

Title	Juvenile Law: Required Information for Child Attaining Age of Majority (revise form JV-365)
Summary	<p>The proposed amendments to <i>Termination of Dependency Jurisdiction—Child Attaining Age of Majority</i> (form JV-365) ensure compliance with Welfare and Institutions Code section 391, which includes new requirements regarding information, documents, and services that must be provided to a dependent child who has reached the age of majority prior to the termination of jurisdiction hearing.</p>
Source	<p>Family and Juvenile Law Advisory Committee</p> <p>Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs</p>
Staff	<p>Melissa Ardaiz, Associate Attorney, 415-865-7567, melissa.ardaiz@jud.ca.gov</p>
Discussion	<p>The Family and Juvenile Law Advisory Committee recommends revising <i>Termination of Dependency Jurisdiction—Child Attaining Age of Majority</i> (form JV-365) to bring it into compliance with revised Welfare and Institutions Code section 391(a)(2)(A) and (B), which was effective January 1, 2009. (Assem. Bill 2310 [Maze and Bass]; Stats. 2008, ch. 131.) Section (a)(2)(A) requires a county welfare department to submit a report verifying that certain information, documents, and services have been provided to the child at a termination of jurisdiction hearing for a dependent child who has reached the age of majority. Section 391(a)(2)(A) now additionally requires that the county welfare department include any known information regarding the child’s Indian heritage or tribal connections, if applicable, and any photographs of the child or the child’s family in the possession of the county welfare department, other than forensic photographs. The committee recommends revising item 2 in form JV-365 to track these new requirements and to add check boxes to that item.</p> <p>New section 391(a)(2)(B)(v) requires that the county welfare department also prepare a letter that includes the child’s name and date of birth, the dates during which the child was within the jurisdiction of the juvenile court, and a statement that the child was a foster youth in compliance with state and federal financial aid documentation requirements. The committee recommends adding a new check box to form JV-365, item 3, to reflect this requirement.</p>

The committee further recommends revising item 2g of form JV-365 to clarify the procedure for accessing the documents that the child is entitled to inspect under section 827. Section 391(a)(2)(A) requires the county welfare department to verify in its report that the child has been provided with “directions on how to access the documents the child is entitled to inspect under Section 827.” Section 827 merely provides that the minor who is the subject of the proceeding may inspect the “case file” without delineating how to access the documents the child is entitled to inspect. Currently, form JV-365 reiterates the statutory language from section 391.

California Rules of Court, rule 5.552(b) provides additional detail, by including “the child who is the subject of the proceeding” on the list of individuals and entities who “may inspect, receive, and copy the juvenile case file without an order of the juvenile court”. The committee proposes revising the language of item 2g to state that the county welfare department’s report must verify that the child has received written information concerning his or her dependency case, including “[t]he child’s right to go to the clerk’s office, and, after demonstrating his or her identify by showing an identification card or by other means, inspect, receive and copy the child’s juvenile case file without an order from the juvenile court (see Welfare and Institutions Code section 827 and rule 5.552 of the California Rules of Court).”

Proposed revised form JV-365 is attached on pages 3–4.

Welfare and Institutions Code section 391 is attached on pages 5–6.

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Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>   <b>Draft 5</b> <b>03/12/09 mc</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME: CHILD'S DATE OF BIRTH: HEARING DATE AND TIME: _____ DEPT.: _____	
<b>TERMINATION OF DEPENDENCY JURISDICTION—</b> <b>CHILD ATTAINING AGE OF MAJORITY</b>	CASE NUMBER: _____

**Directions for the social worker:** Check the appropriate boxes in items 1 through 6, complete item 7, attach documents as required, and then sign and date item 8.

**Directions for the child (if child is available):** Review the boxes checked by the social worker in items 1 through 6. Sign your initials after each item if you received the service or information. Then sign and date item 9.

1. a.  The child wants to attend the termination hearing.
- b.  The child does not want to attend the termination hearing. The petitioner has attached verification that the child has been informed of the potential consequences of failure to attend the termination hearing.
- c.  The child is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the child and to obtain the child's signature is attached.
  
2. An attached report verifies that the child has received written information concerning his or her dependency case, including (check all that apply):
  - a.  Information known about the child's Indian heritage or tribal connections, if applicable
  - b.  The child's family history
  - c.  The child's placement history
  - d.  The child's educational and medical history
  - e.  Any photographs of the child or the child's family in the possession of the county welfare department, other than forensic photographs
  - f.  The whereabouts of any siblings under the jurisdiction of the juvenile court
  - g.  The child'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 the child's juvenile case file without an order from the juvenile court (see Welfare and Institutions Code section 827 and rule 5.552 of the California Rules of Court)
  - h.  The date on which the jurisdiction of the court will be terminated



**Welfare and Institutions Code § 391.**

(a) At any hearing to terminate jurisdiction over a dependent child who has reached the age of majority, the county welfare department shall do all of the following:

(1) Ensure that the child is present in court, unless the child does not wish to appear in court, or document efforts by the county welfare department to locate the child when the child is not available.

(2) Submit a report verifying that the following information, documents, and services have been provided to the child:

(A) Written information concerning the child's dependency case, including any known information regarding the child's Indian heritage or tribal connections, if applicable, his or her family history and placement history, any photographs of the child or his or her family in the possession of the county welfare department, other than forensic photographs, the whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the child is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(B) The following documents:

(i) Social security card.

(ii) Certified birth certificate.

(iii) Health and education summary, as described in subdivision (a) of Section 16010.

(iv) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(v) A letter prepared by the county welfare department that includes the following information:

(I) The child's name and date of birth.

(II) The dates during which the child was within the jurisdiction of the juvenile court.

(III) A statement that the child was a foster youth in compliance with state and federal financial aid documentation requirements.

(vi) If applicable, the death certificate of the parent or parents.

(vii) If applicable, proof of the child's citizenship or legal residence.

(C) Assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance; referral to transitional housing, if available, or assistance in securing other housing; and assistance in obtaining employment or other financial support.

(D) Assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate.

(E) Assistance in maintaining relationships with individuals who are important to a child who has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care, based on the child's best interests.

(3) The court may continue jurisdiction if it finds that the county welfare department has not met the requirements of paragraph (2) of subdivision (a) and that termination of jurisdiction would be harmful to the best interests of the child. If the court determines that continued jurisdiction is warranted pursuant to this section, the continuation shall only be ordered for that period of time necessary for the county welfare department to meet the requirements of paragraph (2) of subdivision (a). This section shall not be construed to limit the discretion of the juvenile court to continue jurisdiction for other reasons. The court may terminate jurisdiction if the county welfare department has offered the required services, and the child either has refused the services or, after reasonable efforts by the county welfare department, cannot be located.

(b) The Judicial Council shall develop and implement standards, and develop and adopt appropriate forms, necessary to implement this section.

## Item SPR09-38 Response Form

**Title: Juvenile Law: Required Information for Child Attaining Age of Majority**  
(revise form JV-365)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

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Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/>

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

**Fax:** (415) 865-7664, Attn: Camilla Kieliger

**DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 17, 2009**

*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*