

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR22-15

Title

Juvenile Law: Housing and Food Security
for Youth Exiting Foster Care

Proposed Rules, Forms, Standards, or Statutes

Revise forms JV-362, JV-363, and JV-365

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulse, Cochair
Hon. Amy M. Pellman, Cochair

Action Requested

Review and submit comments by May 13,
2022

Proposed Effective Date

January 1, 2023

Contact

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends revising three forms to conform to recent statutory changes to (1) the information that must be provided to the juvenile court about a youth's housing plans when exiting foster care, and (2) the information that must be provided to youth approaching 18 years of age enacted by Assembly Bill 546 (Maienschein; Stats. 2021, ch. 519) and Assembly Bill 674 (Bennett; Stats. 2021, ch. 524).

Background

Effective January 1, 2021, the Judicial Council amended three California Rules of Court, adopted three mandatory forms, and revised one mandatory form to conform to Assembly Bill 718's statutory mandate that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction. (Eggman; Stats. 2019, ch. 438.) Before the passage of Assembly Bill 718, the law only required the provision of certain information, documents, and services to a youth in foster care 18 years of age or older prior to termination of juvenile court jurisdiction over that youth.¹ Keeping in line with the intent of Assembly Bill 718 to increase the access that youth in foster care have to various information, documents, and services as they transition to

¹ Welf. & Inst. Code, § 391. All further statutory references will be to the Welfare and Institutions Code unless otherwise indicated.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

adulthood and greater levels of independence, the committee recommended, and the council approved, the extension of the provisions in that bill to youth in foster care in the delinquency system as well as in the dependency system. The council amended California Rules of Court, rule 5.810, effective January 1, 2021, to apply the section 391 requirements regarding the information, documents, and services that must be provided to dependent children to youth in foster care under the delinquency jurisdiction of the court. The council also amended rule 5.810 to require the use of forms JV-362, JV-363, and JV-365 for youth in foster care under delinquency jurisdiction.

Assembly Bill 546

Assembly Bill 546 (Maienschein; Stats. 2021, ch. 519) (AB 546) amends section 391(c) and requires county welfare departments to report to the court at certain review hearings whether foster youth are living in permanent housing, if known; whether housing referrals or assistance have been successful at securing housing for the youth; and, if not, what different or additional services the department has provided that are intended to prevent the youth from becoming homeless if the court terminates jurisdiction.

The Chief Justice’s Work Group on Homelessness

In October 2020, Chief Justice Tani G. Cantil-Sakauye established the Work Group on Homelessness to study and recommend ways the judicial branch can further assist people experiencing homelessness or facing the possibility of losing their homes. Among other things, the Work Group assessed whether changes in laws, regulations, or rules would help address homelessness or provide enhanced services. In its report, the Work Group recommended prioritizing “the creation and implementation of long-range plans for housing security for youth and nonminor dependents involved in the foster care system” explaining that:

Minors who have never been involved in the child welfare system are more likely to have a support system that assists them with housing, housing expenses, and transitioning to becoming self-supporting adults. But when the state and the juvenile court determine that minors need to be removed from their families, the minors enter into the care of the court and the foster care system. Courts should assure, insofar as possible, that the transition from court care to independence does not result in homelessness.²

The advisory committee agrees with the recommendation of the Work Group, and the recommendation has informed and influenced the decisions of the committee for this proposal.

Assembly Bill 674

Assembly Bill 674 (Bennett; Stats. 2021, ch. 524) (AB 674) amends section 391(b) to require that the report submitted at the last regularly scheduled hearing before the youth reaches age 18

² Judicial Council of Cal., Work Group on Homelessness, *Report to the Chief Justice*, 2021, p. 25, [hwg_work-group-report.pdf \(ca.gov\)](#) (as of March 18, 2021).

include verification that the youth was provided with written information notifying them that they may be eligible to receive CalFresh benefits, and where the youth can apply for CalFresh benefits.

The Proposal

Effective January 1, 2023, the forms listed below would be revised to include an item for the social worker or probation officer to inform the court whether the youth or nonminor has secured housing and, if not, what further efforts agencies are making to help the youth or nonminor obtain housing. The forms would also be revised to include an item indicating whether the youth or nonminor has been given written information notifying them that they may be eligible for CalFresh benefits, and where the youth or nonminor can apply for CalFresh benefits.

- *Review Hearing for Youth Approaching 18 Years of Age—Information, Documents, and Services* (form JV-362)
- *Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services* (form JV-363)
- *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365)

The new statute requires additional information about housing in the reports submitted to the court for the review hearing for a youth approaching 18 years of age, review hearings for youth 18 years of age and older, and hearings on termination of juvenile court jurisdiction.³ The new statute also requires additional information about CalFresh notification at the hearing before a youth turns 18.⁴ This proposal will amend mandatory forms to include information about both these additional requirements at all three of these hearings.

The statutes this proposal is implementing are limited to hearings in the dependency court. However, consistent with the council's implementation of Assembly Bill 718, the committee proposes making these changes applicable to youth who are in foster care under the delinquency jurisdiction of the court.

The CalFresh notification requirement is statutorily required at only one hearing—the hearing before a youth turns 18. However, given the importance of ensuring that youth who were formerly in foster care are aware of their right to food benefits, and therefore food security, the committee chose to also add this notification to the Judicial Council forms that are mandated for use at the review hearings for youth 18 years of age and older, and for termination of juvenile court jurisdiction over a nonminor.

The proposed revisions to the forms include an item asking whether the youth has been provided with additional referrals, assistance, or services from county agencies other than child welfare and the probation department to assist with housing. The item includes a list of other agencies

³ § 391(b)-(c).

⁴ § 391(b).

whose services might be helpful.⁵ The committee concluded that examples would be helpful for the court’s understanding of potential sources of assistance and could improve court oversight of this vital service to youth.

Alternatives Considered

The committee considered limiting this proposal to youth in foster care under the dependency jurisdiction of the court, and not including those youth who are in foster care under the delinquency jurisdiction of the court. This, however, would result in youth in foster care in the delinquency system receiving different treatment than youth in foster care in the dependency system. The legislative history in both bills is clear that the bills are intended to help youth who exit foster care obtain stable housing and be informed of their potential eligibility for CalFresh.⁶ The committee found it both fair and logical that this proposal, like the implementation of AB 718, help all youth in foster care receive these important services to successfully prepare for their transition to independence.

The CalFresh notification requirement is statutorily required at only one hearing—the hearing before a youth turns 18. The committee considered limiting this proposal to only that hearing, but given the importance of food security, elected to add the requirement to the Judicial Council forms that are mandated for use at the review hearings for youth 18 years of age and older, and for termination of juvenile court jurisdiction over a nonminor.

Fiscal and Operational Impacts

The proposal would implement the statutory changes that require social workers and probation officers to provide information in their written report to the court regarding whether the youth or nonminor has secured housing and, if not, what further efforts their agencies and other county departments or agencies have made to prevent the youth from becoming homeless when juvenile court jurisdiction is terminated. The proposal would also implement the statutory requirement that social workers and probation officers provide youth in foster care with written notice informing them that they may be eligible to receive food benefits and where they can apply for those benefits.

These new statutorily mandated requirements will increase workload but are required for social workers by recent statutory amendments. As discussed above, the committee concluded that this benefit should also be provided to youth in foster care under the delinquency jurisdiction of the court, and thus the proposal includes the same increase in workload for probation officers who

⁵ Form JV-362, item 19(b); form JV-363, item 10(b); form JV-365, item 7(b). The additional county departments or agencies include, but are not limited to: the county social services agency, Department of Public Social Services/CalWorks, Department of Mental Health, Regional Center, Office of Community and Economic Development, Homeless Services Authority (Los Angeles County), and other relevant government agencies and community based service providers.

⁶ Assem. Com. on Human Services, Analysis of Assem. Bill No. 546 (2021–2022 Reg. Sess.) Apr. 7, 2021, p. 3; Assem. Com. on Human Services, Analysis of Assem. Bill No. 674 (2021–2022 Reg. Sess.) Apr. 7, 2021, pp. 2–4.

work with youth in foster care as placed on social workers. In implementing the new and revised forms, courts will incur standard reproduction costs.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the proposal include youth in foster care under the delinquency jurisdiction of the court?
- Should other county departments or agencies be added to form JV-362, item 19(b); form JV-363, item 10(b); and form JV-365, item 7(b)?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms JV-362, JV-363, and JV-365, at pages 6–12
2. Link A: Assem. Bill 546,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB546
3. Link B: Assem. Bill 674,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB674

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-362.v8.031822.ja
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
YOUTH'S NAME: DATE OF BIRTH:		
REVIEW HEARING FOR YOUTH APPROACHING 18 YEARS OF AGE— INFORMATION, DOCUMENTS, AND SERVICES		CASE NUMBER:

Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 18, complete items 19 and 20, attach or submit to the court documents as required, and sign and date the form.

Directions for the youth (if the youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 18. Sign your initials on the lines after items 1 through 18 **only if** you received the information, document, or service described in that item. Then sign and date the form. You should give the form 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.

An attached report or report submitted to the court verifies that the youth has received the following information, documents, and services (*check all that apply*):

1. Social security card _____
2. Certified copy of the youth's birth certificate _____
3. California identification card or driver's license _____
4. Medi-Cal Benefits Identification Card _____
5. A letter prepared by the county welfare department that includes the youth's name and date of birth, the dates within which the youth was within the jurisdiction of the juvenile court, and a statement that the youth was a foster youth in compliance with state and federal financial aid documentation requirements _____
6. The death certificate of the youth's parent or parents, if applicable _____
7. Proof of citizenship or legal residence, if applicable _____
8. An advance health care directive form _____
9. A copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), a blank *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and a blank *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) _____
10. Assistance in obtaining employment _____
11. Assistance in applying for, or preparing to apply for, admission to college or a vocational training program or other educational institution, and in obtaining financial aid _____
12. Written information notifying the youth 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, homeless youth, or formerly incarcerated youth _____
13. Written notice informing the youth that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income, and are not required to apply _____

YOUTH'S NAME:	CASE NUMBER:
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- 14. Written notice informing the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
- 15. Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the youth's best interests _____
- 16. 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 either sibling _____
- 17. Written notice informing the youth that they may be eligible to receive CalFresh food benefits and where the youth can apply for CalFresh benefits _____
- 18. Referrals to transitional housing, if available, or assistance in securing other housing _____

19. Housing

- a. The referrals or assistance in item 18 have resulted in housing being secured for the youth (*check one*):
 - 1. Yes (*specify duration of housing below*):
 - a. Start date of housing _____
 - b. End date of housing _____ Duration of housing unknown
 - 2. No. The different or additional referrals or assistance the department has provided that are intended to secure housing are (*describe*):

- b. Has the youth been given additional referrals, assistance, or services provided by county departments or agencies other than the child welfare or probation department that are intended to prevent the youth from becoming homeless if juvenile court jurisdiction is terminated? Additional county departments or agencies include, but are not limited to: the county social services agency, Department of Public Social Services/Cal Works, Department of Mental Health, Regional Center, Office of Community and Economic Development, Homeless Services Authority (Los Angeles County), and other relevant government agencies and community-based service providers (*check one*):
 - 1. Yes. (*describe*):

 - 2. No.

20. Number of pages attached: _____

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)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF YOUTH)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-363.v7.031822.ja
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
YOUTH'S NAME: _____ DATE OF BIRTH: _____	
REVIEW HEARING FOR YOUTH 18 YEARS OF AGE OR OLDER— INFORMATION, DOCUMENTS, AND SERVICES	CASE NUMBER: _____
Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 9, complete items 10 and 11, attach or submit to the court documents as required, and sign and date the form.	
Directions for the youth (if the youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 9. Sign your initials on the lines after items 1 through 9 only if you received the information, document, or service described in that item. Then sign and date the form. You should give the form 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.	

An attached report or report submitted to the court verifies that the youth has received the following information, documents, and services (*check all that apply*):

1. Assistance in obtaining employment _____
2. Assistance in applying for, or preparing to apply for, admission to college or a vocational training program or other educational institution, and in obtaining financial aid _____
3. Written information notifying the youth 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, homeless youth, or formerly incarcerated youth _____
4. Written information notifying the youth that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income, and are not required to apply _____
5. Written notice informing the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
6. Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the youth's best interests _____
7. 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 either sibling _____
8. Written notice informing the youth that they may be eligible to receive CalFresh food benefits and where the youth can apply for CalFresh benefits _____
9. Referrals to transitional housing, if available, or assistance in securing other housing _____

10. Housing

a. The referrals or assistance in item 9 have resulted in housing being secured for the youth (*check one*):

1. Yes (*specify duration of housing below*):

a. Start date of housing _____

b. End date of housing _____

Duration of housing unknown

YOUTH'S NAME:	CASE NUMBER:
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10. a. 2. No. The different or additional referrals or assistance the department has provided that are intended to secure housing are *(describe)*:

b. Has the youth been given additional referrals, assistance, or services provided by county departments or agencies other than the child welfare or probation department that are intended to prevent the youth from becoming homeless if juvenile court jurisdiction is terminated? Additional county departments or agencies include, but are not limited to: the county social services agency, Department of Public Social Services/Cal Works, Department of Mental Health, Regional Center, Office of Community and Economic Development, Homeless Services Authority (Los Angeles County), and other relevant government agencies and community-based service providers *(check one)*:

1. Yes. *(describe)*:

2. No.

11. Number of pages attached: _____

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)

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF YOUTH)

NONMINOR'S NAME:	CASE NUMBER:
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- 3. g. A blank advance health care directive form _____
- h. A letter prepared by the county welfare department that includes the nonminor's name and date of birth, the dates during which the nonminor 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. Written information notifying the nonminor of any financial literacy programs or other available resources provided through the county or other community organizations to help the nonminor obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
- j. Written information notifying the nonminor 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, homeless youth, or formerly incarcerated youth _____
- k. The nonminor's 90-day Transition Plan _____
- l. A copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), a blank *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and a blank *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) _____
- 4. 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, and the nonminor has been provided with the most recent service or accommodation plan. _____
- 5. The nonminor has been receiving services as provided in the Individuals with Disabilities Education Act (see 34 C.F.R. §§ 300.320(b)–(c) & 300.321(b)), and
 - a. has received a copy of their transition service plan. _____
 - b. has been informed of the rights that will transfer to them under this Act. _____
- 6. The nonminor received the following assistance or services (*check all that apply*):
 - a. Written verification of continued enrollment in Medi-Cal with no interruption in coverage _____ and provision of
 - 1. Medi-Cal Benefits Identification Card _____
 - 2. Information about eligibility for extended Medi-Cal benefits until age 26 _____
 - b. Help applying to college, a vocational training program, or another educational or employment program _____
 - c. Help obtaining financial aid for college, a vocational training program, or another educational or employment program _____
 - d. Assistance obtaining employment or other financial support _____
 - including completing enrollment in CalFresh _____
 - e. Help maintaining relationships with individuals important to the nonminor, consistent with their best interests (*required only if the nonminor has been in an out-of-home placement for six months or longer*) _____
 - f. Help accessing the Independent Living Aftercare Program in the nonminor's county of residence _____
 - g. Written notice informing the nonminor that they may be eligible to receive CalFresh food benefits and where the nonminor can apply for CalFresh benefits _____
 - h. Referrals to transitional housing, if available, or assistance in securing other housing _____
 - i. Other services ordered by the court (*specify*): _____

7. Housing

- a. The referrals or assistance in item 6h have resulted in housing being secured for the youth (*check one*):
 - 1. Yes (*specify duration of housing below*):
 - a. Start date of housing _____
 - b. End date of housing _____ Duration of housing unknown

NONMINOR'S NAME:	CASE NUMBER:
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7. a. 2. No. The different or additional referrals or assistance the department has provided that are intended to secure housing are *(describe)*:

b. Has the youth been given additional referrals, assistance, or services provided by county departments or agencies other than the child welfare or probation department that are intended to prevent the youth from becoming homeless if juvenile court jurisdiction is terminated? Additional county departments or agencies include, but are not limited to: the county social services agency, Department of Public Social Services/Cal Works, Department of Mental Health, Regional Center, Office of Community and Economic Development, Homeless Services Authority (Los Angeles County), and other relevant government agencies and community-based service providers *(check one)*:

1. Yes. *(describe)*:

2. No.

8. Number of pages attached: _____

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)

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF NONMINOR)