

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR18-24

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| Title | Action Requested |
| Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility | Review and submit comments by June 8, 2018 |
| Proposed Rules, Forms, Standards, or Statutes | Proposed Effective Date |
| Amend Cal. Rules of Court, rules 5.812, 5.903, and 5.906; adopt Cal. Rules of Court, rule 5.811; revise forms JV-320, JV-367, JV-462, JV-464, JV-466, JV-470, JV-472, JV-680, JV-682, and JV-683; approve forms JV-748 and JV-749 | January 1, 2019 |
| Proposed by | Contact |
| Family and Juvenile Law Advisory Committee | Nicole Giacinti |
| Hon. Jerilyn L. Borack, Cochair | 415-865-7598 |
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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending three rules and adopting one new rule of the California Rules of Court, revising eight Judicial Council forms, and approving two new Judicial Council forms to implement Assembly Bill 604 (Gipson; Stats. 2017, ch. 707), which clarified that extended foster care benefits are available to young people who have adjudications that are eligible for vacatur pursuant to Penal Code section 236.14. The committee further proposes revising form JV-462 to include certain changes necessitated by recent legislation. The committee also proposes making a technical change to form JV-462, and revising form JV-367 to reflect how the form is typically used. Finally, the committee proposes amending rules 5.903 and 5.906 to clarify who may attend status review hearings for former wards who have become nonminor dependents.

Background

All three rules and 10 forms proposed for amendment or revision, were originally created to implement extended foster care (Assem. Bill 12, Assem. Bill 212, Assem. Bill 1712, and Assem.

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 These proposals are circulated for comment purposes only.

Bill 787).¹ Rule 5.812 was last amended in 2014, while six of the 10 forms were last revised that year. Rule 5.906 was last amended in 2016, while forms JV-464-INFO and JV-466 were last revised that year. Form JV-367 was last revised in 2017, while form JV-320, which is included in this proposal to fix an error in the permanent plan option listed for nonminor dependents, was revised effective January 1, 2018, as part of a large revision that was intended to bring forms affected by continuum of care reform into compliance.

The bulk of the proposed revisions and amendments contained herein are required by Assembly Bill 604 (Gipson; Stats. 2017, ch. 707), which amended Welfare and Institutions Code sections 303, 388, 450, 451, and 11401 to ensure that young people can take advantage of both the vacatur opportunity provided by Penal Code section 236.14 *and* extended foster care, if they are otherwise eligible. Assembly Bill 604 requires the Judicial Council to create rules and forms to implement the legislation.

Before AB 604, when a young person was granted vacatur of his or her underlying petition and all associated orders, it meant he or she was no longer eligible for extended foster care benefits because the basis for juvenile court jurisdiction had been vacated. Now, young people who may have exited the system after their underlying petition was vacated pursuant to Penal Code section 236.14 are entitled to reenter juvenile jurisdiction, if otherwise eligible. Similarly, those young people who are in out-of-home placement when their underlying petition is vacated pursuant to Penal Code section 236.14 will automatically fall within the transition jurisdiction of the juvenile court as stated in Welfare and Institutions Code section 450.

Implementing the reentry piece of AB 604 and the automatic transition jurisdiction for children 17 years and 5 months and older will be straightforward; however, the legislation does not establish a process for children younger than 17 years and 5 months who are eligible for vacatur. Under Welfare and Institutions Code section 450, only children who are 17 years and 5 months or older are eligible for transition jurisdiction; consequently, children younger than that who seek to have their underlying petition vacated will not automatically fall within the transition jurisdiction of the juvenile court. This issue cannot be resolved through the rules and forms process, but the committee has attempted to address it by amending rule 5.812 to highlight the statutory sections that may provide the appropriate process.

In addition to the revisions necessary to ensure this population of young people remain eligible for extended foster care, the committee proposes approving forms that will create a process for vacating offenses committed as a result of being a human trafficking victim. The committee proposes approving a petition for vacatur and an order for vacatur. In light of the decriminalization of prostitution for juveniles in conjunction with the recent efforts to identify victims of human trafficking and provide them services through child welfare rather than juvenile justice, it is anticipated that (1) going forward there will be only rare circumstances

¹ Assem. Bill 12 (Beall; Stats. 2010, ch. 559), Assem. Bill 212 (Beall; Stats. 2012, ch. 459), Assem. Bill 1712 (Beall; Stats. 2012, ch. 846), and Assem. Bill 787 (Stone; Stats. 2014, ch. 487).

where delinquency petitions are filed against victims of human trafficking, and (2) it will only take a few years for those young people who are eligible for vacatur to petition for that relief. Consequently, the petition and order for vacatur will be necessary for a limited amount of time. For that reason, the committee proposes that the petition and order sunset after five years. It should be noted that the Criminal Law Advisory Committee (CLAC) is also in the process of creating forms for the vacatur process and the forms proposed for approval in the proposal are similar to those proposed by CLAC.² The main difference between CLAC’s forms and the juvenile forms is the simplicity of the language. The committee used more plain language in the forms, so that they are easier for juveniles and young adults to understand.

While form JV-320 is not affected by AB 604, it is included in this proposal because a technical change is necessary. Specifically, item 16a still includes the permanent plan of “independent living with identification of a caring adult.” Pursuant to continuum of care reform, that permanent plan option became “another planned permanent living arrangement”; however, due to an oversight, item 16a was not revised when this form and 17 others were updated in 2017.³ The committee proposes that item 16a be revised now to reflect the correct permanent plan and make the form legally accurate.

The committee also proposes revising form JV-367, *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor*. This form is used when the probation department or the child welfare agency proposes that termination of nonminor dependent status may be appropriate. The form contains both an option to terminate nonminor dependent status and an option to continue nonminor dependent status; however, the form does not contain all the necessary title IV-E findings that must be made at a status review hearing for a nonminor dependent.⁴ The result is that when this form is used and nonminor dependent status is continued, the title IV-E findings are not being made. The committee’s proposal to include the title IV-E findings on this form would remedy that problem.

Finally, the committee proposes amending rules 5.903 and 5.906 to clarify that the district attorney is not entitled to attend nonminor dependent status review hearings once the nonminor has transitioned from delinquency jurisdiction to the general juvenile jurisdiction of the court under Welfare and Institutions Code section 450. Nonminor dependents under the transition jurisdiction of the court, as described in section 450, are no longer under the delinquency jurisdiction of the juvenile court.⁵ The statutes and rules that address nonminor dependents acknowledge this shift in jurisdiction to, what is best described as, a consensual agreement between the agency—either probation or child welfare—and the nonminor dependent to work

² The CLAC proposal, *Criminal Procedure: Vacatur of Convictions Related to Human Trafficking*, can be found here (eventually this will be a hyperlink).

³ Sen. Bill 794 (Comm. on Human Services; Stats. 2015, ch. 425); see also Welf & Inst. Code, §§ 362.04, 362.05, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 366.31, 706.5, 706.6, 727.2, 727.3, 10618.6, 11386, 11400, 16002, 16501, and 16501.1.

⁴ 42 U.S.C. § 670 et seq.

⁵ Welf. & Inst. Code, §§ 451(b), 607.2(b)(1).

together to accomplish the jointly created supervised living plan.⁶ In recognition of this, the clerk is required to create a separate court file that is not accessible to the district attorney in section 450 cases, and review hearings must be informal and nonadversarial.⁷ Since the district attorney is not allowed access to the nonminor dependent's case file, and is not entitled to notice of the proceeding,⁸ the district attorney should not be present in the courtroom at the nonminor dependent status review hearings when the nonminor dependent is under section 450 transition jurisdiction. Amending rules 5.903 and 5.906 will clarify that transition jurisdiction nonminor dependents are not to be treated as wards.

The Proposal

The Family and Juvenile Law Advisory Committee proposes the form and rule changes discussed below to ensure that the forms contain accurate findings that courts can rely on to ensure that an eligible young person remains in extended foster care after his or her underlying petition is vacated due to Penal Code section 236.14. It is also recommended that technical changes be made to two forms and that one form be revised to reflect changes implemented by continuum of care reform.

Revisions to Implement AB 604

Amendments to allow for reentry. To ensure the eligibility of young people who would otherwise be eligible for extended foster care—but for vacatur of the underlying petition based on Penal Code section 236.14—it is recommended that language that references the vacated petition be included in certain rules and forms, as set forth below:

- Amend rule 5.906, *Request by nonminor for the juvenile court to resume jurisdiction*, subdivision (d)(1)(A) to read, “The nonminor is eligible to seek assumption of dependency jurisdiction pursuant to the provisions of subdivision (c) of section 388.1, or the nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement on the date he or she attained 18 years of age, including a nonminor whose petition was vacated pursuant to Penal Code section 236.14.”
- Revise form JV-464-INFO, *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care*, under the section titled “Court Jurisdiction Requirements” to include an instruction that states that extended foster care is available to a young person who was in foster care on his or her 18th birthday and whose underlying petition is subject to vacatur.
- Revise form JV-466, *Request to Return to Juvenile Court Jurisdiction and Foster Care*, after item 4, which asks for the date the juvenile court closed the nonminor's case, to add an item 4(a): “The date the juvenile court closed my case ____.” Include item 4(b)

⁶ Cal. Rules of Court, rule 5.900(b).

⁷ § 362.5; rule 5.900 (d) & (f).

⁸ § 295; rule 5.903(c).

underneath: “My arrest and adjudication [] were [] were not vacated based on Penal Code section 236.14.”

- Revise form JV-470, *Findings and Orders Regarding Prima Facie Showing on Nonminor’s Request to Reenter Foster Care*, to include in item 2(a) an additional checkbox finding that reads: “The nonminor was previously under juvenile court jurisdiction with an order for foster care placement when he or she was 18 years of age, based on a petition that was vacated under Penal Code 236.14; or....”
- Revise form JV-472, *Findings and Orders After Hearing to Consider Nonminor’s Request to Reenter Foster Care*, subsection 4(b) to state: “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 [] and jurisdiction was vacated pursuant to Penal Code 236.14, or....”

Amendments to allow for transition jurisdiction. To implement the legislation’s intent to allow young people eligible for relief under Penal Code section 236.14 to modify delinquency jurisdiction to transition jurisdiction, staff proposes creating one new rule, amending one rule, and revising two forms. The most important piece of these form revisions is structuring them so that the orders maintaining the foster care placement are made before the underlying petition is vacated.

- **Adopt new rule 5.811**, *Modification to transition jurisdiction for a ward older than 17 years and 5 months with a petition subject to vacatur*, which sets forth the procedure that must be followed when a young person aged 17 years and 5 months or older is eligible for vacatur. The rule is patterned after rules 5.812 and 5.813, which set forth the procedure that must be followed to modify wards to transition jurisdiction. The proposed new rule differs from those rules in that it specifically references vacatur pursuant to Penal Code section 236.14, it directs the court to order sealing and destruction of the underlying petition and associated records, and it contains a sunset provision for the same reasons (discussed above) as the petition and order for vacatur.
- **Amend rule 5.812**, *Additional requirements for any hearing to terminate jurisdiction over child in foster care and for status review or dispositional hearing for child approaching majority*, in recognition of the fact that these young people no longer have a delinquency adjudication; amend subsections (c)(1)(A), (d)(1)(A), (e)(4)(A)(ii), and (e)(5)(B) to clarify that the court need not find that a young person whose petition is subject to vacatur has completed his or her rehabilitative goals.
- **Amend rule 5.812 subsection (f)**, “Modification of jurisdiction—conditions,” to include an additional subsection that specifies that the court’s order modifying jurisdiction to transition jurisdiction must be made before the underlying petition is vacated, and that the orders must contain reference to certain findings required by title IV-E. It is also

recommended that the rule be amended to include information about sealing and destruction of records related to the arrest and/or conviction.

- **Revise form JV-680, *Findings and Orders for Child Approaching Majority–Delinquency***, to include language in the introductory section, as well as the findings and orders section, that states the form also applies to children whose underlying petition is subject to vacatur pursuant to Penal Code section 236.14.
- **Revise form JV-682, *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Child Younger Than 18 Years of Age***, to clarify that the form applies to young people whose underlying petition is subject to vacatur and to include the findings and orders that will transition the young person to the transition jurisdiction of the juvenile court. The revisions to form JV-682 also include the order to seal and destroy records related to the adjudication being dismissed.
- **Revise form JV-683, *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Ward Older Than 18 Years of Age***, to clarify that the form applies to young people whose underlying petition is subject to vacatur and to include the findings and orders that will transition the young person to the transition jurisdiction of the juvenile court. Like form JV-682, the revisions to form JV-683 also include the order to seal and destroy records related to the adjudication being dismissed.

Forms proposed for vacatur. Penal Code section 236.14 allows the applicant to consolidate arrests and adjudications from various jurisdictions into one request. To accommodate this mandate, the petition for vacatur—*Request to Vacate Arrest or Conviction* (form JV-748)—contains a table where the applicant can list arrests and adjudications from various jurisdictions. In addition, the legislation states that the applicant’s full name is not to be included on records that are available to the public. Since juvenile records are not available to the public, this should not be an issue for the juvenile forms. Finally, the footers on forms JV-748 and *Order After Request to Vacate Arrest or Conviction* (form JV-749) state that the forms expire on January 1, 2024.

Revisions to form JV-462 to conform to CCR changes. The committee proposes revising form JV-462 to bring it in line with changes made during the spring 2017 cycle to other out-of-home placement finding and order forms. Form JV-462 was not previously changed along with the other forms because it was thought that a legislative fix would be implemented to resolve the contradiction between the findings and orders language and the goal of extended foster care. In the absence of a legislative fix, it is recommended that form JV-462 be revised to comport with the findings and orders required by continuum of care reform.

Revise JV-367 to comport with current practice. To ensure that the title IV-E findings are made at hearings where termination of nonminor dependent status is considered but not ordered, it is recommended that the title IV-E findings be included on form JV-367. Specifically, it is

recommended that items number six through nine, as well as items number 16, 17, 19, 22, and 25 from form JV-462 be included on the JV-367 immediately before what is currently item number 23. It is also recommended that item number 23 be revised to match the proposed new language for item 25 of form JV-462.

Revise form JV-320 to make a technical change. Form JV-320 was revised effective January 1, 2018, but due to an oversight, a plan option that is no longer authorized was inadvertently left on the revised form. To comply with federal and state mandates, it is recommended that “independent living with identification of a caring adult” be deleted from item 16a and replaced with “another planned permanent living arrangement.”

Amend rules 5.903 and 5.906 to clarify who is entitled to attend nonminor dependent review hearings. In many counties, because the prosecutor is typically present at juvenile justice hearings, he or she is present when eligible youth transition to nonminor dependent status under section 450. However, as stated above, pursuant to the rules and statutes that address nonminor dependent status, young people under the transition jurisdiction of the court are entitled to nonadversarial status review hearings just like their counterparts on the child welfare side. Consequently, the prosecuting agency is not entitled to the nonminor file, is not required to receive notice of status review hearings, and should not be present at those hearings. Amending rules 5.903 and 5.906 to clearly state that the prosecuting agency is not entitled to be present will bring clarity to this issue.

Alternatives Considered

The necessity of creating forms JV-748 and JV-749 was discussed and it was determined that the efficiencies, for the courts and parties, achieved by establishing a uniform process for vacatur outweighed any downside to creating new forms. The committee also considered whether it was necessary to modify the forms in a way that would achieve anonymity but it was determined that, since juvenile files are already confidential, an instruction noting the confidentiality provisions would be sufficient. Consequently, form JV-749 states that any records disclosed to the public must not include the petitioner’s full name.

Implementation Requirements, Costs, and Operational Impacts

Implementation of AB 604 may impose moderate workload burdens on the court as eligible young people seek to reenter extended foster care or seek to have adjudications dismissed and vacated. The proposed forms are intended to mitigate those burdens by providing courts with uniform forms to streamline the process.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- What term should be used in the rules and forms to refer to a young person whose petition is subject to vacatur? Is “young person” appropriate?
- Are the petition for vacatur and the accompanying order written plainly enough that they will be accessible to the juvenile and young adult population?
- Is the table on form JV-748 sufficient to obtain information about convictions and arrests from other jurisdictions in the state?
- Should the forms include additional provisions aimed at anonymizing the name of the young person who seeks to have his or her underlying petition vacated?
- It is recommended that rule 5.811 and forms JV-748 and JV-749 sunset in five years. Is five years a sufficient time period to provide young people time to request vacatur or should the sunset period be longer?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would six months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.811, 5.812, 5.903, and 5.906, at pages 9–19.
2. Judicial Council forms JV-320, JV-367, JV-462, JV-464-INFO, JV-466, JV-470, JV-472, JV-680, JV-682, JV-683, JV-748, and JV-749, at pages 20–61.

Rule 5.811 of the California Rules of Court would be adopted, and rules 5.812, 5.903, and 5.906 would be amended, effective January 1, 2019, to read:

1 **Rule 5.811. Modification to transition jurisdiction for a ward older than 17 years**
2 **and 5 Months with a petition subject to vacatur (Welf. and Inst. Code, §§ 450,**
3 **451, 727.2(i)–(j), 778; Pen. Code, § 236.14)**
4

5 **(a) Purpose**
6

7 This rule provides the procedures that must be followed to modify delinquency
8 jurisdiction to transition jurisdiction for a young person who is older than 17 years,
9 5 months of age and:
10

- 11 (1) The underlying petition establishing wardship is subject to vacatur under
12 Penal Code section 236.14;
- 13
- 14 (2) Is under a foster care placement order;
- 15
- 16 (3) Wants to remain in extended foster care under the transition jurisdiction of the
17 juvenile court;
- 18
- 19 (4) Is not receiving reunification services; and
- 20
- 21 (5) Does not have a hearing set for termination of parental rights or establishment
22 of guardianship.
- 23

24 **(b) Setting and conduct of hearing**
25

- 26 (1) The probation officer must request a hearing for the court to modify
27 delinquency jurisdiction to transition jurisdiction and vacate the underlying
28 petition.
- 29
- 30 (2) The hearing must be held before a judicial officer and recorded by a court
31 reporter.
- 32
- 33 (3) The hearing must be continued for no more than five court days for the
34 submission of additional evidence as ordered by the court if the court finds
35 that the report and, if required, the Transitional Independent Living Case Plan
36 submitted by the probation officer, do not provide the information required by
37 (d) and the court is unable to make all the findings required by (e).
- 38

39 **(c) Notice of hearing**
40

- 1 (1) The probation officer must serve written notice of the hearing in the manner
2 provided in section 295.
3
4 (2) Proof of service of notice must be filed by the probation officer at least five
5 court days before the hearing.
6

7 **(d) Reports**
8

9 At least 10 calendar days before the hearing, the probation officer must submit a
10 report to the court that includes information regarding:
11

- 12 (1) Whether the young person is subject to an order for foster care placement and
13 is older than 17 years, 5 months of age and younger than 18 years of age;
14
15 (2) Whether the young person is a nonminor who was subject to an order for
16 foster care placement on the day of the young person’s 18th birthday and is
17 within the age eligibility requirements for extended foster care;
18
19 (3) Whether the young person was removed from the physical custody of his or
20 her parents, adjudged to be a young person of the juvenile court under section
21 725, and ordered into foster care placement as a young person; or whether the
22 young person was removed from the custody of his or her parents as a
23 dependent of the court with an order for foster care placement in effect at the
24 time the court adjudged him or her to be a young person of the juvenile court
25 under section 725 and was ordered into a foster care placement as a young
26 person, including the date of the initial removal findings—“continuance in the
27 home is contrary to the child’s welfare” and “reasonable efforts were made to
28 prevent removal”—as well as whether the young person continues to be
29 removed from the parents or legal guardian from whom the child was
30 removed under the original petition;
31
32 (4) Whether each parent or legal guardian is currently able to provide the care,
33 custody, supervision, and support the child requires in a safe and healthy
34 environment;
35
36 (5) Whether the young person signed a mutual agreement with the probation
37 department or social services agency for placement in a supervised setting as a
38 transition dependent and, if so, a recommendation as to which agency should
39 be responsible for placement and care of the transition dependent;
40
41 (6) Whether the young person plans to meet at least one of the conditions in
42 section 11403(b) and what efforts the probation officer has made to help the
43 young person meet any of these conditions;

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- (7) When and how the young person was informed of the benefits of remaining under juvenile court jurisdiction as a transition dependent and the probation officer's assessment of the young person's understanding of those benefits;
- (8) When and how the young person was informed that he or she may decline to become a transition dependent and have the juvenile court terminate jurisdiction at a hearing under section 391 and rule 5.555; and
- (9) When and how the young person was informed that if juvenile court jurisdiction is terminated, he or she can file a request to return to foster care and have the court resume jurisdiction over him or her as a nonminor.

(e) Findings

At the hearing, the court must make the following findings:

- (1) Whether notice has been given as required by law;
- (2) Whether the underlying petition is subject to vacatur pursuant to Penal Code section 236.14;
- (3) Whether the young person has been informed that he or she may decline to become a transition dependent and have juvenile court jurisdiction terminated at a hearing set under rule 5.555;
- (4) Whether the young person intends to sign a mutual agreement with the probation department or social services agency for placement in a supervised setting as a nonminor dependent;
- (5) Whether the young person was informed that if juvenile court jurisdiction is terminated, the young person can file a request to return to foster care and may have the court resume jurisdiction over the young person as a nonminor dependent;
- (6) Whether the benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained and whether the young person understands them;
- (7) Whether the young person's Transitional Independent Living Case Plan includes a plan for the young person to satisfy at least one of the conditions in section 11403(b); and

1 (8) Whether the young person has had an opportunity to confer with his or her
2 attorney.
3

4 In addition to the findings listed above, the court must make the following findings
5 for children who are older than 17 years, 5 months of age but younger than 18 years
6 of age:
7

- 8 (1) Whether the young person’s return to the home of his or her parent or legal
9 guardian would create a substantial risk of detriment to the young person’s
10 safety, protection, or physical or emotional well-being—the facts supporting
11 this finding must be stated on the record;
12
13 (2) Whether reunification services have been terminated; and
14
15 (3) Whether the young person’s case has been set for a hearing to terminate
16 parental rights or establish a guardianship.
17

18 **(f) Orders**
19

20 The court must enter the following orders:
21

- 22 (1) An order adjudging the young person a transition dependent as of the date of
23 the hearing or pending his or her 18th birthday and granting status as a
24 nonminor dependent under the general jurisdiction of the court. The order
25 modifying the court’s jurisdiction must contain all of the following provisions:
26
27 (A) A statement that “continuance in the home is contrary to the child or
28 nonminor’s welfare” and that “reasonable efforts have been made to
29 prevent or eliminate the need for removal”;
30
31 (B) A statement that the child continues to be removed from the parents or
32 legal guardian from whom the child was removed under the original
33 petition; and
34
35 (C) Identification of the agency that is responsible for placement and care of
36 the child based on the modification of jurisdiction.
37
38 (2) An order vacating the underlying delinquency petition pursuant to Penal Code
39 section 236.14.
40
41 (3) An order directing the Department of Justice and any law enforcement agency
42 that has records of the arrest to seal those records and then destroy them three

1 years from the date of the arrest or one year after the order to seal, whichever
2 occurs later.

- 3
- 4 (4) An order continuing the appointment of the attorney of record, or appointing a
5 new attorney as the attorney of record for the nonminor dependent.
- 6
- 7 (5) An order setting a nonminor dependent status review hearing under section
8 366.31 and rule 5.903 within six months of the last hearing held under section
9 727.2 or 727.3.

10

11 **(g) Sunset Provision**

12

13 Unless amended or reenacted by Judicial Council action effective after the effective
14 date of this rule, this rule is repealed effective January 1, 2020.

15

16 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
17 **child in foster care and for status review or dispositional hearing for child**
18 **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**

19

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

21 ***

22

23

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

25

26 (1) ***

27

28 **(c) Reports**

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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 state whether the child was provided
33 with the notices and information required under section 607.5 and include a
34 description of:

35

36 (A) The child’s progress toward meeting the case plan goals that will enable
37 him or her to be a law-abiding and productive member of his or her
38 family and the community. This information is not required if dismissal
39 of delinquency jurisdiction and vacatur of the underlying petition is
40 based on Penal Code section 236.14.

41

42 (B) – (E) ***

1 (F) For a child other than a dual status child, including a child whose
2 underlying petition is subject to vacatur under Penal Code section
3 236.14, the probation officer's recommendation regarding the
4 modification of the juvenile court's jurisdiction over the child from that
5 of a ward under section 601 or 602 to that of a dependent under section
6 300 or to that of a transition dependent under section 450 and the facts in
7 support of his or her recommendation.
8

9 (2) ***

10
11 **(d) Findings**

12
13 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other
14 statutory and rule requirements applicable to the hearing, the court must make
15 the following findings in the written documentation of the hearing:
16

17 (A) Whether the rehabilitative goals for this child have been met and
18 juvenile court jurisdiction over the child as a ward is no longer required.
19 The facts supporting the finding must be stated on the record. This
20 finding is not required where dismissal of delinquency jurisdiction is
21 based on Penal Code section 236.14.
22

23 (B) - (C) ***

24
25 (D) For a child other than a dual status child:

26
27 (i) Who was not subject to the court's dependency jurisdiction at the
28 time he or she was adjudged a ward and is currently subject to an
29 order for a foster care placement, including a child whose
30 underlying petition is subject to vacatur under Penal Code section
31 236.14, whether the child appears to come within the description of
32 section 300 and cannot be returned home safely. The facts
33 supporting the finding must be stated on the record;
34

35 (ii) - (v)***

36
37 (2) ***

38
39 **(e) Orders**

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41 (1) - (3) ***
42

1 (4) For a child who was not subject to the court’s dependency jurisdiction at the
2 time he or she was adjudged a ward and is currently subject to an order for a
3 foster care placement, including a child whose underlying petition is subject to
4 vacatur under Penal Code section 236.14, the court must:

5
6 (A) Order the probation department or the child’s attorney to submit an
7 application under section 329 to the county child welfare services
8 department to commence a proceeding to declare the child a dependent
9 of the court by filing a petition under section 300 if the court finds:

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

12
13 (ii) The rehabilitative goals for the child included in his or her case
14 plan have been met and delinquency jurisdiction is no longer
15 required, or the underlying petition is subject to vacatur under
16 Penal Code section 236.14; and

17
18 (iii) The child appears to come within the description of section 300
19 and a return to the home of the parents or legal guardian may be
20 detrimental to his or her safety, protection, or physical or
21 emotional well-being.

22
23 (B) - (C) ***

24
25 **(f) Modification of jurisdiction—conditions**

26
27 (1) Whenever the court modifies its jurisdiction over a dependent or ward under
28 section 241.1, 607.2, or 727.2, the court must ensure that all of the following
29 conditions are met:

30
31 (A) The petition under which jurisdiction was taken at the time the
32 dependent or ward was originally removed from his or her parents or
33 legal guardian and placed in foster care is not dismissed until after the
34 new petition is sustained; and

35
36 (B) The order modifying the court’s jurisdiction contains all of the following
37 provisions:

38
39 (i) A reference to the original removal findings, the date those
40 findings were made, and a statement that the finding “continuation
41 in the home is contrary to the child’s welfare” and the finding
42 “reasonable efforts were made to prevent removal” made at that
43 hearing remain in effect;

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- (ii) A statement that the child continues to be removed from the parents or legal guardian from whom the child was removed under the original petition; and
- (iii) Identification of the agency that is responsible for placement and care of the child based upon the modification of jurisdiction.

(2) Whenever the court modifies jurisdiction over a young person under section 450(a)(1)(B), the court must ensure that all of the following conditions are met:

- (A) The order modifying the court’s jurisdiction must be made before the underlying petition is vacated;
- (B) The order modifying jurisdiction must contain the following provisions:
 - (i) Continuance in the home is contrary the child’s welfare, and reasonable efforts were made to prevent removal;
 - (ii) The child continues to be removed from the parents or legal guardians;
 - (iii) Identification of the agency that is responsible for placement and care of the young person based on modification of jurisdiction;
 - (iv) A statement that the underlying conviction and the arrest upon which it was based are vacated; and
 - (v) An order directing the Department of Justice and any law enforcement agency that has records of the arrest to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later.

Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1, 366.3, 366.31)

(a) Purpose

The primary purpose of the nonminor dependent status review hearing is to focus on the goals and services described in the nonminor dependent’s Transitional Independent Living Case Plan and the efforts and progress made toward achieving

1 independence and establishing lifelong connections with caring and committed
2 adults.

3
4 **(b) Setting and conduct of a nonminor dependent status review hearing**

5
6 (1) - (2) ***

7
8 (3) The hearing may be attended, as appropriate, by participants invited by the
9 nonminor dependent in addition to those entitled to notice under (c). If
10 delinquency jurisdiction is dismissed in favor of transition jurisdiction under
11 Welfare and Institutions Code section 450, the prosecuting attorney must not
12 appear at subsequent review hearings for the nonminor dependent.

13
14 (4) - (5) ***

15
16 **(c) Notice of hearing (§ 295)**

17
18 ***

19
20
21 **(d) Reports**

22
23 ***

24
25 **(e) Findings and orders**

26
27 ***

28
29 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**
30 **(§§ 224.1(b), 303, 388(e), 388.1)**

31
32 **(a) Purpose**

33
34 ***

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

36
37 ***

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

40
41 ***

42

1 **(d) Determination of prima facie showing**

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

8
9 (A) ~~The nonminor was previously under juvenile court jurisdiction subject to~~
10 ~~an order for foster care placement on the date he or she attained 18 years~~
11 ~~of age, or the nonminor is eligible to seek assumption of dependency~~
12 ~~jurisdiction pursuant to the provisions of subdivision (c) of section~~
13 ~~388.1; The nonminor is eligible to seek assumption of dependency~~
14 ~~jurisdiction under the provisions of subdivision (c) of section 388.1, or~~
15 ~~the nonminor was previously under juvenile court jurisdiction subject to~~
16 ~~an order for foster care placement on the date he or she attained 18 years~~
17 ~~of age, including a nonminor whose petition was vacated pursuant to~~
18 ~~Penal Code section 236.14.~~

19
20 (B) - (D) ***

21
22 (2) - (3) ***

23
24
25 **(e) Appointment of attorney**

26
27 ***

28
29 **(f) Setting the hearing**

30
31 ***

32
33 **(g) Notice of hearing**

34
35 (1) The juvenile court clerk must serve notice as soon as possible, but no later
36 than five court days before the date the hearing is set, as follows:

37
38 (A) The notice of the date, time, place, and purpose of the hearing and a
39 copy of the form JV-466 must be served on the nonminor, the
40 nonminor’s attorney, the child welfare services agency, the probation
41 department, or the Indian tribal agency that was supervising the
42 nonminor when the juvenile court terminated its delinquency,
43 dependency, or transition jurisdiction over the nonminor, and the

1 attorney for the child welfare services agency, the probation department,
2 or the Indian tribe. Notice must not be served on the prosecuting
3 attorney if delinquency jurisdiction has been dismissed and the
4 nonminor's petition is for the court to assume or resume transition
5 jurisdiction under Welfare and Institutions Code section 450.
6

7 (B) - (D) ***
8

9 (2) - (4) ***
10

11 **(h) Reports**

12 ***
13

14
15 **(i) Findings and orders**

16 ***
17
18

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: | |
| CHILD'S NAME: | |
| ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.24, 366.26, 727.3, 727.31 | CASE NUMBER: |

| | |
|--|--|
| Child's name: Date of birth: Age: | <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Father |
| Parent's name (if known): Parent's name (if known): | <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Mother <input type="checkbox"/> Father |

1. a. Hearing date: Time: Dept.: Room:
 b. Judicial officer:
 c. Parties and attorneys present:

2. The court has read and considered the assessment prepared under Welfare and Institutions Code section 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the social worker probation officer and other evidence.
3. The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. Notice has been given as required by law.
 b. This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.2; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. **For child 10 years of age or older who is not present:** The child was properly notified under Welfare and Institutions Code section 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
6. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code section 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
 parent (name): Mother Father
 parent (name): Mother Father

| | |
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| CHILD'S NAME: | CASE NUMBER: |
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8. a. There is clear and convincing evidence that it is likely the child will be adopted.
- b. This case involves an Indian child, and the court finds by evidence beyond a reasonable doubt, including the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. *(If item 8a or 8b is checked, go to item 9 unless item 10, 11, 12, or 13 is applicable. If item 8a or 8b is not checked, go to item 15 or 16.)* **The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.**

9. The parental rights of
- a. parent (name): Mother Father
- b. parent (name): Mother Father
- c. alleged fathers (names):
- d. unknown mother all unknown fathers

are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.

- e. **The adoption is likely to be finalized by (date):**
(If item 9 is checked, go to item 17.)

10. This case involves an Indian child. The parental rights of
- a. parent (name):
- b. parent (name):
- c. Indian custodians (names):
- d. alleged fathers (names):
- e. unknown mother all unknown fathers

are modified in accordance with the tribal customary adoption order of the (specify): _____ tribe, dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein. The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
(If item 10 is checked, go to item 17.)

11. The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship. Removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. *(If item 11 is checked, go to item 15 or 16.)*

12. Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check reasons below and go to item 15 or 16.)*
- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years of age or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either

- (1) under the age of 6; or
- (2) a member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.

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| CHILD'S NAME: | CASE NUMBER: |
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12. e. There would be substantial interference with the child's sibling relationship.
- f. The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.
- (2) The child's tribe has identified guardianship or another permanent plan for the child.
13. Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child *(if item 13 is checked, check reasons below and go to item 14)*:
- a. is a member of a sibling group that should stay together.
- b. has a diagnosed medical, physical, or mental disability.
- c. is 7 years of age or older.
14. a. Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:
- (Do not check in the case of a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c as appropriate, and go to item 17.)*
- b. Visitation between the child and
- | | | |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian <i>(name)</i> : | | |
| <input type="checkbox"/> other <i>(name)</i> : | | |
- is scheduled as follows *(specify)*:
- c. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.
15. The child's permanent plan is legal guardianship.
- (Name)*:
is appointed legal guardian of the child, and *Letters of Guardianship* will issue. *(Do not check in case of a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b as appropriate, and go to item 15c or 15d.)*
- a. Visitation between the child and
- | | | |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian <i>(name)</i> : | | |
| <input type="checkbox"/> other <i>(name)</i> : | | |
- is scheduled as follows *(specify)*:
- b. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.
- c. Dependency Wardship is terminated.
- d. Dependency Wardship is terminated. The likely date for termination of the dependency or wardship is *(date)*:
(If this item is checked, go to item 17.)

The juvenile court retains jurisdiction of the guardianship under Welfare and Institutions Code section 366.4.

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| CHILD'S NAME: | CASE NUMBER: |
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16. a. The child remains placed with *(name of placement)*:
with a permanent plan of *(specify)*:
- | | |
|--|--|
| (1) <input type="checkbox"/> Returning home | (5) <input type="checkbox"/> Permanent placement with a fit and willing relative |
| (2) <input type="checkbox"/> Adoption | (6) <input checked="" type="checkbox"/> Another planned permanent living arrangement |
| (3) <input type="checkbox"/> Tribal customary adoption | |
| (4) <input type="checkbox"/> Legal guardianship | |

The child's permanent plan is likely to be achieved by (date):
(If item 16a is checked, provide for visitation in items 16b and 16c as appropriate, and go to item 17.)

- b. Visitation between the child and
- | | | |
|---|---------------------------------|---------------------------------|
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> parent <i>(name)</i> : | <input type="checkbox"/> Mother | <input type="checkbox"/> Father |
| <input type="checkbox"/> legal guardian <i>(name)</i> : | | |
| <input type="checkbox"/> other <i>(name)</i> : | | |
- is scheduled as follows *(specify)*:

- c. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.

17. The child's placement is necessary.
18. The child's placement is appropriate.
19. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan. If this case involves an Indian child, the court finds that the agency has made active efforts to provide remedial and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful.
20. The services set forth in the case plan include those needed to assist the child age 14 or older in making the transition from foster care to successful adulthood. *(This finding is required only for a child 14 years of age or older.)*
21. The child remains a dependent ward of the court. *(If this box is checked, go to items 22 and 23 if applicable, and items 24 and 25.)*
22. All prior orders not in conflict with this order will remain in full force and effect.
23. Other *(specify)*:

24. Next hearing date: _____ Time: _____ Dept: _____ Room: _____
- a. Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family
- b. Continued hearing under section 366.24(c)(6) for receipt of the tribal customary adoption order
- c. Six-month postpermanency review

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| CHILD'S NAME: | CASE NUMBER: |
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25. The Parent (*name*): Mother Father
 Parent (*name*): Mother Father
 Indian custodian (*name*):
 Child
 Other (*name*):

have been advised of their appeal rights (under Cal. Rules of Court, rule 5.590).

Date: _____

_____ JUDICIAL OFFICER

| | | |
|---|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: |

- | | Present | Attorney (name) | Present |
|--|--------------------------|-----------------|--------------------------|
| 1. Parties (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"/> The report of the social worker dated: | | | |
| b. <input type="checkbox"/> The report of the 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:

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. The nonminor is neither present in court nor participating by telephone and
- a. the nonminor expressed a wish not to appear for the hearing and did not appear.
- b. the nonminor's current location is unknown. Reasonable efforts were were not made to find him or her.
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 now meet any of the eligibility criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
- b. The nonminor meets the following criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
- (1) The nonminor attends high school or a high school equivalency certificate (GED) program.
- (2) The nonminor attends a college, a community college, or a vocational education program.
- (3) The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
- (4) The nonminor is employed at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities in (1)–(4) due to a medical condition.
13. The nonminor has an 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 interests.
14. The nonminor has an application pending for Special Immigrant Juvenile status or other immigration relief for which an active juvenile court case is required.
15. The nonminor was informed of the options available to make the transition from foster care to independence and successful adulthood.
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 and that if jurisdiction is then terminated, the court will maintain general jurisdiction for the purpose of reviewing a request to resume jurisdiction over him or her as a nonminor dependent.
18. The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a petition asking the court to resume dependency jurisdiction or transition jurisdiction over him or her as a nonminor dependent as long as he or she has not yet reached 21 years of age.
19. a. The nonminor was provided with the information, documents, and services required under Welfare and Institutions 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 despite the department's reasonable efforts, and for that reason the nonminor was not provided with the information, documents, services, and form specified in item 19a.
20. The nonminor is subject to delinquency jurisdiction and either was previously a dependent of the court under section 300 or was placed in foster care under section 727. The requirements of Welfare and Institutions Code, § 607.5, were were not met.

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| NONMINOR'S NAME: | CASE NUMBER: |
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21. The nonminor is an Indian child under the Indian Child Welfare Act and was was not informed of his or her right to choose whether the Act will continue to apply to him or her as a nonminor dependent.
 The nonminor wants does not want the Indian Child Welfare Act to continue to apply.
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 identifies the nonminor's level of functioning, emancipation goals, and specific skills he or she needs to prepare for successful adulthood upon leaving foster care.
- c. The 90-day Transition Plan is a concrete, individualized plan that specifically covers 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 dependent's continued placement is necessary.**
24. **The nonminor dependent's continued placement is no longer necessary.**
25. The nonminor dependent's current placement is appropriate.
26. The nonminor dependent's current placement is not appropriate. The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
27. The nonminor dependent's Transitional Independent Living Case Plan does does not include appropriate and meaningful independent living skill services that will help the youth transition from foster care to successful adulthood.
28. The county agency has has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.
29. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been excellent satisfactory minimal.
- b. The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in his or her efforts to attain those goals were stated on the record.
30. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:
31. The nonminor meets at least one of the conditions listed in item 12(b)(1)–(5) and
- a. **dependency jurisdiction** **transition jurisdiction** **over the nonminor as a nonminor dependent is ordered.**
- b. The nonminor's permanent plan is
- (1) Return home
 - (2) Adoption
 - (3) Tribal customary adoption
 - (4) Placement with a fit and willing relative
 - (5) Another planned permanent living arrangement
 - (6) Other (specify):
- c. For nonminor's placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because:
- (1) The nonminor is 18 or older.
 - (2) Other (specify):

| | |
|------------------|--------------|
| NONMINOR'S NAME: | CASE NUMBER: |
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31. **The compelling reasons why other permanent plan options are not in the nonminor's best interest are:**
- (1) The nonminor wants to live independently.
 - (2) Other (specify):
 - d. Family reunification services are continued
 - e. The Indian Child Welfare Act does does not continue to apply.
 - f. The matter is set for further hearing.
32. 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 nonminor's most recent status review hearing.
33. Reasonable efforts were made to find the nonminor, and his or her location remains unknown. **Juvenile court jurisdiction over the nonminor is terminated.** The nonminor remains under the general jurisdiction of the juvenile court for the purpose of its considering a petition filed under Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
34. 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. meets 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. meets 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 findings required in items 10, 16, 19a, and 22c of this form were made, and the nonminor was given an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365). **Juvenile court jurisdiction over the nonminor is terminated.** The nonminor remains under the general jurisdiction of the juvenile court for the purpose of its considering a petition filed under Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
35. The nonminor is 21 years of age or older and no longer subject to the jurisdiction of the juvenile court under section 303. The findings required by items 19 and 22c were made. **Juvenile court jurisdiction over the nonminor is dismissed.** The attorney for the nonminor is relieved 60 days from today's date.
36. **Other findings and orders**
- a. See attachment 36a.

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

b. Other (specify):

37. The next hearing is scheduled as follows:

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

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

38. Number of pages attached: _____

Date:

JUDICIAL OFFICER

| | |
|------------------|--------------|
| NONMINOR'S NAME: | CASE NUMBER: |
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- 10. The nonminor dependent's Transitional Independent Living Case Plan does include a plan for him or her to satisfy at least one of the criteria in Welfare and Institutions Code section 11403(b) to remain in foster care under juvenile court jurisdiction as indicated below:
 - a. Attending high school or a high school equivalency certificate (GED) program.
 - b. Attending a college, a community college, or a vocational education program.
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - d. Employed at least 80 hours per month.
 - e. The nonminor dependent is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, or an employment program or activity or to work 80 hours per month due to a medical condition.

- 11. The county agency has has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with one of the conditions in Welfare and Institutions Code section 11403(b).

- 12. The nonminor dependent was was not provided with the information, documents, and services as required under Welfare and Institutions Code section 391(e).

- 13. The Transitional Independent Living Case Plan was was not developed jointly by the nonminor dependent and the county agency.

- 14. For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the representative from his or her tribe was was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.

- 15. The nonminor dependent's Transitional Independent Living Case Plan does does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what he or she needs to achieve successful adulthood and set out benchmarks that indicate how both the county agency and nonminor dependent will know when successful adulthood can be achieved.

- 16. The nonminor dependent's Transitional Independent Living Case Plan does does not include appropriate and meaningful independent living skill services that will help the youth transition from foster care to successful adulthood.

- 17. The county agency has has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.

- 18. The county agency has has not made ongoing and intensive efforts to finalize the permanent plan.

- 19. The nonminor dependent did did not sign and receive a copy of his or her Transitional Independent Living Case Plan.

- 20. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been excellent satisfactory minimal.
 - b. The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in his or her efforts to attain those goals were stated on the record.

- 21. The county agency has has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the department has has not been evaluated.

- 22. The county agency has has not made reasonable efforts to maintain relations between the nonminor dependent and individuals who are important to him or her, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.

- 23. The county agency has has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with his or her siblings who are under juvenile court jurisdiction.

- 24. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:

- 25. 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 rule 5.555 of the California Rules of Court is ordered.

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| NONMINOR'S NAME: | CASE NUMBER: |
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26. At a hearing under rule 5.555 of the California Rules of Court held on the date below, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367), and juvenile court jurisdiction is terminated under to those findings and orders.

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

- a. the youth's permanent plan is:
- (1) return home
 - (2) adoption
 - (3) tribal customary adoption
 - (4) placement with a fit and willing relative
 - (5) another planned permanent living arrangement
 - (6) other (specify):

b. for nonminors placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because:

- (1) The nonminor is 18 or older.
- (2) Other (specify):

The compelling reasons why other permanent plan options are not in the nonminor's best interest are:

- (1) The nonminor wants to live independently.
- (2) Other (specify):

c. family reunification services are continued

d. The matter is continued for a hearing set under Welfare and Institutions Code section 366.31, and rule 5.903 of the California Rules of Court within the next six months.

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

29. Other findings and orders

- a. See attachment 30a.
- b. (Specify):

30. Additional findings and orders for nonminor dependent with case plan of continued family reunification services

- a. The agency has has not complied with the case plan by making reasonable efforts to create a safe home for the nonminor dependent 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
 - (1) by the father:
 - (2) by the mother:
 - (3) by the nonminor:
 - (4) other (specify):
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood is:
- d. (1) The nonminor can safely reside in the family home and may return to the family home.
 - (a) The court maintains jurisdiction under Welfare and Institutions Code section 303(a) and a review hearing under Welfare and Institutions Code section 366.31 is ordered.
 - (b) 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 Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is ordered.

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| NONMINOR'S NAME: | CASE NUMBER: |
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30. d. (2) The nonminor cannot safely reside in the family home, and reunification services are continued.
- (a) The nonminor dependent and parent(s) of guardian(s) are in agreement with the continuation of reunification services.
 - (b) Continued reunification services are in the best interest of the nonminor dependent.
 - (c) There is a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.
 - (d) The matter is continued for a review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court within the next six months.
- (3) The nonminor cannot safely reside in the family home and reunification services are terminated (*check all that apply*).
- (a) The nonminor dependent and parent(s) or guardian(s) are not in agreement with the continuation of reunification services.
 - (b) Continued reunification services are not in the best interest of the nonminor dependent.
 - (c) There is not a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.

31. Additional findings and orders for nonminor residing in the home of a parent or former legal 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 Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is ordered.
 - (2) Court supervision and juvenile court jurisdiction continues to be necessary. The court maintains jurisdiction under Welfare and Institutions Code section 303(a). The matter is continued for a review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court 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 complied with the nonminor's Transitional Independent Living Case Plan, including efforts to prepare the nonminor for successful adulthood.

32. The next hearings are scheduled as follows:

- a. Nonminor dependent status review hearing (Welfare & Institutions Code, § 366.31; Cal. Rules of Court, rule 5.903)
- | | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|
- b. Hearing to consider termination of jurisdiction under rule 5.555 of the California Rules of Court.
- | | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|
- c. Other (*specify*):
- | | | | |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

33. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

How to Ask to Return to Juvenile Court Jurisdiction and Foster Care

Some 18-, 19-, and 20-year-olds can reopen their court case and return to foster care. This form explains:

- The benefits of returning to foster care,
- Who qualifies to return to foster care, and
- How to ask to reopen your court case and return to a foster care placement.

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

If you ask the court to reopen your court case and return to foster care as a nonminor dependent, you can get money to live in supervised foster care. You may be able to live in 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; or
- 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 to juvenile court jurisdiction and foster care?

You qualify if you meet these requirements:

Court Jurisdiction Requirements

- You are now 18, 19, or 20 years old;
- You were in foster care on your 18th birthday and your case was vacated (Penal Code section 236.14);
- You were in foster care on your 18th birthday;* **OR**
- You were placed by the juvenile court in a guardianship or adoption; and
 - Your guardian(s) or adoptive parent(s) were receiving payments for your support on or after your 18th birthday; and

- Your guardian(s) or adoptive parent(s) died on or after your 18th birthday, or they no longer support you and no longer receive payments for your support.

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

Work/School Requirements

You must plan 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.
- 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 any 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 the juvenile court to reopen my court case and return to foster care?

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

If you want to fill out the form yourself, you can find a lot of the information you need on form JV-365, *Termination of Juvenile Court Jurisdiction—Nonminor*, which 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 public 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
- An adult you trust.

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 at the courthouse in the county where your court case was closed.

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 juvenile court clerk's office at the courthouse in the county where your court case was closed.

If you file by mail because you live outside of California, you must send it to juvenile court clerk's office at the courthouse in the county where your court case was closed.

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 court in the county where your court case was closed will decide if your court case should be reopened.

The judge can decide that:

- **You do not qualify** because of your age. If this happens, you cannot file another request.
- **The information you gave to the court** shows that you do not meet one of the eligibility requirements or the court needs more information to decide your case. If this happens, the court will deny your request and send you a letter explaining why your request was denied. 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 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 meet the requirements.

This form can be used to ask the court to reopen your case because your situation changed and you decide that you want 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.

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the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Name:

Court fills in case number when form is filed.

Case Number:

- ① My information:
- My address: _____

 - My city, state, zip code: _____
 - My area code and telephone number: _____
 - My date of birth: _____
- ② The location of the juvenile court that had authority over me when I was 18 years old or when my guardianship or adoption was finalized:
- City: _____
 - County: _____
- ③ The name and court file number or case number of my case in juvenile court:
- Name of my case: _____
 - Court file number or case number: _____
- ④ a. The date the juvenile court closed my case: _____
- b. My arrest and conviction was was not vacated based on Penal Code section 236.14.
- 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: _____

- 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, or 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 If you were in a guardianship on your 18th birthday or adopted from foster care, please check all that apply below. If not, skip to 9.
- a. I was placed by the juvenile court in a guardianship.
 - b. I was adopted from foster care.
 - c. My guardian(s) or adoptive parent(s) were receiving payments for my support on or after my 18th birthday.
 - d. My guardian(s) or adoptive parent(s) died on or after my 18th birthday.
 - e. My guardian(s) or adoptive parent(s) are no longer supporting me.
 - f. My guardian(s) or adoptive parent(s) no longer receive payments for my support.

9 The judge will set a hearing about this request if the judge thinks that he or she has enough information to decide whether you have met 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 former 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: _____

10 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:

Your name: _____

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

NO. I did not have a CASA.

YES. I did have a CASA.

Would you like the CASA to be told about the hearing if the judge schedules a hearing?

NO. I do not want the CASA to be told about the hearing.

YES. I want the CASA to be told about the hearing. The name of the person who was my CASA is:

12 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.

13 Your verification:

I declare under penalty of perjury under the laws of the State of California that the information on this form, all attachments, and 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



Case Number:

Your name: _____

14 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 on this form, all attachments, and 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

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: | |
| FINDINGS AND ORDERS REGARDING PRIMA FACIE SHOWING ON NONMINOR'S REQUEST TO REENTER FOSTER CARE | CASE NUMBER: |

Findings and Orders: Prima Facie Showing Made

1. The court has read and considered
 - a. Request to Return to Juvenile Court Jurisdiction and Foster Care (form JV-466) filed by (name):
on (date):
 - b. Other (specify):
 - c. Other (specify):

2. The court finds that a prima facie showing has been made that
 - a. The nonminor was previously under juvenile court jurisdiction with an order for foster care placement when he or she was 18 years of age, based on a petition that was vacated under Penal Code section 236.14; or
 - b. 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.
 - c. the nonminor is under 21 years of age.
 - d. the nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a voluntary reentry agreement.
 - e. the nonminor intends to satisfy at least one of the conditions described in Welfare and Institutions Code section 11403(b) as follows (check all that apply):
 - (1) Attending high school or a high school equivalency certificate (GED) program
 - (2) Attending a college, community college, or vocational education program
 - (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - (4) Employed for at least 80 hours per month
 - (5) Unable to attend high school, a GED program, college, community college, a vocational education program, or an employment program or activity, or to work 80 hours per month due to a medical condition

- 3 **The court orders the following:**
 - a. The nonminor's request to return to foster care is set for hearing on (specify date within 15 days of the date form JV-466 was filed):
 - b. An attorney is appointed to represent the nonminor solely for the hearing on the request.
 - c. Other orders:

Findings and Orders: Prima Facie Showing Not Made

4. The court has read and considered
 - a. Request to Return to Juvenile Court Jurisdiction and Foster Care (form JV-466) filed by (name):
on (date):

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

- 4. b. Other (specify):
- c. Other (specify):

- 5. The court finds that a prima facie showing has not been made. The nonminor's request to return to foster care is denied because (check all that apply)
 - a. the nonminor was not previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age
 - b. the nonminor is over 21 years of age
 - c. the nonminor does not want assistance to maintain or secure an appropriate, supervised placement or does not agree to a supervised placement under a voluntary reentry agreement
 - d. the nonminor does not intend to satisfy at least one of the conditions described in Welfare and Institutions Code section 11403(b), and stated below:
 - (1) Attending high school or a high school equivalency certificate (GED) program
 - (2) Attending a college, community college, or vocational education program
 - (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - (4) Being employed for at least 80 hours per month
 - (5) Unable to attend high school, a GED program, college, community college, a vocational education program, or an employment program or activity or to work 80 hours per month due to a medical condition
 - e. Other (specify reason for denial):

- 6. The nonminor may file a new request when the issues are resolved.
- 7. The court clerk must serve on the nonminor the following documents:
 - a. A copy of the written order
 - b. Blank copies of *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)
 - c. A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO)
 - d. The names and contact information of attorneys approved by the court to represent children in juvenile court proceedings who have agreed to provide a consultation to nonminors whose requests are denied due to the failure to make a prima facie showing

Date:

JUDICIAL OFFICER

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

4. e. (2) Attending a college, community college, or vocational education program
 (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 (4) Being employed for at least 80 hours per month
 (5) Unable to do any of the activities in e(1)–(5) due to a medical condition
- f. Continuing in a foster care placement is in the nonminor's best interest.
- g. 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.
- h. The nonminor, who is an Indian child, chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.
5. The court makes the orders stated below:
- a. The court grants the request to resume jurisdiction, and juvenile court jurisdiction shall resume over the nonminor as a nonminor dependent.
- b. Placement and care are vested with the placing agency.
- c. The placing agency must develop with the nonminor a new Transitional Independent Living Case Plan and file it with the court within 60 days.
- d. The social worker or probation officer must consult with the tribal representative regarding a new Transitional Independent Living Case Plan.
- e. A nonminor dependent review hearing under Welfare and Institutions Code section 391 and rule 5.903 of the California Rules of Court is set for *(specify a date that is within six months of the date the voluntary reentry agreement was signed)*:
- f. The prior order appointing an attorney for the nonminor is continued, and that attorney is appointed until the jurisdiction of the juvenile court is terminated.

Court Denies Request

6. a. The court finds that the nonminor is under 21 years of age, but the nonminor does not intend to satisfy at least one of the conditions under Welfare and Institutions Code section 11403(b), or the nonminor and the placing agency have not entered into a reentry agreement.
- (1) The nonminor's request to return to foster care is denied. The request is denied because *(specify the reasons for denial)*:
- (2) The nonminor may file a new request when the circumstances change.
- (3) The order appointing an attorney to represent the nonminor is terminated, and the attorney is relieved as of *(specify date seven calendar days after the hearing)*:
- b. The court finds that the nonminor is over 21 years of age.
- (1) The request to have juvenile court jurisdiction resumed is denied; and
- (2) The order appointing an attorney to represent the nonminor is terminated, and the attorney is relieved as of *(specify date seven calendar days after the hearing)*:

Findings and Orders: Service

7. The written findings and orders must be served by the juvenile court clerk on all persons who were served with notice of the hearing.
- a. Service must be by personal service or first-class mail within three court days of the issuance of the order.
- b. Proof of service must be filed.

Date:

JUDICIAL OFFICER

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: | | |
| CHILD'S NAME: | | |
| FINDING AND ORDERS FOR CHILD APPROACHING MAJORITY—DELINQUENCY | CASE NUMBER: | |
| Judicial Officer: | Court Clerk: | Court Reporter: |
| Bailliff: | Other Court Personnel: | Interpreter: Language: |

Use this form to document the juvenile court's findings and orders regarding the possible modification of jurisdiction over the child, from delinquency jurisdiction to transition jurisdiction or dependency jurisdiction, the child's plans for independent living, and his or her status as a nonminor dependent as stated in rule 5.812 of the California Rules of Court at the following hearings:

1. A review hearing under Welfare and Institutions Code section 727.2, held on behalf of a child approaching majority;
2. A review hearing under Welfare and Institutions Code section 727.2, during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a child 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 child 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. This form also applies to children whose underlying petition is subject to vacatur pursuant to Penal Code section 236.14.

If this hearing is also a review hearing under Welfare and Institutions Code section 727.2 or section 727.3, the findings and orders required in that section and in rule 5.810 of the California Rules of Court must be made in addition to the findings and orders on this form.

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

Findings

1. a. The child's rehabilitative goals have been met. Juvenile court jurisdiction over the child as a ward is no longer required. The facts supporting this finding were stated on the record.
- b. The child's rehabilitative goals have not been met. Continued juvenile court jurisdiction over the child as a ward is required. The facts supporting this finding were stated on the record.
- c. The child's underlying petition is subject to vacatur under Penal Code section 236.14.

2. For a dual-status child for whom dependency jurisdiction was suspended under Welfare and Institutions Code section 241.1(e)(5)(A),
 - a. a return to the child's 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 were stated on the record.
 - b. 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 were stated on the record.

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| CHILD'S NAME: | CASE NUMBER: |
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3. For a dual-status child for whom the probation department was designated the lead agency under Welfare and Institutions Code section 241.1(e)(5)(B),
 - a. a return to the child's home would 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 were stated on the record.
 - b. a return to the child's home would not be detrimental to the child, and juvenile court jurisdiction over the child as a dependent is not required. The facts supporting this finding were stated on the record.

4. For other than a dual status child,
 - a. the child was not a court dependent at the time he or she was declared a ward. The child does does not appear to come within the description of Welfare and Institutions Code section 300, and can cannot be returned home safely. The facts supporting this finding were stated on the record and the underlying petition is subject to vacatur under Penal Code section 236.14.
 - b. the child was subject to an order for a foster care placement as a dependent of the court at the time he or she was adjudged a ward and does does not remain within the description of a dependent child under Welfare and Institutions Code section 300, and a return to the home of his or her parents or legal guardian would would not create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. The facts supporting the findings were stated on the record.
 - c. reunification services have have not been terminated.
 - d. the child's case has has not been set for a hearing to terminate parental rights or establish a guardianship.
 - e. The child does does not intend to sign a mutual agreement for a placement in a supervised setting as a nonminor dependent.

5. The child's Transitional Independent Living Case Plan includes a plan for the child to satisfy at least one of 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 plans to attend a college, community college, or 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 plans to be employed at least 80 hours a month.
 - e. The child may not be able to attend school, college, a vocational 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.

6. 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.

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 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 because it is not necessary.

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| CHILD'S NAME: | CASE NUMBER: |
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9. The child has an in-progress application pending for Special Immigrant Juvenile 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 child, and the child has stated that he or she understands those benefits.
11. The child was informed that he or she may decline to become a nonminor dependent.
12. The child 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 child was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a request to return to foster care and have the court assume or resume jurisdiction over him or her as a nonminor dependent.
14. a. All the information, documents, and services required by Welfare and Institutions Code section 391(e) were provided to the child.
- b. Not all the information, documents, and services required by Welfare and Institutions Code section 391(e) were provided to the child.
- (1) The barriers to providing any missing information, documents, or services can be overcome by the date the child attains 18 years of age.
- (2) The barriers to providing any missing information, documents, or services may not be overcome by the date the child attains 18 years of age.
15. The child was was not provided with the notices and information required under Welfare and Institutions Code section 607.5.

Orders

16. The court, having previously determined that the child is a dual-status child under Welfare and Institutions Code section 241.1(e)(5)(A), and that juvenile court jurisdiction over the child as a dependent should be resumed, orders that
- a. dependency jurisdiction over the child previously suspended is resumed and delinquency jurisdiction is dismissed.
- b. the matter is continued for a status review hearing set under Welfare and Institutions Code section 366.21 or section 366.31, on the date stated on the record, which is within six months of the date of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
17. The court having previously determined that the child is a dual status child under Welfare and Institutions Code section 241.1(e)(5)(B), that the child's rehabilitative goals were achieved, that a return to the child's home would be detrimental, and that juvenile court jurisdiction over the child as a dual-status child is no longer required, orders that
- a. 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.
- b. the matter is continued for a status review hearing set under Welfare and Institutions Code section 366.21 or section 366.31, on the date stated on the record, which is within six months of the date of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
18. The child comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- a. The child 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 made at that hearing—"continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal"—remain in effect.

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| CHILD'S NAME: | CASE NUMBER: |
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18. c. The child welfare services department probation department is responsible for the child's placement and care.

The child 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 Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.

19. The child comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450, in that his or her underlying petition is subject to vacatur under Penal Code section 236.14.

- a. Continuanance in the home is contrary to the child's welfare;
- b. Reasonable efforts have been made to prevent or eliminate the need for removal, and the child remains removed from the parent or guardian;
- c. The conviction in petition number _____ is vacated, along with the underlying arrest pursuant to Penal Code section 236.14;
- d. The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
- e. The probation department social services agency is responsible for the child's placement and care.

20. The child (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 Welfare and Institutions Code section 300 and cannot be returned home safely.

- a. The probation officer child's attorney must submit an application under Welfare and Institutions Code section 329 to the child welfare services department to commence a proceeding to declare the child a dependent of the court.
- b. The matter is set for a hearing to review the child welfare services department's decision on the date stated on the record, which is within 20 court days of the date of this order.

21. The child (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 Welfare and Institutions Code section 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 child 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 made at that hearing—"continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal"—remain in effect.
- c. The child welfare services department probation department is responsible for the child's placement and care.

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 set under rule 5.903 of the California Rules of Court, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.

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| CHILD'S NAME: | CASE NUMBER: |
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22. Jurisdiction over the child is not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction.
- a. The child 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 child is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the child is terminated as stated 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 child 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 rule 5.903 of the California Rules of Court, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
 - (2) The child 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 Welfare and Institutions Code sections 607.2(b)(4) and 607.3 is set for the date stated on the record, which is within one month of the child's 18th birthday.
 - (b) A status review hearing is set under Welfare and Institutions Code section 727.2, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.

23. **The next hearings are scheduled as follows:**

- a. Nonminor dependent status review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court

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

- b. Hearing to consider termination of jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court

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

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

Date:

JUDICIAL OFFICER

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: | | |
| CHILD'S NAME: | | |
| FINDINGS AND ORDERS AFTER HEARING TO MODIFY DELINQUENCY JURISDICTION TO TRANSITION JURISDICTION FOR CHILD YOUNGER THAN 18 YEARS OF AGE | CASE NUMBER: | |
| Judicial Officer: | Court Clerk: | Court Reporter: |
| Bailiff: | Other Court Personnel: | Interpreter: Language: |

Use this form to document the findings and orders regarding the modification of delinquency jurisdiction to transition jurisdiction for a child older than 17 years, 5 months and younger than 18 years of age, who

- qualifies for vacatur of his or her underlying petition pursuant to Penal Code section 236.14 or has met his or her rehabilitative goals;
- is under an order for foster care placement;
- wants to remain in extended foster care under the transition jurisdiction of the juvenile court;
- is not receiving reunification services; and
- does not have a hearing set for termination of parental rights or establishment of guardianship.

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|--|---------------------------------|---------------------------------|--------------------------|
| 1. Parties (name) | <u>Present</u> | <u>Attorney (name):</u> | <u>Present</u> |
| a. Ward: | <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. (Name): | <input type="checkbox"/> Father | <input type="checkbox"/> Mother | <input type="checkbox"/> |
| b. (Name): | <input type="checkbox"/> Father | <input type="checkbox"/> Mother | <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. <input type="checkbox"/> Others present | | | |
| a. Other (name): | | | |
| b. Other (name): | | | |
| c. Other (name): | | | |

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| CHILD'S NAME: | CASE NUMBER: |
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7. The court has read and considered and admits into evidence

- a. report of social worker dated:
- b. report of probation officer dated:
- c. other (specify):
- d. other (specify):
- e. other (specify):

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

Findings

8. Notice has has not been given as required by law.

9. a. The child comes within the description of Welfare and Institutions Code section 450, in that

- (1) the child is older than 17 years and 5 months and younger than 18, and the underlying petition is subject to vacatur under Penal Code section 236.14.
- (2) the child is older than 17 years, 5 months and younger than 18 years of age and is subject to an order for foster care placement.
- (3) the child was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the child was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
- (4) the child's rehabilitative goals as stated in the case plan have been met, and juvenile court's delinquency jurisdiction over him or her as a ward is no longer required.

b. The child does not come within the description of Welfare and Institutions Code section 450, in that (check all that apply)

- (1) the child is not more than 17 years, 5 months and less than 18 years of age and subject to a foster care placement order.
- (2) the child was not removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, nor was the child removed from the custody of his or her parents as a dependent of the court with an order for a foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
- (3) the child's rehabilitative goals as stated in the case plan have not been met, and the juvenile court's delinquency jurisdiction over him or her as a ward is required.

10. The child has has not been informed that he or she may decline to become a nonminor dependent and may have juvenile court jurisdiction terminated at a hearing under Welfare and Institutions Code section 391, and rule 5.555 of the California Rules of Court.

11. The child's return to the home of his or her legal guardian would would not create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. The facts supporting this finding were stated in the records.

12. Reunification services have have not been terminated.

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

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| CHILD'S NAME: | CASE NUMBER: |
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14. The child does does not intend to sign a mutual agreement for a placement in a supervised setting as a transition dependent.
15. The child's Transitional Independent Living Case Plan does does not include a plan for the child to satisfy at least one of the following conditions of eligibility to remain under juvenile court jurisdiction as a transition dependent (*check all that apply*):
- The child plans to continue attending high school or a high school equivalency certificate (GED) program.
 - The child has made plans to attend a college, a community college, or a vocational education program.
 - The child plans to participate in a program or activities to promote employment or overcome barriers to employment.
 - The child has made plans to be employed at least 80 hours per month.
 - The child may not be able to attend school, college, a vocational 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.
16. The child has has not had an opportunity to confer with his or her attorney.
17. The court makes the following orders modifying jurisdiction:
- The young person comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450(a)(1)(B) and 450(a)(2)(C).
 - Continuance in the home is contrary to the child's welfare;
 - Reasonable efforts have been made to prevent or eliminate the need for removal, and the child remains removed from the parent or guardian;
 - The conviction in petition number _____ is vacated, along with the underlying arrest pursuant to Penal Code section 236.14;
 - The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
 - The probation department social services agency is responsible for the child's placement and care.
 - The child is adjudged a transition dependent under the transition jurisdiction of this court.
 - Delinquency jurisdiction is terminated.
 - (*Insert name*): continues his/her court appointment is appointed by the court as the attorney of record for the child.
 - The matter is continued for a nonminor dependent status review hearing set under Welfare and Institutions Code section 366.31, and rule 5.903 of the California Rules of Court on (*date*): _____. This date is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

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| CHILD'S NAME: | CASE NUMBER: |
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18. **The court makes the following orders not modifying jurisdiction:**

- a. The child does not come within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- b. The child continues under the delinquency jurisdiction of the court.
- c. The matter is continued for a status review hearing on *(date)*: _____ . This date is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

19. **The court makes the following additional findings and orders to terminate jurisdiction:**

- a. The child has met his or her rehabilitative goals and does not wish to become a transition dependent.
- b. A hearing to consider termination of jurisdiction under Welfare and Institutions Code section 391, and rule 5.555 of the California Rules of Court is set on *(date)*:

Date:

 JUDICIAL OFFICER

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| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: 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: | | |
| CHILD'S NAME: | | |
| FINDING AND ORDERS AFTER HEARING TO MODIFY DELINQUENCY JURISDICTION TO TRANSITION JURISDICITON FOR WARD OLDER THAN 18 YEARS OF AGE | | |
| Judicial Officer: | Court Clerk: | Court Reporter: |
| Bailliff: | Other Court Personnel: | Interpreter: Language: |

- | | Present | <u>Attorney (name):</u> | Present |
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| 1. Parties (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. (Name): | <input type="checkbox"/> | Father | <input type="checkbox"/> |
| | <input type="checkbox"/> | Mother | <input type="checkbox"/> |
| b. (Name): | <input type="checkbox"/> | Father | <input type="checkbox"/> |
| | <input type="checkbox"/> | Mother | <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. <input type="checkbox"/> Others present | | | |
| a. Other (name): | | (Name): | |
| b. Other (name): | | (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): | | | |

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

Findings

8. Notice has has not been given as provided by law.
9. a. The nonminor comes within the description of Welfare and Institutions Code section 450 in that
- (1) the ward is a nonminor ward in foster care placement who was a ward subject to an order for foster care placement on the day of his or her 18th birthday and is under the age of 21.
 - (2) the ward was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the ward was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
 - (3) the ward's rehabilitative goals as stated in the case plan have been met, and juvenile court's delinquency jurisdiction over him or her as a ward is no longer required.
- b. The nonminor comes within the description of Welfare and Institutions Code section 450 in that the young person is under 21 years of age and in a foster care placement based on a petition that is subject to vacatur under Penal Code section 236.14.
- (1) the child was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the child was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
- c. The ward does not come within the description of Welfare and Institutions Code section 450, in that *(select all that apply)*
- (1) the ward was not subject to an order for foster care placement on the day of his or her 18th birthday.
 - (2) the ward is over the age of 21.
 - (3) the ward was not removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, nor was the ward removed from the custody of his or her parents as a dependent of the court with an order for a foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
 - (4) the ward's rehabilitative goals as stated in the case plan have not been met, and the juvenile court's delinquency jurisdiction over him or her as a ward is required.
10. The ward has has not been informed that he or she may decline to become a nonminor dependent and may have juvenile court jurisdiction terminated at a hearing under rule 5.555 of the California Rules of Court.
11. The nonminor was was not informed that if juvenile court jurisdiction is terminated, the nonminor can file a request to return to foster care and may have the court resume jurisdiction over the ward as a nonminor dependent.
12. The benefits of remaining under juvenile court jurisdiction as a nonminor dependent were were not explained and the nonminor understands them.
13. The ward has has not signed a mutual agreement with the responsible agency for placement in a supervised setting as a nonminor dependent.

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| NONMINOR'S NAME: | CASE NUMBER: |
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14. The ward's Transitional Independent Living Case Plan does does not include a plan for the ward to satisfy at least one of the following conditions of eligibility to remain under juvenile court jurisdiction as a transition dependent (check all that apply):
- a. The ward plans to continue attending high school or a high school equivalency certificate (GED) program.
 - b. The ward has made plans to attend a college, a community college, or a vocational education program.
 - c. The ward plans to participate in a program or activities to promote employment or overcome barriers to employment.
 - d. The ward has made plans to be employed at least 80 hours per month.
 - e. The ward may not be able to attend school, college, a vocational 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.

15. The ward has has not had an opportunity to confer with his or her attorney.

16. **The court makes the following orders modifying jurisdiction:**

- a. The young person comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450(a)(1)(B) and 450(a)(2)(C).
 - (1) Continuance in the home is contrary to the child's welfare;
 - (2) Reasonable efforts have been made to prevent or eliminate the need for removal and the child remains removed from the parent or guardian;
 - (3) The conviction in petition number _____ is vacated, along with the underlying arrest pursuant to Penal Code section 236.14;
 - (4) The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
 - (5) The probation department social services agency is responsible for the child's placement and care.
- b. The ward comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
 - (1) The ward was originally removed from the physical custody of his or her parents or legal guardians on (specify date of detention hearing when removal findings were made): _____ and continues to be removed from their custody.
 - (2) The removal findings—"continuance 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.
 - (3) The probation department social services agency is responsible for the nonminor's placement and care.
- c. The nonminor is adjudged a nonminor dependent under the transition jurisdiction of this court.
- d. Delinquency jurisdiction is terminated.
- e. (Insert name): _____ continues his/her court appointment is appointed by the court as the attorney of record for the nonminor dependent.
- f. The matter is continued for a nonminor dependent status review hearing set under rule 5.903 of the California Rules of Court on (date): _____. This date is within six months of the nonminor's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

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

17. **The court makes the following orders not modifying jurisdiction:**

- a. The nonminor does not come within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- b. The nonminor continues under the delinquency jurisdiction of the court.
- c. The matter is continued for a status review hearing on *(date)*: _____ . This date is within six months of the nonminor's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

18. **The court makes the additional findings and orders to terminate jurisdiction:**

- a. The ward has met his or her rehabilitative goals, but does not wish to become a nonminor dependent.
- b. A hearing to consider termination of jurisdiction under Welfare and Institutions Code section 607.3, and rule 5.555 of the California Rules of Court is set on *(date)*:

Date:

JUDICIAL OFFICER

| | |
|------------|--------------|
| CASE NAME: | CASE NUMBER: |
|------------|--------------|

2. OFFENSE INFORMATION

I was arrested for and/or was made a ward of the court (adjudicated) for the offenses listed below:

| Arrest or Adjudication Ar=arrest Ad=adjudication | Report number (from the police report or the delinquency petition) | Date | Court Case Number | Jurisdiction (City and/or County) | Offense (Crime) Committed |
|--|--|------|-------------------|-----------------------------------|---------------------------|
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3. I committed the crime(s) listed above because I was a victim of human trafficking.

The facts that show I was a victim of human trafficking when I committed the crime are in:

- Police report number _____ that is dated _____ .
- Delinquency petition number _____ that is dated _____ .
- Dependency petition number _____ that is dated _____ .
- I have attached documents that are from the police department, probation department, or child welfare that show I was a victim of human trafficking.

4. I request that this court hear all of the arrests and adjudications that I want taken off my record, even if they did not happen in this county.

5. WAIVER OF APPEARANCE

a. I know that I have a right to attend any hearing about my request and argue on my behalf. I do not want to attend and agree that the hearing can be held without my presence. I have compelling reasons (good reasons) that I do not want to attend and they are written below:

b. I can appear at the hearing by telephone or videoconference.

6. REQUEST FOR INTERPRETER

If there is a hearing, I will need a (*language*) _____ interpreter.

7. I request that the court dismiss the adjudication(s) and the related petition(s) in the cases listed in item #2 of this request.

8. I request that the court expunge (take off) the arrest(s) listed in item #2 of this request.

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 INITIALS OF PETITIONER)

(SIGNED INITIALS OF PETITIONER OR SIGNATURE OF ATTORNEY)

| | |
|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ 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: _____ | |
| CASE NAME: _____ | |
| ORDER AFTER REQUEST TO VACATE ARREST OR CONVICTION (HUMAN TRAFFICKING VICTIM) (Penal Code, § 236.14) | CASE NUMBER: _____ Date: _____ Time: _____ Department: _____ |

From the petition/application filed in this matter, the records of the court, and any other evidence presented in this matter, the court finds as follows:

1. The applicant and/or counsel were personally present at the hearing, or appeared by phone or video conference.
2. The prosecutor did not file an opposition to the request. The request is considered unopposed.
3. The court finds:
 - The applicant was a victim of human trafficking when he or she committed the crime(s).
 - The applicant committed the crime because he or she was a human trafficking victim.
 - The applicant is making a good effort to distance him or herself from human trafficking.
 - It is in the best interest of the applicant and in the interest of justice for this court to grant the request.
4. The court grants denies the applicant's request to dismiss the adjudication(s) and related petition(s) and to vacate the adjudication(s) listed in the request.
5. The court grants denies the petitioner's request to expunge the arrest(s) listed in the request.
6. **If the court grants the requested relief:**
 - a. The Department of Justice is hereby notified that the applicant was a victim of human trafficking when he or she committed the crime, and of the relief ordered.
 - b. The following agencies and officials are ordered to seal and destroy their records of the applicant's arrest within three years from the date of the arrest or within one year after the granting of this order, whichever occurs later, and thereafter to destroy the court order to seal and destroy those records:
 - California Department of Justice
 - Law enforcement agency(s), with jurisdiction over the offense(s) (*specify all*):

Law enforcement agency(s) that arrested the applicant or participated in an arrest of the applicant (*specify all*):

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| CASE NAME: | CASE NUMBER: |
|------------|--------------|

- 6. c. The applicant may lawfully deny or refuse to acknowledge an arrest or adjudication that is set aside and vacated pursuant to this order.
 - d. The records of a set-aside and vacated arrest or adjudication must not be distributed to any state licensing board.
 - e. The record of a proceeding related to this request that is accessible to the public must not disclose the applicant's full name.
7. The request is denied without prejudice. The request is denied because the evidence presented did not show (provide reasons for denial):

8. The applicant is hereby granted a reasonable period of time to fix the problems noted above.

Date: _____
(JUDICIAL OFFICER)