

I. Purpose

To focus on the goals and services set out for a nonminor dependent (NMD) in the Transitional Independent Living Case Plan (TILCP) and Transitional Independent Living Plan (TILP) and check in on the NMD's efforts and progress toward achieving independence and establishing lifelong connections with caring and committed adults.

II. Setting and conduct

- A. The hearing must be conducted every six months by the court *or* by a local administrative review panel.
 - B. The hearing must be placed on the appearance calendar, held before a judicial officer, and recorded by a court reporter if ANY of the following circumstances apply:
 1. It is the first hearing following the NMD's 18th birthday;
 2. It is the first hearing following the resumption of juvenile court jurisdiction under rule 5.906¹ of the California Rules of Court; or
 3. It has been 12 months or more since the court last conducted a review hearing.
 - C. As appropriate, the hearing may be attended by participants invited by the NMD.
 - D. The NMD may appear at the hearing by telephone at no cost as provided in rule 5.900.
 - E. If the court determines that the social worker's or probation officer's report, the TILCP, and the TILP did not collectively provide all the required information described below in section IV and the court is unable to make all the findings and orders required below in sections V and VI, the hearing must be continued for no more than five court days for the submission of additional information by the social worker or probation officer or by the NMD.
-

III. Notice of hearing

- A. The social worker or probation officer must serve written notice of the hearing in the manner and to the persons described in Welfare and Institutions Code section 295², EXCEPT notice to the parents is not required unless the parents are participating in court ordered reunification services.
 - B. The notice served on the NMD must include a statement that he or she may appear at the hearing by telephone, along with local court instructions for how to appear by telephone.
 - C. Proof of service must be filed five court days before the hearing.
-

IV. Written reports requirements

- A. The social worker or probation officer must submit a report that includes the following information:
 1. The continuing necessity for the nonminor's placement and the facts supporting that conclusion;
 2. The appropriateness of the current foster care placement;
 3. The NMD's plans to remain under juvenile court jurisdiction, including criteria in section 11403(b) that have been met;
 4. The efforts made by the social worker or probation officer to help the NMD meet the criteria in section 11403(b);
 5. Whether a prospective adoptive parent has been identified and assessed as appropriate for the NMD's adoption under section 366.31(e)(4); whether the prospective adoptive parent has been informed about the terms of the written negotiated adoption assistance agreement; and whether adoption should be ordered as the NMD's permanent plan.
 6. Verification that the NMD was provided with the information, documents, and services required under section 391(e);
 7. Information about the development of the TILCP, including how and when it was created, how the NMD participated, and, for an NMD who elected to have the Indian Child Welfare Act (ICWA) continue to apply, the extent of consultation with the tribal representatives;
 8. The efforts made by the social worker or probation officer to comply with the TILCP and efforts to finalize the permanent plan and prepare for independent living;
 9. Progress made towards meeting the TILP goals, and modifications to assist the NMD in attaining the goals;
 10. The efforts made by the social worker or probation officer to help maintain relationships between the NMD and caring and committed adults;
 11. The efforts made by the social worker or probation officer as required under section 366(a)(1)(D) to help establish or maintain the NMD's relationship with his or her siblings who are under the juvenile court's jurisdiction.
 12. For a NMD whose case plan is continued court-ordered family reunification services, the information required in section 366.31(d)(1); and
 13. For a nonminor who has returned to the home of the parent or former legal guardian, the information required in section 366.31(d)(3).

¹ All rule references are to the California Rules of Court unless otherwise indicated.

² All code references are to the California Welfare and Institutions Code unless otherwise indicated.

- B. The social worker or probation officer who prepares the report must submit the TILCP and TILP with the report.
- C. The report, the TILCP, and the TILP must be filed with the court at least 10 calendar days before the hearing, and copies of all documents must be provided to the NMD, all attorneys of record, and, if applicable, tribal representatives where ICWA continues to apply.

V. Findings

- A. Notice of the date, time, and location of the hearing was given as required by law;
- B. 1. The NMD's continued placement is necessary; *or*
2. The NMD's continued placement is no longer necessary;
- C. 1. The NMD's current placement is appropriate; *or*
2. The NMD's current placement is not appropriate, and the county agency and the NMD must work collaboratively to locate an appropriate placement;
- D. The TILP includes a plan for the NMD to satisfy one or more of the criteria in section 11403(b) for eligibility for NMD status, specifically the following (*indicate all that apply*):
1. Attending high school or a high school equivalency certificate (GED) program;
 2. Attending a college, a community college, or a vocational education program;
 3. Attending a program or participating in an activity that will promote or help remove a barrier to employment;
 4. Employed at least 80 hours per month
 5. Unable to attend a high school, GED program, college, community college, vocational education program, or a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition;
- E. The county agency has has not made reasonable efforts & provided assistance to help the NMD establish & maintain compliance with the conditions in §11403(b);
- F. The NMD was was not provided with the information, documents, and services as required under section 391(e);
- G. The TILCP and TILP were were not developed jointly by the NMD and the county agency;
- H. For the NMD who has elected to have ICWA continue to apply, the representative from his or her tribe was was not consulted during the development of the TILCP;
- I. The NMD's TILCP does does not reflect the living situation and services consistent, in the nonminor's opinion, with what he or she needs to gain independence and sets out benchmarks that indicate how both will know when independence can be achieved;
- J. The NMD's TILCP does does not include appropriate & meaningful independent living skill services that will assist the youth with the transition from foster care to independent living;
- K. The county agency has has not made reasonable efforts to comply with the TILCP, including efforts to finalize the NMD's permanent plan and prepare him or her for independence;
- L. The TILP includes appropriate and meaningful independent living skill services that will assist the NMD with the transition from foster care to independent living;
- M. The NMD did did not sign and receive a copy of his or her TILCP and TILP;
- N. The progress made by the NMD toward meeting the goals in the TILCP has been (*specify and describe*):
Any modifications needed to assist in attaining the goals have been stated on the record and are to be incorporated in the case plan;
- O. The county agency has has not made reasonable efforts to help maintain relationships between the NMD and individuals who are important to him or her, including efforts to help establish and maintain relationships with caring and committed adults who can serve as lifelong connections;
- P. The county agency has made reasonable efforts as required in section 366(a)(1)(D) to establish or maintain the NMD's relationship with his or her siblings who are under the juvenile court's jurisdiction;
- Q. The likely date by which it is anticipated the NMD will achieve independence is (*choose a date that reflects a realistic assessment*): ___/___/___.
- R. For a NMD whose permanent plan is changing to adoption, the court finds adoption is identified as the permanent plan for the NMD and sets a hearing under section 366.31(f) within 60 days.

VI. Orders

- A. Juvenile court jurisdiction over the youth as a NMD is continued.
1. The youth's permanent plan is independence after a period of placement in supervised settings as specified in section 11402.
 2. The matter is continued for a hearing under section 366(f) and rule 5.903 on (*choose date within the next six months*): ___/___/___; *or*
- B. Juvenile court jurisdiction over the NMD may no longer be necessary, and a hearing under rule 5.555 to consider termination of juvenile court jurisdiction is ordered on (*choose date within the next 30 days*): ___/___/___; *or*

- C. At a hearing held today under rule 5.555, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor* (form JV-367) and juvenile court jurisdiction is terminated pursuant to those findings and orders.

VII. Additional Findings and Orders for a Nonminor with a Continued Case Plan of Reunification

- a. The county agency has has not complied with the case plan by making reasonable efforts to create a safe home for the NMD to reside in and to complete whatever steps are necessary to finalize the permanent plan.
- b. The extent of progress made toward alleviating or mitigating the causes necessitating the current out of home placement has been: by father _____ by mother _____ by nonminor _____ by others (specify) _____
- c. The likely date by which the NMD may safely reside in the home or achieve independence is: __/__/__.
- d. *Choose one of the following:*
- (1) The NMD can safely reside in the home and may return to the family home.
- The court maintains jurisdiction under section 303(a) and a review hearing under section 366.31 is ordered; **or**
 - It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under section 391 and rule 5.555 is ordered.
- (2) The NMD cannot safely reside in the family home, and reunification services are continued.
- The NMD and parent(s) or guardian(s) are in agreement with the continuation of reunification services;
 - Continued reunification services are in the best interest of the NMD;
 - There is a substantial probability that the NMD will be able to safely reside in the family home by the next review hearing; **and**
 - The matter is continued for a review hearing under section 366.31 and rule 5.903 within the next six months.
- (3) The NMD cannot safely reside in the family home and reunification services are terminated.
- The NMD and parent(s) or guardian(s) are not in agreement with the continuation of reunification services; and/or
 - Continued reunification services are not in the best interest of the NMD; and/or
 - There is not a substantial probability that the NMD will be able to safely reside in the family home by the next review hearing.

VIII. Additional Findings and Orders for a Nonminor Residing in the Home of a Parent or Guardian

- A. (1) It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under section 391 and rule 5.555 is ordered; **or**
- (2) Court supervision and juvenile court jurisdiction continue to be necessary. The court maintains jurisdiction under section 303(a). The matter is continued for a review hearing under section 366.31 and rule 5.903 within the next six months.
- B. The county agency has has not complied with the case plan by making reasonable efforts to maintain a safe family home for the nonminor;
- C. The county agency has has not made reasonable efforts to comply with the TILCP, including efforts prepare the nonminor for independence.

The information on this chart is based on the provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), Assembly Bill 1712 (Beall; Stats 2012, ch. 846), and Assembly Bill 787 (Stone; Stats. 2013, ch. 487), and the California Rules of Court. The chart was compiled by the Juvenile Court Assistance Team, Center for Families, Children & the Courts, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688, 415-865-7644, cfcc@jud.ca.gov