



Judicial Council of California . Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 24, 2012

Title

Juvenile Law: Extending Juvenile Court
Jurisdiction—Nonminor Foster Youth

Agenda Item Type

Action Required

Effective Date

July 1, 2012

Rules, Forms, Standards, or Statutes Affected

Amend rules 5.502, 5.555, 5.707, 5.812,
5.900, and 5.906; and revise forms JV-281,
JV-365, JV-367, JV-460, JV-462, JV-464-
INFO, JV-466, JV-468, JV-680, and JV-681

Date of Report

March 12, 2012

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Dean T. Stout, Cochair

Contact

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending 6 of the rules and 10 of the forms adopted by the Judicial Council in October 2011 to implement those provisions of Assembly Bill 12 (the California Fostering Connections to Success Act) amended by AB 212 that relate to the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age. Four rules and eight forms included in this proposal were not circulated during the spring 2011 comment period because of the extensive expedited modifications required by the enactment of AB 212 on October 8, 2011. Although rule 5.707 and form JV-460 were circulated, both are included in this proposal to correct minor formatting, editing, and grammatical errors. Forms JV-462 and JV-468 have been added to correct minor technical errors brought to the committee's attention during the winter 2012 comment period.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2012:

1. Amend rule 5.555 to clarify that the right of a nonminor to have juvenile court jurisdiction terminated is limited to termination of dependency jurisdiction or transition jurisdiction;
2. Amend rules 5.555 and 5.812 and forms JV-367, JV-680, and JV-681 to reflect the requirement in Welfare and Institutions Code, section 607.5 that the probation officer provide the ward with the specified notices and information;
3. Amend rules 5.555, 5.707, 5.812, and 5.906 and revise forms JV-387 and JV-464-INFO to modify language that made it appear a nonminor would not be able to return to juvenile court jurisdiction unless the court had entered an order retaining general jurisdiction when dismissing delinquency, dependency, or transition jurisdiction over the nonminor;
4. Amend rules 5.707 and 5.812 and revise forms JV-460 and JV-680 to delete unnecessary reference to continuing court jurisdiction;
5. Amend rule 5.812 and revise forms JV-680 and JV-681 to reflect the criteria and process for the modification of jurisdiction over a minor ward from delinquency jurisdiction to dependency jurisdiction;
6. Amend rule 5.812 to delete language that made it appear that *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) had to be filed in the same action as the original dependency or delinquency proceeding.
7. Amend rule 5.900 to add an advisory committee comment clarifying that a nonminor is entitled to be represented in proceedings under rules 5.900, 5.903, 5.906, and 5.555 by an attorney of his or her choice rather than a court-appointed attorney, and that any fees for an attorney retained by a nonminor are the nonminor's responsibility.
8. Amend rule 5.906 and form JV-468 to include the attorney for the placing agency as a person who may have access to the nonminor dependent's juvenile court file.
9. Amend rule 5.906 to clarify that the purpose of permitting the placing agency to file *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) was to provide the nonminor with the opportunity to have assistance with the process of completing the form and to allow the agency to file the form on the nonminor's behalf.
10. Amend form JV-281 to delete reference to custody of the nonminor dependent;

11. Amend rules 5.502, 5.555, 5.707, 5.812, and 5.906 in response to commentators' grammar, punctuation, spacing, formatting, and word choice suggestions and to correct typographical errors; and
12. Revise forms JV-365, JV-367, JV-460, JV-462, JV-464-INFO, JV-466, JV-468, JV-680, and JV-681 in response to commentators' grammar, punctuation, spacing, formatting, and word choice suggestions and to correct typographical errors.

The text of the new and amended rules is attached at pages 7–32. The new forms and revised form are attached at pages 33–57.

Previous Council Action

Assembly Bills 12¹ and 212² were cosponsored by the Judicial Council and other organizations and implemented a key recommendation of the California Blue Ribbon Commission on Children in Foster Care, chaired by former California Supreme Court Associate Justice Carlos R. Moreno.

Rationale for Recommendation

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub.L. No. 110-351) made extensive policy and program changes to improve outcomes for children in the foster care system, including the extension of foster care services to nonminors up to age 19, 20, or 21 years when certain education, training, or work requirements are met or are incapable of being met due to a medical condition. California chose to participate in this voluntary program, and Assembly Bill 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, enacted extensive changes to California statutes to comply with provisions of the federal act. The legislation became law in September 2010, with the effective date for most provisions delayed until January 1, 2012, to provide the various stakeholders sufficient time to propose and adopt the regulations and rules necessary for the full implementation of the legislation.

The Judicial Council's Rules and Projects Committee approved for circulation an invitation for comment on a proposed set of rules and forms to implement the court procedures associated with AB 12. The comment period was from April 21 through June 20, 2011.

As work continued on the implementation of AB 12, the need to revise many sections of that act to fully comply with the federal legislation and eliminate ambiguities became apparent, and AB 212 was introduced by Assembly Member Jim Beall, Jr., to address those issues.

During July and August 2011, significant modifications were made and approved by the Family and Juvenile Law Advisory Committee to the proposed set of rules and forms based on the probable enactment of AB 212. The modifications included the development of one new rule and

¹ Available at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_12_bill_20100930_chaptered.pdf.

² Available at www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0201-0250/ab_212_bill_20111004_chaptered.pdf.

extensive revisions to two of the rules and five of the forms included in the original proposal. In addition, two new forms were developed in response to comments received during the spring 2011 comment period and approved by the advisory committee.

AB 212 was signed into law by the Governor on October 8, 2011. At its October 28, 2011, meeting, the Judicial Council approved the Family and Juvenile Law Advisory Committee's proposed set of rules and forms for use in juvenile court proceedings, effective January 1, 2012.

The current proposal includes those rules and forms adopted by the Judicial Council that were not circulated during the spring comment period due to the modifications required by the subsequent enactment of AB 212. In addition, this proposal includes amendments to the rules and revisions to those forms, as well as amendments and revisions to the previously circulated rule 5.707 and form JV-460, to correct minor formatting, editing, and grammatical errors. Forms JV-462 and JV-468 were added to the proposal to correct minor technical errors brought to the committee's attention by commentators during the winter 2012 invitation-to-comment period.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for comment as part of the winter 2012 invitation-to-comment cycle from December 14, 2011 to January 24, 2012. In addition to the standard mailing list for proposals—which includes appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, county counsel, district attorneys, parents' and children's attorneys, social workers, probation officers, and other juvenile court professionals—the committee sought comment from the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Ten comments were received. One commentator agreed with the proposal and did not provide further comment. Two commentators did not agree with the proposal. Seven of the commentators agreed with the proposal if modified.³

One commentator who did not agree with the proposal was concerned that allowing the “delinquency courts to order local social services agencies to file 300 petitions” raised significant separation of powers issues. The procedure set forth in the rule is based on the procedure found in sections 329 to 331 of the Welfare and Institutions Code.⁴ This issue was recently before the First District Court of Appeal in *In re M.C.* (2011) 199 Cal.App.4th 784 as “a question of first impression.” The court concluded, “...we fail to see how the judiciary can ‘usurp’ a power never exclusively vested in the executive branch. We find nothing in our Constitution or the statutory dependency scheme that would classify initiation of dependency proceedings as a ‘core’ or ‘essential’ executive function. Nor do we see how the limited judicial review provided by section 331 would ‘defeat or materially impair’ the executive authority.”

³ A chart containing the comments and the committee's responses is attached at pages 58–86.

⁴ All code references are to the California Welfare and Institution Code unless otherwise indicated.

This commentator was also concerned that probation officers in counties that did not have a section 241.1 dual status protocol had an incentive to move wards from the court’s delinquency jurisdiction and probation department supervision to dependency jurisdiction or transition jurisdiction and the supervision of the child welfare system. The commentator felt that without additional guidance in rule 5.8.12 regarding “how, why, and by what burden of proof a probation officer should show that a minor could be eligible for the WIC 300 system” or transitional jurisdiction, additional problems would be created including due process issues for the minors’ parents. In response the advisory committee noted that there is guidance in statute and court rules. The circumstances that must exist for the court to order a modification from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction are stated in sections 607.2, 450 and 451, and rule 5.812. The appropriate standard of proof is determined by Evidence Code section 300, which provides, “except as otherwise provided by statute, [the Evidence Code] applies in every action” Sections 607.2, 450 and 451, which provide for the modification of delinquency jurisdiction to dependency jurisdiction or delinquency, do not specify the burden of proof. Evidence Code section 115 states, “Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.” In addition, parents are entitled to notice of proceedings in delinquency court. (Welf. & Inst. Code, §§ 656, 658, 727.4) and have a right “... to be represented at every stage of the proceeding by counsel” (Welf. & Inst. Code, § 633), and the court may appoint counsel for a parent. (Welf. & Inst. Code, § 634.)

Most of the modifications recommended by the commentators who agreed with the proposal if modified concerned grammar, punctuation, spacing, and word choice issues. One commentator noted that AB 212 required changes to rule 5.812 and forms JV-680 and JV-681 to reflect the criteria and process for the modification of jurisdiction over a minor ward from delinquency jurisdiction to dependency jurisdiction. The commentator also recommended a modification to rule 5.555 to clarify that a nonminor subject to the court’s delinquency jurisdiction does not have the same right to have juvenile court jurisdiction terminated as a nonminor subject to the court’s dependency jurisdiction or transition jurisdiction. Several commentators offered recommendations for various modifications to improve the clarity of the plain language forms intended for use by nonminors asking to return to the juvenile court jurisdiction and foster care.

During its review of the proposal the committee noted that some courts may chose to open a new court file when a youth becomes a nonminor dependent to ensure his or her confidentiality and to permit the sealing of the court file maintained during the youth’s minority. The committee deleted language in rule 5.906 regarding the filing of *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) requiring the form to be filed in the same action as the original dependency or delinquency proceeding, which would preclude the creation of a new court file for a nonminor dependent.

Finally, the right of a nonminor to be represented by an attorney of his or her choice came up following the comment period as an issue needing clarification. This issue was brought to the committee’s attention as the result of a situation in which a nonminor seeking the resumption of

juvenile court jurisdiction and reentry into foster care chose to be represented by a pro bono attorney rather than the attorney previously appointed by the court in the original delinquency case. Both the juvenile court and the previously appointed attorney challenged the appearance of the pro bono attorney on behalf of the nonminor. These challenges delayed the court's decision on the petition and the nonminor's receipt of benefits for over a month. To ensure that this issue does not cause delays for other nonminors, the committee proposes to clarify in an advisory committee comment to rule 5.900 that a nonminor is entitled to be represented in these proceedings by an attorney of his or her choice.

Alternatives considered and policy implications

Option 1. The committee considered taking no action, but the extensive modifications made to the rules and forms following the spring 2011 invitation-to-comment period would result in the public not having an opportunity to comment on rules and forms that were developed to implement a new statewide court process that has a significant impact on a vulnerable segment of the young adult population.

Option 2. The committee considered and now recommends the proposed amended rules and revised forms as outlined and for the reasons discussed above in the recommendation and rationale.

Implementation Requirements, Costs, and Operational Impacts

This proposal making minor amendments and revisions to these rules and forms recently adopted by the Judicial Council will not have any additional operational or fiscal impacts.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because this proposal will provide a set of rules and standardized forms that ensure compliance with state and federal legal requirements, it supports the integrity of court orders: Goal IIIA, Modernization of Management and Administration, Objective 4.

Attachments

1. Cal. Rules of Court, rules 5.502, 5.555, 5.707, 5.812, 5.900, and 5.906, at pages 7–32
2. Forms JV-281, JV-365, JV-367, JV-460, JV-462, JV-464-INFO, JV-466, JV-468, JV-680, JV-681, at pages 33–57
3. Chart of Comments, at pages 58–86

Amend rules 5.502, 5.555, 5.707, 5.812, 5.900, and 5.906 of the California Rules of Court effective July 1, 2012, to read:

1 **Title 5. Family and Juvenile Rules**

2
3 **Division 3. Juvenile Rules**

4
5 **Chapter 1. Preliminary Provisions—Title and Definitions**

6
7 **Rule 5.502. Definitions and use of terms**

8
9 Definitions (§§ 202(e), 303(b), 319, 361, 361.5(a)(3), 450, 628.1, 636, 726, 727.3(c)(2),
10 727.4(d), 11400(v), 11400(y), 16501(f)(16); 20 U.S.C. § 1415; 25 U.S.C. § 1903(2))

11
12 As used in these rules, unless the context or subject matter otherwise requires:

13
14 (1)–(15) ***

15
16 (16) “General jurisdiction” means the jurisdiction the juvenile court ~~retained~~ maintains
17 over a nonminor under section 303(b) at the time of the dismissal of dependency
18 jurisdiction, delinquency jurisdiction, or transition jurisdiction for the purpose of
19 considering a request to resume its dependency jurisdiction or to assume or resume
20 its transition jurisdiction over the person as a nonminor dependent.

21
22 (17)–(41) ***

23
24 **Chapter 3. General Conduct of Juvenile Court Proceedings**

25
26 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**
27 **nonminor—dependents or wards of the juvenile court in a foster care**
28 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 452, 607.3,**
29 **16501.1(f)(16))**

30
31 **(a) Applicability**

32
33 (1) This rule applies to any hearing during which the termination of the juvenile
34 court’s jurisdiction over the following nonminors will be considered:

35
36 (A) A nonminor dependent as defined in section 11400(v); and

37
38 (B) A ward or dependent of the juvenile court who is ~~a nonminor~~ 18 years
39 of age or older, and subject to an order for a foster care placement.

40
41 (2) Nothing in the Welfare and Institutions Code or ~~in~~ the California Rules of
42 Court restricts the ability of the juvenile court to maintain dependency

1 jurisdiction or delinquency jurisdiction over a person; 18 years of age ~~and or~~
2 older, who does not meet the eligibility requirements for status as a nonminor
3 dependent and to proceed as to that person under the relevant sections of the
4 Welfare and Institutions Code and California Rules of Court.

5
6 **(b) Setting a hearing**

7
8 (1) A court hearing must be placed on the appearance calendar ~~must be~~ and held
9 prior to terminating juvenile court jurisdiction.

10
11 (2)–(3) ***

12
13 (4) If juvenile court jurisdiction was resumed after having previously been
14 terminated with the juvenile court retaining general jurisdiction for the
15 purpose of resuming its jurisdiction, and subsequently jurisdiction was
16 resumed, a hearing under this rule must be held if the nonminor dependent
17 wants juvenile court jurisdiction terminated again. The social worker or
18 probation officer is not required to file the 90-day Transition Plan, and the
19 court need not make the findings ~~included~~ described in (d)(1)(L)(iii) or
20 (d)(2)(E)(vi).

21
22 (5) The hearing must be continued for no more than five court days for the
23 submission of additional information as ordered by the court; if the court
24 determines that the report, the Transitional Independent Living Plan, the
25 Transitional Independent Living Case Plan (TILCP) if required, or the 90-day
26 Transition Plan submitted by the social worker or probation officer does not
27 provide the information required by (c) and the court is unable to make the
28 findings and orders required by (d).

29
30 **(c) Reports**

31
32 (1) In addition to complying with all other statutory and rule requirements
33 applicable to the report prepared by the social worker or probation officer for
34 any hearing during which termination of the court's jurisdiction will be
35 considered, the report must include:

36
37 (A) ***

38
39 (B) The specific criteria in section 11403(b) met by the nonminor that
40 makes him or her eligible to remain under juvenile court jurisdiction as
41 a nonminor dependent as defined in section 11400(v);

- 1 (C) For ~~an Indian child~~ a nonminor to whom the Indian Child Welfare Act
2 applies, when and how the nonminor was provided with information
3 about the right to continue to be considered an Indian child for the
4 purposes of the ongoing application of the Indian Child Welfare Act to
5 him or her as a nonminor;
6
- 7 (D) ***
8
- 9 (E) Whether the nonminor has applied for and, if so, the status of any in-
10 progress application pending for Special Immigrant Juvenile
11 ~~Immigration~~ Status or other applicable application for legal residency
12 and whether an active juvenile court case is required for that
13 application;
14
- 15 (F) ***
16
- 17 (G) When and how the nonminor was informed that if juvenile court
18 jurisdiction is terminated, ~~with~~ the court maintains ~~retaining~~ general
19 jurisdiction over him or her for the purpose of resuming jurisdiction;
20 and he or she has the right to file a request to return to foster care and
21 have the juvenile court resume jurisdiction over him or her as a
22 nonminor dependent until he or she has attained the age of 21 years or
23 the age of 20 years if the Legislature does not appropriate funding to
24 extend the availability of foster care placement to the age of 21 years;
25
- 26 (H) When and how the nonminor was informed that if juvenile court
27 dependency jurisdiction or transition jurisdiction is continued over him
28 or her, he or she has the right to have ~~juvenile court~~ that jurisdiction
29 terminated;
30
- 31 (I) For a nonminor who is not present for the hearing:
32
- 33 (i) Documentation of the nonminor's statement that ~~the~~ he or she did
34 not wish to appear in court for the scheduled hearing; or
35
- 36 (ii) ***
37
- 38 (J) Verification that the nonminor was provided with the information,
39 documents, and services as required under section 391(e)~~(1)~~–(8); and
40
- 41 (K) ~~Verification for~~ When and how a nonminor who is under delinquency
42 jurisdiction ~~that~~ was provided with the notices and information required
43 under section 607.5 ~~were provided~~.

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(2)–(3) ***

(4) The social worker’s or probation officer’s report and all documents required by (c)(2)–(3) 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 other documents to the nonminor dependent’s parents.

(d) Findings and orders

In addition to complying with all other statutory and rule requirements applicable to the hearing, the following judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing:

(1) *Findings*

(A)–(B) ***

(C) Whether the nonminor meets one or more of the eligibility criteria in section 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction and, if so, the specific criteria in section 11403(b) met by the nonminor;

(D) For ~~an Indian child~~ a nonminor to whom the Indian Child Welfare Act applies, whether 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 the Indian Child Welfare Act to him or her;

(E) ***

(F) Whether the nonminor has an in-progress application pending for Special Immigrant Juvenile ~~Immigration~~ Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;

(G) ***

1 (H) Whether the nonminor has been informed that if juvenile court
2 jurisdiction is continued, he or she may have the right to have juvenile
3 court jurisdiction terminated ~~with and that~~ the court will maintain
4 ~~retaining~~ general jurisdiction over him or her for the purpose of
5 resuming dependency jurisdiction or assuming or resuming transition
6 jurisdiction over him or her as a nonminor dependent;
7

8 (I) Whether the nonminor has been informed that if juvenile court
9 jurisdiction is terminated ~~with the court retaining general jurisdiction,~~
10 he or she has the right to file a request to return to foster care and have
11 the juvenile court resume jurisdiction over him or her as a nonminor
12 dependent until he or she has attained the age of 21 years or the age of
13 20 years if the Legislature does not appropriate funding to extend the
14 availability of nonminor foster care placement to the age of 21 years;
15

16 (J) ***

17 (K) Whether ~~verification was submitted that the requirements of section~~
18 ~~607.5 have been completed~~ for a nonminor who is ~~subject to~~ under
19 delinquency jurisdiction was provided with the notices and information
20 required under section 607.5; and
21

22 (L)–(M) ***

23
24 (2) *Orders*

25
26 (A) ~~Order the continuation of juvenile court jurisdiction~~ For a nonminor
27 who meets one or more of the eligibility criteria in section 11403(b) to
28 remain in placement under dependency jurisdiction as a nonminor
29 dependent or under transition jurisdiction as a nonminor dependent, the
30 court must order the continuation of juvenile court jurisdiction unless
31 the court finds that:
32

33 (i)–(iii) ***

34
35 (B) When juvenile court jurisdiction is continued for the nonminor to
36 remain in placement as a nonminor dependent:

37 (i) ***

38
39 (ii) Continue the nonminor’s status as an Indian child for the
40 purposes of the ongoing application of the Indian Child Welfare
41 Act ~~to him or her~~ unless he or she has elected not to have his or
42 her status as an Indian child continued; and
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(iii) ***

(C) For a nonminor who does not meet and does not intend to meet the eligibility requirements for nonminor dependent status but who is otherwise eligible to and will remain under juvenile court’s jurisdiction in a foster care placement, the court must set a hearing under section 366.21, 366. 2, 366.25, 366.3, 727.2, or 727.3 within six months of the date of the nonminor’s most recent status review hearing.

(D) For a nonminor whose current location is unknown, the court may enter an order for termination of juvenile court jurisdiction only after finding that reasonable efforts were made to locate the nonminor ~~whose current location is unknown;~~

(E) For a nonminor (1) who does not meet one or more of the eligibility criteria of section 11403(b) and is not otherwise eligible to remain under juvenile court jurisdiction, (2) who does meet one or more of the eligibility criteria of section 11403(b) but does not wish to remain under the jurisdiction of the juvenile court as a nonminor dependent, or (3) who does meet one or more of the eligibility criteria of section 11403(b) but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan, the court may ~~enter an order for~~ the termination of juvenile court jurisdiction only after entering the following findings and orders:

(i)–(iii) ***

(iv) The nonminor was provided with a copy of *How to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468), and an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365);

(v) ***

(vi) The nonminor’s 90-day Transition Plan includes specific options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information

1 that explains how and why to designate a power of attorney for
2 health care;₂

3
4 ~~(F) — An order retaining general jurisdiction over the nonminor for the~~
5 ~~purpose of considering a request filed under section 388(e) to resume~~
6 ~~dependency jurisdiction or to assume or resume transition jurisdiction~~
7 ~~over him or her as a nonminor dependent must be made when juvenile~~
8 ~~court jurisdiction is terminated under this rule.~~

9
10 **Chapter 12. Cases Petitioned Under Section 300**

11
12 **Article 4. Reviews, Permanent Planning**

13
14 **Rule 5.707. Review hearing requirements for child approaching majority (§§ 224.1,**
15 **366(a)(1)(F), ~~366.3(l)~~, 366.3(l)-(n), 16501.1(f)(16))**

16
17 **(a) Reports**

18
19 At the last review hearing before the child attains 18 years of age held under
20 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all other
21 statutory and rule requirements applicable to the report prepared by the social
22 worker for the hearing, the report must include a description of:

- 23
24 (1) ***
25
26 (2) The efforts made by the social worker to help the child meet one or more of
27 the criteria in section 11403(b);
28
29 (3) ***
30
31 (4) Whether the child has applied for and, if so, the status of any in-progress
32 application pending for title XVI Supplemental Security Income benefits and,
33 if such an application is pending, whether it will be in the child's best interest
34 to continue juvenile court jurisdiction until a final decision is issued to ensure
35 that the child receives continued assistance with the application process;
36
37 (5) Whether the child has an in-progress application pending for Special
38 Immigrant Juvenile Immigration Status or other applicable application for
39 legal residency and whether an active dependency case is required for that
40 application;
41
42 (6) The efforts made by the social worker toward providing the child with the
43 written information, documents, and services described in section 391(e)(1),

1 and to the extent that the child has not yet been provided with ~~the information~~
2 them, the barriers to providing ~~that the~~ information, documents, or services
3 and the steps that will be taken to overcome those barriers by the date the
4 child attains 18 years of age;

5
6 ~~(7) The efforts made by the social worker toward completing and providing the~~
7 ~~child with the documents and services described in section 391(e)(2), and to~~
8 ~~the extent that the child has not yet been provided with them, the barriers to~~
9 ~~providing documents and services, and the steps that will be taken to~~
10 ~~overcome those barriers by the date the child attains 18 years of age;~~

11
12 ~~(8)~~ (7) When and how the child was informed of his or her right to have
13 juvenile court jurisdiction terminated when he or she attains 18 years of age;

14
15 ~~(9)~~ (8) When and how the child was provided with information about the
16 potential benefits of remaining under juvenile court jurisdiction as a
17 nonminor dependent and the social worker's assessment of the child's
18 understanding of those benefits; and

19
20 ~~(10)~~ (9) When and how the child was informed that if juvenile court jurisdiction
21 is terminated after he or she attains 18 years of age, he or she has the right to
22 file a request to return to foster care and have the juvenile court resume
23 jurisdiction over him or her as a nonminor dependent.

24
25 (b) ***

26
27 (c) **Findings**

28
29 (1) At the last review hearing before the child attains 18 years of age held under
30 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all
31 other statutory and rule requirements applicable to the hearing, the court must
32 find on the record and in the written, signed orders:

33
34 (A)–(D) ***

35
36 (E) Whether the child has an in-progress application pending for Special
37 Immigrant Juvenile Immigration Status or other applicable application
38 for legal residency and whether an active dependency case is required
39 for that application;

40
41 (F) Whether all the information, documents, and services in sections 391(e)
42 were provided to the child, and ~~(i) Whether the barriers to providing~~

1 any missing information, documents, or services can be overcome by
2 the date the child attains 18 years of age; and

3
4 ~~(ii) Whether juvenile court jurisdiction should be continued to ensure~~
5 ~~that all information, documents, and services are provided to the~~
6 ~~child if the barriers cannot be overcome by the date the child~~
7 ~~attains 18 years of age;~~

8
9 (G)–(H) ***

10
11 (I) Whether the child has been informed that if juvenile court jurisdiction
12 is terminated after he or she attains 18 years of age, he or she has the
13 right to file a request to return to foster care and have the juvenile court
14 resume jurisdiction over him or her as a nonminor dependent.

15
16 (2) ***

17
18 **(d) Orders**

19
20 (1) For a child who intends to remain under juvenile court jurisdiction as a
21 nonminor dependent, as defined in section 11400(v), after attaining 18 years
22 of age, the court must set a nonminor dependent status review hearing under
23 rule 5.903 within six months from the date of the current hearing.

24
25 (2) ***

26
27 **Chapter 13. Case Petitioned Under Sections 601 and 602**

28
29 **Article 5. Reviews and Sealing**

30
31 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
32 **child in foster care and for status review hearing for child approaching**
33 **majority (§§ 450, 451, 727.2(i)–(j), 778)**

34
35 **(a) Hearings subject to this rule**

36
37 The following hearings are subject to this rule:

38
39 (1)–(3) ***

40
41 (4) Any hearing to terminate juvenile court jurisdiction over a child less than 18
42 years of age who is not currently subject to an order for foster care
43 placement, but was previously removed from the custody of his or her parents

1 or legal guardian as a dependent of the juvenile court and an order for a foster
2 care placement as a dependent of the juvenile court was in effect at the time
3 the juvenile court adjudged the child to be a ward of the juvenile court under
4 section 725.
5

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

- 7
- 8 (1) The hearing must be held before a judicial officer and recorded by a court
9 reporter.
- 10
- 11 (2) The hearing must be continued for no more than five court days for the
12 submission of additional information as ordered by the court if the court finds
13 that the report and, if required, the Transitional Independent Living Case Plan
14 and Transitional Independent Living Plan submitted by the probation officer
15 do not provide the information required by (c) and the court is unable to
16 make all the findings required by (d).
17

18 **(c) Reports**

- 19
- 20 (1) In addition to complying with all other statutory and rule requirements
21 applicable to the report prepared by the probation officer for a hearing
22 described in (a)(1)–(4), the report must ~~include verification that the~~
23 ~~requirements of state whether the child was provided with the notices and~~
24 information required under section 607.5 have been completed and include a
25 description of:
26
- 27 (A) ***
- 28
- 29 (B) If reunification services have not been previously terminated, the
30 progress of each parent or legal guardian toward participating in case
31 plan service activities and meeting the case plan goals developed ~~to~~
32 ~~assist in the efforts~~ to resolve his or her issues that were identified and
33 contributed to the child’s removal from his or her custody.
34
- 35 (C) ***
- 36
- 37 (D) For a child previously determined to be a dual status child for whom
38 juvenile court jurisdiction as a dependent was suspended under section
39 241.1(e)(5)(A), a joint assessment by the probation department and the
40 child welfare services agency under section 366.5 regarding the
41 detriment, if any, to the child of a return to the home of his or her
42 parents or legal guardian and a recommendation on the resumption of
43 dependency jurisdiction. The facts in support of the opinions expressed

1 and the recommendations made must be included in the joint
2 assessment section of the report. If the probation department and the
3 child welfare services agency do not agree, the child welfare services
4 agency must file a separate report with facts in support of its opinions
5 and recommendations.
6

7 (E) For a child previously determined to be a dual status child for whom
8 the probation department was designated the lead agency under section
9 241.1(e)(5)(B), the detriment, if any, to the child of a return to the
10 home of his or her parents or legal guardian and the probation officer's
11 recommendation regarding the modification of the court's jurisdiction
12 over the child from that of a dual status child to that of a ~~child under the~~
13 ~~court's jurisdiction as a dependent~~ under section 300 and the facts in
14 support of the opinion expressed and the recommendation made.
15

16 (F) ***
17

18 (2) For the review hearing held on behalf of a child approaching majority
19 described in (a)(1) and any hearing described in (a)(2) or (a)(3) held on
20 behalf of a child more than 17 years, 5 months old and less than 18 years of
21 age, in addition to complying with all other report requirements set forth in
22 (c)(1), the report prepared by the probation officer must include:
23

24 (A) ***
25

26 (B) The efforts made by the probation officer to help the child meet one or
27 more of the criteria in section 11403(b);
28

29 (C)–(D) ***
30

31 (E) Whether the child has an in-progress application pending for Special
32 Immigrant Juvenile Immigration Status or other applicable application
33 for legal residency and whether an active juvenile court case is required
34 for that application;
35

36 (F) The efforts made by the probation officer toward providing the child
37 with the written information, documents, and services described in
38 section 391(e)(1), and, to the extent that the child has not yet been
39 provided with ~~the information them~~, the barriers to providing the
40 information, documents or services and the steps that will be taken to
41 overcome those barriers by the date the child attains 18 years of age;
42

1 ~~(G)~~ The efforts made by the probation officer toward completing and
2 providing the child with the items described in section 391(e)(2), and,
3 to the extent that the child has not yet been provided with each of the
4 documents and services, the barriers to providing those items, and the
5 steps that will be taken to overcome those barriers by the date the child
6 attains 18 years of age;

7
8 ~~(H)~~ (G) When and how the child was informed that upon reaching 18
9 years of age he or she may request the dismissal of juvenile court
10 jurisdiction over him or her under section 778;

11
12 ~~(I)~~ (H) When and how the child was provided with information
13 regarding the potential benefits of remaining under juvenile court
14 jurisdiction as a nonminor dependent and the probation officer’s
15 assessment of the child’s understanding of those benefits;

16
17 ~~(J)~~ (I) When and how the child was informed that if juvenile court
18 jurisdiction is terminated after he or she attains 18 years of age, he or
19 she has the right to file a request to return to foster care and have the
20 juvenile court assume or resume transition jurisdiction over him or her
21 as a nonminor dependent; and

22
23 ~~(K)~~ (J) The child’s Transitional Independent Living Case Plan and
24 Transitional Independent Living Plan, which must include:

25
26 (i)–(ii) ***

27
28 **(d) Findings**

29
30 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other
31 statutory and rule requirements applicable to the hearing, the court must find
32 on the record and in the written, signed orders:

33
34 (A) ***

35
36 (B) For a dual status child for whom dependency jurisdiction was
37 suspended under section 241.1(e)(5)(A), whether the return to the home of
38 the parents or legal guardian would be detrimental to the minor. The
39 facts supporting the finding must be stated on the record.

40
41 (C) For a child previously determined to be a dual status child for whom
42 the probation department was designated the lead agency under section
43 241.1(e)(5)(B), whether the return to the home of the parents or legal

1 guardian would be detrimental to the minor. The facts supporting the
2 finding must be stated on the record.

3
4 (D) For a child other than a dual status child:

5
6 (i) Who was not subject to the court's dependency jurisdiction at the
7 time he or she was adjudged a ward and is currently subject to an
8 order for a foster care placement, whether the child is at risk of
9 abuse or neglect appears to come within the description of section
10 300 and cannot be returned home safely. The facts supporting the
11 finding must be stated on the record;

12
13 (ii) Who was subject to an order for a foster care placement as a
14 dependent of the court at the time he or she was adjudged a ward,
15 whether the child remains within the description of a dependent
16 child under section 300 and whether the return to the home of the
17 parents or legal guardian would create a substantial risk of
18 detriment to the child's safety, protection, or physical or
19 emotional well-being. The facts supporting the findings must be
20 stated on the record;

21
22 (ii) ~~Whether the return to the home of the parent or legal guardian~~
23 ~~would create a substantial risk of detriment to the child's safety,~~
24 ~~protection, or physical or emotional well-being.~~ The facts
25 supporting the finding must be stated on the record

26
27 (iii)-(v) ***

28
29 (2) At the review hearing held on behalf of a child approaching majority
30 described in (a)(1) and any hearing under (a)(2) or (a)(3) held on behalf of a
31 child more than 17 years, 5 months old and less than 18 years of age, in
32 addition to complying with all other statutory and rule requirements
33 applicable to the hearing, the court must find on the record and in the written,
34 signed orders:

35
36 (A) Whether the child's Transitional Independent Living Case Plan, if
37 required, or Transitional Independent Living Plan, includes:

38
39 (i) ***

40
41 (ii) The child's alternate plan for his or her transition to
42 independence, including, housing, education, employment, and a

1 support system; in the event the child does not remain under
2 juvenile court jurisdiction after attaining 18 years of age.

3
4 (B)–(C) ***

5
6 (D) Whether the child has an in-progress application pending for Special
7 Immigrant Juvenile Immigration Status or other applicable application
8 for legal residency and whether an active juvenile court case is required
9 for that application;

10
11 (E)–(F) ***

12
13 (G) Whether the child understands the potential benefits of remaining under
14 juvenile court jurisdiction as a nonminor dependent; ~~and~~

15
16 (H) Whether the child has been informed that if after reaching 18 years of
17 age juvenile court jurisdiction is terminated, he or she has the right to
18 file a request to return to foster care and have the juvenile court assume
19 or resume transition jurisdiction over him or her as a nonminor
20 dependent;

21
22 (I) Whether all the information, documents, and services in sections 391(e)
23 were provided to the child, and (i) ~~W~~ whether the barriers to providing
24 any missing information, documents, or services can be overcome by
25 the date the child attains 18 years of age; and

26
27 ~~(ii) Whether juvenile court jurisdiction should be continued to ensure~~
28 ~~that all information, documents, and services are provided to the~~
29 ~~child if the barriers cannot be overcome by the child attains 18~~
30 ~~years of ages; and~~

31
32 (J) Whether ~~verification was submitted that~~ the notices and information
33 required under section 607.5 were provided to a child who is or was
34 subject to an order for foster care placement.

35
36 (e) **Orders**

37
38 (1) For a child previously determined to be a dual status child for whom
39 dependency jurisdiction was suspended under section 241.1(e)(5)(A),
40 dependency jurisdiction must be resumed if the court finds that the child's
41 rehabilitative goals have been achieved and a return to the home of the
42 parents or legal guardian would be detrimental to the child.

- 1 (2) For a child previously determined to be a dual status child for whom the
2 probation department was designated the lead agency under section
3 241.1(e)(5)(B), the court must terminate dual status, dismiss delinquency
4 jurisdiction, and continue dependency jurisdiction with the child welfare
5 services department responsible for the child's placement if the court finds
6 that the child's rehabilitative goals have been achieved and a return to the
7 home of the parents or legal guardian would be detrimental to the child.
8
- 9 (3) ***
- 10
- 11 (4) For a child who was not subject to the court's dependency jurisdiction at the
12 time he or she was adjudged a ward and is currently subject to an order for a
13 foster care placement, the court must:
- 14
- 15 (A) Order the probation department or the child's attorney to submit an
16 application, under section 329, to the county child welfare services
17 department to commence a proceeding to declare the child a dependent
18 of the court by filing a petition under section 300 if the court finds:
19
- 20 (i)-(ii) ***
- 21
- 22 (iii) The child appears to come within the description of section 300
23 and a return to the home of the parents or legal guardian may be
24 detrimental to his or her safety, protection, or physical or
25 emotional well-being.
- 26
- 27 (B) ***
- 28
- 29 (C) If the court affirms the decision not to file a petition under section 300
30 or a petition filed under section 300 is not sustained, the court may:
- 31
- 32 (i) Return the child to the home of the parents or legal guardian and
33 set a progress report hearing within the next six months;
- 34
- 35 (ii) Return the child to the home of the parents or legal guardian and
36 terminate juvenile court jurisdiction over the child; or
- 37
- 38 (iii) ***
- 39
- 40 (5) For a child who was subject to an order for foster care placement as a
41 dependent of the court at the time he or she was adjudged a ward, the court
42 must modify its delinquency jurisdiction over the child by vacating the order

1 terminating jurisdiction over the child as a dependent of the court and
2 resuming dependency jurisdiction over him or her if the court finds that:

3
4 (A)–(B) ***

5
6 (C) The child remains within the description of a dependent child under
7 section 300 and a return to the home of a parents or legal guardian
8 would create a substantial risk of detriment to his or her safety,
9 protection, or physical or emotional well-being.

10
11 (6) At a hearing described in (a)(1) for a child approaching majority or at any
12 hearing described in (a)(2) or (a)(3) held on behalf of a child more than 17
13 years, 5 months old and less than 18 years old of age ~~old of age~~ that did not result in
14 modification of jurisdiction over the child from delinquency jurisdiction to
15 dependency jurisdiction or transition jurisdiction, the court must:

16
17 (A) Return the child to the home of the parents or legal guardian and set a
18 progress report hearing within the next six months; or

19
20 (B) Return the child to the home of the parents or legal guardian and
21 terminate juvenile court jurisdiction over the child; or

22
23 (C) Continue the child’s foster care placement and:

24
25 (i) For the child who intends to meet the eligibility requirements for
26 status as a nonminor dependent after attaining 18 years of age,
27 ~~the court must~~ set a nonminor dependent status review hearing
28 under rule 5.903 no more than six months from the most recent
29 hearing held under section 727.2; or

30
31 (ii) For the child who does not intend to meet the eligibility
32 requirements for nonminor dependent status after attaining 18
33 years of age, ~~the court must~~:

34
35 a.–b. ***

36
37 (7) At any hearing under (a)(2) or (a)(3) held on behalf of a child 17 years, 5
38 months old or younger ~~less~~ that did not result in modification of jurisdiction
39 over the child from delinquency jurisdiction to dependency jurisdiction, the
40 court must:

41
42 (A) Return the child to the home of the parents or legal guardian and set a
43 progress report hearing within the next six months;

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39

(B) Return the child to the home of the parents or legal guardian and terminate juvenile court jurisdiction over the child; or

(C) ***

(8) At any hearing under (a)(4) on behalf of a child less than 18 years of age that did not result in modification of jurisdiction over the child from delinquency jurisdiction to dependency jurisdiction, the court must:

(A) Return the child to the home of the parents or legal guardian and set a progress report hearing within the next six months;

(B) Return the child to the home of the parents or legal guardian and terminate juvenile court jurisdiction over the child; or

(C) ***

(f) Modification of jurisdiction—conditions

Whenever the court modifies its jurisdiction over a dependent or ward under section 241.1, 607.2, or 727.2, the court must ensure that all of the following conditions are met:

(1) ***

(2) The order modifying the court’s jurisdiction contains all of the following provisions:

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

(B)–(C) ***

Chapter 14. Nonminor Dependent

1 **Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303,**
2 **366, 366.3, 388, 391, 607(a))**

3
4 (a)–(e) ***

5
6 **Advisory Committee Comment**

7
8 A nonminor is entitled to be represented by an attorney of his or her choice rather than by a court-
9 appointed attorney in proceedings under this chapter and under rule 5.555. (See Welf. & Inst.
10 Code, § 349(b); *In re Akkiko M.* (1985) 163 Cal.App.3d 525.) Any fees for an attorney retained
11 by the nonminor are the nonminor's responsibility.

12
13
14 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§**
15 **224.1(b), 303, 388(e))**

16
17 (a) **Purpose**

18
19 This rule provides the procedures that must be followed when a nonminor wants to
20 have juvenile court jurisdiction resumed over him or her as a nonminor dependent
21 ~~described~~ defined in section 11400(v).

22
23 (b) **Contents of the request**

24
25 (1) ***

26
27 (2) The request must be liberally construed in favor of its sufficiency. It must be
28 verified by the nonminor or if the nonminor is unable to provide verification
29 due to a medical condition, the nonminor's ~~designee~~ representative, and to
30 the extent known to the nonminor or the nonminor's representative, must
31 include the following information:

32
33 (A) ***

34
35 (B) The nonminor's address and contact information, unless the nonminor
36 requests that this information be kept confidential from those persons
37 entitled to access to the juvenile court file, including his or her parents,
38 by filing *Confidential Information—Request to Return to Juvenile*
39 *Court Jurisdiction and Foster Care* (form JV-468). Form JV-468 must
40 be kept in the court file under seal, and only the court, the child welfare
41 services agency, the probation department, or the Indian tribe with an
42 agreement under section 10553.1 to provide child welfare services to
43 Indian children (Indian tribal agency), the attorney for the child welfare

1 services agency, the probation department, or the Indian tribe, and the
2 nonminor's attorney may have access to this information;
3

4 (C) The name and action number or court file number of the nonminor's
5 case and the name of the juvenile court that terminated its dependency
6 jurisdiction, delinquency jurisdiction, or transition jurisdiction ~~and~~
7 ~~retained general jurisdiction for the purpose of considering a request to~~
8 ~~assume or resume its jurisdiction over him or her as a nonminor~~
9 ~~dependent;~~

10
11 (D) The date the juvenile court entered the order terminating its
12 dependency jurisdiction, delinquency jurisdiction, or transition
13 jurisdiction ~~and retained general jurisdiction over him or her;~~
14

15 (E) ***
16

17 (F) The name and telephone number of the court-appointed attorney who
18 represented the nonminor at the time the juvenile court terminated its
19 dependency jurisdiction, delinquency jurisdiction, or transition
20 jurisdiction ~~and retained general jurisdiction~~ if the nonminor wants that
21 attorney to be ~~the attorney~~ appointed to represent him or her for the
22 purposes of the hearing on the request;
23

24 (G) If the nonminor is an Indian child within the meaning of the Indian
25 Child Welfare Act and ~~he or she~~ chooses to have the Indian Child
26 Welfare Act apply to him or her, the name of the tribe and the name,
27 address, and telephone number of his or her tribal representative;
28

29 (H)–(J) ***
30

31 (3) ***
32

33 (c) **Filing the request**
34

35 (1) The form JV-466 must be completed and verified by the nonminor or the
36 nonminor's representative if the nonminor is unable to provide verification
37 due to a medical condition, and may be filed by the nonminor or the county
38 child welfare services, probation department, or Indian tribe (placing agency)
39 on behalf of the nonminor.
40

41 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
42 wishes to keep his or her contact information confidential, the *Confidential*

1 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
2 *Care* (form JV-468) may be:

3
4 (A) Filed with the juvenile court that ~~maintained~~ retained general
5 jurisdiction ~~in the same action in which the nonminor was found to be a~~
6 ~~dependent or ward of the court;~~; or

7
8 (B) Submitted to the juvenile court in the county in which the nonminor
9 currently resides, after which:

10
11 (i) ***

12
13 (ii) To ensure receipt of the original form JV-466 and, if submitted,
14 the form JV-468; by the court ~~that retained~~ of general jurisdiction
15 within five court days as required in section 388(e), the court
16 clerk must forward those originals to the clerk of the court ~~that~~
17 ~~retained~~ of general jurisdiction within two court days of
18 submission of the originals by the nonminor.

19
20 (iii) The court in the county in which the nonminor resides is
21 responsible for all costs of processing, copying, and forwarding
22 the form JV-466 and form JV-468 to the clerk of the court ~~that~~
23 ~~retained~~ of general jurisdiction.

24
25 (iv) ***

26
27 (v) The form JV-466 and, if submitted, the form JV-468 must be
28 filed immediately upon receipt by the clerk of the juvenile court
29 ~~that retained~~ of general jurisdiction.

30
31 (C) For a nonminor living outside the state of California, the form JV-466
32 and, if the nonminor wishes to keep his or her contact information
33 confidential, the form JV-468 must be filed with the juvenile court ~~that~~
34 ~~retained~~ of general jurisdiction.

35
36 (3) If form JV-466 is filed by the nonminor, within two court days of its filing
37 with the clerk of the court in the county ~~that retained~~ of general jurisdiction,
38 the clerk of that court must notify the placing agency that was supervising the
39 nonminor when juvenile court jurisdiction was terminated that the nonminor
40 has filed form JV-466 and provide the placing agency with the nonminor's
41 contact information. The notification must be by telephone, fax, e-mail, or
42 other method approved by the presiding juvenile court judge that will ensure
43 prompt notification and inform the placing agency that a copy of form

JV-466 will be served on the agency and that one is currently available in the office of the juvenile court clerk.

(4)–(5) ***

(d) Determination of prima facie showing

(1) Within three court days of the filing of form JV-466 with the clerk of the juvenile court ~~that retained~~ 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 in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

(A) The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement ~~when~~ on the date he or she attained 18 years of age;

(B)–(C) ***

(D) The nonminor intends to satisfy at least one of the ~~conditions as described~~ eligibility criteria in section 11403(b). ~~and set forth below:~~

~~(i) Complete secondary education or a program leading to an equivalent credential.~~

~~(ii) Enroll in an institution that provides postsecondary or vocational education.~~

~~(iii) Participate in a program or activity designed to promote or remove barriers to employment.~~

~~(iv) Be employed for at least 80 hours per month.~~

~~(v) Incapable of doing any of the activities described in subparagraphs (i) to (iv), inclusive, due to a medical condition.~~

(2) If the court determines that a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new form JV-466 may be filed when those issues are resolved.

(A) The court clerk must serve on the nonminor:

(i) ***

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(ii) A blank copy 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-466~~8~~);

(iii) A copy of *How to Ask ~~the~~ to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO); and

(iv) ***

(B)–(D) ***

(3) If the judicial officer determines that a prima facie showing has been made, the judicial officer must issue a written order:

(A) ***

(B) Appointing an attorney to represent the nonminor solely for ~~the sole purpose of~~ the hearing on the request.

(e) Appointment of attorney

(1) If the nonminor included on the form JV-466 a request for the appointment of the court-appointed attorney who represented the nonminor during the period of time he or she was a ward or dependent or nonminor dependent, the judicial officer must appoint that attorney solely for ~~the sole purpose of~~ the hearing on the request, if the attorney is available to accept such an appointment.

(2) If the nonminor did not request the appointment of his or her former court-appointed attorney, the judicial officer must appoint an attorney to represent the nonminor solely for ~~the sole purpose of~~ 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.

(3) In addition to complying with the requirements in (g)(1) for service of notice of the hearing, the juvenile court clerk must notify the attorney of his or her appointment as soon as possible, but no later than one court day from the date the order for his or her appointment was issued under (d)(3). This notification must be made by telephone, fax, e-mail, or other method approved by the presiding juvenile court judge that will ensure prompt notification. The notice must also include the nonminor’s contact information and inform the attorney

1 that a copy of the form JV-466 will be served on him or her and that one is
2 currently available in the office of the juvenile court clerk.

3
4 (4)–(6) ***

5
6 **(f) Setting the hearing**

7
8 (1) Within two court days of the issuance of the order directing the court clerk to
9 do so, the court clerk must set a hearing on the juvenile court’s calendar
10 within 15 court days from the date the form JV-466 was filed with the court
11 ~~that retained~~ of general jurisdiction.

12
13 (2) ***

14
15 **(g) Notice of hearing**

16
17 (1) The juvenile court clerk must serve notice as soon as possible, but no later
18 than five court days before the date the hearing is set, as follows:

19
20 (A) The notice of the date, time, place, and purpose of the hearing and a
21 copy of the form JV-466 must be served on the nonminor, the
22 nonminor’s attorney, the child welfare services agency, the probation
23 department, or the Indian tribal agency that was supervising the
24 nonminor when the juvenile court ~~entered the order retaining general~~
25 terminated its delinquency, dependency, or transition jurisdiction over
26 the nonminor, and the attorney for the child welfare services agency,
27 the probation department, or the Indian tribe.

28
29 (B) The notice of the date, time, place, and purpose of the hearing must be
30 served on the nonminor’s parents only if the nonminor included in the
31 form JV-466 a request that notice be provided to his or her parents.

32
33 (C) The notice of the date, time, place, and purpose of the hearing must be
34 served on the nonminor’s tribal representative if the nonminor is an
35 Indian child and indicated on the form JV-466 his or her choice to have
36 the Indian Child Welfare Act apply to him or her as a nonminor
37 dependent.

38
39 (D) The notice of the date, time, place, and purpose of the hearing must be
40 served on the local CASA office if the nonminor had a CASA and
41 included on the form JV-466 a request that notice be provided to his or
42 her former CASA.

1 (2)–(4) ***

2

3 **(h) Reports**

4

5 (1) The social worker, probation officer, or Indian tribal agency case worker
6 (tribal case worker) must submit a report to the court that includes:

7

8 (A) Confirmation that the nonminor was previously under juvenile court
9 jurisdiction subject to an order for foster care placement when he or she
10 attained 18 years of age, ~~that the juvenile court retained general~~
11 ~~jurisdiction over the nonminor,~~ and that on and after January 1, 2012,
12 the nonminor will not have not attained 19 years of age; or
13 commencing January 1, 2013, he or she will not have attained 20 years
14 of age; or commencing on January 1, 2014, he or she will not have
15 attained 21 years of age;

16

17 (B)–(F) ***

18

19 (2)–(3) ***

20

21 **(i) Findings and orders**

22

23 The court must read and consider, and state on the record that it has read and
24 considered, the report; the supporting documentation submitted by the social
25 worker, probation officer, or tribal case worker; the evidence submitted by the
26 nonminor; and any other evidence. The following judicial findings and orders must
27 be made on the record and included in the written, signed court documentation of
28 the hearing:

29

30 (1) *Findings*

31

32 (A)–(B) ***

33

34 ~~(C) Whether the juvenile court retained general jurisdiction over the~~
35 ~~nonminor;~~

36

37 ~~(D)~~ (C) Whether on and after January 1, 2012, the nonminor will not
38 have ~~not~~ attained 19 years of age; or commencing January 1, 2013, he
39 or she will not have attained 20 years of age; or commencing on
40 January 1, 2014, he or she will not have attained 21 years of age;

41

42 ~~(E)~~ (D) Whether the nonminor intends to satisfy a condition or conditions
43 under section 11403(b);

- 1
2 ~~(F)~~ (E) The condition or conditions under section 11403(b) that the
3 nonminor intends to satisfy ~~under section 11403(b)~~;
4
5 ~~(G)~~ (F) Whether continuing in a foster care placement is in the
6 nonminor’s best interests;
7
8 ~~(H)~~ (G) Whether the nonminor and the placing agency have entered into a
9 reentry agreement for placement in a supervised setting under the
10 placement and care responsibility of the placing agency; and
11
12 ~~(I)~~ (H) Whether a nonminor who is an Indian child chooses to have the
13 Indian Child Welfare Act apply to him or her as a nonminor dependent.
14

15 (2) *Orders*

16
17 (A) If the court finds that the nonminor comes within the age requirements
18 under (i)(1)~~(DC)~~, ~~that the juvenile court entered an order retaining~~
19 ~~general jurisdiction over the nonminor~~, that the nonminor ~~does~~ intends
20 to satisfy at least one condition under section 11403(b), and that the
21 nonminor and placing agency have entered into a reentry agreement,
22 the court must:

23
24 (i)–(iii) ***

25
26 (iv) Set a nonminor dependent status review hearing under rule 5.903
27 within the next six months; and

28
29 (v) ***

30
31 (B) If the court finds that the nonminor comes within the age requirements
32 under (i)(1)~~(DC)~~ ~~and that the juvenile court entered an order retaining~~
33 ~~general jurisdiction over the nonminor~~, but the nonminor does not
34 intend to satisfy at least one of the conditions under section 11403(b)
35 and/or the nonminor and placing agency have not entered into a reentry
36 agreement, the court must:

37
38 (i) Enter an order denying the request, listing the reasons for the
39 denial, and informing the nonminor that a new form JV-466 may
40 be filed when those circumstances change;

41
42 (ii)–(iii) ***
43

1 (C) If the court finds that the nonminor does not come within the age
2 requirements under (i)(1)(~~DC~~) and/or the juvenile court did not retain
3 general jurisdiction over the nonminor, the court must:
4

5 (i)-(ii) ***
6

7 (3) ***
8
9

10 **Advisory Committee Comment**

11
12 Assembly Bill 12 (Beall; Stats. 2010, ch. 559), known as the California Fostering Connections to
13 Success Act, as amended by ~~and~~ Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the
14 federal Fostering Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351,
15 which provides funding resources to extend the support of the foster care system to children who
16 are still in a foster care placement on their 18th birthday. Every effort was made in the
17 development of the rules and forms to provide an efficient framework for the implementation of
18 this important and complex legislation.
19

20 The extension of benefits for nonminors up to ~~18~~ 19 years of age during the first year and for
21 nonminors up to ~~19~~ 20 years of age during the following year is fully provided for in Assembly
22 Bill 12 and does not require further action by the Legislature; however, extension of those
23 benefits to nonminors between 20 and 21 years of age is contingent upon an appropriation by the
24 Legislature. (Welf. & Inst. Code, § 11403(k).)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): _____ TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
NOTICE OF HEARING <input type="checkbox"/> NONMINOR DEPENDENT REVIEW HEARING <input type="checkbox"/> OTHER	CASE NUMBER:

NOTICE TO (*name and address*):

1. A hearing will be held

on (<i>date</i>):	at (<i>time</i>):	in Dept.:	Room:
---------------------	---------------------	-----------	-------

located at court address above other (*specify address*):

2. At the hearing, the court will:

- a. Review the nonminor dependent's goals and services as described in the Transitional Independent Living Case Plan and the efforts and progress made toward achieving independence.
- b. Other (*specify*):

3. **THE** **SOCIAL WORKER** **PROBATION OFFICER** **RECOMMENDS:**

- a. A change in orders, services, placement, or status (*specify*):
- b. No change in orders, services, placement, or status.
- c. Other (*specify*):

4. **TO THE NONMINOR:**

- a. **You have the right to be present at the hearing, to present evidence, and to be represented by an attorney.** You may invite other persons to attend the hearing.
- b. **You may appear for the hearing by telephone.** Instructions about the local court procedures for arranging to appear and appearing at the hearing by telephone are included with this notice.
- c. Prior to the hearing, the social worker or probation officer will prepare a report with recommendations. You must be provided with a copy of this report.
- d. The court will proceed with this hearing whether or not you are present.

5. **TO THE PRESENT SUPERVISOR OF THE NONMINOR DEPENDENT'S RESIDENCE, IF ANY:**

- a. You may be present at the hearing.
- b. You may submit relevant written material to the court.

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms.htm for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
NONMINOR'S NAME: _____ NONMINOR'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____	
TERMINATION OF JUVENILE COURT JURISDICTION—NONMINOR	CASE NUMBER: _____
Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 7, complete item 8, attach documents as required, and sign and date item 9.	
Directions for the nonminor (if nonminor is available): Review the boxes checked by the social worker or probation officer in items 1 through 7. If the box checked in item 1 is wrong, check the correct box and sign your initials next to the box. Sign your initials on the line after items 2a–h, items 3a–j, item 4, items 5a–b, item 6, and items 7a–h if you received the service or information. Then sign and date item 10. The form may be given to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.	

1. a. The nonminor wants to attend the termination hearing.
- b. The nonminor does not want to attend the termination hearing. The petitioner has attached verification that the nonminor has been informed of the potential consequences of failure to attend the termination hearing.
- c. The nonminor is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the nonminor and to obtain his or her signature is attached.

2. An attached report verifies that the nonminor has received written information concerning his or her juvenile court case, including (check all that apply):
 - a. Information known about the nonminor's Indian heritage or tribal connections, if applicable _____
 - b. The nonminor's family history _____
 - c. The nonminor's placement history _____
 - d. The nonminor's educational and medical history _____
 - e. Any photographs of the nonminor or his or her family in the possession of the county child welfare department or probation department, other than forensic photographs _____
 - f. The whereabouts of any siblings under the jurisdiction of the juvenile court except for those siblings for whom the juvenile court has found that sibling contact would jeopardize the safety or welfare of the sibling _____
 - g. The nonminor's right to go to the clerk's office and, after demonstrating his or her identity by showing an identification card or by other means, inspect, receive, and copy his or her juvenile case file without an order from the juvenile court (see Welf. & Inst. Code, §§ 826.6 and 827 and rule 5.552 of the California Rules of Court) _____
 - h. The date on which the jurisdiction of the court will be terminated _____

3. The nonminor has been provided with the following documents (check all that apply):
 - a. Certified birth certificate _____
 - b. Social security card _____
 - c. Identification card and/or driver's license _____
 - d. Proof of citizenship or residency status _____
 - e. Death certificate of parent or parents, if applicable _____
 - f. Health and Education Passport maintained by the county welfare department or the probation department _____

NONMINOR'S NAME: _____	CASE NUMBER: _____
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- 3. g. An advance health care directive form _____
- h. Letter prepared by the county welfare department that includes the nonminor's name and date of birth, the dates during which ~~the~~ he or she was within the jurisdiction of the juvenile court, and a statement that the nonminor was a foster child in compliance with state and federal financial aid documentation requirements _____
- i. The nonminor's 90-day Transition Plan _____
- j. A blank copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *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) _____
- 4. If the nonminor continues to be eligible for services or accommodations under the Individuals With Disabilities Education Act, the Americans With Disabilities Act, or section 504 of the Rehabilitation Act of 1973, he or she has been provided with his or her most recent service or accommodation plan. _____
- 5. The nonminor has been receiving services as provided in the Individuals With Disabilities Education Act (34 C.F.R. §§ 300.320(b) and (c), 300.321(b)), and
 - a. the nonminor has received his or her transition service plan. _____
 - b. the nonminor has been informed of the rights that will transfer to him or her under this act. _____

6. The nonminor was informed that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age, who are, or have been, dependent children in foster care. _____

7. The nonminor received the following:
- a. Assistance with an application for Medi-Cal or other health insurance, including information about the availability of extended Medi-Cal benefits until age 21 _____
 - b. Assistance with an application for college, a vocational training program, or other educational or employment program _____
 - c. Assistance in obtaining financial aid for college, a vocational training program, or other educational or employment program _____
 - d. A referral to transitional housing, if available, or assistance in securing other housing _____
 - e. Assistance in obtaining employment or other financial support including the CalFresh Program _____
 - f. Assistance in maintaining relationships with individuals important to him or her, consistent with his or her best interest *(required only if the nonminor has been in an out-of-home placement for six months or longer)* _____
 - g. Assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence _____
 - h. Other services ordered by the court *(specify)*: _____

8. Number of pages attached: _____

9. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)

10. I certify that I have received the information and services that I initialed above.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF NONMINOR)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____		FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME: _____ DEPT.: _____		
FINDINGS AND ORDERS AFTER HEARING TO CONSIDER TERMINATION OF JUVENILE COURT JURISDICTION OVER A NONMINOR		CASE NUMBER:
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

- | | <u>Present</u> | | <u>Present</u> |
|--|--------------------------|--------------------------|--------------------------|
| 1. Parties <i>(name)</i> : | | Attorney <i>(name)</i> : | |
| a. Nonminor: | <input type="checkbox"/> | | <input type="checkbox"/> |
| b. Probation officer: | <input type="checkbox"/> | | <input type="checkbox"/> |
| c. County agency social worker: | <input type="checkbox"/> | | <input type="checkbox"/> |
| d. Other <i>(specify)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 2. Parent: | | | |
| a. <input type="checkbox"/> Father <input type="checkbox"/> Mother <i>(name)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| b. <input type="checkbox"/> Father <input type="checkbox"/> Mother <i>(name)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 3. Legal guardian <i>(name)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 4. Indian custodian <i>(name)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 5. Tribal representative <i>(name)</i> : | <input type="checkbox"/> | | <input type="checkbox"/> |
| 6. Others present | | | |
| a. Other <i>(name)</i> : | | | |
| b. Other <i>(name)</i> : | | | |
| c. Other <i>(name)</i> : | | | |
| 7. The court has read and considered and admits into evidence: | | | |
| a. <input type="checkbox"/> Report of social worker dated: | | | |
| b. <input type="checkbox"/> Report of probation officer dated: | | | |
| c. <input type="checkbox"/> Other <i>(specify)</i> : | | | |
| d. <input type="checkbox"/> Other <i>(specify)</i> : | | | |
| e. <input type="checkbox"/> Other <i>(specify)</i> : | | | |

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

Findings:

8. Notice of the date, time, and location of the hearing was given as required by law.
9. Nonminor who is not present:
- The nonminor expressed a wish to not appear for hearing and did not appear.
 - The nonminor's current location is unknown and reasonable efforts were made to locate the youth.
10. The nonminor had the opportunity to confer with his or her attorney about the issues currently before the court.
11. Remaining under juvenile court jurisdiction is is not in the nonminor's best interests. The facts supporting this determination were stated on the record.
12. a. The nonminor does not meet the eligibility criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction at this time.
- b. The nonminor does satisfy the following criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction:
- The nonminor attends high school or a high school equivalency certificate (GED) program.
 - The nonminor attends a college, a community college, or a vocational education program.
 - The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
 - The nonminor is employed at least 80 hours per month.
 - The nonminor is incapable of doing any of the activities in (b)(1)–(4) due to a medical condition.
13. The nonminor has an in-progress application pending for title XVI Supplemental Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process is is not in the nonminor's best interest.
- is in the child's best interest.
 - is not in the child's best interest as it is not necessary.
14. The nonminor has an in-progress application pending for Special Immigrant Juvenile Status or other application for legal residency for which an active juvenile court case is required.
15. The nonminor was informed of the options available to assist with the transition from foster care to independence.
16. The potential benefits of remaining in foster care under juvenile court jurisdiction were explained to the nonminor and the nonminor has stated that he or she understands those benefits.
17. The nonminor was informed that if juvenile court jurisdiction is continued, he or she may have the right to have that jurisdiction terminated and that the court will maintain general jurisdiction for the purpose of resuming jurisdiction over him or her as a nonminor dependent.
18. The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a petition to have the court resume dependency jurisdiction or transition jurisdiction over him or her so long as he or she is within the eligible age range for status as a nonminor dependent.
19. a. The nonminor was provided with the information, documents, and services required under Welf. & Inst. Code, § 391(e), and a completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365), was filed with this court.
- b. The nonminor cannot be located and reasonable efforts were made to locate him or her and, for that reason, the nonminor was not provided with the information, documents, services, and form specified in item 19a.

NONMINOR'S NAME: 	CASE NUMBER:
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20. For a nonminor who is subject to delinquency jurisdiction, the requirements of Welf. & Inst. Code, § 607.5
 were were not met.
21. For a nonminor who is an Indian child under the Indian Child Welfare Act, he or she was was not provided with information regarding the right to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.
22. a. The Transitional Independent Living Case Plan includes a plan for a placement the nonminor believes is consistent with his or her need to gain independence, reflects agreements made to obtain independent living skills, and sets out benchmarks that indicate how the nonminor and social worker or probation officer will know when independence can be achieved.
- b. The Transitional Independent Living Plan (TILP) 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.
- c. 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.

Orders:

23. The nonminor meets at least one of the conditions listed in item 12(b)(1)–(5) and juvenile court
- a. dependency jurisdiction transition jurisdiction over the nonminor as a nonminor dependent is ordered.
- b. The nonminor's permanent plan is:
- (1) Independence after a period of placement in supervised settings specified in Welf. & Inst. Code, § 11402.
- (2) Other (*specify*):
- c. The nonminor is an Indian child and has has not elected to have the Indian Child Welfare Act apply.
- d. The matter is continued for a hearing set under Welf. & Inst. Code, § 366(f) and Cal. Rules of Court, rule 5.903 on the date set in item 29, which is within six months of the nonminor's most recent status review hearing
24. The nonminor does not meet and does not intend to meet the eligibility criteria for status as a nonminor dependent but is otherwise eligible to and will remain under the juvenile court's jurisdiction in a foster care placement and the matter is set for a status review hearing on the date indicated in item 29 which is within six months of the date of the nonminor's most recent status review hearing.
25. Reasonable efforts were made to locate the nonminor under the court's jurisdiction as a dependent, ward, or nonminor dependent, and his or her current location remains unknown. 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 Welf. & Inst. Code, § 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
26. The nonminor:
- a. Does not meet the eligibility criteria for status as a nonminor dependent and is not otherwise eligible to remain under juvenile court jurisdiction;
- b. Does meet the eligibility criteria for status as a nonminor dependent but does not wish to remain under juvenile court jurisdiction as a nonminor dependent; or
- c. Does meet 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 nonminor was given an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365), and the findings required in items 10, 16, 19a, and 22c were made. 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 Welf. & Inst. Code, § 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.

NONMINOR;S NAME:	CASE NUMBER:
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27. The nonminor is no longer within the eligible age range for status as a dependent, a ward, or a nonminor dependent subject to the jurisdiction of the juvenile court. The findings required by items 19 and 22c were made. Juvenile court jurisdiction over the nonminor is dismissed

28. **Other findings and orders:**
 a. See attachment 28a.
 b. Other (*specify*):

29. **A hearing is scheduled as follows:**

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

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

30. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

ATTACHMENT: ADDITIONAL FINDINGS AND ORDERS FOR CHILD APPROACHING MAJORITY—DEPENDENCY

Use this form to document the juvenile court's findings and orders regarding the child's plans for independent living and his or her status as a nonminor dependent as set forth in Cal. Rules of Court, rule 5.707, at the last status review hearing held under Welf. & Inst. Code, § 366.21 or 366.3 before the child attains 18 years of age.

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

1. The child's Transitional Independent Living Case Plan includes a plan for the child to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent:
 - a. The child plans to attend high school or a high school equivalency certificate (GED) program.
 - b. The child plans to attend a college, a community college, or a vocational education program.
 - c. The child plans to take part in a program or activities to promote employment or overcome barriers to employment.
 - d. The child plans to be employed at least 80 hours a month.
 - e. The child may not be able to attend school, college, a vocational program, a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition.
2. The child's Transitional Independent Living Case Plan includes an alternative plan for the child's transition to independence, including housing, education, employment, and a support system in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age.
3. For an Indian child, he or she does does not intend to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.
4. The child has an in-progress application pending for title XVI Supplemental Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process
 - a. is in the child's best interest.
 - b. is not in the child's best interest as it is not necessary.
5. The child has an in-progress application pending for Special Immigrant Juvenile Status or other application for legal residency for which an active juvenile court case is required.
6. a. All the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the child.
 - b. Not all the information, documents, and services included in Welf. & Inst. Code, § 391(e) have been provided to the child
 - (1) The barriers to providing any missing information, documents, or services can be overcome by the date the child attains 18 years of age.
 - (2) The barriers to providing any missing information, documents or services may not be overcome by the date the child attains 18 years of age.
7. The child was informed that upon reaching 18 years of age he or she has the right to have juvenile court jurisdiction terminated following a hearing under Cal. Rules of Court, rule 5.555.
8. 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.
9. The child has been informed that if juvenile court jurisdiction is terminated, 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.

CHILD'S NAME: _____	CASE NUMBER:
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Orders:

10. The child intends to remain under juvenile court jurisdiction as a nonminor dependent as defined in Welf. & Inst. Code, § 11402(v) after attaining 18 years of age, and a hearing is ordered set under Cal. Rules of Court, rule 5.903 to occur within the next six months.
11. The child does not intend to remain under juvenile court jurisdiction after attaining 18 years of age as a dependent of the court or as a nonminor dependent as defined in Welf. & Inst. Code, §11402(v) and, at the child's request, a hearing is ordered set under Cal. Rules of Court, rule 5.555 for a date within one month after the child's 18th birthday.
12. The child does not intend to remain under juvenile court jurisdiction as a nonminor dependent as defined in Welf. & Inst. Code, § 11402(v) after attaining 18 years of age, but the child is otherwise eligible to and will remain under juvenile court jurisdiction in a foster care placement, and a hearing is ordered set under Welf. & Inst. Code, § 366.21, 366.22, 366.25, or 366.3 to occur within the next six months.

NONMINOR'S NAME: 	CASE NUMBER:
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- 8. **The nonminor dependent's current placement is appropriate.**
- 9. **The nonminor dependent's current placement is not appropriate.** The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
- 10. The nonminor dependent's Transitional Independent Living Case Plan does include a plan for him or her to satisfy the the criteria in Welf. & Inst. Code, § 11403(b) to remain in foster care under juvenile court jurisdiction. The specific criteria it is anticipated the nonminor dependent will continue to satisfy are indicated below:
 - a. Attending high school or a high school equivalency certificate (GED) program.
 - b. Attending a college, a community college, or a vocational education program.
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment.
 - d. Employed at least 80 hours per month.
 - e. The nonminor dependent is not able to attend a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, an employment program or activity, or to work 80 hours per month due to a medical condition.
- 11. The county agency has has not made reasonable efforts and provided assistance to help the nonminor dependent establish and maintain compliance with the conditions in Welf. & Inst. Code, § 11403(b).
- 12. The nonminor dependent was was not provided with the information, documents, and services as required under Welf. & Inst. Code, § 391(e).
- 13. The Transitional Independent Living Case Plan was was not developed jointly by the nonminor dependent and the county agency.
- 14. For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the representative from his or her tribe was was not consulted during the development of the nonminor dependent's Transitional Independent Living Case Plan.
- 15. The nonminor dependent's Transitional Independent Living Case Plan does does not reflect the living situation and services consistent, in the nonminor dependent's opinion, with what he or she needs to gain independence and sets out benchmarks that indicate how both will know when independence can be achieved.
- 16. The nonminor dependent's Transitional Independent Living Case Plan does does not include appropriate and meaningful independent living skill services that will assist the youth with the transition from foster care to independent living.
- 17. The county agency has has not made reasonable efforts to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the youth's permanent plan and prepare him or her for independence.
- 18. The nonminor dependent did did not sign and receive a copy of his or her Transitional Independent Living Case Plan.
- 19. a. The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals has been: excellent satisfactory minimal.
 - b. The modifications to the Transitional Independent Living Case Plan goals needed to assist the nonminor dependent in his or her efforts to attain those goals were stated on the record.
- 20. The county agency has has not made reasonable efforts to maintain relations between the nonminor dependent and individuals who are important to him or her, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections.
- 21. The county agency has has not made reasonable efforts to establish or maintain the nonminor dependent's relationship with his or her siblings who are under juvenile court jurisdiction.
- 22. The likely date by which it is anticipated the nonminor dependent will achieve independence is: _____.

NONMINOR'S NAME: 	CASE NUMBER:
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23. 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 Cal. Rules of Court, rule 5.555 is ordered
24. At a hearing under Cal. Rules of Court, rule 5.555 held on the date below, the juvenile court entered the findings and orders as recorded on the *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor* (form JV-367) and juvenile court jurisdiction is terminated pursuant to those findings and orders.
25. Juvenile court jurisdiction over the youth as a nonminor dependent is continued and
- a. The youth's permanent plan is:
- (1) Independence after a period of placement in supervised settings specified in Welf. & Inst. Code, § 11402.
- (2) Other (*specify*):
- b. The matter is continued for a hearing set under Welf. & Inst. Code, § 366(f) and Cal. Rules of Court, rule 5.903 within the next six months.
26. **All prior orders not in conflict with this order remain in full force and effect.**
27. **Other findings and orders:**
- a. See attachment 27a.
- b. (*Specify*):

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

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

Hearing date:	Time:	Dept:	Room:
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- b. Hearing to consider termination of jurisdiction under Cal. Rules of Court, rule 5.555

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

Hearing date:	Time:	Dept:	Room:
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29. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

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

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

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

If you ask the court to reopen your court case and return to foster care as a nonminor dependent, you can get money to live in supervised foster care. You would be able to live in a:

- Relative's home, or
- Home of a nonrelated extended family member (a person close to your family but not related to you), or
- Foster home, or
- Group home if you need to because of a medical condition. You can also stay in a group home until your 19th birthday or until you finish high school, whichever one happens first, or
- Supervised independent living setting, such as an apartment or college dormitory.

You can also get:

- A clothing allowance,
- Case management services, and
- Independent Living Program services.

Do I qualify to return juvenile court jurisdiction and foster care?

You qualify if you meet these requirements:

Age Requirements:

- You are now 18, 19, or 20 years old,
- You were in foster care on your 18th birthday,* and
- You were supervised by a social worker or probation officer.

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

Work/School Requirements:

You must plan to do one of the following:

- Finish high school or get a high school equivalency (GED) certificate,
- Attend college or community college,
- Attend a vocational education program, or
- Attend a program or do activities that will help you get a job
- Get a job

Exception: If you have a medical problem that makes you unable to do any of these things, you do not have to be in school, a program, or working.

Sign an Agreement to Return to Foster Care:

You and a social worker (SW) or probation officer (PO) must have signed a Voluntary Reentry Agreement that says:

- You want to return to foster care to be placed in a supervised setting.
- The SW or PO will be responsible for your placement and care.
- Together, you and the SW or PO will make a plan that helps you to learn how to live independently.
- If you ask the SW or PO to file your court papers, you will cooperate with the SW or PO.
- If your situation changes and you no longer qualify to stay in foster care, you will tell the SW or PO.

Important! Even if you are not sure you qualify, you should still apply.

When can I get help to find housing?

As soon as you sign the agreement to return to foster care, your social worker or probation officer can help you find housing and other services you may need.

How do I ask the juvenile court to reopen my court case and return to foster care?

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

If you want to fill out the form yourself, you can find a lot of the information you need on the form JV-365, *Termination of Juvenile Court Jurisdiction—Nonminor* the court gave you when you left foster care.

Where can I get the form I need to fill out?

The court may have already given you the form when your foster care ended. Or you can get the form at:

- Your county's courthouse or public library, or
- The California Courts website:
www.courts.ca.gov/forms.htm.

What if I need help with the form?

If you want help to fill out the form, ask:

- A SW at the child welfare department or a PO at the probation department that supervised you when you were in foster care,
- The person who was your lawyer when you were in foster care, or
- An adult that you trust.

What do I do with my completed form?

After you and the SW or PO have signed the Voluntary Reentry Agreement, you can:

- File the form yourself, or
- Ask the SW or PO to file the form for you.

Note: If you file it yourself, your court hearing will be about three weeks sooner.

Where do I file my completed form?

You can file it by mail or in person at:

The Juvenile Court Clerk's Office at the Courthouse in the county where your court case was closed

You can submit it by mail or in person at:

The Juvenile Court Clerk's Office in the county where you live. The clerk will send it to the Juvenile Court Clerk's Office at the Courthouse in the county where your court case was closed.

If you file by mail because you live outside of California:

You must send it to Juvenile Court Clerk's Office at the Courthouse in the county where your court case was closed

Important! Keep a copy of all papers you file at court.

If you file in person, the clerk can give you free copies.

Do I have to pay to file the form?

No. It's free.

Do I have to fill out other court forms?

No, unless you want to keep your contact information private. If so, do **not** put your address and other contact information on form JV-466. Instead, put it on form JV-468, *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care*.

Who will decide if I can return to juvenile court jurisdiction and foster care?

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

The judge can decide that :

- **You do not qualify** because of your age. If this happens, you cannot file another request.
- **The information you gave to the court** shows that you do not meet one of the eligibility requirements or the court needs more information to decide your case. If this happens, the court will deny your request and send you a letter explaining why your request was denied. The court will also send you a list of lawyers who can help you with your case. You can file another request that includes the information that was missing.
- **The court has enough information** to decide your case and wants you to **come** to a court hearing. If this happens, you will get a notice **telling you** the date, time, and place of your hearing. The court will also assign a lawyer to speak for you at the hearing.
The court will send a copy of the notice and your papers to:
 - The lawyer assigned to your case, and
 - The office that supervised you when the juvenile court's jurisdiction was dismissed. That office must make a report about your eligibility to return to foster care.

If you **ask for it on the form JV-466**, the court can also send a notice to your parents or former legal guardian and the CASA office for your former CASA.

When will the hearing happen?

If you filed your court papers yourself and the court decides there is enough information to decide your case, the hearing will happen about three weeks after you filed your court papers.

If you asked a social worker or probation officer to file your court papers and the court decides there is enough information to decide your case, the hearing will happen about six weeks after you ask the social worker or probation officer to file your court papers.

What happens at the hearing?

At your hearing, the judge will review the evidence and decide your case.

If the court decides you meet the requirements, you will be allowed to return to foster care. You will also have to go back to court **within** 6 months to tell the court how you are doing. Your lawyer will also go with you to that hearing.

If you used to be a dependent, you will be under the juvenile court's dependency jurisdiction.

If you used to be a ward, you will be under the juvenile court's transition jurisdiction.

If the court denies your request, you can file **another** request **later** if your situation changes **so that you** meet the requirements.

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial
Council**

This form can be used to ask the court to reopen your case because your situation changed and you decide that you want to return to the court’s jurisdiction and a foster care placement.

If you don’t want other people (for example, a parent or brother or sister who was part of your case when you were a child) to know your contact information, do not write it in ①. Write that information on form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care. Read form JV-464-INFO, How to Ask to Return to Juvenile Court Jurisdiction and Foster Care for information about filling out and filing the forms.

If you do not know the information asked for on this form, leave the space blank. Remember to get and keep copies of all court papers and other papers you sign or receive from the child welfare services agency or the probation department.

Fill in court name and street address:

Superior Court of California, County of

Fill in your name:

Name:

Fill in case number, if known:

Case Number:

- ① My information:
 - a. My address _____
 - b. My city, state, zip code: _____
 - c. My area code and telephone number: _____
 - d. My date of birth: _____

- ② The location of the juvenile court that had authority over me when I was 18 years old:
 - a. City: _____
 - b. County: _____

- ③ The name and court file number or case number of my case in juvenile court:
 - a. Name of my case: _____
 - b. Court file number or case number: _____

- ④ The date the juvenile court closed my case: _____

- ⑤ I need help to keep or find an appropriate place to live.
 - I need a placement right now.

- ⑥ Voluntary Reentry Agreement with child welfare services or the probation department to return to foster care:
 - I agree to sign a Voluntary Reentry Agreement for a supervised placement
 - I signed a Voluntary Reentry Agreement for a supervised placement on (date): _____ with
 - Child welfare services
 - Probation department



Your name: _____

Case Number: _____

- 7 You must plan to meet at least one of the five conditions listed below. Please check all that apply:
- a. I plan to attend a high school or a high school equivalency certificate (GED) program.
 - b. I plan to attend a college, a community college, or a vocational education program.
 - c. I plan to attend a program or take part in activities that will help train me to be employed or will help me solve problems that prevented me from finding a job.
 - d. I plan to work at least 80 hours per month.
 - e. I cannot go to a high school, a high school equivalency certificate (GED) program, a college, a community college, a vocational education program, take part in a program or activities to help me find a job, or work 80 hours per month because of a medical condition.

8 The judge will set a hearing about this request if the judge thinks that he or she has enough information to decide whether you have met all the requirements.

Do you want your parents or former legal guardian to be told about the hearing if the judge sets one?

- NO. I do not want my parents or former legal guardian to be told about the hearing.
- YES. I do want my parents or formal legal guardian to be told about the hearing. Their names and addresses are:

Parent's name and address: _____

Parent's name and address: _____

Former legal guardian's name and address: _____

9 The judge will give you a free lawyer to help before and during the hearing. If you want the lawyer who represented you when you were a dependent, ward, or nonminor dependent, please write the lawyer's name and telephone number on the line below, and if that lawyer is available, the court will appoint him or her to help you before and during the hearing.

Name and telephone number of the lawyer who used to represent me and who I want to represent me again:

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

- NO. I did not have a CASA.
- YES. I did have a CASA.

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

- NO. I do not want the CASA to be told about the hearing.
- YES. I want the CASA to be told about the hearing. The name of the person who was my CASA is:



Your name: _____

11 Did the Indian Child Welfare Act apply to you when you were under juvenile court jurisdiction as a child?

a. [] NO. The Indian Child Welfare Act did not apply to me.

b. [] YES. The Indian Child Welfare Act did apply to me.

Would you like to have the Indian Child Welfare Act apply to you as a nonminor dependent?

1. [] NO. I do not want the Indian Child Welfare Act to apply to me.

2. [] YES. I do want the Indian Child Welfare Act to apply to me. The name of my tribe and the name, address, and telephone number of my tribal representative is: _____

c. [] I DO NOT KNOW if the Indian Child Welfare Act applied to me.

1. [] I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.

Name of tribe(s) (name each):

Name of band (if applicable):

2. [] I may have Indian ancestry.

Name of tribe(s) (name each):

Name of band (if applicable):

3. [] I have no Indian ancestry as far as I know.

12 Your verification:

I declare under penalty of perjury under the laws of the State of California that the information on this form, all attachments, and on the form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care, if filed, is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form, any of the attachments, or any other form I file.

Date: _____

Type or print your name

Sign your name

13 Verification by nonminor's representative:

The nonminor is unable to provide verification due to a medical condition. I declare under penalty of perjury under the laws of the State of California that the information on this form, all attachments, and on the form JV-468, Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care, if filed, is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form, any of the attachments, or any other form I file.

Date: _____

Type or print representative's name

Signature of representative

**Confidential Information—
Request to Return to Juvenile Court
Jurisdiction and Foster Care**

This information about the nonminor provided by him or her must be kept under seal in the court file. The court, the nonminor, the nonminor’s attorney, the county agency designated to provide supervision of the nonminor, and the attorney for the designated county agency may look at this information.

To the nonminor: Complete this form and bring it and Form JV-466, *Request to Return to Juvenile Court Jurisdiction and Foster Care*, to the clerk of the juvenile court for filing.

- ① Your information:
 - a. Your address: _____

 - b. Your city, state, zip code: _____
 - c. Your telephone number: _____

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in your name:

Name:

Fill in case number, if known:

Case Number:

MINOR'S NAME: _____	CASE NUMBER: _____
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ATTACHMENT: ADDITIONAL FINDINGS AND ORDERS FOR MINOR APPROACHING MAJORITY—DELINQUENCY

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

1. A review hearing under Welf. & Inst. Code, § 727.2 held on behalf of a minor approaching majority.
2. A review hearing under Welf. & Inst. Code, § 727.2 during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a minor more than 17 years, 5 months and less than 18 years of age; or
3. Any other hearing, during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a minor more than 17 years, 5 months and less than 18 years of age who is in a foster care placement or who was subject to an order for a foster care placement as a dependent when he or she was adjudged to be a ward.

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

Findings:

1. a. The minor’s rehabilitative goals have been met. Juvenile court jurisdiction over the minor as a ward is no longer required. The facts supporting this finding were stated on the record.
 b. The minor’s rehabilitative goals have not been met. Continued juvenile court jurisdiction over the minor as a ward is required. The facts supporting this finding are stated on the record.

2. For a dual status minor for whom dependency jurisdiction was suspended under Welf. & Inst. Code, § 241.1(e)(5)(A):
 a. A return to the minor’s home would be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent should be resumed. The facts supporting this finding were stated on the record.
 b. A return to the minor’s home would not be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent does not need to be resumed. The facts supporting this finding were stated on the record.

3. For a dual status minor for whom the probation department was designated the lead agency under Welf. & Inst. Code, § 241.1(e)(5)(B):
 a. A return to the minor’s home would be detrimental to the minor, and juvenile court jurisdiction over the minor as a dual status child is no longer required. The facts supporting this finding were stated on the record.
 b. A return to the minor’s home would not be detrimental to the minor, and juvenile court jurisdiction over the minor as a dependent is not required. The facts supporting this finding were stated on the record.

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

MINOR'S NAME: 	CASE NUMBER:
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5. The minor's Transitional Independent Living Case Plan includes a plan for the minor to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent:
 - a. The minor plans to continue attending high school or a high school equivalency certificate (GED) program.
 - b. The minor plans to attend a college, a community college, or a vocational education program.
 - c. The minor plans to take part in a program or activities to promote employment or overcome barriers to employment.
 - d. The minor plans to be employed at least 80 hours a month.
 - e. The minor may not be able to attend school, college, a vocational program, a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition.

6. The minor's Transitional Independent Living Case Plan includes an alternative plan for the minor's transition to independence, including housing, education, employment, and a support system in the event the minor does not remain under juvenile court jurisdiction after attaining 18 years of age.

7. For an Indian child, he or she does does not intend to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her as a nonminor dependent.

8. The minor has an in-progress application pending for title XVI Supplemental Security Income benefits, and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process
 - a. is in the child's best interest.
 - b. is not in the child's best interest as it is not necessary.

9. The minor has an in-progress application pending for Special Immigrant Juvenile Status or other application for legal residency for which an active juvenile court case is required.

10. The potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained to the minor and the minor has stated that he or she understands those benefits.

11. The minor was informed that he or she may decline to become a nonminor dependent.

12. The minor was informed that on reaching 18 years of age, he or she may have the right to have juvenile court jurisdiction terminated following a hearing under rule 5.555 of the California Rules of Court.

13. The minor has been informed that if juvenile court jurisdiction is terminated, 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.

14. a. All the information, documents, and services required by Welf. & Inst. Code, § 391(e) have been provided to the minor.
 - b. Not all the information, documents, and services required by Welf. & Inst. Code, § 391(e) have been provided to the minor
 - (1) The barriers to providing any missing information, documents, or services can be overcome by the date the minor attains 18 years of age.
 - (2) The barriers to providing any missing information, documents or services may not be overcome by the date the minor attains 18 years of age.

15. The minor was was not provided with the notices and information required under Welf. & Inst. Code, § 607.5.

MINOR'S NAME: _____	CASE NUMBER: _____
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Orders:

16. The court having previously determined that the minor is a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(A) and that juvenile court jurisdiction over the minor as a dependent should be resumed, orders:
- a. Dependency jurisdiction over the minor previously suspended is resumed and delinquency jurisdiction is dismissed.
 - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
17. The court having previously determined that the minor is a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(B), that the minor's rehabilitative goals were achieved, that a return to the minor's home would be detrimental, and that juvenile court jurisdiction over the minor as a dual status child is no longer required, orders:
- a. The child's dual status is terminated, delinquency jurisdiction over the minor is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the minor's placement and care.
 - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
18. The minor comes within the juvenile court's transition jurisdiction as described in Welf. & Inst. Code, § 450.
- a. 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.
 - b. The removal findings made at that hearing, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," remain in effect.
 - c. The child welfare services department probation department is responsible for the minor's placement and care.
- The minor is adjudged a transition dependent pending his or her attaining the age of 18 years and assuming the status of a nonminor dependent under the transition jurisdiction of this court. The matter is continued for a status review hearing set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
19. The minor (1) was not a court dependent at the time he or she was declared a ward; (2) is currently subject to an order for a foster care placement; (3) does not come within the juvenile court's transition jurisdiction; (4) has achieved his or her rehabilitative goals; (5) no longer requires delinquency jurisdiction; and (6) appears to come within the description of Welf. & Inst. Code, § 300 and cannot be returned home safely.
- a. The probation officer minor's attorney must submit an application, under Welf. & Inst. Code, § 329, to the child welfare services department to commence a proceeding to declare the minor a dependent of the court.
 - b. The matter is set for a hearing to review the child welfare services department's decision on the date stated on the record which is within 20 court days of the date of this order.

MINOR'S NAME: _____	CASE NUMBER: _____
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20. The minor (1) was a court dependent at the time he or she was declared a ward; (2) does not come within the juvenile court's transition jurisdiction; (3) has achieved his or her rehabilitative goals; (4) no longer requires delinquency jurisdiction; and (5) remains within the description of a dependent child under Welf. & Inst. Code, § 300 and a return to the home of a parent or legal guardian would create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being.
- a. The 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.
 - b. The removal findings made at that hearing, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," remain in effect.
 - c. The child welfare services department probation department is responsible for the minor's placement and care.

The order terminating jurisdiction over the minor as a dependent of the juvenile court is vacated and dependency jurisdiction over the minor is resumed. Delinquency jurisdiction is terminated. The matter is continued for a status review hearing set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

21. Jurisdiction over the minor is not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction:
- a. The minor is returned to the home of the parent or legal guardian. A progress report hearing is set on the date stated on the record.
 - b. The minor is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the minor is terminated as set forth in *Petition to Terminate Wardship and Order* (form JV-794).
 - c. Delinquency jurisdiction is continued and the order for an out-of-home placement in a non-foster care placement remains in full force and effect. A progress report hearing is set on the date stated on the record.
 - d. Delinquency jurisdiction is continued and the order for a foster care placement remains in full force and effect.
 - (1) The minor intends to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age and a status review hearing is set under Cal. Rules of Court, rule 5.903 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
 - (2) The minor does not intend to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age.
 - (a) A hearing to terminate delinquency jurisdiction under Welf. & Inst. Code, §§ 607.2(b)(4) and 607.3 is set for the date stated on the record which is within one month of the minor's 18th birthday.
 - (b) A status review hearing is set under Welf. & Inst. Code, § 727.2. on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

MINOR'S NAME: _____	CASE NUMBER: _____
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ATTACHMENT: HEARING FOR DISMISSAL—ADDITIONAL FINDINGS AND ORDERS—FOSTER CARE PLACEMENT—DELINQUENCY

Use this form to document the juvenile court's findings and orders regarding the possible modification of jurisdiction over a minor who is 17 years, 5 months of age or younger from that of a ward to that of a dependent at the following hearings:

1. A review hearing under Welf. & Inst. Code, § 727.2 or § 727.3 held on behalf of a minor 17 years, 5 months of age or younger, during which a recommendation to terminate juvenile court jurisdiction is considered.
2. Any other hearing held on behalf of a minor 17 years, 5 months of age or younger who is in a foster care placement, during which a recommendation to terminate juvenile court jurisdiction is considered.
3. Any hearing held on behalf of a minor who is not currently in a foster care placement but was in such a placement when he or she was adjudged a ward, during which a recommendation to terminate juvenile court jurisdiction is considered.

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

Findings:

1. a. The minor's rehabilitative goals have been met. Juvenile court jurisdiction over the minor as a ward is no longer required. The facts supporting this finding were stated on the record.
- b. The minor's rehabilitative goals have not been met. Continued juvenile court jurisdiction over the minor as a ward is required. The facts supporting this finding were stated on the record.

2. For a dual status minor for whom dependency jurisdiction was suspended under section 241.1(e)(5)(A):
 - a. A return to the minor's home would be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent should be resumed. The facts supporting this finding were stated on the record.
 - b. A return to the minor's home would not be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent does not need to be resumed. The facts supporting this finding were stated on the record.

3. For a dual status minor for whom the probation department was designated the lead agency under section 241.1(e)(5)(B):
 - a. A return to the minor's home would be detrimental to the minor, and juvenile court jurisdiction over the minor as a dual status child is no longer required. The facts supporting this finding were stated on the record.
 - b. A return to the minor's home would not be detrimental to the minor and juvenile court jurisdiction over the minor as a dependent is not required. The facts supporting this finding were stated on the record.

4. For a minor other than a dual status minor:
 - a. The minor was not a court dependent at the time he or she was declared a ward. The minor does does not appear to come within the description of Welf. & Inst. Code, § 300 and cannot can be returned home safely. The facts supporting this finding were stated on the record.
 - b. The minor was subject to an order for a foster care placement as a dependent of the court at the time he or she was adjudged a ward and does does not remain within the description of a dependent child under Welf. & Inst. Code, § 300, and a return to the home of his or her parents or legal guardian would would not create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being. The facts supporting the findings were stated on the record.

5. The minor was was not provided with the notices and information required under Welf. & Inst. Code, § 607.5.

MINOR'S NAME: 	CASE NUMBER:
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Orders:

6. The court having previously determined that the minor is a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(A) and that juvenile court jurisdiction over the minor as a dependent should be resumed, orders:
- a. Dependency jurisdiction over the minor previously suspended is resumed and delinquency jurisdiction is dismissed.
 - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
7. The court having previously determined that the minor is a dual status child under Welf. & Inst. Code, § 241.1(e)(5)(B), that the child's rehabilitative goals were achieved, that a return to the minor's home would be detrimental, and that juvenile court jurisdiction over the minor as a dual status child is no longer required, orders:
- a. The child's dual status is terminated, delinquency jurisdiction over the minor is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care.
 - b. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the date of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
8. The minor (1) was not a court dependent at the time he or she was declared a ward; (2) is currently subject to an order for a foster care placement; (3) does not come within the juvenile court's transition jurisdiction; (4) has achieved his or her rehabilitative goals; (5) no longer requires delinquency jurisdiction; and (6) appears to come within the description of Welf. & Inst. Code, § 300 and cannot return home safely.
- a. The probation officer minor's attorney must submit an application, under Welf. & Inst. Code, § 329, to the county child welfare services department to commence a proceeding to declare the minor a dependent of the court.
 - b. The matter is set for a hearing to review the county child welfare services department's decision on the date stated on the record which is within 20 court days of the date of this order.
9. The minor (1) was a court dependent at the time he or she was declared a ward; (2) does not come within the juvenile court's transition jurisdiction; (3) has achieved his or her rehabilitative goals; (4) delinquency jurisdiction is no longer required; and (5) he or she remains within the description of a dependent child under Welf. & Inst. Code, § 300 and a return to the home of a parent or legal guardian would create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being.
- a. The 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.
 - b. The removal findings made at that hearing, "continuation in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," remain in effect.
 - c. The child welfare services department probation department is responsible for the minor's placement and care.
- The order terminating jurisdiction over the minor as a dependent of the juvenile court is vacated and dependency jurisdiction over the minor is resumed. Delinquency jurisdiction is terminated. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 366.21 or § 366.3 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.
10. Jurisdiction over the minor was not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction:
- a. The minor is returned to the home of the parent or legal guardian. A progress report hearing is set on the date stated on the record.
 - b. The minor is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the minor is terminated as set forth in *Petition to Terminate Wardship and Order* (form JV-794).
 - c. Delinquency jurisdiction is continued and the order for an out-of-home placement in a non-foster care placement remains in full force and effect. A progress report hearing is set on the date stated on the record.
 - d. Delinquency jurisdiction is continued and the order for a foster care placement remains in full force and effect. The matter is continued for a status review hearing set under Welf. & Inst. Code, § 727.2 or § 727.3 on the date stated on the record which is within six months of the minor's most recent status review hearing under Welf. & Inst. Code, § 727.2 or § 727.3.

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Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth (review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012; review forms JV-281, JV-282, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective January 1, 2012, not previously circulated for comment; revise forms JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective July 1, 2012)

All comments are verbatim unless indicated by an asterisk (*).

List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
1.	Paul Alberga Administrative Analyst-Juvenile Unit Superior Court of Orange County	AM	See comments on specific provisions below.	
2.	Children’s Law Center of Los Angeles Susan Abrams Fostering Connections Project Coordinator	AM	See comments on specific provisions below.	
3.	Daniel R. Coronel Chief Operations Officer Diverse Charities for Families & Schools	N	No specific comments	
4.	Martha Matthews Directing Attorney Public Counsel	AM	See comments on specific provisions below.	
5.	Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel	N	See comments on specific provisions below	
6.	Orange County Bar Association Dimetria Jackson, President	AM	No specific comments	
7.	Ronald Pierce	AM	While I and my colleagues would support assisting young emancipating foster children with such a heavy transition in their lives, the worry then becomes whether counties will usurp the funds in some manner and in doing so, capture, impede or otherwise complicate the process in their efforts to do so. Counties are rabid for funds through social programs and the	No response needed.

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			worry is that kids going through such a transition and in need of such help would get used and harmed by greedy local government units and "non-profits" bustling against each other to nab such money.	
8.	Superior Court of San Diego County Mike Roddy Executive Officer	AM	See comments on specific provisions below	
9.	Tesimentary Family LLC Trust Elizabeth Garnett Lloyd Sole Trustee	A	No specific comments	
10.	Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	AM	See comments on specific provisions below.	

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Rule 5.502		
Commentator	Comment	Committee Response
Martha Matthews Directing Attorney Public Counsel	<p>All rules and forms – the term “Special Immigrant Juvenile Status” should be consistently used – currently several variants are used, including “Special Immigrant Status” and “Special Juvenile Immigrant Status.”</p> <p>Rule 5.502(22). The definition of “90-day Transition Plan” currently says that the plan “is as detailed as the child or nonminor chooses and includes information about a power of attorney for health care...” It would make more sense to say “... may include information about...” to be consistent with the idea that the child/NMD chooses how detailed the plan should be.</p>	<p>The committee agrees and the corrections were made.</p> <p>The 90-day Transition Plan must include information about a power of attorney for health care. Welf. & Inst. Code § 16501.1(f) (16)(B) provides as follows: “a caseworker or other appropriate agency staff or probation officer ..., shall provide the youth or nonminor with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care and information regarding the advance health care directive form.” (emphasis added)</p>
Superior Court of San Diego County Mike Roddy Executive Officer	Copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.	The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.

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Rule 5.555		
Commentator	Comment	Committee Response
<p>Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel</p>	<p>a. Rule 5.555(a)(2) Currently reads: Nothing in the Welfare and Institutions Code or the California Rules of Court restricts the ability of the juvenile court to maintain dependency jurisdiction or delinquency jurisdiction over a person, 18 years of age or older, who does not meet the eligibility requirements for status as a nonminor dependent and to proceed as to that person under the relevant sections of the Welfare and Institutions Code and California Rules of Courts.</p> <p>Comments: This section is not necessary; it is already addressed in Welfare and Institutions Code (WIC) 303. The statute is quite clear that the court may retain jurisdiction over a dependent or ward until that person reaches the age of 21. This section is redundant. It also does not address the fact that federal funding through AB12 would not be provided for a person that did not meet the eligibility requirements for status as a nonminor dependent. In that sense, it may be confusing.</p> <p>b. Rule 5.555(b)(5) Currently reads: The hearing must be continued for no more than five court days for the submission of additional information as ordered by the court, if the court determines that the report, the Transitional Independent Living Plan, the Transitional Independent Living Case Plan (TILCP) if required, or the 90-day Transition Plan submitted by the social worker or probation officer do not provide the information required by (c) and the court is unable to make the findings and orders required by (d).</p>	<p>During the development of the rules, concerns were raised that if an express statement were not included in this rule, it might be construed to imply that the court could not maintain dependency jurisdiction or delinquency jurisdiction over a nonminor unless he or she was eligible for status as a nonminor dependent.</p> <p>During the development of the rules, concerns were raised regarding the delay in resolving critical issues due to lengthy continuances. The committee believes five court days—a full work week—is sufficient time to obtain information that should have been previously provided or that is readily available.</p>

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Rule 5.555		
Commentator	Comment	Committee Response
	<p>Comments: Five court days is an extremely short period of time, and given the caseloads of child welfare workers, this time frame is unnecessarily burdensome. The court days would provide a decent amount of time for the social workers to obtain the missing information for the court. However, more importantly, courts should have the flexibility to continue cases for as long as it appears necessary in any particular case. Otherwise, to comply with this rule, the court may be setting multiple hearing dates without actually offering the time required by the nonminor and/or social worker. This will unduly burden the courts with additional hearing dates.</p> <p><i>This same critique applies to Rule 5.707(c)(2).</i></p> <p>c. Rule 5.555(d)(2)(B)(iii) Currently reads: [When juvenile court jurisdiction is continued for the nonminor to remain in placement as a nonminor dependent, the court shall make an order to:] Set a status review hearing under rule 5.903 within six months of the date of his or her most recent status review hearing.</p> <p>Comments: This is not consistent with WIC 366.3(d), which indicates that a review may be conducted by a local agency every six months, so long as the court reviews such cases at least once every 12 months. This rule is in conflict with the approach, and should reflect more accurately what is in the WIC.</p>	<p>Both rule 5.555 and rule 5.903 are consistent with Welfare and Institutions Code, section 366.3(d). Rule 5.903(b)(1) provides that the status review hearing will be “conducted by the court or by a local administrative review panel . . . no less frequently than once every six months.” Rule 5.903(b) sets out when it must be held before a judicial officer: (A) The hearing is the first hearing following the nonminor dependent’s 18th birthday; (B) The hearing is the first hearing following the resumption of juvenile court jurisdiction over a person as a nonminor dependent under rule 5.906; (C) The nonminor dependent or the nonminor dependent’s attorney requests that the hearing be conducted by the</p>

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Rule 5.555		
Commentator	Comment	Committee Response
	<p><i>This comment applies to rules 5.707(d)(1) and &.707(d)(2)(B) as well.</i></p> <p>d. Rule 5.555(d)(2)(C) Currently reads: For a nonminor who does not meet and does not intend to meet the eligibility requirements for nonminor dependent status but who is otherwise eligible to and will remain under juvenile court’s jurisdiction in a foster care placement, the court must set a hearing under section 366.21, 366.2, 366.25, 366.3, 727.2, 727.3 within six months of the date of the nonminor’s most recent status review hearing.</p> <p>Comments: This section is inconsistent and confusing. If a nonminor is refusing to meet the eligibility requirements and/or has no intention of meeting such requirements, the courts should be dismissing his/her case. Otherwise, this section is contrary to the federal intent behind Fostering Connections to Success and this entire legislative scheme does not make sense. Given the current wording, it is unclear under what circumstances maintaining dependency would be appropriate. Again, if a nonminor dependent is not complying, nor willing to comply, with the eligibility requirements, his/her case should be dismissed.</p>	<p>court; or (D) It has been 12 months since the hearing was conducted by the court.</p> <p>Although the circumstances under which a nonminor who does not meet and does not intend to meet the eligibility requirements may be infrequent if not rare, as the range of activities in which a nonminor must be engaged to meet the participation eligibility requirements is very broad, the situation may occur. For example, a nonminor who is awaiting a decision on his or her Special Immigrant Juvenile Status application for legal residency may not be meeting the eligibility requirements for extended foster care, but may want the court to continue its jurisdiction because the nonminor believes he or she continues to require the assistance of his or her case worker until the decision is rendered might fall within this provision. The caseworker may believe otherwise and file a request to terminate the court’s jurisdiction based on the nonminor’s failure to participate in the eligibility requirements.</p>
<p>Superior Court of San Diego County Mike Roddy Executive Officer</p>	<p>Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.</p>	<p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p>

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Rule 5.555		
Commentator	Comment	Committee Response
	<p>Rule 5.555, which applies to both wards and dependents, may be too broad when it talks about “the right to have juvenile court jurisdiction terminated.” A ward in a delinquency case does not have the right to have jurisdiction terminated just because s/he turns 18. The court can maintain jurisdiction up to the age of 21, and even longer if the ward was committed to the DJJ. Rule 5.812, which applies just to wards, does state it correctly, that upon reaching 18 years of age the ward <i>may</i> request dismissal of juvenile court jurisdiction under section 778.</p> <p>This entire process is too complicated.</p>	<p>The committee agrees and a modification was made.</p> <p>Extensive efforts were made to simplify the process to the extent possible. Training materials are available and technical assistance will be provided upon request.</p>

Rule 5.707.		
Commentator	Comment	Committee Response
<p>Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel</p>	<p>a. Rule 5.707(c)(1)(F)(ii) Currently reads (under “Findings,” and in reference to 391(e) documents): Whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided to the child if the barriers cannot be overcome by the date the child attains 18 years of age....</p> <p>Comments: Given that rule 5.707 refers to hearings that occur before a minor turns 18, this section is unnecessary</p>	<p>The committee agrees with the recommendation and modifications were made to the rules and form identified by the commentator as well as to form JV-680, #14, where the language also appeared.</p>

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Rule 5.707.		
Commentator	Comment	Committee Response
	<p>and confusing. The matter will be continued until after the dependent reaches the age of majority anyway, thereby providing time to overcome whatever barriers are in place to providing 391(e) documents.</p> <p><i>This criticism also applies to rule 5.812(d)(2)(I)(ii) and form JV-460, #8(c).</i></p>	
<p>Superior Court of San Diego County Mike Roddy Executive Officer</p>	<p>Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.</p>	<p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p>

Rule 5.812.		
Commentator	Comment	Committee Response
<p>Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel</p>	<p>a. Rule 5.812(c)(1)(F) Currently reads (under section on Reports’): For a child other than a dual status child, the probation officer’s recommendation regarding the modification of the juvenile court’s jurisdiction over the child from that of a ward under section 601 or 602 to that of a dependent under section 300 or to that of a transition dependent under section 450 and the facts in support of his or her recommendation.</p> <p>Comments: At some point in these rules, there should be</p>	<p>The probation officer is required under rule 5.812(c)(1)(1)(F) to provide his or her recommendation regarding modification of jurisdiction from delinquency to dependency or transition jurisdiction and the facts in support of that recommendation. As set forth in rule 5.812 (e)(5), the court may enter an order vacating the order dismissing dependency jurisdiction for a minor ward who was a dependent at the time he or she was adjudged a ward only if the court finds the minor does not come within the court’s transition jurisdiction, his or</p>

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Rule 5.812.		
Commentator	Comment	Committee Response
	<p>some guidance provided on how, why, and by what burden of proof a probation officer should show that a minor could be eligible for the WIC 300 system. In counties where the 241.1. protocol has not provided for dual jurisdiction, there is an incentive for probation officers to move their clients into the social services system. Not only would this create problems, but there will also be due process issues for the minors’ parents if there is not greater guidance in terms of burden of proof and standard of proof for these allegations.</p> <p>Another concern is that it is inappropriate for a delinquency judge to review or determine whether a WIC 300 petition should be filed on a minor. See comments under Rule 5.812(e)(4)(A) and (B).</p> <p><i>This concern also applies to rule 5.812(d)(1)(D)(i) and (ii); 5.812(e)(4)(A)(iii)</i></p> <p>b. Rule 5.812(e)(4)(A) and (B) Currently reads: For a child who was not subject to the court’s dependency jurisdiction at the time he or she was adjudged a ward and is currently subject to an order for a foster care placement, the court must: (A) Order the probation department or the child’s attorney to</p>	<p>her rehabilitative goals have been met, and delinquency may not be required, and the minor remains within the description of a dependent child and a return to the home would create a substantial risk of detriment to the minor’s safety, protection, or physical or emotional well-being.</p> <p>The appropriate standard of proof is preponderance of the evidence. As noted by the court in <i>In re Manolito L.</i>, (2001) 90 Cal.App.4th 753, 757, “However, dependency proceedings are a form of civil case. (Citations omitted.) <i>Evidence Code section 300</i> provides in pertinent part that, “except as otherwise provided by statute, [the Evidence Code] applies in every action” Thus, except as provided by statute, the Evidence Code applies in dependency proceedings. <i>Evidence Code section 115</i> states in pertinent part, “Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.” Because the statutes requiring a finding of detriment do not specify a standard of proof, <i>Evidence Code section 115</i> dictates that the standard of proof be by a preponderance of the evidence. (Citations omitted.)</p> <p>The procedure set forth in rule 5.812(e)(4)(A) and (B) is based on Welf. & Inst. Code §§ 329-331. The issue of whether the section 331 violates the separation of powers was recently before the First District Court of Appeal <i>In re M.C.</i>, (2011) 199 Cal.App.4th 784 as “a question of first impression.” The court concluded, we</p>

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Rule 5.812.		
Commentator	Comment	Committee Response
	<p>submit an application under section 329 to the county child welfare services department to commence a proceeding to declare the child a dependent of the court by filing a petition under section 300 if the court finds:</p> <ul style="list-style-type: none"> (i) The child does not come within the description of section 450(a); (ii) The rehabilitative goals for the child included in his or her case plan have been met and delinquency jurisdiction is no longer required; and (iii) The child appears to come within the description of section 300 and a return to the home of the parent or legal guardian may be detrimental to his or her safety, protection, or physical or emotional well-being. <p>(B) Set a hearing to review the county child welfare services department’s decision within 20 court days of the date the order to file an application under section 329 was entered and at that hearing:</p> <ul style="list-style-type: none"> (i) Affirm the county child welfare services department’s decision not to file a petition under section 300; or (ii) Order the county child welfare services department to file a petition under section 300. <p>Comments: Allowing delinquency courts to order local social services agencies to file 300 petitions raises significant separation of powers issues, as well as practical oversight issues. The task of investigating claims of child</p>	<p>fail to see how the judiciary can ‘usurp’ a power never exclusively vested in the executive branch. We find nothing in our Constitution or the statutory dependency scheme that would classify initiation of dependency proceedings as a ‘core’ or ‘essential’ executive function. Nor do we see how the limited judicial review provided by section 331 would ‘defeat or materially impair’ the executive authority.”</p>

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Rule 5.812.		
Commentator	Comment	Committee Response
	<p>abuse and neglect, and filing petitions for WIC 300 status, are duties that fall under the executive branch of government. (<i>D.M. v. Superior Court</i> (2009) 173 Cal. App.4th 1117, 1127.) To keep the courts from acting as parties in these cases or engaging in executive branch functions, the rules should instruct courts to refer appropriate cases to the social services agency for investigation and the possible filing of a 300 petition, as opposed to ordering the agency to file a 300 petition. The courts are responsible for reviewing such application. Moreover, without any guidance on the depth of information, standard of proof, or burden of proof for what the probation officers will sometimes have an incentive to shift their cases to another government agency.</p> <p>This section should also make clear that in counties without dual jurisdiction, if the delinquency court refers the matter to the social services agency to consider filing a 300 petition, it should them dismiss the 600 matte. Even detaining a minor as a 300 while the 600 status is still intact will cause serious issues of funding, placement and responsibility among the two departments.</p> <p>c. Rule 5.812(e)(5) Currently reads: For a child who was subject to an order for foster care placement as a dependent of the court at the time her or she was adjudged a ward, the court must modify its delinquency jurisdiction over the child by vacating the order terminating jurisdiction over the child as a dependent of the</p>	<p>Rule 5.812(e)(5) applies to a child removed as a dependent of the court from his or her parents' custody and placed in an out-of-home foster care placement who was under those dependency court's orders for a foster care placement at the time the court adjudged the child a</p>

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Rule 5.812.		
Commentator	Comment	Committee Response
	<p>court and resuming dependency jurisdiction over him or her if the court finds:</p> <p>(A) The child does not come within the description of section 450(a);</p> <p>(B) The rehabilitative goals for the child included in his or her case plan have been met and delinquency jurisdiction may not be required; and</p> <p>(C) The child remains within the description of a dependent child under section 300 and a return to the home of a parent or legal guardian would create a substantial risk of detriment to his or safety, protection or physical or emotional well-being.</p> <p>Comments: This section does not indicate a standard of proof for this showing. Without going through a formal procedure, involving an investigation by the social services agency, the submission of a WIC 300 petition based on that investigation, and a hearing in which the minor’s parents may be represented by counsel, this would violate parents’ due process rights. This section allows the delinquency to simply vacate a prior dependency order terminating jurisdiction without requiring any kind of notice to parents would not get notice, nor would they have a right to obtain counsel and participate in the court proceedings which would determine whether their child fell under WIC 300 again.</p>	<p>ward of the court. The court must determine whether the circumstances that existed at the time the child was adjudged a ward continue to exist, i.e., is he or she still a child who is within the description of section 300 and for whom a placement in the home would be detrimental? The children who come within this subset of wards are oftentimes children who have been in the foster care system as court dependents for many years prior to being adjudicated a ward.</p> <p>Parents are entitled to notice of proceedings in delinquency court. (Welf. & Inst. Code §§ 656, 658, 727.4). A parent has a right “to be represented at every stage of the proceeding by counsel.” (Welf. & Inst. Code § 633) and the court may appoint counsel for a parent. (Welf. & Inst. Code § 634)</p> <p>The appropriate standard of proof is preponderance of the evidence. As noted by the court in <i>In re Manolito L.</i>, (2001) 90 Cal.App.4th 753, 757, “However, dependency proceedings are a form of civil case. (citations omitted) <i>Evidence Code section 300</i> provides in pertinent part that, “except as otherwise provided by statute, [the Evidence Code] applies in every action” Thus, except as provided by statute, the Evidence Code applies in dependency proceedings. <i>Evidence Code section 115</i> states in pertinent part, “Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.” Because the statutes requiring a finding of detriment do not specify a</p>

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Rule 5.812.		
Commentator	Comment	Committee Response
	<p>d. Rule 5.812(f)(2)(e) Currently reads (under “Modification of jurisdiction – conditions”): [The order modifying the court’s jurisdiction contains all of the following provisions...] Identification of the agency that is responsible for placement and care of the child based upon the modification of jurisdiction.</p> <p>Comments: This language does not provide any guidance as to which agency and/or court will be responsible for minors who switch over from delinquency to dependency or those under transition jurisdiction, if the county probation department, social services agency, and juvenile court cannot come to an agreement. The legislature does not outline which department will be responsible, and offers no direction as to how county agencies and courts might make this determination if or when there is lack of agreement. Giving courts the sole discretion to decide which agency will be responsible for a minor’s care will certainly create significant problems for the counties.</p>	<p>standard of proof, <i>Evidence Code section 115</i> dictates that the standard of proof be by a preponderance of the evidence. (citations omitted)”</p> <p>The agency identified by the court as the responsible agency will be the agency identified in the county’s 241.1 protocol. The following provision was added to Welf. & Inst. Code § 241.1 by Assembly Bill 212 (Beall; Stats. 2011, ch.459) to provide: “(b)(3) The protocols shall contain the following processes: (A) A process for determining which agency and court shall supervise a child whose jurisdiction is modified from delinquency jurisdiction to dependency jurisdiction pursuant to paragraph (2) of subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2. (B) A process for determining which agency and court shall supervise a nonminor dependent under the transition jurisdiction of the juvenile court. (C) A process that specifically addresses the manner in which supervision responsibility is determined when a nonminor dependent becomes subject to adult probation supervision.” The county’s chief probation officer and child welfare services director will participate in development of the amendments to the local 241.1 procedure required by Welf. & Inst. Code § 241.1(b)(3).</p>
Superior Court of San Diego	Numerous copyediting suggestions including grammar,	The committee found the copyediting recommendations

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Rule 5.812.		
Commentator	Comment	Committee Response
<p>County Mike Roddy Executive Officer</p>	<p>punctuation, spacing, formatting, and word choice.</p> <p><i>* (D) For a child other than a dual status child: (i) Whether the child is at risk of abuse or neglect <u>appears to come within the description of section 300 and cannot be returned home safely</u>:- [AB 212 deleted the “at risk of abuse or neglect” language from §§ 727.2(i)(1) and 785(d) and replaced it with “appears to come within the description of section 300 and cannot be returned home safely” in §§ 607.2(b)(2)(A)(iii) and 727.2(i)(2); see also CRC 5.812(e)(4)(A)(iii).]</i></p> <p><i>* (J) Whether verification was submitted that the notices and information required under section 607.5 were provided to a child who is or was subject to an order for foster care placement. [§ 607.5 requires the PO to provide the youth with the notices and information specified – as opposed to requiring the PO to submit verification n that the notices and information were provided; hence the finding should focus on whether the PO complied with § 607.5]</i></p>	<p>helpful and the suggested modifications were incorporated as appropriate.</p> <p>The committee agrees with the recommendation and appropriate changes were made to the rule to reflect clearly the criteria and process for the modification of jurisdiction over the minor ward from delinquency jurisdiction to dependency jurisdiction.</p> <p>The committee agrees with the recommendation and appropriate modifications were made.</p>

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Rule 5.906		
Commentator	Comment	Committee Response
<p>Martha Matthews Directing Attorney Public Counsel</p>	<p>Rule 5.906(d)(2)(iii). Should be “A copy of How to Ask the Court to Return...”</p> <p>Rule 5.906(d)(2)(iv). Should be “The names and contact information for one or more attorneys approved by the court...” to ensure that in all counties the courts take steps to ensure that at least one attorney is willing to provide such consultation to former foster youth who need to return.</p> <p>It may be better to delete “Your county’s courthouse or law library” as places to find the JV-464 form, since it would likely be difficult for youth to find the form in these places. The website is a more reliable resource, and can be accessed at any public library.</p> <p>The suggestion that youth ask “A friend” for help in filling out the JV-464 seems odd. “A teacher or other trusted adult” would be a better suggestion.</p> <p>Finally, though an effort has been made to make this form understandable to youth, some parts of it are still difficult for a lay person to understand. The language could be further simplified with the following changes (revised language shown in underline text):</p>	<p>The committee agrees and the correction was made.</p> <p>The addition of the phrase “one or more” will not necessarily ensure that at least one attorney in the county volunteers to provide a consultation on a pro bono basis.</p> <p>The reference to ‘law library’ was changed to ‘public library.’</p> <p>The committee agrees with the recommendation and “A friend” was changed to “An adult that you trust.”</p> <p>The committee agrees with further simplification of the language and, although it is not possible to use plain language exclusively due to the complicated nature of the reentry process, additional modifications were made.</p>

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Rule 5.906		
Commentator	Comment	Committee Response
	<p>Some 18, 19, and 20 year-olds have the option of returning to the foster care system. This form explains:</p> <ul style="list-style-type: none"> ? The benefits of returning to the foster care system ? Who qualifies to return to the foster care system ? How to ask the juvenile court to reopen your care and re-enter the foster care system. <p>What benefits can I get if I return to the foster care system?</p> <p>If you ask the court to reopen your case and return to the foster care system as a nonminor dependent, you can get money to live in a supervised placement.</p> <p>You have several options. You could live at a:</p> <p>***</p> <p>Do I qualify to return to the foster care system?</p> <p>***</p> <p>Court Requirements: When your case was closed, the juvenile court must have made an order allowing it to reopen your case anytime before your 21st birthday.</p> <p>Work/School Requirements: You must plan to do one of the following...</p> <p>***</p> <p>How do I ask the juvenile court to reopen my case so I can</p>	

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Rule 5.906		
Commentator	Comment	Committee Response
	<p>return to the foster care system?</p> <p>***</p> <p>Where do I file my completed form? You can file it by mail or in person at the Juvenile Court Clerk’s Office for the court that closed your case, or at the Juvenile Court Clerk’s Office in the county where you live now.</p> <p>Who will decide if I can return to the foster care system? A judge at the court that closed your case.</p>	
<p>Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel</p>	<p>a. Rule 5.906(b)(2)(B) Currently reads (regarding the parties that would have access to the nonminor’s address, which he/she has requested to be kept confidential)...Form JV-468 must be kept in the court file under seal, and only the court, the child welfare services agency, the probation department, or the Indian tribe with an agreement under section 10553.1 to provide child welfare services agency to Indian children (Indian tribal agency), and the nonminor’s attorney may have access to this information...</p> <p>Comments: County counsel, or the organization providing legal representation to the special services agency, should be included in this list. If the agency needs to present information to the court regarding the nonminor’s whereabouts, their attorneys may need access to that information.</p>	<p>The committee agrees with the recommendation and a modification was made to the rule and form JV-468.</p>

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Rule 5.906		
Commentator	Comment	Committee Response
	<p>b. Rule 5.906(c)(2)(C) Currently reads (under the section “Filing the request”): for a nonminor living outside the state of California, the form JV-466 and, if the minor wishes to keep his or her contact information confidential, the form JV-468 must be filed with the juvenile court that retained general jurisdiction.</p> <p>Comments: It is an undue burden on a local social services agency to require monthly face-to-face contacts with nonminors that reside out of state. In addition, the agency’s ability to offer site-specific services will be considerably diminished for such nonminors. The rules should address this specifically and not allow AB12 services to apply to nonminors living out of state. This section should be deleted.</p> <p>c. Rule 5.906(d)2) Currently reads: if the court determines that a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new form JV-466 may be filed when those issues are resolved.</p> <p>Comments: This section should specify: “If the court determines that a prima facie showing has not been made for any reason other than age...”</p> <p>d. Rule 5.906(g)(i)(A)</p>	<p>The out-of-state placement of a nonminor dependent is a placement contemplated by the legislation (Welf. & Inst. Code § 11302(f)(1)) and by the California Department of Social Services (ACL No. 11-69 (10/13/11) Extension Of Foster Care Beyond Age 18: Part One). Including a provision for the reentry into foster care of a nonminor currently in another state who may have been placed out-of-state by the court is reasonable.</p> <p>Failure to make a prima facie showing related to age may be due to a typographical error that would be capable of resolution. If the failure was due to the nonminor being outside the age eligibility range, the issue would not be capable of resolution and the nonminor would not be able to file a new JV-466.</p> <p>The committee agrees with the recommendation and the</p>

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Rule 5.906		
Commentator	Comment	Committee Response
	<p>Currently reads (under the section “Notice of Hearing”): The notice of the date, time, place, and purpose of the hearing and a copy of the JV-466 must be served on the nonminor, the nonminor’s attorney, and the child welfare services agency, the probation department, or the Indian tribal agency that was supervising the nonminor when the juvenile court entered the order retaining general jurisdiction over the nonminor.</p> <p>Comments: County counsel, or the organization that provides legal representation to the social services agency, should be included in this list.</p>	modification was made.
<p>Superior Court of San Diego County Mike Roddy Executive Officer</p>	Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.	The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.

Notice of Hearing (form JV-281)		
Commentator	Comment	Committee Response
<p>Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel</p>	Under #3(a) and (b), there is reference to custody. This will not be relevant for the over 18 population.	The committee agrees and the modification was made.

Termination of Juvenile Court Jurisdiction-Nonminor (form JV-365)

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Commentator	Comment	Committee Response
Paul Alberga Admin. Analyst-Juvenile Unit Superior Court of Orange County	Suggest this form be re-named to "Request to Terminate Juvenile Court Jurisdiction - Nonminor"	This form is used to inform the court about the extent of compliance with the requirement that the nonminor receive the specified documents, information, and assistance prior to the termination of the court’s jurisdiction. It is not used to request the termination of jurisdiction.
Superior Court of San Diego County Mike Roddy Executive Officer	Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.	The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.

<i>Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor (form JV-367)</i>		
Commentator	Comment	Committee Response
Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel	<p>Including the names of the court clerk, bailiff, and court reporter on these forms would add to the burden of filling in the form, and it is not apparent why that information would be useful.</p> <p>Under Orders, #23 is unclear, and should be rewritten to state: “The nonminor meets at least one of the conditions listed in item 12(b)(1)-(5) and <u>the juvenile court hereby</u></p> <p>a. <input type="checkbox"/> <u>Maintains</u> dependency jurisdiction <input type="checkbox"/> <u>terminates</u> jurisdiction over the nonminor as a nonminor dependent.</p> <p>b. <u>If the court maintains dependency</u>, the nonminor’s permanent plan is: ...”</p>	<p>The committee does not agree with the recommendation. The form is a stand-alone findings and orders form for documenting a court hearing and identification of court clerk, bailiff, and court reporter is necessary to ensure all persons present in the courtroom are identified.</p> <p>The committee recognizes that an error was made in the original version of the form and the error has been corrected.</p>

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<i>Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over Nonminor (form JV-367)</i>		
Commentator	Comment	Committee Response
	#24 should be deleted. This section states: “The nonminor does not meet and does not intend to meet the eligibility criteria for status as a nonminor dependent but is otherwise eligible to and will remain under the juvenile court’s jurisdiction in a foster care placement and the matter is set for a status review hearing on the date indicated in item 29 which is within six months of the date of the nonminor’s most recent status review hearing.” This section is unnecessary and confusing. The courts are already aware of WIC 303, which allows for such situations. However, to be explicit, this section of the form should indicate that AB12 funds will not be available for the placement and care of the nonminor.	Although the circumstances under which a nonminor who does not meet and does not intend to meet the eligibility requirements may be infrequent if not rare as the range of activities in which a nonminor must be engaged to meet the participation eligibility requirements is very broad, the situation may occur. For example, a nonminor who is awaiting a decision on his or her Special Immigrant Juvenile Status application for legal residency and continues to require the assistance of his or her case worker until the decision is rendered might fall within this provision.
Superior Court of San Diego County Mike Roddy Executive Officer	Copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice. * Item 20. For a nonminor who is subject to delinquency jurisdiction, the juvenile court was was not provided with verification that the requirements of Welf. & Inst. Code, § 607.5 <input type="checkbox"/> were <input type="checkbox"/> were not met. <i>[§ 607.5 requires the PO to provide the youth with the notices and information specified – as opposed to requiring the PO to submit verification that the notices and information were provided; hence the finding should focus on whether the PO complied with § 607.5]</i>	The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate. The committee agrees with the recommendation and appropriate modifications were made.

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<i>Additional Findings and Orders for Child Approaching Majority-Dependent (form JV-460)</i>		
Commentator	Comment	Committee Response
Paul Alberga Admin. Analyst-Juvenile Unit Superior Court of Orange County	Why is form JUV-460 an attachment? What form is intended to have this form attached to it? Would it be possible for this form to be a stand-alone document with a standard JUV Form header and judicial officer signature line?	At the last status review hearing before a dependent child turns 18 years of age, the court is required to consider issues and make findings and orders related to the child’s approaching majority which are not required at previous review hearings. The additional findings and orders are found on the optional JV460, which is an attachment to the optional JV forms for the following hearing types: JV-430, <i>Findings and Orders After Six-Month Prepermanency Hearing (Welf. & Inst. Code, § 366.21(e))</i> ; JV-435, <i>Findings and Orders After 12-Month Permanency Hearing (Welf. & Inst. Code, § 366.21(f))</i> ; JV-440, <i>Findings and Orders After 18-month Permanency Hearing (Welf. & Inst. Code, § 366.22)</i> ; JV-440, <i>Findings and Orders After 24-month Permanency Hearing (Welf. & Inst. Code, § 366.25)</i> ; Form JV-445, <i>Findings and Orders After Postpermanency Hearing—Parental Rights Terminated; Permanent Plan of Adoption (Welf. & Inst. Code, § 366.3(f))</i> ; and Form JV-446, <i>Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption (Welf. & Inst. Code, § 366.3.)</i>
Office of the County Counsel Alameda County	The wording in finding #3 is biased and does not allow much discretion for the juvenile courts to determine whether maintain	Although the committee does not agree that the wording in #3 is “biased” or that it limits the court’s discretion,

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<i>How to Ask to Return to Juvenile Court Jurisdiction and Foster Care (form JV-464-INFO)</i>		
Commentator	Comment	Committee Response
<p>Children’s Law Center of Los Angeles Susan Abrams Fostering Connections Project Coordinator</p>	<p>- Form JV-464-INFO. We understand it has been called into question whether the form should specific that a hearing will be held in 3 weeks if a youth files the form in person, but in 6 weeks if a social worker or probation officer files the JV 464 for the youth. We believe this distinction is important and strongly suggest that it remain in the form.</p> <p>However, we do suggest the JV-464-INFO be modified to reflect more youth friendly language. Specifically, we suggest the following changes to the JV-464-INFO:</p> <p>Page 1</p> <ul style="list-style-type: none"> • Replace first sentence with, “Some 18, 19, and 20 year olds can reopen their case and reenter foster care.” • In section, “What benefits....” Delete “the court’s authority.” • Second column at the top, delete “Court Requirements” and paragraph below explaining it. <p>Page 2</p> <ul style="list-style-type: none"> • In section “Where Can I get the form...,” instead of “Your county’s courthouse or law library” as places to find the JV-464 form, we suggest courthouse or public library. • In Section “What if I need help...,” replace “a friend” with “a trusted adult” <ul style="list-style-type: none"> • In Section “Where do I file my completed form?,” replace 	<p>An amendment to that section of the form is not contemplated at this time.</p> <p>The committee agrees with the recommendations and made modifications to page 1 of the form.</p> <p>The committee agrees and the modification was made.</p> <p>The committee agrees with the recommendation and “A friend” was changed to “An adult that you trust.”</p> <p>The committee agrees with the recommendation for</p>

W12-06

Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth (review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012; review forms JV-281, JV-282, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective January 1, 2012, not previously circulated for comment; revise forms JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective July 1, 2012)

All comments are verbatim unless indicated by an asterisk (*).

<i>How to Ask to Return to Juvenile Court Jurisdiction and Foster Care (form JV-464-INFO)</i>		
Commentator	Comment	Committee Response
Executive Officer		

<i>Request to Return to Juvenile Court Jurisdiction and Foster Care (form JV-466)</i>		
Commentator	Comment	Committee Response
Martha Matthews Directing Attorney Public Counsel	Form JV-466, section (2), should read “The location of the juvenile court that had authority over me when I was 18 years old.”	The committee agrees and the correction was made.
Office of the County Counsel Alameda County Shanna N. Connor Deputy County Counsel	This form is going to be confusing if child welfare workers or probation officers are asked to fill it in. If the language remains in the first person, there should be a line for the person actually completing the form to indicate who they are, where they work, and their contact information.	The purpose of permitting the agency to file the petition was to provide the nonminor with the opportunity to have assistance with the process of completing the form and allowing the agency to file the form on the nonminor’s behalf. Modifications were made to rule 5.906(b) and (c) to provide clarification.
Superior Court of San Diego County Mike Roddy Executive Officer	Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.	The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.
Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	Will there be an Order on the JV-466 forthcoming?	A form for the court’s findings and orders after a hearing on a request to return to juvenile court jurisdiction and foster care is not under consideration for this rules and forms cycle.

<i>Attachment: Additional Findings and Orders for Minor Approaching Majority-Delinquency (form JV-680)</i>		
Commentator	Comment	Committee Response

W12-06

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<i>Attachment: Additional Findings and Orders for Minor Approaching Majority-Delinquency (form JV-680)</i>		
Commentator	Comment	Committee Response
Superior Court of San Diego County Mike Roddy Executive Officer	<p>Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.</p> <p>*JV-680, page 1 Item 4 For other than a dual status minor: The minor <input type="checkbox"/> is <u>does</u> <input type="checkbox"/> is <u>does</u> not at risk of abuse or neglect <u>come within the description set forth in Welf. & Inst. Code, § 300 and <input type="checkbox"/> can <input type="checkbox"/> cannot be returned home safely.</u> The facts supporting this finding are stated on the record. <i>[AB 212 deleted the “at risk of abuse or neglect” language from §§ 727.2(i)(1) and 785(d) and replaced it with “appears to come within the description of section 300 and cannot be returned home safely” in §§ 607.2(b)(2)(A)(iii) and 727.2(i)(2); see also CRC 5.812(e)(4)(A)(iii) and item 19 on page 3 of this form.]</i></p> <p>*JV-680, page 2 Item 15. The matter being before the juvenile court on a request for termination of jurisdiction over a minor currently or previously subject to an order for foster care placement, the juvenile court <input type="checkbox"/> was <input type="checkbox"/> was not provided with verification that the requirements of Welf. & Inst. Code, § 607.5 <input type="checkbox"/> were <input type="checkbox"/> were not met. <i>[§ 607.5 requires the PO to provide the youth with the notices and information specified – as opposed to requiring the PO to submit verification that the notices and information were provided; hence the finding should focus on whether the PO complied with § 607.5]</i></p>	<p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p> <p>The committee agrees with the recommendation and appropriate changes were made to the form to reflect clearly the criteria and process for the modification of jurisdiction over the minor ward from delinquency jurisdiction to dependency jurisdiction.</p> <p>The committee agrees with the recommendation and appropriate modifications were made.</p>

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Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth (review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012; review forms JV-281, JV-282, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective January 1, 2012, not previously circulated for comment; revise forms JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective July 1, 2012)

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<i>Attachment: Hearing for Dismissal-Additional Findings and Orders-Foster Care Placement-Delinquency (form JV-681)</i>		
Commentator	Comment	

W12-06

Juvenile Law: Extending Juvenile Court Jurisdiction-Nonminor Foster Youth (review rules 5.502, 5.555, 5.812, and 5.906 of the California Rules of Court effective January 1, 2012, not previously circulated for comment. Amend rules 5.502, 5.555, 5.707, 5.812, and rule 5.906 effective July 1, 2012; review forms JV-281, JV-282, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective January 1, 2012, not previously circulated for comment; revise forms JV-365, JV-367, JV-460, JV-464-INFO, JV-466, JV-680, and JV-681 effective July 1, 2012)

All comments are verbatim unless indicated by an asterisk (*).

<i>Attachment: Hearing for Dismissal-Additional Findings and Orders-Foster Care Placement-Delinquency (form JV-681)</i>		
Commentator	Comment	
Superior Court of San Diego County Mike Roddy Executive Officer	<p>Numerous copyediting suggestions including grammar, punctuation, spacing, formatting, and word choice.</p> <p>*JV-681, p. 1 Item 4. For a minor other than a dual status minor: a. The minor <input type="checkbox"/> is <u>does</u> <input type="checkbox"/> is <u>does not</u> at risk of abuse or neglect <u>come within the description set forth in Welf. & Inst. Code, § 300 and</u> <input type="checkbox"/> can <input type="checkbox"/> <u>cannot</u> be returned home safely. The facts supporting this finding are stated on the record. <i>[AB 212 deleted the “at risk of abuse or neglect” language from §§ 727.2(i)(1) and 785(d) and replaced it with “appears to come within the description of section 300 and cannot be returned home safely” in §§ 607.2(b)(2)(A)(iii) and 727.2(i)(2); see also CRC 5.812(e)(4)(A)(iii) and item 19 on page 3 of this form.]</i></p> <p>5. The matter being before the juvenile court on a request for termination of jurisdiction over a minor currently or previously subject to an order for foster care placement, the juvenile court <input type="checkbox"/> was <input type="checkbox"/> was not provided with verification that the requirements of Welf. & Inst. Code, § 607.5 <input type="checkbox"/> were <input type="checkbox"/> <u>were not</u> met. <i>[§ 607.5 requires the PO to provide the youth with the notices and information specified – as opposed to requiring the PO to submit verification that the notices and information were provided; hence the finding should focus on whether the PO complied with § 607.5]</i></p>	<p>The committee found the copyediting recommendations helpful and the suggested modifications were incorporated as appropriate.</p> <p>The committee agrees with the recommendation and appropriate changes were made to the form to reflect clearly the criteria and process for the modification of jurisdiction over the minor ward from delinquency jurisdiction to dependency jurisdiction.</p> <p>The committee agrees with the recommendation and appropriate modifications were made.</p>

