction (form JV-468)</b> |   |   |
|--|---|---|
| <b>Commentator</b>   | <b>Comment</b>  | <b>Committee Response</b>   |
| Superior Court of San Diego<br>County<br>Michael Roddy<br>Executive Officer                      | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.  | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.   |
| Youth Law Center<br>Maria Remiu<br>Managing Attorney<br>San Francisco                            | The purpose of this form is not clear. Juvenile court forms should be confidential under WIC 827. If the information is confidential, why is the youth asked to provide contact information for schools and employers? If the agency or the court plans to contact an employer or a school, it obviously cannot do so without disclosing the agency and the name of the youth and the information regarding enrollment or employment. | Welf. & Inst. Code section 388(e) directs that the petition be filed in the same action in which the nonminor was found to be a dependent or ward of the juvenile court. The “Confidential” form is provided for those situations in which the nonminor does not want an individual who has access to the court file, e.g. a parent, to know his or her current whereabouts or contact information. |

| <b>Attachment: Additional Findings and Orders for Minor Approaching Majority-Delinquency (form JV-680)</b> |  |   |
|--|--|---|
| <b>Commentator</b>   | <b>Comment</b>   | <b>Committee Response</b>   |
| Alameda County<br>Office of the County Counsel<br>Shanna Connor<br>Deputy County Counsel                   | The Alameda County Office of the County Counsel has a number of concerns about this form, all of which were covered in the comments made in section 1. | See Committee Response to Commentator’s Comment under <b>Rule 5.570 and Rule 5.577.</b>                                       |
| Superior Court of San Diego<br>County<br>Michael Roddy<br>Executive Officer                                | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice.   | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

**SPR11-50**

**Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth** (amend Cal. Rules of Court, rules 5.502 and 5.740; adopt rules 5.555, 5.707, 5.812, 5.900, 5.903, and 5.906; revise JV-365; approve forms JV-460, JV-680, JV-681; adopt forms JV-281, JV-282, JV-367, JV-462, JV-464-INFO, JV-466, JV-468)

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| <i>Attachment: Hearing for Dismissal-Additional Findings and Orders-Foster Care Placement-Delinquency (form JV-681)</i> |  |   |
|---|--|---|
| <b>Commentator</b>  | <b>Comment</b>   |   |
| Superior Court of San Diego<br>County<br>Michael Roddy<br>Executive Officer   | Numerous copyediting suggestions including grammar, punctuation, spacing, and word choice. | The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. |

Positions: A = Agree; AM = Agree if modified; N = Do not agree.