

**Over a Dependent or Ward Age 18 or Older in a Foster Care Placement or Over a Nonminor Dependent**

(Welfare and Institutions Code sections 224.1(b), 303, 366.31, 391, 607.3, 16501.1(f)(16))

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**I. Applicability**

- A. This rule applies to any hearing during which the termination of the juvenile court's jurisdiction over the following nonminors will be considered:
    - 1. A nonminor dependent as defined in Welfare and Institutions Code section 11400(v)<sup>1</sup>; or
    - 2. A ward or dependent of the juvenile court 18 years of age or older and subject to a foster care placement order.
  - B. Nothing in the Welfare and Institutions Code or in the California Rules of Court<sup>2</sup> restricts the ability of the juvenile court to maintain dependency jurisdiction or delinquency jurisdiction over a person 18 years of age and older who does not meet the eligibility requirements for status as a nonminor dependent.
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**II. Setting and conduct of hearing**

- A. A court hearing must be placed on the appearance calendar and held before terminating juvenile court jurisdiction.
  - B. The hearing under this rule may be held during a hearing required under section 366(f), 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 or rule 5.903.
  - C. Notice of the hearing to the parents of a nonminor dependent as defined in section 11400(v) is not required.
  - D. If juvenile court jurisdiction was resumed after having previously been terminated, a hearing under this rule must be held if the nonminor dependent wants juvenile court jurisdiction terminated again.
  - E. If the court determines that the social worker's or probation officer's report prepared for the hearing, Transitional Independent Living Case Plan (TILCP), Transitional Independent Living Plan (TILP), and 90-day Transition Plan do not provide all information required below in section III and the court is unable to make all the findings and orders required below in sections IV and V, the hearing must be continued for no more than five court days for the submission of additional information.
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**III. Reports and supporting documents**

- A. The social worker or probation officer's report must include the following information:
  - 1. Whether remaining under juvenile court jurisdiction is in the nonminor's best interests and the facts supporting the conclusion reached;
  - 2. The specific criteria in section 11403(b) met by the nonminor that makes him or her eligible to remain under juvenile court jurisdiction as a nonminor dependent;
  - 3. For a nonminor to whom the Indian Child Welfare Act (ICWA) applies, when and how the nonminor was provided with information about the right to continue to be considered an Indian child for the purposes of the ongoing application of ICWA;
  - 4. Whether the nonminor has applied for title XVI Supplemental Security Income (SSI) benefits and, if so, the status of any pending application and whether remaining under juvenile court jurisdiction until a final SSI decision has been issued is in the nonminor's best interests;
  - 5. Whether the nonminor has applied for Special Immigrant Juvenile Status or other application for legal residency and, if so, the status of any pending application and whether an active juvenile court case is required for that application;
  - 6. When and how the nonminor was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent, and the social worker's assessment of the nonminor's understanding of those benefits;
  - 7. When and how the nonminor was informed that if juvenile court jurisdiction is terminated, the court maintains general jurisdiction over him or her, and the nonminor has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a nonminor dependent;

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

<sup>2</sup> All rule references are to the California Rules of Court unless otherwise indicated.

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8. When and how the nonminor was informed that if juvenile court dependency jurisdiction or transition jurisdiction is continued, he or she has the right to have that jurisdiction terminated;
  9. For a nonminor who is not present for the hearing:
    - a. Documentation of the nonminor's statement that the nonminor did not wish to appear in court for the scheduled hearing; *or*
    - b. Documentation of the reasonable efforts made to locate the nonminor whose current location is unknown; and
  10. Verification that the nonminor was provided with the information, documents, and services as required under section 391; *and*
  11. When and how a nonminor who is under delinquency jurisdiction was provided with the notices and information required under section 607.5.
- B. A completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365), the nonminor's TILCP if the recommendation is for continuation of juvenile court jurisdiction, the nonminor's most recent TILP, and the nonminor's completed 90-day Transition Plan must be filed with the social worker's or probation officer's report.
  - C. The social worker's or probation officer's report and all documents must be filed with the court at least 10 calendar days before the hearing, and the social worker or probation officer must provide copies of the report and other documents to the nonminor, the nonminor's parents, and all attorneys of record. If the nonminor is under juvenile court jurisdiction as a nonminor dependent, the social worker or probation officer is not required to provide copies of the report and documents to the nonminor dependent's parents.
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**Judicial Findings and Orders**

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

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**IV. Findings**

- A. Notice of the date, time, and location of the hearing was given as required by law;
- B. For a nonminor who is not present for the hearing, the reason for the nonminor's failure to appear was:
  1. The nonminor expressed a wish to not appear in court for the scheduled hearing and did not appear; or
  2. The nonminor's current location remains unknown although reasonable efforts were made to locate the nonminor.
- C. The nonminor had the opportunity to confer with his or her attorney about the issues currently before the court. (The nonminor must have had the opportunity to confer with his or her attorney prior to termination of jurisdiction unless the court finds the nonminor's whereabouts are unknown and reasonable efforts were made to locate the nonminor);
- D. Remaining under juvenile court jurisdiction  is  is not in the nonminor's best interests, and the facts in support of this finding were stated on the record.
- E.
  1. The nonminor does not meet the eligibility criteria in §11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction at this time; *or*
  2. The nonminor meets one or more of the eligibility criteria in section 11403(b) to remain in foster care as a nonminor dependent. The specific criteria met by the nonminor is
    - 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 NMD is not able to attend a high school, a GED program, a college, a community college, a vocational education program, an employment program or

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activity or to work 80 hours per month due to a medical condition;

- F. For a nonminor who has an in-progress application pending for title XVI Supplemental Security Income benefits: The nonminor has an in-progress application pending for title XVI Supplement Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure that the child receives continued assistance with the application process  is  is not in the nonminor's best interest;
- G. For a nonminor who has an in-progress application pending for Special Immigrant Juvenile Status or other legal residency application, an active juvenile court case  is  is not required for that application;
- H. The nonminor was informed of the options available to assist with the transition from foster care to successful adulthood;
- I. 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;
- J. The nonminor was informed that if juvenile court jurisdiction is continued, he or she may have the right to have juvenile court jurisdiction terminated and that the court will maintain general jurisdiction for the purpose of resuming dependency jurisdiction or assuming or resuming transition jurisdiction over him or her as a nonminor dependent;
- K. The nonminor was informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, he or she has the right to file a petition to have the court resume jurisdiction over him or her so long as he or she is within the eligible age range for status as a nonminor dependent;
- L. 1. The nonminor was provided with the information, documents, and services set forth in section 391(e) and a completed *Termination of Juvenile Court Jurisdiction Nonminor* (form JV-365) was filed with this court; *or*  
2. The nonminor was not provided with the information, documents, and services set forth in section 391(e) and juvenile court jurisdiction is continued to ensure that all information, documents, and services are provided (Continue jurisdiction for receipt of information, documents, and services unless the court finds the nonminor's whereabouts are unknown and reasonable efforts were made to locate the nonminor);
- M. For a nonminor subject to delinquency jurisdiction, the nonminor  was  was not provided with the notices and information required under section 607.5;
- N. For a nonminor to whom the Indian Child Welfare Act applies:  
1. The nonminor intends to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the nonminor as a nonminor dependent; *or*  
2. The nonminor does not intend to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the nonminor as a nonminor dependent;
- O. 1. 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 the agreements made to obtain independent living skills, and sets out the benchmarks that indicate how the nonminor and social worker or probation officer will know when successful adulthood can be achieved;  
2. The Transitional Independent Living Plan identified the nonminor's level of functioning, emancipation goals, and the specific skills he or she needs to prepare to live independently upon leaving foster care; *and*  
3. The 90-day Transition Plan is a concrete individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.

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**V. Orders: Juvenile court jurisdiction continued**

- A. The nonminor meets one or more of the conditions in section 11403(b) and eligibility criteria for status as a nonminor dependent *and*
- dependency jurisdiction  transition jurisdiction over the nonminor as a nonminor dependent is ordered;
  - The nonminor's permanent plan is independence after a period of placement in supervised settings specified in section 11402;
  - For a nonminor to whom the Indian Child Welfare Act applies: The nonminor is an Indian child and  has  has not elected to have the Indian Child Welfare Act apply;
  - The matter is continued for a hearing under section 366(f) and rule 5.903 on (*choose date within six months of today's hearing date*): \_\_/\_\_/\_\_.
- B. For the nonminor who does not meet and does not intend to meet section 11403(b) eligibility criteria for status as a nonminor dependent but is otherwise eligible: The nonminor does not meet and does not intend to meet section 11403(b) eligibility criteria for status as a nonminor dependent but is otherwise eligible and will remain under juvenile court jurisdiction in a foster care placement, with the matter set for a status review hearing on (*choose date within six months of today's hearing date*): \_\_/\_\_/\_\_.
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**VI. Orders: Juvenile court jurisdiction terminated**

- A. Reasonable efforts were made to locate the nonminor and his or her current location remains unknown. The juvenile court's jurisdiction over the minor is terminated. The nonminor remains under the general jurisdiction of the juvenile court for the purposes of its considering a petition filed under section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent; *or*
- B. The nonminor:
- Does not meet one or more of the eligibility criteria for status as a nonminor dependent and is not otherwise eligible to remain under juvenile court jurisdiction; or
  - Does meet one or more of the eligibility criteria for status as a nonminor dependent but does not wish to remain under juvenile court jurisdiction as a non minor dependent; or
  - Does meet one or more of 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 relevant findings under rule 5.555 were made (findings in this Chart C in section IV, items C, I, L(1), and O(3)) The juvenile court's 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 section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent; *or*
- C. The nonminor is no longer within the eligible age range for status as a nonminor dependent subject to the jurisdiction of the juvenile court. The relevant findings under rule 5.555 were made (findings in this Chart C in section IV, items L(1) or L(2) and O). Juvenile court jurisdiction over the nonminor is dismissed.

The information on this chart is based on the provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459) and the California Rules of Court, effective July 1, 2012. The chart was compiled by the Juvenile Court Assistance Team, Center for Families, Children & the Courts, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688, 415-865-4220, cfcc@jud.ca.gov