

**CHART E Additional requirements for (1) any hearing to terminate jurisdiction over child who is in foster care as ward or RULE 5.812
who was in foster care as dependent when declared a ward and (2) last review hearing for child approaching majority—Delinquency
Welfare and Institutions Code sections 450, 451, 727.2(i)-(j), 778**

I. Hearings subject to this rule

- A. The last review hearing under Welfare and Institutions Code section 727.2¹ or 727.3 before the child turns 18 years of age; this hearing must be set at least 90 days before the child turns 18 and within six months of the previous status review hearing;
 - B. Any review hearing held under section 727.2 or 727.3 for a child less than 18 years of age during which a recommendation to terminate juvenile court jurisdiction will be considered;
 - C. Any hearing to terminate juvenile court jurisdiction over a child less than 18 years of age who is subject to an order for foster care placement; and
 - D. Any hearing to terminate juvenile court jurisdiction over a child less than 18 years of age and not currently subject to a foster care placement order but who had an order for foster care placement as a dependent of the juvenile court at the time he or she was adjudged to be a ward.
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II. Conduct of the hearing

- A. The hearing must be held before a judicial officer and recorded by a court reporter.
 - B. If the court finds that the report and, if required, the Transitional Independent Living Case Plan and the Transitional Independent Living Plan submitted by the probation officer do not provide the required information and the court is unable to make all the findings required by rule 5.812(d)², the hearing must be continued for no more than five court days for the submission of additional information as ordered by the court.
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III. Written report requirements

- A. The report must state whether the child was provided with the notices and information required under section 607.5 and include a description of:
 1. The child's progress toward meeting the case plan goals that will enable the child to be a law-abiding and productive member of the family and community.
 2. If reunification services have not been previously terminated, the progress of each parent or legal guardian toward participating in case plan service activities and meeting the case plan goals developed to resolve the issues that contributed to the child's removal from his or her custody.
 3. 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.
 4. For a child previously determined to be a dual status child for whom juvenile court jurisdiction as a dependent was suspended, a joint assessment under section 366.5 by the probation department and the child welfare services agency of 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 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 in their conclusions, the child welfare services agency must file a separate report with facts in support of its opinions and recommendations.
 5. For a child previously determined to be a dual status child for whom the probation department was designated the lead agency, 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 dependent under section 300 and the facts in support of the opinion expressed and the recommendation made.
 6. For a child other than a dual status child, the probation officer's recommendation regarding modification of the juvenile court's jurisdiction over the child from ward to a dependent under section 300 or a transition dependent under section 450, and the facts in support of the recommendation.
- B. For the last review hearing held on behalf of a **child approaching majority** and any hearing to terminate jurisdiction held on behalf of a child **more than 17 years, 5 months and less than 18 years of age**, the report must include:
 1. 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;
 2. The efforts made by the probation officer to help the child meet one or more of the criteria in section 11403(b);
 3. Where applicable, the child's plans to maintain his or her status as an Indian child for purposes of the ongoing application of the ICWA to him or her as a nonminor dependent;
 4. The status of any application pending for title XVI Supplemental Security Income (SSI) 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 SSI decision has been issued to ensure that the child receives continued assistance with the application process;
 5. Whether the child has an in-progress application pending for Special Immigrant Juvenile Status or other application for legal residency and, if so, whether an active juvenile court case is required for that application;

¹ All code references are to the California Welfare and Institutions Code unless otherwise indicated.

² All rule references are to the California Rules of Court unless otherwise indicated.

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6. The efforts made by the probation officer toward providing the child with the written information, documents, and services described in section 391(e)(1) and, to the extent that the child has not yet been provided with them, the barriers to providing the information, documents, or services and the steps that will be taken to overcome those barriers by the child's 18th birthday;
 7. When and how the child was informed that at 18 years old he or she may request dismissal of juvenile court jurisdiction;
 8. 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;
 9. When and how the child was informed that if juvenile court jurisdiction is terminated after he or she attains 18 years of age, he or she has the right to file a request to return to foster care; and
 10. The child's Transitional Independent Living Case Plan and Transitional Independent Living Plan, which must include:
 - a. The individualized plan for the child to satisfy one or more of the criteria in section 11403(b) and the child's anticipated placement as specified in section 11402; and
 - b. The child's alternate plan for his or her 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.
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IV. Findings and Orders

All judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing.

A. Transition to Independence—These findings and orders are required at the last status review hearing before the child turns 18 years of age and at any hearing to terminate delinquency jurisdiction over a child in a foster care placement as a ward who is more than 17 years, 5 months and less than 18 years old:

1. The child's Transitional Independent Living Case Plan (TILCP) includes a plan for the child to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent (*indicate all that apply*):
 - a. Attending high school or a high school equivalency (GED) certificate program;
 - b. Attending a college, a community college, or a vocational education program;
 - c. Participating in a program or activities to promote employment or to overcome barriers to employment;
 - d. Being employed at least 80 hours per month;
 - e. Having a medical condition that makes the child unable to attend high school, a 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 a month;
2. The child's TILCP includes an alternate plan for his or her 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. For a child to whom the Indian Child Welfare Act applies:
 - a. The child intends to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the child as a nonminor dependent; *or*
 - b. The child does not intend to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the child as a nonminor dependent;
4. For a child who has an in-progress application pending for title XVI Supplemental Security Income (SSI) benefits, continuation of juvenile court jurisdiction until a final decision has been issued to ensure that the child receives continued assistance with that application process is is not in the child's best interest;
5. For a child with an in-progress application pending for Special Immigrant Juvenile Status or other legal residency application, an active juvenile court case is is not required for that application;
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 was informed that he or she may decline to become a nonminor dependent;
8. The child was informed that upon reaching 18 years of age he or she may have the right to have juvenile court jurisdiction terminated following a hearing under rule 5.555;
9. The child was informed that if juvenile court jurisdiction is terminated after reaching 18 years of age, 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;
10. a. All the information, documents, and services included in section 391(e) have been provided to the child; *or*
b. Not all the information, documents, and services included in section 391(e) have been provided to the child and the barriers to providing any missing information can be overcome by the child's 18th birthday;

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11. The matter being before the juvenile court on a request for termination of jurisdiction over a child currently or previously subject to an order for foster care placement, the requirements of section 607.5 were were not met.

B. Modification of Jurisdiction—These findings and orders are required (1) At the last status review hearing before the child turns 18 years old and at any hearing to terminate delinquency jurisdiction over a child in foster care as a ward who is more than 17 years, 5 months and less than 18 years old in addition to those findings and orders included in section IV A and (2) At any hearing to terminate delinquency jurisdiction over a child who is in a foster care placement as a ward or who was in a foster care when adjudged a ward.

Consider the status of the ward to determine which findings and order apply to each individual case:

1. Dual status child with dependency suspended: rehabilitative goals met and jurisdiction over the child as a ward no longer required

a. Finding: A return to the home would be detrimental to the child, and juvenile court jurisdiction over the child as a dependent should be resumed.

The facts supporting this finding are (specify): *and*

Order: Dependency jurisdiction over the child previously suspended is resumed and delinquency jurisdiction is dismissed. The matter is continued for a status review hearing under section 366.21 or 366.3 on (choose date within six months of the child's most recent status review hearing): ___/___/__. *or*

b. Finding: A return to the child's home would not be detrimental to the child, and juvenile court jurisdiction over the child as a dependent does not need to be resumed. The facts supporting this finding are (specify): _____ *and*

Order: (1) The child is ordered returned to the home of the parents or legal guardian, and a progress report hearing is set on (choose date within the next six months): ___/___/__; *or*
(2) The child is returned to the home of the parents or legal guardian and juvenile court jurisdiction over the child is terminated as set forth in *Petition to Terminate Wardship and Order* (form JV-794).

2. Dual status child with probation department as lead agency: rehabilitative goals met and jurisdiction over the child as a ward is no longer required

a. Finding: A return to the child's home would be detrimental to the child, and juvenile court jurisdiction over the child as a dependent is required.

The facts supporting this finding are (specify): _____ *and*

Order: The child's dual status is terminated, delinquency jurisdiction over the child 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 under section 366.21 or 366.3 on (choose date within six months of the child's most recent status review hearing): ___/___/__ *or*

b. Finding: A return to the child's home would not be detrimental to the child, and juvenile court jurisdiction over the child as a dual-status child is no longer required.

The facts supporting this finding are (specify): _____ *and*

Order: (1) The child is returned to the home of the parent or legal guardian and a progress report hearing is set on (choose date within the next six months): ___/___/__; *or*
(2) The child is returned to the home of the parent or legal guardian and juvenile court jurisdiction over the child is terminated

3. Nondual status ward more than 17 years, 5 months & less than 18 years old currently in a foster care placement: Modification from delinquency to transition jurisdiction

Findings: The child's rehabilitative goals have been met and juvenile court jurisdiction over the child as a ward is no longer required.

The facts supporting this finding are (specify): _____;

For a child who was not a dependent when declared a ward: The child appears to come with the description of section 300 and cannot be returned home safely.

The facts supporting this finding are (specify): _____; *or*

For a child was a dependent when declared a ward: The child remains with the description of a dependent under section 300 and return to the home of the parents would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being.

The facts supporting this finding are (specify): _____ *and*

For every child:

Reunification services have been terminated;

The child's case has not been set for a hearing to terminate parental rights or establish a guardianship;

The child intends to sign a mutual agreement for a placement in a supervised setting as a nonminor dependent;

The child comes within the juvenile court's transition jurisdiction as described in section 450;

The child was originally removed from the physical custody of his or her parents or legal guardians on (date): ___/___/___ and continues to be removed from their custody;

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The removal findings “continuance in the home is contrary to the child’s welfare” & “reasonable efforts were made to prevent removal” made at that hearing remain in effect; and
The probation department child welfare services department is responsible for the child’s placement and care.

Orders: The child is adjudged a transition dependent pending turning 18 years old and assuming the status of a nonminor dependent under the transition jurisdiction of this court.
The matter is continued for a status review hearing under rule 5.903 on (*choose date within six months of the most recent status review hearing*): __/__/__.

**4. Nondual status child currently in a foster care placement who was in a foster care placement when adjudged a ward or
Nondual status child not currently in foster care placement who was in a foster care placement when adjudged a ward and
does not or does not intend to meet transitional jurisdiction requirements: Modification from delinquency jurisdiction to dependency jurisdiction**

Findings: The child’s rehabilitative goals have been met and juvenile court jurisdiction over the child as a ward is no longer required.

The facts supporting this finding are (*specify*): _____;

The child does not come within the juvenile court’s transition jurisdiction;

The child remains within the description of a dependent child under section 300 and a return to the home of his or her parent or legal guardian would create a substantial risk
of detriment to the child’s safety, protection, or physical or emotional well-being. The facts supporting this finding are (*specify*): _____;

The child was originally removed from the physical custody of his or her parents or legal guardians on (*date*): __/__/__ and continues to be removed from their custody;

The removal findings “continuance in the home is contrary to the child’s welfare” & “reasonable efforts were made to prevent removal” made at that hearing remain in effect; and
The probation department child welfare services department is responsible for the child’s placement and care.

Orders: The order terminating jurisdiction over the child as a dependent of the juvenile court is vacated and dependency jurisdiction over the child is resumed.
Delinquency jurisdiction is terminated.

The matter is continued for a status review hearing under section 366.21 or 366.3 on (*choose date within six months of the most recent status review hearing*): __/__/__.

5. Jurisdiction over the child was not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction

a. Child returned home and court maintains delinquency jurisdiction

Findings: A return to the child’s home would not be detrimental to the child. The facts supporting this finding are (*specify*): _____.

The child’s rehabilitative goals have not been met.

Orders: The child is ordered returned to the home of the parent or legal guardian, and a progress report hearing is set on (*choose date within the next six months*): __/__/__; **or**

b. Child returned home and juvenile court jurisdiction dismissed

Findings: A return to the child’s home would not be detrimental to the child. The facts supporting this finding are (*specify*): _____.

The child’s rehabilitative goals have been met and juvenile court jurisdiction over the child is no longer required.

Orders: The child is returned to the home of the parent or legal guardian and juvenile court jurisdiction is terminated; **or**

c. Child in non-foster care placement

Findings: The child’s rehabilitative goals have not been met.

Orders: 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 (*choose date within the next six months*): __/__/__; **or**

d. Child in foster care placement

Findings: A return to the child’s home would be detrimental to the child. The facts supporting this finding are (*specify*): _____.

The child’s rehabilitative goals have not been met.

Orders: Delinquency jurisdiction is continued and the order for an out-of-home foster care placement remains in full force and effect.

The matter is continued for a status review hearing under section 727.2 or 727.3 on (*choose date within six months of the most recent status review hearing*): __/__/__.

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) and the California Rules of Court, effective July 1, 2012. 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