

Information Sheet 4

Independent Living Program (ILP)—A dependent or ward in out of home placement is eligible to participate in ILP services regardless of the procedural status of case

A child in foster care who meets a program's requirements has a right to participate in Independent Living Program classes regardless of the procedural status of the case. For example, the fact that a parent is still receiving reunification services does not affect a child's eligibility for independent living services, so long as the child is otherwise qualified to participate in the program.

The court must determine at every review hearing whether the services set forth in the case plan for a child 16 years or older include those needed to assist the child in making the transition from foster care to independent living. (42 U.S.C. § 675(5)(C)). The United States Code is available at: <http://uscode.house.gov/>.

Under recent amendments to section 16501.1(g)(16)(A)(i)¹, the case plan for 14 and 15- year old children in placement must also include a description of the services to help the child “to prepare for the transition from foster care to successful adulthood.”² Prior to these amendments, this requirement only applied if the child was 16 years old or older.

This requirement was based on federal amendments of title IV-E that extended the requirement that a state's case plan include a written description of transitional services and that status review hearings include a determination of needed transitional services to 14 and 15 years olds.³ Although the statutes do not require the inclusion of a TILP for these children, the JRTA project recommends developing and including a Transitional Independent Living Plan (TILP)⁴ with the case plan of all children in foster care who are 14 years old and older.

Welfare and Institutions Code § 16001.9(a)(16) states that children in foster care have the right to attend Independent Living Program classes and activities if the age requirements are met. Currently that age requirement is 16 years old or older. Therefore, even though the recent amendments require services which help the transition from foster care to adulthood for 14 and

¹ All further statutory references are to the Welfare and Institutions Code, unless otherwise specified. All further rule references are to the California Rules of Court, unless otherwise specified.

² Assem. Bill 403, Stats, 2015, ch. 773..

³ Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 113 (Sept. 29, 2014) 128 Stat. 1919, 1928–1930 (effective Sept. 29, 2015 [codified at 42 U.S.C. § 675(1), (5)]). The federal statute also replaced the term “independent living” with “successful adulthood.” The California Legislature followed suit.

⁴ <http://www.cdss.ca.gov/cdssweb/entres/forms/English/TILP1.pdf>

15-year-old children in placement, they are not yet eligible to attend Independent Living Program classes and activities.⁵ Even though children 14 and 15- years old are not eligible for Independent Living Program classes and activities, the placing agency is legally required to address these services in the case plan. California Department of Social Services has provided guidance in all county letter 16-30.⁶

The California Code of Regulations, §§ 89372(c)(18) and 89372(c)(18)(A) provide that the personal rights of each child in foster care include the right “...(T)o be accorded the independence appropriate to the child's age, maturity, and capability consistent with the child’s Needs and Services Plan or Transitional Independent Living Plan (TILP), if applicable...” and “...(T)o attend Independent Living Program classes and activities if he/she is 16 years old or older.” The California Code of Regulations is available at: <http://ccr.oal.ca.gov>.

⁵ The Welfare and Institutions Code is available at:

<http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=WIC&tocTitle=Welfare+and+Institutions+Code+WIC>

⁶ <http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-30.pdf>

Continuum of Care Reform and Senate Bill 794 (Dependency Proceedings)

The following recommendations relate to new legal requirements created by Assembly Bill 403 (Stone; Stats. 2015, ch. 773) and Senate Bill 794 (Comm. on Hum. Svcs; Stats. 2015, ch. 425):

- For each case where the child is ordered into an out-of-home placement, convene a “child and family team” that will participate in creating a case plan that is strengths-based, needs-driven, and culturally relevant and will also provide input on placement decisions.¹ In all cases in which out-of-home placement is used to attain the case plan goals, the case plan must consider the recommendations of the child and family team.² See [*All County Letter 16-84 Requirements and Guidelines for Creating and Providing a Child and Family Team*](#) for more information about the child and family team.
- Ensure that the court-ordered permanent plan reflects the new permanent plan options recently adopted by SB 794.

The term “long-term foster care” was removed from federal statutes several years ago and California recently followed suit with SB 794, removing the references to “long-term foster care” from the Welfare and Institutions Code. Under current law, if a child must remain in a nonrelative foster home at or after the permanency planning hearing, the court should order continued foster care placement and select a permanent plan of return home, adoption, tribal customary adoption, legal guardianship, or placement with a fit and willing relative.³ For these children, the court must also make factual findings identifying the barriers to achieving the selected permanent plan.⁴ In addition, placement in a group home or short-term residential therapeutic program, must not be the identified permanent plan for any child or nonminor dependent.⁵

The language used to order the child’s permanent plan at a postpermanency review or a permanency hearing should reflect these new requirements under the Welfare and Institutions Code. For instance, the following permanent plan order:

¹ Welf. & Inst. Code § 16501(a)(4). All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² § 16501.1(c).

³ §§ 366.21(g)(5)(A); 366.22(a)(3), 366.25(a)(3), 366.26(c)(4)(B), 366.3(h).

⁴ *Ibid.*

⁵ §§ 366.26(c)(4)(B)(iii), 16501(i)(2).

The information in this document is based on laws in effect at the time of publication (September 2017). Federal and state laws may change at any time.

“A permanent plan of placement in a short term residential treatment program or group home, with a specific goal of placement in a less restrictive foster care setting.”

Should be replaced with:

“Placement in foster care with a permanent plan of _____ (*specify return home, adoption, legal guardianship, placement with a fit and willing relative, or tribal customary adoption*).”

- The use of “another planned permanent living arrangement” as a permanent plan is limited to specific situations when the child or nonminor is at least 16 years old. Select “another planned permanent living arrangement” as a permanent plan only for children aged 16 years and older or nonminor dependents and only when there is a compelling reason to determine that no other permanent plan is in the best interest of the child or nonminor dependent.⁶

For children aged 16 years and older whose permanent plan is “another planned permanent living arrangement,” the court must make additional inquiries and findings aimed at ensuring that the agency continues to actively seek permanency options other than long-term care and that the child is in the most family-like setting possible. These additional requirements require the court to describe the steps taken to make sure the caregiver is following the reasonable and prudent parent standard and the agency’s ongoing and intensive efforts to return the child home, finalize an adoption, establish a guardianship, or place the child with a fit and willing relative. The court must also ask the child about his or her desired permanency outcome, determine whether and explain why another planned permanent living arrangement remains the best permanent plan, and make factual findings identifying the barriers to achieving the permanent plan and the agency’s efforts to address them.⁷

- A finding of diligent efforts to locate relatives is required to be made at all dispositional hearings. SB 794 requires that this finding now be made at all permanency hearings in which the court terminates reunification services, and all postpermanency hearings for a child not placed for adoption.⁸
- For any child who is placed in a community care facility licensed as a group home or a short-term residential treatment program, as defined in section 11400(ad), the case plan must indicate that placement is for the purposes of providing short-term, specialized, and intensive

⁶ §§ 366.26(c)(4)(B)(ii), 16501(i)(2).

⁷ § 366(a)(1)(B); § 366.3(h); § 366.31(e).

⁸ § 309(e); Fam. Code, § 7950; rules 5.695, 5.715(b)(5), 5.720(a)(4), 5.722(a)(5), and 5.740(a)(6).

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treatment for the child, and specifies the need for, nature of, and anticipated duration of this treatment.⁹ The case plan must also include a plan for transitioning the child to a less restrictive environment and the projected timeline by which the child will be transitioned to a less restrictive environment.¹⁰

In addition, a child and family team meeting as defined in section 16501 must be convened by the county placing agency for the purpose of identifying the supports and services needed to achieve permanency and enable the child or youth to be placed in the least restrictive family setting that promotes normal childhood experiences.¹¹

If the placement is longer than six months, the placement must be documented consistent with section 16501.1(a)(3) and must be approved by the deputy director or director of the county child welfare department.¹²

- Under recent amendments to section 16501.1(g)(16)(A)(i), the case plan for 14- and 15-year-old children in placement must include a description of the services to help the child “to prepare for the transition from foster care to successful adulthood.”¹³ Prior to these amendments, this requirement only applied if the child was 16 years old or older.

This requirement was based on federal amendments of title IV-E that extended to 14 and 15 year olds the requirement that a state’s case plan include a written description of transitional services and that status review hearings include a determination of needed transitional services.¹⁴ Although the statutes do not require the inclusion of a TILP for these children, the JRTA project recommends developing and including a TILP with the case plan of all children in foster care who are 14 years old and older.

⁹ § 16501.1(d)(2)

¹⁰ *Ibid.*

¹¹ § 16501.1(d)(2)(B).

¹² § 361.2(e)(9).

¹³ Assem. Bill 403, § 109.5.

¹⁴ Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 113 (Sept. 29, 2014) 128 Stat. 1919, 1928–1930 (effective Sept. 29, 2015 [codified at 42 U.S.C. § 675(1), (5)]). The federal statute also replaced the term “independent living” with “successful adulthood.” The California Legislature followed suit.

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I. Social Worker's Report—Additional Requirements

At the last review hearing before a child's 18th birthday, in addition to complying with all other statutory and rule¹ requirements, the social worker must submit a report that includes all of the following:

- A. The child's plans to remain under juvenile court jurisdiction as a nonminor dependent (NMD), including the criteria in Welfare and Institutions Code section 11403(b)² that he or she plans to meet;
 - B. The efforts made by the social worker to help the child meet one or more of the criteria in section 11403(b);
 - C. For an Indian child to whom the Indian Child Welfare Act (ICWA) applies, whether he or she plans as a NMD to continue to be considered an Indian child for the purposes of the ongoing application of ICWA;
 - D. Whether the child has applied for title XVI Supplemental Security Income (SSI) benefits and, if so, the status of any pending application and whether it is in the child's best interest to continue juvenile court jurisdiction until the SSI decision is issued to ensure that the child receives continued assistance with the application process;
 - E. Whether the child has a pending application for Special Immigrant Juvenile Status or other application for legal residency and, if so, whether an active dependency case is required for that application;
 - F. The efforts made by the social worker toward completing and providing the child with the written information, documents, and services described in section 391 and, to the extent that the child has not been provided with them, the barriers to providing that information and the steps that will be taken to overcome those barriers by the child's 18th birthday;
 - G. When and how the child was informed of the right to have juvenile court jurisdiction terminated when he or she attains 18 years old;
 - H. When and how the child was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a NMD, and the social worker's assessment of the child's understanding of those benefits; and
 - I. When and how the child was informed that if juvenile court jurisdiction is terminated after he or she attains 18 years of age, he or she has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a NMD.
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II. Transitional Independent Living Case Plan (TILCP) and Transitional Independent Living Plan (TILP)

- A. Must be submitted with the social worker's report prepared for the hearing at least 10 calendar days before the hearing; *and*
- B. Must include:
 1. The individualized plan for the child to satisfy one or more of the criteria in section 11403(b) and the child's anticipated placement as specified in section 11402; *and*
 2. The child's alternative plan for his or her transition to independence, including housing, education, employment, and a support system in the event he or she does not remain under jurisdiction after attaining majority.

If the court determines that the social worker's report, the TILCP, and the TILP do not provide all the information described in section II above, leaving the court unable to make the findings and orders required in sections III and IV below, the hearing must be continued for no more than five court days for the submission of additional information.

III. Additional Findings

- A. The child's TILCP includes a plan for the child to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent (*indicate all that apply*):
 1. Attending high school or a high school equivalency (GED) certificate program;
 2. Attending a college, a community college, or a vocational education program;
 3. Participating in a program or activities to promote employment or to overcome barriers to employment;

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

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

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4. Being employed at least 80 hours per month;
5. Having a medical condition that makes the child unable to attend a high school, GED program, college, community college, vocational education program, or a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month;
- B. The child's TILCP includes an alternative plan for the child's transition to successful adulthood, including housing, educations, employment, and a support system in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age;
- C. For a child who has an in-progress application pending for title XVI Supplemental Security Income (SSI) benefits, continuation of juvenile court jurisdiction to ensure continued assistance with the application process until a final SSI decision is issued is is not in the child's best interest;
- D. For a child 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.
- E. The child has been informed that on turning 18, he or she has the right to have juvenile court jurisdiction terminated after a hearing under rule 5.555.
- F. The potential benefits of remaining under juvenile court jurisdiction as a NMD were explained to the child and the child has stated that he or she those benefits.
- G. The child has been informed that if juvenile court jurisdiction is terminated after he or she attains 18 years of age, he or she has the right to file a request to return to foster care and have the court resume jurisdiction over him or her as a NMD.
- H. Information, Documents, and Services
1. All the information, documents and services in section 391(e) have been provided to the child; **or**
 2. Not all the information, documents and services in section 391(e) have been provided to the child, and the barriers to providing any missing information, documents, or services can be overcome by the child's 18th birthday; **or**
 3. Not all the information, documents, and services in section 391(e) have been provided to the child and the barriers to providing any missing information, documents, or services may not be overcome by the child's 18th birthday.
- I. For a child to whom the Indian Child Welfare Act applies:
1. The child intends to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the child as a NMD; **or**
 2. The child does not intend to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the child as a NMD.
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IV. Orders

- A. For a child who INTENDS TO REMAIN under juvenile court jurisdiction as a nonminor dependent after age 18, a review hearing under rule 5.903 is set on (*choose date within next six months*): / / ; **or**
- B. For a child who DOES NOT INTEND TO REMAIN under juvenile court jurisdiction as a nonminor dependent after age 18, a hearing under rule 5.555 is set on (*choose a date within one month after child's 18th birthday*): / / ; **or**
- C. For a child who WILL REMAIN under juvenile court jurisdiction in a foster care placement after age 18 but is not eligible for nonminor dependent status, a hearing under section 366.21, 366.22, 366.25, or 366.3 is set on (*choose date within next six months*): / / .

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 January 1, 2016. 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

I. Purpose

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

II. Setting and conduct

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

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

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

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

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

Welfare and Institutions Code sections 224.1(b), 295, 366(f), 366.1, 366.3

13. For a NMD whose case plan is continued court-ordered family reunification services, the information required in section 366.31(d)(1); and
14. For a nonminor who has returned to the home of the parent or former legal guardian, the information required in section 366.31(d)(3).
- B. The social worker or probation officer who prepares the report must submit the TILCP and TILP with the report.
- C. The report, the TILCP, and the TILP must be filed with the court at least 10 calendar days before the hearing, and copies of all documents must be provided to the NMD, all attorneys of record, and, if applicable, tribal representatives where ICWA continues to apply.

V. Findings

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

VI. Orders

- A. Juvenile court jurisdiction over the youth as a NMD is continued.
1. The youth's permanent plan is:
 - Return Home
 - Adoption
 - Tribal Customary Adoption
 - Placement with a fit and willing relative
 - Family Reunification services are continued
 - There is a compelling reason to determine that it is not in the best interest of the NMD to return home, be placed for adoption, or tribal customary adoption, or be placed with a fit and willing relative. The court orders the NMD into another planned permanent living arrangement.
 2. The matter is continued for a hearing under section 366(f) and rule 5.903 on (*choose date within the next six months*): ___/___/___; **or**
- B. Juvenile court jurisdiction over the NMD may no longer be necessary, and a hearing under rule 5.555 to consider termination of juvenile court jurisdiction is ordered on (*choose date within the next 30 days*): ___/___/___; **or**
- C. At a hearing held today under rule 5.555, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor* (form JV-367) and juvenile court jurisdiction is terminated pursuant to those findings and orders.
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VII. Additional Findings and Orders for a Nonminor with a Continued Case Plan of Reunification

- a. The county agency has has not complied with the case plan by making reasonable efforts to create a safe home for the NMD to reside in and to complete whatever steps are necessary to finalize the permanent plan.
 - b. The extent of progress made toward alleviating or mitigating the causes necessitating the current out of home placement has been: by father _____ by mother _____ by nonminor _____ by others (specify) _____
 - c. The likely date by which the NMD may safely reside in the home or achieve successful adulthood is: ___/___/___.
 - d. *Choose one of the following:*
 - (1) The NMD can safely reside in the home and may return to the family home.
 - a. The court maintains jurisdiction under section 303(a) and a review hearing under section 366.31 is ordered; **or**
 - 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 section 391 and rule 5.555 is ordered.
 - (2) The NMD cannot safely reside in the family home, and reunification services are continued.
 - a. The NMD and parent(s) or guardian(s) are in agreement with the continuation of reunification services;
 - b. Continued reunification services are in the best interest of the NMD;
 - c. There is a substantial probability that the NMD will be able to safely reside in the family home by the next review hearing; **and**
 - d. The matter is continued for a review hearing under section 366.31 and rule 5.903 within the next six months.
 - (3) The NMD cannot safely reside in the family home and reunification services are terminated.
 - a. The NMD and parent(s) or guardian(s) are not in agreement with the continuation of reunification services; and/or
 - b. Continued reunification services are not in the best interest of the NMD; and/or
 - c. There is not a substantial probability that the NMD will be able to safely reside in the family home by the next review hearing.
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VIII. Additional Findings and Orders for a Nonminor Residing in the Home of a Parent or Guardian

- A. (1) It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under section 391 and rule 5.555 is ordered; **or**
- (2) Court supervision and juvenile court jurisdiction continue to be necessary. The court maintains jurisdiction under section 303(a). The matter is continued for a review hearing under section 366.31 and rule 5.903 within the next six months.

Welfare and Institutions Code sections 224.1(b), 295, 366(f), 366.1, 366.3

- B. The county agency has has not complied with the case plan by making reasonable efforts to maintain a safe family home for the nonminor;
- C. The county agency has has not made reasonable efforts to comply with the TILCP, including efforts prepare the nonminor for independence.

The information on this chart is based on the provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), Assembly Bill 1712 (Beall; Stats 2012, ch. 846), and Assembly Bill 787 (Stone; Stats. 2013, ch. 487), and the California Rules of Court. The chart was compiled by the Juvenile Court Assistance Team, Center for Families, Children & the Courts, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688, 415-865-4220, cfcc@jud.ca.gov

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))

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)¹; 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 Court² 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.
-

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;

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

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

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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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.

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

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.

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))

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

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

**CHART E Additional requirements for (1) any hearing to terminate jurisdiction over child who is in foster care as ward or RULE 5.812
who was in foster care as dependent when declared a ward and (2) last review hearing for child approaching majority—Delinquency**

Welfare and Institutions Code sections 450, 451, 727.2(i)-(j), 778

I. Hearings subject to this rule

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

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

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

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

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

CHART E Additional requirements for (1) any hearing to terminate jurisdiction over child who is in foster care as ward or who was in foster care as dependent when declared a ward and (2) last review hearing for child approaching majority—Delinquency **RULE 5.812**

Welfare and Institutions Code sections 450, 451, 727.2(i)-(j), 778

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

IV. Findings and Orders

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

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

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

CHART E Additional requirements for (1) any hearing to terminate jurisdiction over child who is in foster care as ward or who was in foster care as dependent when declared a ward and (2) last review hearing for child approaching majority—Delinquency **RULE 5.812**

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

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

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

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

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

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

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

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

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

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

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

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

Order: The child's dual status is terminated, delinquency jurisdiction over the child is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care. The matter is continued for a status review hearing under section 366.21 or 366.3 on (choose date within six months of the child's most recent status review hearing): ___/___/___ *or*

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

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

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

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

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

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

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

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

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

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

For every child:

Reunification services have been terminated;

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

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

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

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

**CHART E Additional requirements for (1) any hearing to terminate jurisdiction over child who is in foster care as ward or RULE 5.812
who was in foster care as dependent when declared a ward and (2) last review hearing for child approaching majority—Delinquency**

Welfare and Institutions Code sections 450, 451, 727.2(i)-(j), 778

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

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

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

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

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

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

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

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

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

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

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

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

a. Child returned home and court maintains delinquency jurisdiction

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

The child’s rehabilitative goals have not been met.

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

b. Child returned home and juvenile court jurisdiction dismissed

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

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

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

c. Child in non-foster care placement

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

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

A progress report hearing is set on (choose date within the next six months): __/__/__; **or**

d. Child in foster care placement

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

The child’s rehabilitative goals have not been met.

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

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

The information on this chart is based on the provisions of Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459) and the California Rules of Court, effective July 1, 2012. The chart was compiled by the Juvenile Court Assistance Team, Center for Families, Children & the Courts, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, California 94102-3688, 415-865-7644, cfcc@jud.ca.gov

Nonminor Dependent (NMD) Proceedings¹

Basic Title IV-E Findings to Ensure Compliance

Nonminor Dependent Review Hearings

E1. The NMD's continued placement is necessary. The NMD's current placement is appropriate.

E2. The agency has made ongoing and intensive efforts to finalize the permanent plan

E3. The extent of progress made by the NMD toward meeting the Transitional Independent Living case plan goals has been _____.

E5. The NMDs permanent plan selected below is appropriate and ordered:

- Return Home
- Adoption
- Tribal Customary Adoption
- Placement with a fit and willing relative
- Family Reunification services are continued
- There is a compelling reason to determine that it is not in the best interest of the NMD to return home, be placed for adoption, or tribal customary adoption, or be placed with a fit and willing relative. The court orders the NMD into another planned permanent living arrangement.

E6. The likely date by which it is anticipated the NMD will achieve independence is ___/___/__. (*Insert date of NMD's 21st birthday*).

E7. The Transitional Independent Living Case Plan includes appropriate and meaningful independent living skill services that will assist the youth transition from foster care to successful adulthood.

Nonminor Dependent Reentry Hearing

F1. Continuing in a foster care placement is in the nonminor's best interest.

F2. Placement and care are vested with the placing agency.

Modification of Jurisdiction to dependency, delinquency, or transition

G1. The minor 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.

G2. 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.

G3. The probation department social services agency is responsible for the nonminor's placement and care. †

¹ Welf. & Inst. Code §§ 366.31, 388, 450