

I. Purpose

Rule 5.906 provides the procedures for the resumption of juvenile court jurisdiction over a nonminor.

II. Contents of the request

- A. The request to resume jurisdiction must be made using *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466).
 - B. The request must be verified by the nonminor or if the nonminor is unable to provide verification due to a medical condition, the nonminor's representative. The court may dismiss without prejudice a request filed under this rule that is not verified.
 - C. The request must be liberally construed in favor of its sufficiency.
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III. Filing the request

- A. The form JV-466 must be completed and verified by the nonminor or the nonminor's representative if the nonminor is unable to provide verification due to a medical condition and may be filed by the nonminor or the county child welfare services, probation department, or Indian tribe (placing agency).
 - B. For the convenience of the nonminor, form JV-466 and, if the nonminor wishes to keep his or her contact information confidential, *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) may be:
 1. Filed with the juvenile court that maintained general jurisdiction, or
 2. Submitted to the juvenile court in the county in which the nonminor currently resides, after which:
 - a. The court clerk must record the date and time the originals were submitted and give a copy of the originals marked as received to the nonminor at no cost to him or her.
 - b. The court clerk must forward those originals to the clerk of the court of general jurisdiction within two court days of submission of the originals.
 - c. The court in the county in which the nonminor resides is responsible for all costs of processing, copying, and forwarding the form JV-466 and form JV-468 to the clerk of the court of general jurisdiction.
 - d. The court clerk in the county in which the nonminor resides must retain a copy of the documents submitted.
 - e. The form JV-466 and, if submitted, the form JV-468 must be filed immediately upon receipt by the clerk of the juvenile court of general jurisdiction.
 3. For a nonminor living outside of California, the form JV-466 and the form JV-468 must be filed with the juvenile court of general jurisdiction.
 - C. If the form JV-466 is filed by the nonminor, within two court days of its filing with the clerk of the court in the county of general jurisdiction, the clerk of that court must notify the placing agency that was supervising the nonminor when juvenile court jurisdiction was terminated that the nonminor has filed the form JV-466 and provide the placing agency with the nonminor's contact information. The notification must be by telephone, fax, e-mail, or other method approved by the presiding juvenile court judge that will ensure prompt notification and inform the placing agency that a copy of the form JV-466 will be served on the agency and that one is currently available in the office of the juvenile court clerk.
 - D. If the form JV-466 has not been filed at the time the nonminor completes the Voluntary Reentry Agreement (VRA) described in section 11400(z), the placing agency must file the form JV-466 on the nonminor's behalf within 15 court days of the date the VRA was signed, unless the nonminor files form JV-466 prior to the expiration of the 15 court days.
 - E. No filing fees are required for the filing of form JV-466 or form JV-468. An endorsed, filed copy of each form filed must be provided at no cost to the nonminor or the placing agency that filed the request on the nonminor's behalf.
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IV. Determination of prima facie showing

- A. Within three court days of the filing of the form JV-466 with the clerk of the juvenile court of general jurisdiction, a juvenile court judicial officer must review the form JV-466 and determine whether a prima facie showing has been made that the nonminor meets all of the criteria set forth below and enter an order as set forth in section V.
 1. 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;
 2. On and after January 1, 2012, the nonminor will not have attained 19 years of age; or commencing January 1, 2013, he or she will not have attained 20 years of age; or commencing on January 1, 2014, he or she will not have attained 21 years of age;
 3. The nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement & agrees to a supervised placement under a VRA; and
 4. The nonminor intends to satisfy at least one of the eligibility criteria in section 11403(b).
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V. Finding and orders regarding prima facie showing

- A. On determining that a prima facie showing has been made, the judicial officer issues the following written orders:

1. 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): ___/___/___.
 2. An attorney is appointed to represent the nonminor solely for the hearing on the request (See section VI below.)
 - B. On determining that a prima facie showing has not been made, the judicial officer issues the following written orders:
 1. The nonminor's request to return to foster care is denied. The request is denied because (specify the reasons for the denial):
 2. The nonminor may file a new request when the issues are resolved.
 - C. The court clerk must serve on the nonminor the following documents:
 1. A copy of the written order;
 2. 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);
 3. A copy of How to Ask to Return to Juvenile Court Jurisdiction and Foster Care (form JV-464-INFO); and
 4. The names and contact information of attorneys approved by the court to represent minors 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.
 - D. The court clerk must serve a copy of the written order on the placing agency.
 - E. Service must be by personal service or first-class mail within two court days of the issuance of the order.
 - F. Proof of service must be filed.
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VI. Appointment of attorney:

- A. If the nonminor included on the form JV-466 a request for reappointment of the same court-appointed attorney who represented the nonminor when he or she was a ward or dependent, the judicial officer must appoint that attorney, if available, solely for the hearing on the request to return to juvenile court jurisdiction,.
 - B. If the nonminor did not request the reappointment of a previous court-appointed attorney, the judicial officer must appoint an attorney to represent the nonminor solely for the hearing on the request. The attorney must be selected from the panel or organization of attorneys approved by the court to represent children in juvenile court proceedings.
 - C. The juvenile court clerk must notify the attorney of the appointment as soon as possible, but no later than one court day from the date the order for appointment was issued. Notification must be made by telephone, fax, e-mail, or other method approved by the presiding juvenile court judge that ensures prompt notification. Notice must include the nonminor's contact information and inform the attorney that a copy of the nonminor's form JV-466 will be served on him or her and is also available juvenile court clerk's office.
 - D. If the request to resume jurisdiction is granted, the judicial officer must continue the attorney's appointment to represent the nonminor on matters related to his or her status as a nonminor dependent until juvenile court jurisdiction is terminated, unless a finding is made that the nonminor would not benefit from the appointment of an attorney.
 1. To find that a nonminor would not benefit from the appointment of an attorney, the judicial officer must find all of the following:
 - a. The nonminor understands the nature of the proceedings;
 - b. The nonminor is able to communicate and advocate effectively with the court, other attorneys, and other parties, including social workers, probation officers, and other professionals involved in the case; and
 - c. Under the circumstances of the case, the nonminor would not gain any benefit from representation by an attorney.
 2. If the judicial officer finds that the nonminor would not benefit from representation by an attorney, a finding must be made on the record as to each of the criteria in item D.1 and reasons for each finding must be stated on the record.
 - E. Representation of the nonminor by the court-appointed attorney for the hearing on the request to return to juvenile court jurisdiction and for matters related to his or her status as a nonminor dependent must be at no cost to the nonminor.
 - F. If the nonminor chooses to be represented by an attorney other than a court-appointed attorney, the fees for an attorney retained by the nonminor are the nonminor's responsibility.
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VII. Notice of hearing

- A. The juvenile court clerk must serve notice as soon as possible, but no later than five court days before the hearing date, as follows:
 1. Notice of the date, time, place, and purpose of the hearing and a copy of the nonminor's completed form JV-466 must be served on:
 - a. The nonminor;
 - b. The nonminor's attorney;
 - c. The child welfare services agency, the probation department, or the Indian tribal agency that was supervising the nonminor when the juvenile court terminated jurisdiction over the

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- nonminor; and
 - d. The attorney for the child welfare agency, the probation department, or the Indian tribe.
 - 2. Notice of the date, time, place, and purpose of the hearing must be served on:
 - a. The nonminor's parents, only if the nonminor requested on the form JV-466 that notice be provided to the parents;
 - b. The nonminor's tribal representative, if the nonminor is an Indian child and indicated the choice on the form JV-466 to have the Indian Child Welfare Act apply; and
 - c. The local CASA office, if the nonminor requested on the form JV-466 that notice be provided to his or her former CASA.
 - B. The written notice served on the nonminor dependent must include:
 - 1. A statement that the nonminor may appear for the hearing by telephone; and
 - 2. Instructions on the local juvenile court procedures for arranging to appear and appearing at the hearing by telephone.
 - C. Service of the notice must be by personal service or by first-class mail.
 - D. Proof of service of notice must be filed by the juvenile court clerk at least two court days prior to the hearing.
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VIII. Reports

- A. The social worker, probation officer, or Indian tribal agency case worker must submit a report to the court that includes:
 - 1. Confirmation that the nonminor was previously under juvenile court jurisdiction subject to a foster care placement order at the time he or she turned 18 years old; and that on and after January 1, 2012, the nonminor will not have turned 19 years of age; or commencing January 1, 2013, he or she will not have turned 20 years of age; or commencing on January 1, 2014, he or she will not have turned 21 years old;
 - 2. The condition or conditions under section 11403(b) that the nonminor intends to satisfy;
 - 3. The opinion of the person submitting the report as to whether continuing in a foster care placement is in the nonminor's best interests and a recommendation about the resumption of juvenile court jurisdiction over the nonminor as a nonminor dependent;
 - 4. Whether the nonminor & the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement & care responsibility of the placing agency;
 - 5. The type of placement recommended should the request be granted to return to juvenile court jurisdiction and foster care; and
 - 6. If the placement recommended is in a setting where minor dependents also reside, the results of the background check of the nonminor under section 16504.5.
 - a. The background check under section 16504.5 is required only if a minor dependent resides in the placement under consideration for the nonminor.
 - b. A criminal conviction is not a bar to a return to foster care and the resumption of juvenile court jurisdiction as a nonminor dependent.
 - B. The report and any supporting documentation must be filed with the court and a copy provided to the nonminor and the nonminor's attorney at least two court days before the hearing; and
 - C. If the court determines that the report and other documentation submitted by the placing agency do not provide all the information listed above in this section and the court is unable to make all the findings and orders required below in sections IX and X, the hearing must be continued for no more than five court days for the placing agency or the nonminor to submit additional information as ordered by the court.
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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.

IX. Findings

- A. Notice was given as required by law;
- B. The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement in effect at the time he or she turned 18;
- C. The nonminor intends to satisfy at least one of the conditions detailed in section 11403(b);
- D. The condition or conditions under section 11403(b) that the nonminor intends to satisfy are
 - 1. Attending high school or a high school equivalency certificate (GED) program
 - 2. Attending a college, a community college, or a vocational education program
 - 3. Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - 4. Employed at least 80 hours per month
 - 5. 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 activity,

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

- G. Continuing in a foster care placement is in the nonminor's best interests;
- H. 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; and
- I. The nonminor is an Indian child and chooses to have the Indian Child Welfare Act continue to apply to him or her as a nonminor dependent **or**
The nonminor is an Indian child and chooses NOT to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.

X. Orders

- A. If the court finds that the nonminor meets the age requirements for eligibility, and the nonminor intends to satisfy at least one condition under section 11403(b), and the nonminor and placing agency have entered into a Voluntary Reentry Agreement, the following orders are entered:
 - 1. The court grants the request to resume jurisdiction, and juvenile court jurisdiction shall resume over the nonminor;
 - 2. Placement and care are vested with the placing agency;
 - 3. The placing agency must develop with the nonminor a new Transitional Independent Living Case Plan (TILCP) and file it with the court within 60 days;
 - 4. For a nonminor who is an Indian child and who chooses to have the Indian Child Welfare Act apply and is not under the supervision of a tribal case worker, the social worker or probation officer must consult with the tribal representative regarding a new TILCP;
 - 5. A nonminor dependent review hearing under rule 5.903 is set for (*specify a date within six months of the date the VRA was signed*): ___/___/___; and
 - 6. The prior order appointing an attorney for the minor is continued and that attorney is appointed until the jurisdiction of the juvenile court is terminated.
- B. If the court finds that the nonminor comes within the eligible age range, but the nonminor does not intend to satisfy at least one of the conditions under section 11403(b) or the nonminor and placing agency have not entered into a reentry agreement, the following orders are entered:
 - 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*): ___/___/___.

In addition to service of a copy of the written order, the juvenile court clerk must cause to be served on the nonminor 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) and the information sheet *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO).

- C. If the court finds that the nonminor does not meet the age requirements, the following orders are entered:
 - 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*): ___/___/___.

XI. Findings and orders: Service

- A. The findings and orders must be made on the record and included in the written, signed court documentation of the hearing.
- B. The written findings and order must be served by the juvenile court clerk on all persons who were served with notice of the hearing.
 - 1. Service must be by personal service or first-class mail within three court days of the issuance of the order.
 - 2. Proof of service must be filed.

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