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INVITATION TO COMMENT

W12-06

Title	Action Requested
Juvenile Law: Extending Juvenile Court Jurisdiction—Nonminor Foster Youth	Review and submit comments by January 24, 2012
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012; review forms JV-281, JV-282, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective January 1, 2012, not previously circulated for comment; revise forms JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective July 1, 2012.	July 1, 2012
Proposed by	Contact
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Hon. Kimberly Nystrom-Geist, Cochair	
Hon. Dean Stout, Cochair	

Summary

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub.L. No. 110-351) made extensive policy and program changes to improve the outcomes for children in the foster care system, including 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. California chose to participate in this voluntary program, and Assembly Bill 12¹ (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, enacted extensive changes to California statutes to comply with

¹ Available at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_12_bill_20100930_chaptered.pdf

provisions of the federal act. The legislation became law in September 2010, with the effective date for most provisions delayed until January 1, 2012 to provide the various stakeholders sufficient time to propose and adopt the regulations and rules necessary for the full implementation of the legislation.

The Judicial Council's Rules and Projects Committee approved for circulation an invitation for comment on a proposed set of rules and forms to implement the court procedures associated with Assembly Bill 12. The comment period was from April 21 through June 20, 2011.

As work continued 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 was introduced by Assembly Member Jim Beall, Jr., to address those issues.²

During July and August 2011, significant modifications were made and approved by the Family and Juvenile Law Advisory Committee to the proposed set of rules and forms based on the probable enactment of AB 212. The modifications included the development of one new rule and extensive revisions to two of the rules and five of the forms included in the original proposal. In addition, two new forms were developed in response to comments received during the April 21 through June 20, 2011 comment period and approved by the advisory committee.

AB 212 was signed into law by the Governor on October 8, 2011.³ At its October 28, 2011 meeting, the Judicial Council approved the Family and Juvenile Law Advisory Committee's proposed set of rules and forms for use in juvenile court proceedings, effective January 1, 2012.

The current invitation for comment includes those rules and forms adopted by the Judicial Council that were not circulated for comment during the April 21 through June 20, 2011 comment period due to the modifications required by the subsequent enactment of AB 212. In addition, this proposal includes amendments to the rules and revisions to the forms, as well as amendments and revisions to the previously circulated rule 5.707 and form JV-460, to correct minor formatting, editing, and grammatical errors.

Discussion

The enactment of the Fostering Connections Act makes it possible for dependents and wards to access federal funding for foster care services beyond their 18th birthdays, providing them with the time and support needed to become fully independent adults. The guiding principle of this extension is to offer each eligible nonminor the opportunity to make decisions regarding his or her housing, education, employment, and leisure activities, while ensuring the availability of

² Available at www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0201-0250/ab_212_bill_20111004_chaptered.pdf

³ AB 12 and AB 212 are referred to as the Fostering Connections Act.

ongoing support and assistance when difficulties are encountered. The 6 new rules and 2 amended rules, 10 new forms, and 1 revised form approved by the Judicial Council in October provide the guidance and structure needed to fully implement the court processes for the extension of juvenile court jurisdiction and foster care services.

The rules and forms circulated here are the versions approved by the Judicial Council in October 2011. Only minor changes proposed since then are denoted by underlining/strikethrough and shading.

The committee invites comment on:

- The rules and forms adopted at the October meeting and in effect as of January 1, 2012 that were not previously circulated for comment, and
- Amendments to the rules and revisions to the forms to correct minor formatting, editing, and grammatical errors, including those to the previously circulated rule 5.707 and form JV-460.

Any modifications made in response to these comments will be effective on July 1, 2012.

Definitions

Rule 5.502 was amended to include definitions for “general jurisdiction,” and “transition jurisdiction,” which were added to the Welfare and Institutions Code by AB 212.⁴

Planning for transition from foster care to independence

Rule and forms for wards—Rule 5.812 and forms JV-680, JV-681. To confirm that a ward in a foster care placement has the information needed to make a thoughtful decision about remaining in foster care, the Fostering Connections Act requires the juvenile court to ensure at the last status review hearing held before a ward turns 18 years of age that the ward 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 may have 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.

The court also considers these issues at any hearing to terminate jurisdiction over a ward more than 17 years and 5 months and less than 18 years of age who is subject to an order for a foster care placement. In addition to ensuring that these issues are considered at a hearing held for a ward approaching majority, the juvenile court determines at that hearing whether the court’s jurisdiction should be modified from delinquency jurisdiction to transition jurisdiction or

⁴ All code references are to the Welfare and Institutions Code unless otherwise indicated.

dependency jurisdiction. A determination regarding the modification of delinquency jurisdiction is also required at any hearing during which the court considers termination of its jurisdiction over a minor ward subject to a foster care placement order, over a minor ward who is not currently in a foster care placement but was subject to a foster care placement order as a dependent of the court when he or she was adjudged to be a ward, or over a nonminor ward who was subject to a foster care placement order at the time he or she turned 18.

Transition jurisdiction, described in section 450, is available to a ward more than 17 years and 5 months of age and less than 18 years old who is subject to a foster care placement order and at risk of abuse or neglect or to a ward over 18 years old who is still within the age limitations and was under a foster care placement order at the time of his or her 18th birthday. Regardless of age, the ward must have met his or her rehabilitative goals and intend to meet the requirements for status as a nonminor dependent.

Rule 5.812 includes additional court procedures for use when transition jurisdiction may not be available and the determination is made that the rehabilitative goals were achieved but the minor ward is at risk of abuse or neglect and cannot be returned to a safe home.

Rule 5.812 also sets out the additional information required in the probation officer's report and the required findings and orders for hearings covered by the rule.

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

Nonminor dependent

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 petition was denied.

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) are mandatory forms that ensure information needed for the juvenile court to

resume jurisdiction is presented in a concise and simple fashion and that the nonminor's contact information can remain confidential when necessary.

Rule 5.906 currently permits completion of the Voluntary Reentry Agreement before and after the filing of form JV-466, which is the process intended by the co-sponsors of AB 212. Section 11403(e) provides that foster care funding aid "... may be resumed at the request of the nonminor by completing a voluntary reentry agreement..., followed by, or concurrently with, a petition filed pursuant to subdivision (e) of [s]ection 366." Clean-up legislation will be introduced during the up-coming Legislative session, to amend section 11403(e) to clarify that the Voluntary Reentry Agreement may be completed either before and after the filing of form JV-466 since it is impossible to concurrently complete these acts. The committee considered amending rule 5.906 until such clean-up legislation is enacted. That amendment would require that the Voluntary Reentry Agreement between the nonminor and the placing agency be completed prior to filing form JV-466. The committee decided not to go forward with an amendment at this time due to likely legislation that would resolve the issue.

Termination of juvenile court jurisdiction over a nonminor

Rule 5.555 sets out the procedures for the hearing under sections 391, 452, or 607.2 and 607.3, which must be held 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.

Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor (form JV-367) is a mandatory form for use in a hearing under section 391, section 452, or section 607.3 held on behalf of a nonminor before a judicial officer who is exercising juvenile court jurisdiction under section 300, 450, 601, or 602.

The revised and renamed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365), a mandatory form adopted by the Judicial Council on October 28, 2011, satisfied several new requirements related to the information and documentation that must be provided to the nonminor. A further revision to form JV-365 is required with the recent enactment of

Assembly Bill 735⁵ (Mitchell; Stats. 2011, ch. 464), which added section 18220 to the Government Code to require that state agencies give preference when filling internships or student assistant positions to qualified applicants up to 26 years of age who are or have been dependent children in foster care. Welfare and Institutions Code section 391 was amended to require county welfare departments to provide dependent children with information notifying them that they may be eligible for this preference. An additional revision was made to form JV-365 to incorporate this new notification requirement.

Notice and Proof of Service

Notice of Hearing—Nonminor (form JV-281) and *Proof of Service—Nonminor* (form JV-282) are optional forms for court and county agencies to use in proceedings involving nonminors. These forms were developed in response to comments received during the April–June 2011 cycle and have not been previously circulated for public comment.

Attachments

1. Rules 5.502, 5.555, 5.507, 5.812, and 5.906 of the California Rules of Court, at pages 7–41
2. Forms JV-281, JV-282, JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681, at pages 42–64

⁵ Available at www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0701-0750/ab_735_bill_20111004_chaptered.html.

Review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012, to read:

1 **Title 5. Family and Juvenile Rules**

2
3 **Division 3. Juvenile Rules**

4
5 **Chapter 1. Preliminary Provisions—Title and Definitions**

6
7 **Rule 5.502. Definitions and use of terms**

8
9 Definitions (§§ 202(e), 319, 361, 361.5(a)(3), 628.1, 636, 726, 727.3(c)(2), 727.4(d),
10 11400(v), 11400(y); 20 U.S.C. § 1415; 25 U.S.C. § 1903(2))

11
12 As used in these rules, unless the context or subject matter otherwise requires:

13
14 (1)–(15) ***

15
16 (16) “General jurisdiction” means the jurisdiction the juvenile court retained over a
17 nonminor at the time of the dismissal of dependency jurisdiction, delinquency
18 jurisdiction, or transition jurisdiction for the purpose of considering a request to
19 resume its dependency jurisdiction or to assume or resume its transition jurisdiction
20 over the person as a nonminor dependent.

21
22 (17)–(21)***

23
24 (22) “90-day Transition Plan” means the personalized plan developed at the direction of
25 a child currently in a foster care placement during the 90-day period before the
26 child’s planned exit from foster care when she or he attains 18 years of age or, if
27 applicable, developed at the direction of a nonminor during the 90-day period prior
28 to his or her anticipated exit from foster care. A 90-day Transition Plan must also
29 be developed for and at the direction of a former foster child who remains eligible
30 for Independent Living Program services during the 90-day period before he or she
31 attains 18 years of age. The plan is as detailed as the child or nonminor chooses and
32 includes information about a power of attorney for health care and specific options
33 regarding housing, health insurance, education, local opportunities for mentors and
34 continuing support services, workforce supports, and employment services.
35 Inclusion of information in the plan relating to sexual health, services, and
36 resources to ensure the child or nonminor is informed and prepared to make healthy
37 decisions about his or her life is encouraged.

38
39 (23))–(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 (39))–(41) ***

4
5 **Chapter 3. General Conduct of Juvenile Court Proceedings**

6
7 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**
8 **nonminor—~~D~~dependents or wards of the juvenile court in a foster care**
9 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 607.3,**
10 **16501.1(f)(16))**

11
12 **(a) Applicability**

13
14 (1) This rule applies to any hearing during which the termination of the juvenile
15 court’s jurisdiction over the following nonminors will be considered:

16
17 (A) A nonminor dependent as defined in section 11400(v); and

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

21
22 (2) Nothing in the Welfare and Institutions Code or ~~in~~ the California Rules of
23 Court restricts the ability of the juvenile court to maintain dependency
24 jurisdiction or delinquency jurisdiction over a person, 18 years of age ~~and or~~
25 older, who does not meet the eligibility requirements for status as a nonminor
26 dependent and to proceed as to that person under the relevant sections of the
27 Welfare and Institutions Code and California Rules of Court.

28
29 **(b) Setting a hearing**

30
31 (1) A court hearing must be placed on the appearance calendar ~~must be~~ and held
32 prior to terminating juvenile court jurisdiction.

33
34 (2) The hearing under this rule may be held during a hearing required under
35 section 366(f), 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 or rule 5.903.

36
37 (3) Notice of the hearing to the parents of a nonminor dependent as defined in
38 section 11400(v) is not required.

39
40 (4) If juvenile court jurisdiction was resumed after having previously been
41 terminated with the juvenile court retaining general jurisdiction for the
42 purpose of resuming its jurisdiction, ~~and subsequently jurisdiction was~~
43 resumed, a hearing under this rule must be held if the nonminor dependent

1 wants juvenile court jurisdiction terminated again. The social worker or
2 probation officer is not required to file the 90-day Transition Plan, and the
3 court need not make the findings included in (d)(1)(L)(iii) or (d)(2)(E)(vi).
4

- 5 (5) The hearing must be continued for no more than five court days for the
6 submission of additional information as ordered by the court, if the court
7 determines that the report, the Transitional Independent Living Plan, the
8 Transitional Independent Living Case Plan (TILCP) if required, or the 90-day
9 Transition Plan submitted by the social worker or probation officer do not
10 provide the information required by (c) and the court is unable to make the
11 findings and orders required by (d).
12

13 **(c) Reports**
14

- 15 (1) In addition to complying with all other statutory and rule requirements
16 applicable to the report prepared by the social worker or probation officer for
17 any hearing during which termination of the court’s jurisdiction will be
18 considered, the report must include:
19

- 20 (A) Whether remaining under juvenile court jurisdiction is in the
21 nonminor’s best interests and the facts supporting the conclusion
22 reached;
23
- 24 (B) The specific criteria in section 11403(b) met by the nonminor that
25 makes him or her eligible to remain under juvenile court jurisdiction as
26 a nonminor dependent as defined in section 11400(v);
27
- 28 (C) For ~~an Indian child~~ a nonminor to whom the Indian Child Welfare Act
29 applies, when and how the nonminor was provided with information
30 about the right to continue to be considered an Indian child for the
31 purposes of the ongoing application of the Indian Child Welfare Act to
32 him or her as a nonminor;
33
- 34 (D) Whether the nonminor has applied for and, if so, the status of any in-
35 progress application pending for title XVI Supplemental Security
36 Income benefits and whether remaining under juvenile court
37 jurisdiction until a final decision has been issued is in the nonminor’s
38 best interests;
39
- 40 (E) Whether the nonminor has applied for and, if so, the status of any in-
41 progress application pending for Special Immigrant Juvenile
42 ~~Immigration~~ Status or other applicable application for legal residency

1 and whether an active juvenile court case is required for that
2 application;

3
4 (F) When and how the nonminor was provided with information about the
5 potential benefits of remaining under juvenile court jurisdiction as a
6 nonminor dependent, and the social worker's or probation officer's
7 assessment of the nonminor's understanding of those benefits;

8
9 (G) When and how the nonminor was informed that if juvenile court
10 jurisdiction is terminated with the court retaining general jurisdiction
11 for the purpose of resuming jurisdiction, he or she has the right to file a
12 request to return to foster care and have the juvenile court resume
13 jurisdiction over him or her as a nonminor dependent until he or she has
14 attained the age of 21 years or the age of 20 years if the Legislature
15 does not appropriate funding to extend the availability of foster care
16 placement to the age of 21 years;

17
18 (H) When and how the nonminor was informed that if juvenile court
19 jurisdiction is continued over him or her, he or she has the right to have
20 juvenile court jurisdiction terminated;

21
22 (I) For a nonminor who is not present for the hearing:

23
24 (i) Documentation of the nonminor's statement that he or she did
25 not wish to appear in court for the scheduled hearing; or

26
27 (ii) Documentation of the reasonable efforts made to locate the
28 nonminor when his or her current location is unknown;

29
30 (J) Verification that the nonminor was provided with the information,
31 documents, and services as required under section 391(e)(1)–(8); and

32
33 (K) Verification for a nonminor who is under delinquency jurisdiction that
34 the notices and information required under section 607.5 were
35 provided.

36
37 (2) The social worker or probation officer must file with the report a completed
38 *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365).

39
40 (3) The social worker or probation officer must file with the report the
41 nonminor's:
42

1 (A) Transitional Independent Living Case Plan when recommending
2 continuation of juvenile court jurisdiction;

3
4 (B) Most recent Transitional Independent Living Plan (TILP); and

5
6 (C) Completed 90-day Transition Plan.

7
8 (4) The social worker's or probation officer's report and all documents required
9 by (c)(2)–(3) must be filed with the court at least 10 calendar days before the
10 hearing, and the social worker or probation officer must provide copies of the
11 report and other documents to the nonminor, the nonminor's parents, and all
12 attorneys of record. If the nonminor is under juvenile court jurisdiction as a
13 nonminor dependent, the social worker or probation officer is not required to
14 provide copies of the report and other documents to the nonminor
15 dependent's parents.

16
17 **(d) Findings and orders**

18
19 In addition to complying with all other statutory and rule requirements applicable
20 to the hearing, the following judicial findings and orders must be made on the
21 record and included in the written, signed court documentation of the hearing:

22
23 (1) *Findings*

24
25 (A) Whether the nonminor had the opportunity to confer with his or her
26 attorney about the issues currently before the court;

27
28 (B) Whether remaining under juvenile court jurisdiction is in the
29 nonminor's best interests and the facts in support of the finding made;

30
31 (C) Whether the nonminor meets the eligibility criteria in section 11403(b)
32 to remain in foster care as a nonminor dependent under juvenile court
33 jurisdiction and, if so, the specific criteria in section 11403(b) met by
34 the nonminor;

35
36 (D) For ~~an Indian child~~ a nonminor to whom the Indian Child Welfare Act
37 applies, whether the nonminor was provided with information about the
38 right to continue to be considered an Indian child for the purposes of
39 the ongoing application of the Indian Child Welfare Act to him or her;

40
41 (E) Whether the nonminor has an in-progress application pending for title
42 XVI Supplemental Security Income benefits and, if such an application
43 is pending, whether it is in the nonminor's best interests to continue

1 juvenile court jurisdiction until a final decision has been issued to
2 ensure that the nonminor receives continued assistance with the
3 application process;

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

8
9 (G) Whether the nonminor understands the potential benefits of remaining
10 in foster care under juvenile court jurisdiction;

11
12 (H) Whether the nonminor has been informed that if juvenile court
13 jurisdiction is continued, he or she may have the right to have juvenile
14 court jurisdiction terminated with the court retaining general
15 jurisdiction for the purpose of resuming dependency jurisdiction or
16 assuming or resuming transition jurisdiction over him or her as a
17 nonminor dependent;

18
19 (I) Whether the nonminor has been informed that if juvenile court
20 jurisdiction is terminated with the court retaining general jurisdiction,
21 he or she has the right to file a request to return to foster care and have
22 the juvenile court resume jurisdiction over him or her as a nonminor
23 dependent until he or she has attained the age of 21 years or the age of
24 20 years if the Legislature does not appropriate funding to extend the
25 availability of nonminor foster care placement to the age of 21 years;

26
27 (J) Whether the nonminor was provided with the information, documents,
28 and services as required under section 391(e) and, if not, whether
29 juvenile court jurisdiction should be continued to ensure that all
30 information, documents, and services are provided;

31
32 (K) Whether verification was submitted that the requirements of section
33 607.5 have been completed for a nonminor who is subject to
34 delinquency jurisdiction; and

35
36 (L) Whether the nonminor's:

37
38 (i) Transitional Independent Living Case Plan, if required, includes a
39 plan for a placement the nonminor believes is consistent with his
40 or her need to gain independence, reflects the agreements made
41 between the nonminor and social worker or probation officer to
42 obtain independent living skills, and sets out the benchmarks that

1 indicate how both will know when independence can be
2 achieved;

- 3
- 4 (ii) Transitional Independent Living Plan identifies the nonminor's
5 level of functioning, emancipation goals, and the specific skills
6 he or she needs to prepare to live independently upon leaving
7 foster care; and
- 8
- 9 (iii) 90-day Transition Plan is a concrete individualized plan that
10 specifically covers the following areas: housing, health insurance,
11 education, local opportunities for mentors and continuing support
12 services, workforce supports and employment services, and
13 information that explains how and why to designate a power of
14 attorney for health care.

15

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

- 18
- 19 (i) The nonminor's expressed wish to not appear in court for the
20 scheduled hearing; or
- 21
- 22 (ii) The nonminor's current location remains unknown although
23 reasonable efforts were made to locate the nonminor.
- 24

25 (2) *Orders*

26

27 (A) ~~Order the continuation of juvenile court jurisdiction~~ For a nonminor
28 who meets the eligibility criteria in section 11403(b) to remain in
29 placement under dependency jurisdiction as a nonminor dependent or
30 under transition jurisdiction as a nonminor dependent, the court must
31 order the continuation of juvenile court jurisdiction unless the court
32 finds that:

- 33
- 34 (i) The nonminor does not wish to remain under juvenile court
35 jurisdiction as a nonminor dependent;
- 36
- 37 (ii) The nonminor is not participating in a reasonable and
38 appropriate Transitional Independent Living Case Plan; or
- 39
- 40 (iii) Reasonable efforts were made to locate the nonminor whose
41 current location is unknown.
- 42

- 1 (B) When juvenile court jurisdiction is continued for the nonminor to
2 remain in placement as a nonminor dependent:
3
4 (i) Order a permanent plan consistent with the nonminor's
5 Transitional Independent Living Plan or Transitional Independent
6 Living Case Plan;
7
8 (ii) Continue the nonminor's status as an Indian child for the
9 purposes of the ongoing application of the Indian Child Welfare
10 Act ~~to him or her~~ unless he or she has elected not to have his or
11 her status as an Indian child continued; and
12
13 (iii) Set a status review hearing under rule 5.903 within six months of
14 the date of his or her most recent status review hearing.
15
16 (C) For a nonminor who does not meet and does not intend to meet the
17 eligibility requirements for nonminor dependent status but who is
18 otherwise eligible to and will remain under juvenile court's jurisdiction
19 in a foster care placement, the court must set a hearing under section
20 366.21, 366. 2, 366.25, 366.3, 727.2, or 727.3 within six months of the
21 date of the nonminor's most recent status review hearing.
22
23 (D) For a nonminor whose current location is unknown, the court may enter
24 an order for termination of juvenile court jurisdiction only after finding
25 that reasonable efforts were made to locate the nonminor ~~whose current~~
26 ~~location is unknown;~~
27
28 (E) For a nonminor (1) who does not meet the eligibility criteria of section
29 11403(b) and is not otherwise eligible to remain under juvenile court
30 jurisdiction, (2) who does meet the eligibility criteria of section
31 11403(b) but does not wish to remain under the jurisdiction of the
32 juvenile court as a nonminor dependent, or (3) who does meet the
33 eligibility criteria of section 11403(b) but is not participating in a
34 reasonable and appropriate Transitional Independent Living Case Plan,
35 the court may enter an order for the termination of juvenile court
36 jurisdiction only after entering the following findings and orders:
37
38 (i) The nonminor was provided with the information, documents,
39 and services as required under section 391(e);
40
41 (ii) The nonminor was informed of the options available to him or
42 her to assist with the transition from foster care to independence;
43

- 1 (iii) The nonminor was informed that if juvenile court jurisdiction is
2 terminated, he or she has the right to return to foster care and to
3 file a request to have the juvenile court resume jurisdiction over
4 him or her as a nonminor dependent until he or she has attained
5 the age of 21 years or the age of 20 years if the Legislature does
6 not appropriate funding to extend the availability of nonminor
7 foster care placement to the age of 21 years;
8
- 9 (iv) The nonminor was provided with a copy of *How to Return to*
10 *Juvenile Court Jurisdiction and Foster Care* (form JV-464-
11 *INFO*), *Request to Return to Juvenile Court Jurisdiction and*
12 *Foster Care* (form JV-466), *Confidential Information—Request*
13 *to Return to Juvenile Court Jurisdiction and Foster Care* (form
14 *JV-468*), and an endorsed, filed copy of the *Termination of*
15 *Juvenile Court Jurisdiction—Nonminor* (form JV-365);
16
- 17 (v) The nonminor had an opportunity to confer with his or her
18 attorney regarding the issues currently before the court;
19
- 20 (vi) The nonminor’s 90-day Transition Plan includes specific options
21 regarding housing, health insurance, education, local
22 opportunities for mentors and continuing support services,
23 workforce supports and employment services, and information
24 that explains how and why to designate a power of attorney for
25 health care;
26
- 27 (F) An order retaining general jurisdiction over the nonminor for the
28 purpose of considering a request filed under section 388(e) to resume
29 dependency jurisdiction or to assume or resume transition jurisdiction
30 over him or her as a nonminor dependent must be made when juvenile
31 court jurisdiction is terminated under this rule.
32

33 Chapter 12. Cases Petitioned Under Section 300

34 Article 4. Reviews, Permanent Planning

35 Rule 5.707. Review hearing requirements for child approaching majority (§§ 224.1, 36 366(a)(1)(F), 366.3(l), 366.3(n), 16501.1(f)(16))

37 (a) Reports

38 At the last review hearing before the child attains 18 years of age held under
39 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all other
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43

1 statutory and rule requirements applicable to the report prepared by the social
2 worker for the hearing, the report must include a description of:

- 3
- 4 (1) The child’s plans to remain under juvenile court jurisdiction as a nonminor
5 dependent including the criteria in section 11403(b) that he or she plans to
6 meet;
- 7
- 8 (2) The efforts made by the social worker to help the child meet the criteria in
9 section 11403(b);
- 10
- 11 (3) For an Indian child to whom the Indian Child Welfare Act applies, his or her
12 plans to continue to be considered an Indian child for the purposes of the
13 ongoing application of the Indian Child Welfare Act to him or her as a
14 nonminor dependent;
- 15
- 16 (4) Whether the child has applied for and, if so, the status of any in-progress
17 application pending for title XVI Supplemental Security Income benefits and,
18 if such an application is pending, whether it will be the child’s best interest to
19 continue juvenile court jurisdiction until a final decision is issued to ensure
20 that the child receives continued assistance with the application process;
- 21
- 22 (5) Whether the child has an in-progress application pending for Special
23 Immigrant Juvenile Immigration Status or other applicable application for
24 legal residency and whether an active dependency case is required for that
25 application;
- 26
- 27 (6) The efforts made by the social worker toward providing the child with the
28 written information described in section 391(e)(1), and to the extent that the
29 child has not yet been provided with the information, the barriers to providing
30 that information, and the steps that will be taken to overcome those barriers
31 by the date the child attains 18 years of age;
- 32
- 33 (7) The efforts made by the social worker toward completing and providing the
34 child with the documents and services described in section 391(e)(2), and to
35 the extent that the child has not yet been provided with them, the barriers to
36 providing documents and services, and the steps that will be taken to
37 overcome those barriers by the date the child attains 18 years of age;
- 38
- 39 (8) When and how the child was informed of his or her right to have juvenile
40 court jurisdiction terminated when he or she attains 18 years of age;
- 41
- 42 (409) When and how the child was provided with information about the potential
43 benefits of remaining under juvenile court jurisdiction as a nonminor

1 dependent and the social worker's assessment of the child's understanding of
2 those benefits; and

3
4 ~~(4110)~~ When and how the child was informed that if juvenile court jurisdiction
5 is terminated, he or she has the right to file a request to return to foster care
6 and have the juvenile court resume jurisdiction over him or her as a nonminor
7 dependent.
8

9 **(b) Transitional Independent Living Case Plan**

10
11 At the last review hearing before the child attains 18 years of age held under
12 section 366.21, 366.22, 366.25, or 366.3, the child's Transitional Independent
13 Living Case Plan:

- 14
15 (1) Must be submitted with the social worker's report prepared for the hearing at
16 least 10 calendar days before the hearing; and
17
18 (2) Must include:
19
20 (A) The individualized plan for the child to satisfy one or more of the
21 criteria in section 11403(b) and the child's anticipated placement as
22 specified in section 11402; and
23
24 (B) The child's alternate plan for his or her transition to independence,
25 including housing, education, employment, and a support system in the
26 event the child does not remain under juvenile court jurisdiction after
27 attaining 18 years of age.
28

29 **(c) Findings**

- 30
31 (1) At the last review hearing before the child attains 18 years of age held under
32 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all
33 other statutory and rule requirements applicable to the hearing, the court must
34 find on the record and in the written, signed orders:
35
36 (A) Whether the child's Transitional Independent Living Case Plan
37 includes a plan for the child to satisfy one or more of the criteria in
38 section 11403(b) and the specific criteria it is anticipated the child will
39 satisfy;
40
41 (B) Whether there is included in the child's Transitional Independent
42 Living Case Plan an alternative plan for the child's transition to
43 independence, including housing, education, employment, and a

1 support system in the event the child does not remain under juvenile
2 court jurisdiction after attaining 18 years of age;

- 3
- 4 (C) For an Indian child to whom the Indian Child Welfare Act applies,
5 whether he or she intends to continue to be considered an Indian child
6 for the purposes of the ongoing application of the Indian Child Welfare
7 Act to him or her as a nonminor dependent;
- 8
- 9 (D) Whether the child has an in-progress application pending for title XVI
10 Supplemental Security Income benefits and, if such an application is
11 pending, whether it is in the child's best interest to continue juvenile
12 court jurisdiction until a final decision has been issued to ensure that
13 the child receives continued assistance with the application process;
- 14
- 15 (E) Whether the child has an in-progress application pending for Special
16 Immigrant Juvenile Immigration Status or other applicable application
17 for legal residency and whether an active dependency case is required
18 for that application;
- 19
- 20 (F) Whether all the information, documents, and services in sections 391(e)
21 were provided to the child, and
- 22
- 23 (i) Whether the barriers to providing any missing information,
24 documents, or services can be overcome by the date the child
25 attains 18 years of age; and
- 26
- 27 (ii) Whether juvenile court jurisdiction should be continued to ensure
28 that all information, documents, and services are provided to the
29 child if the barriers cannot be overcome by the date the child
30 attains 18 years of age;
- 31
- 32 (G) Whether the child has been informed of his or her right to have juvenile
33 court jurisdiction terminated when he or she attains 18 years of age;
- 34
- 35 (H) Whether the child understands the potential benefits of remaining under
36 juvenile court jurisdiction as a nonminor dependent; and
- 37
- 38 (I) Whether the child has been informed that if juvenile court jurisdiction
39 is terminated, he or she has the right to file a request to return to foster
40 care and have the juvenile court resume jurisdiction over him or her as
41 a nonminor dependent.
- 42

- 1 (2) The hearing must be continued for no more than five court days for the
2 submission of additional information as ordered by the court if the court finds
3 that the report and Transitional Independent Living Case Plan submitted by
4 the social worker do not provide the information required by (a) and (b) and
5 the court is unable to make all the findings required by (c)(1).
6

7 **(d) Orders**
8

- 9 (1) For a child who intends to remain under juvenile court jurisdiction as a
10 nonminor dependent, as defined in section 11400(v), after attaining 18 years
11 of age, the court must set a nonminor dependent review hearing under rule
12 5.903 within six months from the date of the current hearing.
13
14 (2) For a child who does not intend to remain under juvenile court as a nonminor
15 dependent, as defined in section 11400(v), after attaining 18 years of age, the
16 court must:
17
18 (A) Set a hearing under rule 5.555 for a date within one month after the
19 child's 18th birthday, for the child who requests that the juvenile court
20 terminate its jurisdiction after he or she attains 18 years of age; or
21 (B) Set a hearing under section 366.21, 366.22, 366.25, or 366.3 no more
22 than six months from the date of the current hearing, for a child who
23 will remain under juvenile court jurisdiction in a foster care placement.
24
25

26 **Chapter 13. Case Petitioned Under Sections 601 and 602**
27

28 **Article 5. Reviews and Sealing**
29

30 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
31 **child in foster care and for status review hearing for child approaching**
32 **majority (§§ 450, 451, 727.2(i)–(j), 778)**
33

34 **(a) Hearings subject to this rule**
35

36 The following hearings are subject to this rule:
37

- 38 (1) The last review hearing under section 727.2 or 727.3 before the child turns 18
39 years of age. This hearing must be set at least 90 days before the child attains
40 his or her 18th birthday and within six months of the previous hearing held
41 under section 727.2 or 727.3.
42

- 1 (2) Any review hearing held under section 727.2 or 727.3 for a child less than 18
2 years of age during which a recommendation to terminate juvenile court
3 jurisdiction will be considered;
4
- 5 (3) Any hearing to terminate juvenile court jurisdiction over a child less than 18
6 years of age who is subject to an order for foster care placement; and
7
- 8 (4) Any hearing to terminate juvenile court jurisdiction over a child less than 18
9 years of age who is not currently subject to an order for foster care
10 placement, but was previously removed from the custody of his or her parents
11 or legal guardian as a dependent of the juvenile court and an order for a foster
12 care placement as a dependent of the juvenile court was in effect at the time
13 the juvenile court adjudged the child to be a ward of the juvenile court under
14 section 725.
15

16 **(b) Conduct of the hearing**
17

- 18 (1) The hearing must be held before a judicial officer and recorded by a court
19 reporter.
20
- 21 (2) The hearing must be continued for no more than five court days for the
22 submission of additional information as ordered by the court if the court finds
23 that the report and, if required, the Transitional Independent Living Case Plan
24 and Transitional Independent Living Plan submitted by the probation officer
25 do not provide the information required by (c) and the court is unable to
26 make all the findings required by (d).
27

28 **(c) Reports**
29

- 30 (1) In addition to complying with all other statutory and rule requirements
31 applicable to the report prepared by the probation officer for a hearing
32 described in (a)(1)–(4), the report must include verification that the
33 requirements of section 607.5 have been completed and a description of:
34
- 35 (A) The child’s progress toward meeting the case plan goals that will
36 enable him or her to be a law-abiding and productive member of his or
37 her family and the community.
38
- 39 (B) If reunification services have not been previously terminated, the
40 progress of each parent or legal guardian toward participating in case
41 plan service activities and meeting the case plan goals developed to
42 assist in the efforts to resolve his or her issues that were identified and
43 contributed to the child’s removal from his or her custody.

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- (C) The current ability of each parent or legal guardian to provide the care, custody, supervision, and support the child requires in a safe and healthy environment.
 - (D) For a child previously determined to be a dual status child for whom juvenile court jurisdiction as a dependent was suspended under section 241.1(e)(5)(A), a joint assessment by the probation department and the child welfare services agency under section 366.5 regarding the detriment, if any, to the child of a return to the home of his or her parents or legal guardian and a recommendation on the resumption of dependency jurisdiction. The facts in support of the opinions expressed and the recommendations made must be included in the joint assessment section of the report. If the probation department and the child welfare services agency do not agree, the child welfare services agency must file a separate report with facts in support of its opinions and recommendations.
 - (E) For a child previously determined to be a dual status child for whom the probation department was designated the lead agency under section 241.1(e)(5)(B), the detriment, if any, to the child of a return to the home of his or her parents or legal guardian and the probation officer's recommendation regarding the modification of the court's jurisdiction over the child from that of a dual status child to that of a child under the court's jurisdiction as a dependent under section 300 and the facts in support of the opinion expressed and the recommendation made.
 - (F) For a child other than a dual status child, the probation officer's recommendation regarding the modification of the juvenile court's jurisdiction over the child from that of a ward under section 601 or 602 to that of a dependent under section 300 or to that of a transition dependent under section 450 and the facts in support of his or her recommendation.
- (2) For the review hearing held on behalf of a child approaching majority described in (a)(1) and any hearing described in (a)(2) or (a)(3) held on behalf of a child more than 17 years, 5 months old and less than 18 years of age, in addition to complying with all other report requirements set forth in (c)(1), the report prepared by the probation officer must include:
- (A) The child's plans to remain under juvenile court jurisdiction as a nonminor dependent including the criteria in section 11403(b) that he or she plans to meet;

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- (B) The efforts made by the probation officer to help the child meet the criteria in section 11403(b);
- (C) For an Indian child, his or her plans 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;
- (D) Whether the child has applied for and, if so, the status of any in-progress application pending for title XVI Supplemental Security Income benefits and, if such an application is pending, whether it is in the child’s best interest to continue juvenile court jurisdiction until a final decision has been issued to ensure that the child receives continued assistance with the application process;
- (E) Whether the child has an in-progress application pending for Special Juvenile Immigration Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;
- (F) The efforts made by the probation officer toward providing the child with the written information described in section 391(e)(1); and, to the extent that the child has not yet been provided with the information, the barriers to providing the information, and the steps that will be taken to overcome those barriers by the date the child attains 18 years of age;
- (G) The efforts made by the probation officer toward completing and providing the child with the items described in section 391(e)(2); and, to the extent that the child has not yet been provided with each of the documents and services, the barriers to providing those items, and the steps that will be taken to overcome those barriers by the date the child attains 18 years of age;
- (H) When and how the child was informed that upon reaching 18 years of age he or she may request the dismissal of juvenile court jurisdiction over him or her under section 778;
- (I) When and how the child was provided with information regarding the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent and the probation officer’s assessment of the child’s understanding of those benefits;

- 1 (J) When and how the child was informed that if juvenile court jurisdiction
2 is terminated, he or she has the right to file a request to return to foster
3 care and have the juvenile court assume or resume transition
4 jurisdiction over him or her as a nonminor dependent; and
5
- 6 (K) The child's Transitional Independent Living Case Plan and Transitional
7 Independent Living Plan, which must include:
8
- 9 (i) The individualized plan for the child to satisfy one or more of the
10 criteria in section 11403(b) and the child's anticipated placement
11 as specified in section 11402; and
12
- 13 (ii) The child's alternate plan for his or her transition to
14 independence, including housing, education, employment, and a
15 support system in the event the child does not remain under
16 juvenile court jurisdiction after attaining 18 years of age.

17 **(d) Findings**
18

- 19 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other
20 statutory and rule requirements applicable to the hearing, the court must find
21 on the record and in the written, signed orders:
22
- 23 (A) Whether the rehabilitative goals for this child have been met and
24 juvenile court jurisdiction over the child as a ward is no longer
25 required. The facts supporting the finding must be stated on the record.
26
- 27 (B) For a dual status child for whom dependency jurisdiction was
28 suspended under section 241.1(e)(5)(A), whether the return to the home
29 of the parent or legal guardian would be detrimental to the minor. The
30 facts supporting the finding must be stated on the record.
31
- 32 (C) For a child previously determined to be a dual status child for whom
33 the probation department was designated the lead agency under section
34 241.1(e)(5)(B), whether the return to the home of the parent or legal
35 guardian would be detrimental to the minor. The facts supporting the
36 finding must be stated on the record.
37
- 38 (D) For a child other than a dual status child:
39
- 40 (i) Whether the child is at risk of abuse or neglect. The facts
41 supporting the finding must be stated on the record;
42

- 1 (ii) Whether the return to the home of the parent or legal guardian
2 would create a substantial risk of detriment to the child’s safety,
3 protection, or physical or emotional well-being. The facts
4 supporting the finding must be stated on the record
5
- 6 (iii) Whether reunification services have been terminated;
7
- 8 (iv) Whether the matter has been set for a hearing to terminate
9 parental rights or establish a guardianship; and
10
- 11 (v) Whether the minor intends to sign a mutual agreement for a
12 placement in a supervised setting as a nonminor dependent.
13
- 14 (2) At the review hearing held on behalf of a child approaching majority
15 described in (a)(1) and any hearing under (a)(2) or (a)(3) held on behalf of a
16 child more than 17 years, 5 months old and less than 18 years of age, in
17 addition to complying with all other statutory and rule requirements
18 applicable to the hearing, the court must find on the record and in the written,
19 signed orders:
20
- 21 (A) Whether the child’s Transitional Independent Living Case Plan, if
22 required, or Transitional Independent Living Plan, includes:
23
- 24 (i) A plan specific to the child for him or her to satisfy one or more
25 of the criteria in section 11403(b) and the specific criteria in
26 section 11403(b) it is anticipated the child will satisfy; and
27
- 28 (ii) The child’s alternate plan for his or her transition to
29 independence, including, housing, education, employment, and a
30 support system, in the event the child does not remain under
31 juvenile court jurisdiction after attaining 18 years of age.
32
- 33 (B) For an Indian child to whom the Indian Child Welfare Act applies,
34 whether he or she intends to continue to be considered an Indian child
35 for the purposes of the ongoing application of the Indian Child Welfare
36 Act to him or her as a nonminor dependent;
37
- 38 (C) Whether the child has an in-progress application pending for title XVI
39 Supplemental Security Income benefits and, if such an application is
40 pending, whether it is in the child’s best interest to continue juvenile
41 court jurisdiction until a final decision has been issued to ensure that
42 the child receives continued assistance with the application process;
43

- 1 (D) Whether the child has an in-progress application pending for Special
2 Immigrant Juvenile Immigration Status or other applicable application
3 for legal residency and whether an active juvenile court case is required
4 for that application;
5
6 (E) Whether the child has been informed that he or she may decline to
7 become a nonminor dependent;
8
9 (F) Whether the child has been informed that upon reaching 18 years of
10 age he or she may request the dismissal of juvenile court jurisdiction
11 over him or her under section 778;
12
13 (G) Whether the child understands the potential benefits of remaining under
14 juvenile court jurisdiction as a nonminor dependent; and
15
16 (H) Whether the child has been informed that if juvenile court jurisdiction
17 is terminated, he or she has the right to file a request to return to foster
18 care and have the juvenile court assume or resume transition
19 jurisdiction over him or her as a nonminor dependent;
20
21 (I) Whether all the information, documents, and services in sections 391(e)
22 were provided to the child; and
23
24 (i) Whether the barriers to providing any missing information,
25 documents or services can be overcome by the date the child
26 attains 18 years of age; and
27
28 (ii) Whether juvenile court jurisdiction should be continued to ensure
29 that all information, documents, and services are provided to the
30 child if the barriers cannot be overcome by the date the child
31 attains 18 years of ages; and
32
33 (J) Whether verification was submitted that the notices and information
34 required under section 607.5 were provided to a child who is or was
35 subject to an order for foster care placement.
36

37 (e) **Orders**
38

- 39 (1) For a child previously determined to be a dual status child for whom
40 dependency jurisdiction was suspended under section 241.1(e)(5)(A),
41 dependency jurisdiction must be resumed if the court finds that the child's
42 rehabilitative goals have been achieved and a return to the home of the parent
43 or legal guardian would be detrimental to the child.

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(2) For a child previously determined to be a dual status child for whom the probation department was designated the lead agency under section 241.1(e)(5)(B), the court must terminate dual status, dismiss delinquency jurisdiction and continue dependency jurisdiction with the child welfare services department responsible for the child’s placement if the court finds that the child’s rehabilitative goals have been achieved and a return to the home of the parent or legal guardian would be detrimental to the child.

(3) For a child who comes within the description of section 450(a), other than a child described in (e)(1) or (e)(2), the court must enter an order modifying its jurisdiction over him or her from delinquency jurisdiction to transition jurisdiction and set a nonminor dependent status review hearing under rule 5.903 within six months of the last hearing held under section 727.2.

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

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

- (i) The child does not come within the description of section 450(a);
- (ii) The rehabilitative goals for the child included in his or her case plan have been met and delinquency jurisdiction is no longer required; and
- (iii) The child appears to come within the description of section 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.

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

- (i) Affirm the county child welfare services department’s decision not to file a petition under section 300; or

- 1 (ii) Order the county child welfare services department to file a
2 petition under section 300.
3
- 4 (C) If the court affirms the decision not to file a petition under section 300
5 or a petition filed under section 300 is not sustained, the court may:
6
- 7 (i) Return the child to the home of the parent or legal guardian and
8 set a progress report hearing within the next six months;
9
- 10 (ii) Return the child to the home of the parent or legal guardian and
11 terminate juvenile court jurisdiction over the child; or
12
- 13 (iii) Continue the child's foster care placement and set a hearing
14 under section 727.2 no more than six months from the date of the
15 most recent hearing held under 727.2.
16
- 17 (5) For a child who was subject to an order for foster care placement as a
18 dependent of the court at the time he or she was adjudged a ward, the court
19 must modify its delinquency jurisdiction over the child by vacating the order
20 terminating jurisdiction over the child as a dependent of the court and
21 resuming dependency jurisdiction over him or her if the court finds that:
22
- 23 (A) The child does not come within the description of section 450(a);
24
- 25 (B) The rehabilitative goals for the child included in his or her case plan
26 have been met and delinquency jurisdiction may not be required; and
27
- 28 (C) The child remains within the description of a dependent child under
29 section 300 and a return to the home of a parent or legal guardian
30 would create a substantial risk of detriment to his or her safety,
31 protection, or physical or emotional well-being.
32
- 33 (6) At a hearing described in (a)(1) for a child approaching majority or at any
34 hearing described in (a)(2) or (a)(3) held on behalf of a child more than 17
35 years, 5 months old and less than 18 years ~~old of age~~ old that did not result in
36 modification of jurisdiction over the child from delinquency jurisdiction to
37 dependency jurisdiction or transition jurisdiction, the court must:
38
- 39 (A) Return the child to the home of the parent or legal guardian and set a
40 progress report hearing within the next six months; or
41
- 42 (B) Return the child to the home of the parent or legal guardian and
43 terminate juvenile court jurisdiction over the child; or

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- (C) Continue the child’s foster care placement and:
 - (i) For the child who intends to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age, ~~the court must~~ set a nonminor dependent review hearing under rule 5.903 no more than six months from the most recent hearing held under section 727.2; or
 - (ii) For the child who does not intend to meet the eligibility requirements for nonminor dependent status after attaining 18 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 younger ~~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;

1
2 (B) Return the child to the home of the parent or legal guardian and
3 terminate juvenile court jurisdiction over the child; or
4

5 (C) Continue the child’s out-of-home placement and set a progress report
6 hearing within the next six months.
7

8 **(f) Modification of jurisdiction—conditions**
9

10 Whenever the court modifies its jurisdiction over a dependent or ward under
11 section 241.1, 607.2, or 727.2, the court must ensure that all of the following
12 conditions are met:
13

14 (1) The petition under which jurisdiction was taken at the time the dependent or
15 ward was originally removed from his or her parents or legal guardian and
16 placed in foster care is not dismissed until after the new petition is sustained;
17 and
18

19 (2) The order modifying the court’s jurisdiction contains all of the following
20 provisions:
21

22 (A) A reference to the original removal findings, the date those findings
23 were made, and a statement that the finding, “continuation in the home
24 is contrary to the child’s welfare;” and the finding, “reasonable efforts
25 were made to prevent removal;” made at that hearing remain in effect;
26

27 (B) A statement that the child continues to be removed from the parents or
28 legal guardian from whom the child was removed under the original
29 petition; and
30

31 (C) Identification of the agency that is responsible for placement and care
32 of the child based upon the modification of jurisdiction.
33

34 **Chapter 14. Nonminor Dependent**
35

36 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§**
37 **224.1(b), 303, 388(e))**
38

39 **(a) Purpose**
40

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

1
2 **(b) Contents of the request**
3

- 4 (1) The request to have the juvenile court resume jurisdiction must be made on
5 the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form
6 JV-466).
7
- 8 (2) The request must be liberally construed in favor of its sufficiency. It must be
9 verified by the nonminor or the nonminor’s designee and, to the extent
10 known to the nonminor, must include the following information:
11
- 12 (A) The nonminor’s name and date of birth;
13
- 14 (B) The nonminor’s address and contact information, unless the nonminor
15 requests that this information be kept confidential from those persons
16 entitled to access to the juvenile court file, including his or her parents,
17 by filing *Confidential Information—Request to Return to Juvenile*
18 *Court Jurisdiction and Foster Care* (form JV-468). Form JV-468 must
19 be kept in the court file under seal, and only the court, the child welfare
20 services agency, the probation department, or the Indian tribe with an
21 agreement under section 10553.1 to provide child welfare services to
22 Indian children (Indian tribal agency), and the nonminor’s attorney may
23 have access to this information;
24
- 25 (C) The name and action number or court file number of the nonminor’s
26 case and the name of the juvenile court that terminated its dependency
27 jurisdiction, delinquency jurisdiction, or transition jurisdiction and
28 retained general jurisdiction for the purpose of considering a request to
29 assume or resume its jurisdiction over him or her as a nonminor
30 dependent;
31
- 32 (D) The date the juvenile court entered the order terminating its
33 dependency jurisdiction, delinquency jurisdiction, or transition
34 jurisdiction and retained general jurisdiction over him or her.
35
- 36 (E) If the nonminor wants his or her parents or former legal guardians to
37 receive notice of the filing of the request and the hearing, the name and
38 residence addresses of the nonminor’s parents or former guardians;
39
- 40 (F) The name and telephone number of the court-appointed attorney who
41 represented the nonminor at the time the juvenile court terminated its
42 dependency jurisdiction, delinquency jurisdiction, or transition
43 jurisdiction and retained general jurisdiction if the nonminor wants that

1 attorney to be the attorney appointed to represent him or her for the
2 purposes of the hearing on the request;

3
4 (G) If the nonminor is an Indian child within the meaning of the Indian
5 Child Welfare Act and ~~he or she~~ chooses to have the Indian Child
6 Welfare Act apply to him or her, the name of the tribe and the name,
7 address, and telephone number of his or her tribal representative;

8
9 (H) If the nonminor had a Court Appointed Special Advocate (CASA)
10 when he or she was a dependent or ward of the court and wants the
11 CASA to receive notice of the filing of the request and the hearing, the
12 CASA's name;

13
14 (I) The condition or conditions under section 11403(b) that the nonminor
15 intends to satisfy; and

16
17 (J) Whether the nonminor requires assistance to maintain or secure an
18 appropriate, supervised placement, or is in need of immediate
19 placement and will agree to a supervised placement under a voluntary
20 reentry agreement.

21
22 (3) The court may dismiss without prejudice a request filed under this rule that is
23 not verified.

24
25 **(c) Filing the request**

26
27 (1) The form JV-466 may be filed by the nonminor or the county child welfare
28 services, probation department, or Indian tribe (placing agency) on behalf of
29 the nonminor.

30
31 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
32 wishes to keep his or her contact information confidential, the *Confidential*
33 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
34 *Care* (form JV-468) may be:

35
36 (A) Filed with the juvenile court that retained general jurisdiction in the
37 same action in which the nonminor was found to be a dependent or
38 ward of the court; or

39
40 (B) Submitted to the juvenile court in the county in which the nonminor
41 currently resides, after which:

- 1 (i) The court clerk must record the date and time received on the
2 face of the originals submitted and provide a copy of the originals
3 marked as received to the nonminor at no cost to the him or her.
4
- 5 (ii) To ensure receipt of the original JV-466 and, if submitted, the
6 JV-468, by the court that retained general jurisdiction within five
7 court days as required in section 388(e), the court clerk must
8 forward those originals to the clerk of the court that retained
9 general jurisdiction within two court days of submission of the
10 originals by the nonminor.
11
- 12 (iii) The court in the county in which the nonminor resides is
13 responsible for all costs of processing, copying, and forwarding
14 the form JV-466 and form JV-468 to the clerk of the court that
15 retained general jurisdiction.
16
- 17 (iv) The court clerk in the county in which the nonminor resides must
18 retain a copy of the documents submitted.
19
- 20 (v) The form JV-466 and, if submitted, the form JV-468 must be
21 filed immediately upon receipt by the clerk of the juvenile court
22 that retained general jurisdiction.
23
- 24 (C) For a nonminor living outside the state of California, the form JV-466
25 and, if the nonminor wishes to keep his or her contact information
26 confidential, the form JV-468 must be filed with the juvenile court that
27 retained general jurisdiction.
28
- 29 (3) If form JV-466 is filed by the nonminor, within two court days of its filing
30 with the clerk of the court in the county that retained general jurisdiction, the
31 clerk of that court must notify the placing agency that was supervising the
32 nonminor when juvenile court jurisdiction was terminated that the nonminor
33 has filed form JV-466 and provide the placing agency with the nonminor's
34 contact information. The notification must be by telephone, fax, e-mail, or
35 other method approved by the presiding juvenile court judge that will ensure
36 prompt notification and inform the placing agency that a copy of form
37 JV-466 will be served on the agency and that one is currently available in the
38 office of the juvenile court clerk.
39
- 40 (4) If form JV-466 has not been filed at the time the nonminor completes the
41 voluntary reentry agreement described in section 11400(z), the placing
42 agency must file form JV-466 on the nonminor's behalf within 15 court days

1 of the date the voluntary reentry agreement was signed, unless the nonminor
2 files form JV-466 prior to the expiration of the 15 court days.

- 3
4 (5) No filing fees are required for the filing of form JV-466 and, if filed, form
5 JV-468. An endorsed, filed copy of each form filed must be provided at no
6 cost to the nonminor or the placing agency that filed the request on the
7 nonminor's behalf.

8
9 **(d) Determination of prima facie showing**

- 10
11 (1) Within three court days of the filing of form JV-466 with the clerk of the
12 juvenile court that retained general jurisdiction, a juvenile court judicial
13 officer must review form JV-466 and determine whether a prima facie
14 showing has been made that the nonminor meets all of the criteria set forth
15 below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).
16
17 (A) The nonminor was previously under juvenile court jurisdiction subject
18 to an order for foster care placement ~~when~~ on the date he or she
19 attained 18 years of age;
20
21 (B) On and after January 1, 2012, the nonminor will not have not attained
22 19 years of age; or commencing January 1, 2013, he or she will not
23 have attained 20 years of age; or commencing on January 1, 2014, he or
24 she will not have attained 21 years of age;
25
26 (C) The nonminor wants assistance to maintain or secure an appropriate,
27 supervised placement or is in need of immediate placement and agrees
28 to a supervised placement under a voluntary reentry agreement; and
29
30 (D) The nonminor intends to satisfy at least one of the conditions as
31 described in section 11403(b) and set forth below:
32
33 (i) Complete secondary education or a program leading to an
34 equivalent credential.
35
36 (ii) Enroll in an institution that provides postsecondary or vocational
37 education.
38
39 (iii) Participate in a program or activity designed to promote or
40 remove barriers to employment.
41
42 (iv) Be employed for at least 80 hours per month.

- 1 (v) Be incapable of doing any of the activities described in
2 ~~subparagraphs~~ (i) to (iv), inclusive, due to a medical condition.
3
- 4 (2) If the court determines that a prima facie showing has not been made, the
5 court must enter a written order denying the request, listing the issues that
6 resulted in the denial and informing the nonminor that a new form JV-466
7 may be filed when those issues are resolved.
8
- 9 (A) The court clerk must serve on the nonminor:
- 10
- 11 (i) A copy of the written order;
- 12
- 13 (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction*
14 *and Foster Care* (form JV-466) and *Confidential Information—*
15 *Request to Return to Juvenile Court Jurisdiction and Foster*
16 *Care* (form JV-466);
- 17
- 18 (iii) A copy of *How to Ask the to Return to Juvenile Court*
19 *Jurisdiction and Foster Care* (form JV-464-INFO); and
- 20
- 21 (iv) The names and contact information for those attorneys approved
22 by the court to represent children in juvenile court proceedings
23 who have agreed to provide a consultation to any nonminor
24 whose request was denied due to the failure to make a prima facie
25 showing.
- 26
- 27 (B) The court clerk must serve on the placing agency a copy of the written
28 order.
- 29
- 30 (C) Service must be by personal service or first-class mail within two court
31 days of the issuance of the order.
- 32
- 33 (D) A proof of service must be filed.
- 34
- 35 (3) If the judicial officer determines that a prima facie showing has been made,
36 the judicial officer must issue a written order:
- 37
- 38 (A) Directing the court clerk to set the matter for a hearing and
- 39
- 40 (B) Appointing an attorney to represent the nonminor for the sole purpose
41 of the hearing on the request.
- 42 (e) **Appointment of attorney**
- 43

- 1 (1) If the nonminor included on the form JV-466 a request for the appointment of
2 the court-appointed attorney who represented the nonminor during the period
3 of time he or she was a ward or dependent or nonminor dependent, the
4 judicial officer must appoint that attorney for the sole purpose of the hearing
5 on the request, if the attorney is available to accept such an appointment.
6
- 7 (2) If the nonminor did not request the appointment of his or her former court-
8 appointed attorney, the judicial officer must appoint an attorney to represent
9 the nonminor for the sole purpose of the hearing on the request. The attorney
10 must be selected from the panel or organization of attorneys approved by the
11 court to represent children in juvenile court proceedings.
12
- 13 (3) In addition to complying with the requirements in (g)(1) for service of notice
14 of the hearing, the juvenile court clerk must notify the attorney of his or her
15 appointment as soon as possible, but no later than one court day from the date
16 the order for his or her appointment was issued under (d)(3). This notification
17 must be made by telephone, fax, e-mail, or other method approved by the
18 presiding juvenile court judge that will ensure prompt notification. The notice
19 must also include the nonminor's contact information and inform the attorney
20 that a copy of the JV-466 will be served on him or her and that one is
21 currently available in the office of the juvenile court clerk.
22
- 23 (4) If the request is granted, the court must continue the attorney's appointment
24 to represent the nonminor regarding matters related to his or her status as a
25 nonminor dependent until the jurisdiction of the juvenile court is terminated,
26 unless the court finds that the nonminor would not benefit from the
27 appointment of an attorney.
28
- 29 (A) In order to find that a nonminor would not benefit from the
30 appointment of an attorney, the court must find all of the following:
31
- 32 (i) The nonminor understands the nature of the proceedings;
33
- 34 (ii) The nonminor is able to communicate and advocate effectively
35 with the court, other attorneys, and other parties, including social
36 workers, probation officers, and other professionals involved in
37 the case; and
38
- 39 (iii) Under the circumstances of the case, the nonminor would not
40 gain any benefit from representation by an attorney.
41
- 42 (B) If the court finds that the nonminor would not benefit from
43 representation by an attorney, the court must make a finding on the

1 record as to each of the criteria in (e)(4)(A) and state the reasons for
2 each finding.

3
4 (5) Representation of the nonminor by the court-appointed attorney for the
5 hearing on the request to return to juvenile court jurisdiction and for matters
6 related to his or her status as a nonminor dependent must be at no cost to the
7 nonminor.

8
9 (6) If the nonminor chooses to be represented by an attorney other than a court-
10 appointed attorney, the fees for an attorney retained by the nonminor are the
11 nonminor's responsibility.

12
13 **(f) Setting the hearing**

14
15 (1) Within two court days of the issuance of the order directing the court clerk to
16 do so, the court clerk must set a hearing on the juvenile court's calendar
17 within 15 court days from the date the JV-466 was filed with the court that
18 retained general jurisdiction.

19
20 (2) The hearing must be placed on the appearance calendar, heard before a
21 juvenile court judicial officer, and recorded by a court reporter.

22
23 **(g) Notice of hearing**

24
25 (1) The juvenile court clerk must serve notice as soon as possible, but no later
26 than five court days before the date the hearing is set, as follows:

27
28 (A) The notice of the date, time, place, and purpose of the hearing and a
29 copy of the JV-466 must be served on the nonminor, the nonminor's
30 attorney, and the child welfare services agency, the probation
31 department, or the Indian tribal agency that was supervising the
32 nonminor when the juvenile court entered the order retaining general
33 jurisdiction over the nonminor.

34
35 (B) The notice of the date, time, place, and purpose of the hearing must be
36 served on the nonminor's parents only if the nonminor included in the
37 form JV-466 a request that notice be provided to his or her parents.

38
39 (C) The notice of the date, time, place, and purpose of the hearing must be
40 served on the nonminor's tribal representative if the nonminor is an
41 Indian child and indicated on the form JV-466 his or her choice to have
42 the Indian Child Welfare Act apply to him or her as a nonminor
43 dependent.

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

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

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

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

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

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

(h) Reports

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

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

(B) The condition or conditions under section 11403(b) that the nonminor intends to satisfy;

(C) The social worker, probation officer, or tribal case worker’s opinion as to whether continuing in a foster care placement is in the nonminor’s best interests and recommendation about the resumption of juvenile court jurisdiction over the nonminor as a nonminor dependent;

(D) Whether the nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care responsibility of the placing agency;

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(E) The type of placement recommended if the request to return to juvenile court jurisdiction and foster care is granted;

(F) If the type of placement recommended is a placement in a setting where minor dependents also reside, the results of the background check of the nonminor under section 16504.5.

(i) The background check under section 16504.5 is required only if a minor dependent resides in the placement under consideration for the nonminor.

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

(2) At least two 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 nonminor and to his or her attorney of record; and

(3) If the court determines that the report and other documentation submitted by the social worker, probation officer, or tribal case worker does not provide the information required by (h)(1) and the court is unable to make the findings and orders required by (i), the hearing must be continued for no more than five court days for the social worker, probation officer, tribal case worker, or nonminor to submit additional information as ordered by the court.

(i) Findings and orders

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

(1) Findings

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

- 1 (B) Whether the nonminor was previously under juvenile court jurisdiction
2 subject to an order for foster care placement when he or she attained 18
3 years of age;
4
5 (C) Whether the juvenile court retained general jurisdiction over the
6 nonminor;
7
8 (D) Whether on and after January 1, 2012, the nonminor will not have not
9 attained 19 years of age; or commencing January 1, 2013, he or she will
10 not have attained 20 years of age; or commencing on January 1, 2014,
11 he or she will not have attained 21 years of age;
12
13 (E) Whether the nonminor intends to satisfy a condition or conditions
14 under section 11403(b);
15
16 (F) The condition or conditions that the nonminor intends to satisfy under
17 section 11403(b);
18
19 (G) Whether continuing in a foster care placement is in the nonminor's best
20 interests;
21
22 (H) Whether the nonminor and the placing agency have entered into a
23 reentry agreement for placement in a supervised setting under the
24 placement and care responsibility of the placing agency; and
25
26 (I) Whether a nonminor who is an Indian child chooses to have the Indian
27 Child Welfare Act apply to him or her as a nonminor dependent.
28

29 (2) *Orders*

- 30
31 (A) If the court finds that the nonminor comes within the age requirements
32 under (i)(1)(D), that the juvenile court entered an order retaining
33 general jurisdiction over the nonminor, that the nonminor does intend
34 to satisfy at least one condition under section 11403(b), and that the
35 nonminor and placing agency have entered into a reentry agreement,
36 the court must:
37
38 (i) Grant the request and enter an order resuming juvenile court
39 jurisdiction over the nonminor as a nonminor dependent and
40 vesting responsibility for the nonminor's placement and care with
41 the placing agency;
42

- 1 (ii) Order the social worker, probation officer, or tribal case worker
2 to develop with the nonminor and file with the court within 60
3 days a new Transitional Independent Living Case Plan;
4
- 5 (iii) Order the social worker or probation officer to consult with the
6 tribal representative regarding a new Transitional Independent
7 Living Case Plan for the nonminor who chooses to have the
8 Indian Child Welfare Act apply to him or her as a nonminor
9 dependent and who is not under the supervision of a tribal case
10 worker;
11
- 12 (iv) Set a nonminor dependent review hearing under rule 5.903 within
13 the next six months; and
14
- 15 (v) Make the findings and enter the appropriate orders under (e)(4)
16 regarding appointment of an attorney for the nonminor.
17
- 18 (B) If the court finds that the nonminor comes within the age requirements
19 under (i)(1)(D) and that the juvenile court entered an order retaining
20 general jurisdiction over the nonminor, but the nonminor does not
21 intend to satisfy at least one of the conditions under section 11403(b)
22 and/or the nonminor and placing agency have not entered into a reentry
23 agreement, the court must:
24
- 25 (i) Enter an order denying the request, listing the reasons for the
26 denial, and informing the nonminor that a new form JV-466 may
27 be filed when those circumstances change;
28
- 29 (ii) Enter an order terminating the appointment of the attorney
30 appointed by the court to represent the nonminor, effective seven
31 calendar days after the hearing; and
32
- 33 (iii) In addition to the service of a copy of the written order as
34 required in (i)(3), the juvenile court clerk must cause to be served
35 on the nonminor a blank copy of the *Request to Return to*
36 *Juvenile Court Jurisdiction and Foster Care* (form JV-466) and
37 *Confidential Information—Request to Return to Juvenile Court*
38 *Jurisdiction and Foster Care* (form JV-468), and a copy of *How*
39 *to Ask to Return to Juvenile Court Jurisdiction and Foster Care*
40 (form JV-464-INFO).
41

- 1 (C) If the court finds that the nonminor does not come within the age
2 requirements under (i)(1)(D) and/or the juvenile court did not retain
3 general jurisdiction over the nonminor, the court must:
4
5 (i) Enter an order denying the request to have juvenile court
6 jurisdiction resumed; and
7
8 (ii) Enter an order terminating the appointment of the attorney
9 appointed by the court to represent the nonminor, effective seven
10 calendar days after the hearing.

11
12 (3) *Findings and orders: service*

- 13
14 (A) The written findings and order must be served by the juvenile court
15 clerk on all persons provided with notice of the hearing under (g)(1).
16
17 (B) Service must be by personal service or first-class mail within three
18 court days of the issuance of the order.
19
20 (C) A proof of service must be filed.

21
22 **Advisory Committee Comment**

23
24 Assembly Bill 12 (Beall; Stats. 2010, ch. 559), known as the California Fostering Connections to
25 Success Act, as amended by ~~and~~ Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the
26 federal Fostering Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351,
27 which provides funding resources to extend the support of the foster care system to children who
28 are still in a foster care placement on their 18th birthday. Every effort was made in the
29 development of the rules and forms to provide an efficient framework for the implementation of
30 this important and complex legislation.

31
32 The extension of benefits for nonminors up to 18 years of age during the first year and for
33 nonminors up to 19 years of age during the following year is fully provided for in Assembly Bill
34 12 and does not require further action by the Legislature; however, extension of those benefits to
35 nonminors between 20 and 21 years of age is contingent upon an appropriation by the
36 Legislature. (Welf. & Inst. Code, § 11403(k).)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> _____ TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
NOTICE OF HEARING <input type="checkbox"/> NONMINOR DEPENDENT REVIEW HEARING <input type="checkbox"/> OTHER	CASE NUMBER:

NOTICE TO *(name and address):*

1. A hearing will be held

on <i>(date):</i>	at <i>(time):</i>	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:

(TYPE OR PRINT NAME)



(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 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>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
PROOF OF SERVICE—NONMINOR	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
a. Name and address:

b. Date of service:
c. Method of service: | <input type="checkbox"/> Attorney
a. Name and address:

b. Date of service:
c. Method of service: |
| 2. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer
a. Name and address:

b. Date of service:
c. Method of service: | <input type="checkbox"/> Attorney
a. Name and address:

b. Date of service:
c. Method of service: |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian
Notice provided only if requested by nonminor dependent
a. Name and address:

b. Date of service:
c. Method of service: | <input type="checkbox"/> Attorney
a. Name and address:

b. Date of service:
c. Method of service: |
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Former legal guardian
Notice provided only if requested by nonminor dependent
a. Name and address:

b. Date of service:
c. Method of service: | <input type="checkbox"/> Attorney
a. Name and address:

b. Date of service:
c. Method of service: |

CASE NAME: 	CASE NUMBER:
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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): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p style="text-align: center;">E-MAIL ADDRESS (Optional): _____</p> <p style="text-align: center;">ATTORNEY FOR (Name): _____</p>	FOR COURT USE ONLY <p style="font-size: 1.2em; font-weight: bold;">DRAFT Not approved by the Judicial Council</p>
<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p style="text-align: center;">STREET ADDRESS: _____</p> <p style="text-align: center;">MAILING ADDRESS: _____</p> <p style="text-align: center;">CITY AND ZIP CODE: _____</p> <p style="text-align: center;">BRANCH NAME: _____</p>	
NONMINOR'S NAME: _____ NONMINOR'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____	
TERMINATION OF JUVENILE COURT JURISDICTION— NONMINOR	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: _____
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- 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 was informed that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age, who are, or have been, dependent children in foster care.

7. 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 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)*: _____

8. Number of pages attached: _____

9. 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)

(SIGNATURE OF NONMINOR)

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

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

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

8. Notice of the date, time, and location of the hearing was given as required by law.
9. Nonminor who is not present:
- The nonminor expressed a wish to not appear for hearing and did not appear.
 - 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:
- The nonminor continues attending high school or a high school equivalency certificate (GED) program.
 - The nonminor attends a college, a community college, or a vocational education program.
 - The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
 - The nonminor is employed at least 80 hours per month.
 - 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 Special Immigrant 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: 	CASE NUMBER:
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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:
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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 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: _____	CASE NUMBER:
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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.

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:

- A 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 an 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
- Get a job

Exception: If you have a medical problem that makes you unable to do one of these things, 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 have signed a Voluntary Reentry 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 the SW or PO.
- 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 **Form JV-466, Request to Return to Juvenile Court Jurisdiction and Foster Care**. 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 JV-365, Termination of Juvenile Court Jurisdiction—Nonminor that** the court gave you when you left foster care.

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

The court may have already 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 California Courts website:
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?

After you and the SW or PO have signed the Voluntary Reentry Agreement, you can:

- File the form yourself, or
- Ask the SW or PO to file the form for you.

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**.

Who will decide if I can return to juvenile court jurisdiction and foster care?

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 **come** to a court hearing. If this happens, you will get a notice **telling you** 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 on the court form JV-466**, the court can also send a notice to your parents or former legal guardian and the CASA office for your former CASA.

When will the hearing happen?

If you filed your court papers yourself and the court decides there is enough information to decide your case, the hearing will happen about three weeks after you filed your court papers.

If you asked a social worker or probation officer to file your court papers and the court decides there is enough information to decide your case, the hearing will happen about six weeks after you ask the social worker or probation officer to file your court papers.

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 **within 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 **another request later** if your situation changes **so that you now** meet the requirements.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
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 Form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care. Read Form JV-464-INFO, How to Ask to Return to Juvenile Court Jurisdiction and Foster Care for information about filling out and filing the forms.

If you do not know the information asked for on this form, 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 My information:

- a. My address _____
- b. My city, state, zip code: _____
- c. My area code and telephone number: _____
- d. My date of birth: _____

② The location of the juvenile court that had authority over me when I'm 18 years old:

- a. City: _____
- b. County: _____

③ The name and court file number or case number of my case in juvenile court:

- a. Name of my case: _____
- b. Court file number or case number: _____

④ The date the juvenile court terminated its jurisdiction (authority) over me

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:
- 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 told about the hearing if the judge schedules a hearing?

- NO. I do not want the CASA to told about the hearing.
- YES. I want the CASA to 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.
- b. 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?

- 1. NO. I do not want the Indian Child Welfare Act to apply to me.
- 2. 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: _____

c. 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 **Form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care**, 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 **any other form I file**.

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 **Form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care**, 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 **any other form I file**.

Date: _____

Type or print representative's name

▶ _____
Signature of representative

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

Use this form to document the juvenile court's findings and orders regarding the possible modification of jurisdiction over the minor from 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 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 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 a 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 Welf. & Inst. Code, § 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 Welf. & Inst. Code, § 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: 	CASE NUMBER:
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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 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 on reaching 18 years of age, he or she may have the right to have juvenile court jurisdiction terminated following a hearing under rule 5.555 of the California Rules of Court.

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 required under Welf. & Inst. Code, § 391(e) have been provided to the minor.
 - b. Not all the information, documents, and services required under 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 required under Welf. & Inst. Code, § 391(e) have 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: _____	CASE NUMBER: _____
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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:
- Dependency jurisdiction over the minor previously suspended is resumed and delinquency jurisdiction is dismissed.
 - 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 minor'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 minor'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.
18. The minor comes within the juvenile court's transition jurisdiction as described in Welf. & Inst. Code, § 450.
- 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 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.
- 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.
 - 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.

MINOR'S NAME: _____	CASE NUMBER: _____
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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:

CASE NUMBER:

**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: 	CASE NUMBER:
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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 a proceeding to declare the minor a dependent of 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.

Item W12-06 Response Form

Title: Juvenile Law: Extending Juvenile Court Jurisdiction—Nonminor Foster Youth

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Tuesday, January 24, 2012

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.