



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-191*

For business meeting on September 25, 2020

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**Title**

Juvenile Law: Technical Changes to Juvenile Rules and Forms

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, rule 5.555; revise forms JV-367, JV-460, JV-462, and JV-680

**Effective Date**

January 1, 2021

**Date of Report**

August 4, 2020

**Recommended by**

Family and Juvenile Law Advisory Committee

Hon. Jerilyn Borack, Cochair

Hon. Mark A. Juhas, Cochair

**Contact**

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising four forms to correct technical errors to conform to recent statutory changes regarding the information, documents, and services that must be provided to children age 16 and older enacted by Assembly Bill 718 (Eggman; Stats. 2019, ch. 438).

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend California Rules of Court, rule 5.555 to correct the statutory reference;
2. Revise *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to correct the statutory reference in item 19,

identify the Welfare and Institutions Code in item 20, and add boxes for the court to indicate whether additional findings and orders are made on an attachment or on the form;

3. Revise *Attachment: Additional Findings and Orders for Child Approaching Majority—Dependency* (form JV-460) to correct the statutory reference;
4. Revise *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462) to correct the statutory reference; and
5. Revise *Findings and Orders for Child Approaching Majority—Delinquency* (form JV-680) to correct the statutory reference.

The text of the amended rule and the revised forms are attached at pages 4–21.

### **Relevant Previous Council Action**

The Judicial Council has acted on this rule and these forms previously, but this proposal only involves minor corrections that are unrelated to prior council action.

### **Analysis/Rationale**

Due to the passage of Assembly Bill 718, which repealed and added Welfare and Institutions Code section 391 effective January 1, 2020, cross-references to subdivisions of this statute in the rules and forms are incorrect. The errors in the rules and forms as discussed below would cause confusion with courts and justice partners. The proposed corrections will address this confusion and make the rules and forms consistent with statute.

Rule 5.555 requires that the report prepared by the social worker or probation officer for the hearing where the juvenile court considers termination of jurisdiction include verification that the nonminor was provided with the information, documents, and services as required under section 391(e), and that the court make a finding and order regarding their provision. Cross-references in the rule should now be to section 391(d).

*Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) contains a finding at item 19a that the nonminor was provided with the information, documents, and services as required under section 391(e). The cross-reference should now be to section 391(d).

*Attachment: Additional Findings and Orders for Child Approaching Majority—Dependency* (form JV-460) contains a finding at item 6a and b indicating whether the child was provided with the information, documents, and services as required under section 391(e). The cross-reference should now be to section 391(b) and (c).

*Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462) contains a finding at item 12 that the nonminor was provided with the information, documents, and services as required under section 391(e). The cross-reference should now be to section 391(c).

*Findings and Orders for Child Approaching Majority—Delinquency* (form JV-680) contains a finding at item 14a and b indicating whether the child was provided with the information, documents, and services as required under section 391(e). The cross-reference should now be to section 391(b) and (c).

### **Policy implications**

The recommended revisions promote two Judicial Council policy objectives—modernization of the rules of court and promotion of access to the courts—by ensuring that the Judicial Council rules and forms reflect accurate legal information that will make it easier for litigants to gain access to the courts.

### **Comments**

The recommended revisions contained in this proposal have not circulated for public comment because the proposal satisfies the requirement of rule 10.22(d)(2) (nonsubstantive technical change). The committee recommends that the council adopt the recommended revisions without circulation for comment because the proposal presents technical changes that are unlikely to create controversy.

### **Alternatives considered**

The committee did not consider any alternatives to the recommended action because the revisions are required to make the rule and form consistent with statute.

### **Fiscal and Operational Impacts**

This proposal should not have any fiscal or operational impact on courts or litigants other than the costs of replacing outdated forms. In implementing the revised form, courts will incur standard reproduction costs.

### **Attachments and Links**

1. Cal. Rules of Court, rules 5.555, at pages 4–5
2. Forms JV-367, JV-460, JV-462, and JV-680, at pages 6–21
3. Assembly Bill 718,  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB718](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB718)

Rule 5.555 of the California Rules of Court are amended, effective January 1, 2021, to read:

1 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**  
2 **nonminor—dependents or wards of the juvenile court in a foster care**  
3 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 451, 452,**  
4 **607.2, 607.3, 16501.1(g)(16))**

5  
6 **(a)–(b) \* \* \***

7  
8 **(c) Reports**

9  
10 (1) The report prepared by the social worker or probation officer for a hearing  
11 under this rule must, in addition to any other elements required by law,  
12 include:

13  
14 (A)–(I) \* \* \*

15  
16 (J) Verification that the nonminor was provided with the information,  
17 documents, and services as required under section 391(~~e~~)(d); and

18  
19 (K) \* \* \*

20  
21 (2)–(4) \* \* \*

22  
23 **(d) Findings and orders**

24  
25 The court must, in addition to any other determinations required by law, make the  
26 following findings and orders and include them in the written documentation of the  
27 hearing:

28  
29 (1) *Findings*

30  
31 (A)–(I) \* \* \*

32  
33 (J) Whether the nonminor was provided with the information, documents,  
34 and services as required under section 391(~~e~~)(d) and, if not, whether  
35 juvenile court jurisdiction should be continued to ensure that all  
36 information, documents, and services are provided;

37  
38 (K)–(N) \* \* \*

39  
40 (2) *Orders*

Rule 5.555 of the California Rules of Court are amended, effective January 1, 2021, to read:

1 (A)–(D) \* \* \*

2  
3 (E) For a nonminor who does not meet one or more of the eligibility  
4 criteria of section 11403(b) and is not otherwise eligible to remain  
5 under juvenile court jurisdiction or, alternatively, who meets one or  
6 more of the eligibility criteria of section 11403(b) but either does not  
7 wish to remain under the jurisdiction of the juvenile court as a  
8 nonminor dependent or is not participating in a reasonable and  
9 appropriate Transitional Independent Living Case Plan, the court may  
10 order the termination of juvenile court jurisdiction only after entering  
11 the following findings:

12  
13 (i) The nonminor was provided with the information, documents,  
14 and services as required under section 391(~~e~~)(d);

15  
16 (ii)–(vi) \* \* \*

17  
18 (F) \* \* \*  
19  
20

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by the</b> <b>Judicial Council</b> <b>JV-367.v1.070820.CZ.AEM</b>	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME: DEPT:		
<b>FINDINGS AND ORDERS AFTER HEARING TO CONSIDER TERMINATION OF JUVENILE COURT JURISDICTION OVER A NONMINOR</b>	CASE NUMBER:	
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

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

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.  The nonminor is neither present in court nor participating by telephone and
  - a.  the nonminor expressed a wish not to appear for the hearing and did not appear.
  - b.  the nonminor's current location is unknown. Reasonable efforts  were  were not made to find him or her.
- 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 now meet any of the eligibility criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
  - b.  The nonminor meets the following criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
    - (1)  The nonminor attends high school or a high school equivalency certificate (GED) program.
    - (2)  The nonminor attends a college, a community college, or a vocational education program.
    - (3)  The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
    - (4)  The nonminor is employed at least 80 hours per month.
    - (5)  The nonminor is incapable of doing any of the activities in (1)–(4) due to a medical condition.
- 13.  The nonminor has an 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 interests.
- 14.  The nonminor has an application pending for Special Immigrant Juvenile status or other immigration relief for which an active juvenile court case is required.
- 15.  The nonminor was informed of the options available to make the transition from foster care to independence and successful adulthood.
- 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 if jurisdiction is then terminated, the court will maintain general jurisdiction for the purpose of reviewing a request to resume 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 asking the court to resume dependency jurisdiction or transition jurisdiction over him or her as a nonminor dependent as long as he or she has not yet reached 21 years of age.
- 19. a.  The nonminor was provided with the information, documents, and services required under Welfare and Institutions Code, § 391(d), and a completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) was filed with this court.
  - b.  The nonminor cannot be located despite the department's reasonable efforts, and for that reason the nonminor was not provided with the information, documents, services, and form specified in item 19a.
- 20.  The nonminor is subject to delinquency jurisdiction and either was previously a dependent of the court under section 300 or was placed in foster care under section 727. The requirements of Welfare and Institutions Code, § 607.5,  were  were not met.

NONMINOR'S NAME:	CASE NUMBER:
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21.  The nonminor is an Indian child under the Indian Child Welfare Act and  was  was not informed of his or her right to choose whether the Act will continue to apply to him or her as a nonminor dependent.
- The nonminor  wants  does not want the Indian Child Welfare Act to continue to apply.
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 identifies the nonminor's level of functioning, emancipation goals, and specific skills he or she needs to prepare for successful adulthood upon leaving foster care.
- c.  The 90-day Transition Plan is a concrete, individualized plan that specifically covers 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 dependent's continued placement is necessary.
24.  The nonminor dependent's continued placement is no longer necessary.
25.  The nonminor dependent's current placement is appropriate.
26.  The nonminor dependent's current placement is not appropriate. The county agency and the nonminor dependent must work collaboratively to locate an appropriate placement.
27.  The nonminor dependent's Transitional Independent Living Case Plan  does  does not include appropriate and meaningful independent living skill services that will help the youth transition from foster care to successful adulthood.
28.  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.
29. 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.
30. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:
31.  The nonminor meets at least one of the conditions listed in item 12(b)(1)–(5) and juvenile court jurisdiction over the youth as a nonminor dependent is continued.

The nonminor's permanent plan is

- (1)  Return home
- (2)  Adoption
- (3)  Tribal customary adoption
- (4)  Placement with a fit and willing relative
- (5)  Another planned permanent living arrangement
- (6)  Other (specify):

a.  For a nonminor placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because:

- (1)  The nonminor is 18 or older.
- (2)  Other (specify):



NONMINOR'S NAME:

CASE NUMBER:

The compelling reasons why other permanent plan options are not in the nonminor's best interest are:

- (1)  The nonminor wants to live independently.
- (2)  Other (*specify*):
- b.  Family reunification services are continued.
- c. The Indian Child Welfare Act  does  does not continue to apply.
- d. The matter is set for further hearing.
32.  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 37, which is within six months of the nonminor's most recent status review hearing.
33.  Reasonable efforts were made to find the nonminor, and his or her location remains unknown. **Juvenile court 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 Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
34.  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.  meets 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.  meets 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 findings required in items 10, 16, 19a, and 22c of this form were made, and the nonminor was given an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365). **Juvenile court 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 Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
35.  The nonminor is 21 years of age or older and no longer subject to the jurisdiction of the juvenile court under section 303. The findings required by items 19 and 22c were made. **Juvenile court jurisdiction over the nonminor is dismissed.** The attorney for the nonminor is relieved 60 days from today's date.
36.  **Other findings and orders**
- a. See attachment 36a.

NONMINOR'S NAME:	CASE NUMBER:
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b. Other (specify):

37.  The next hearing is scheduled as follows:

Hearing date:	Time:	Dept.:	Room:
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- a.  Nonminor dependent review hearing (Welf. & Inst. Code, § 366(f); Cal. Rules of Court, rule 5.903)
- b.  Other (specify):

38. Number of pages attached: \_\_\_\_\_

Date:

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JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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**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 stated in rule 5.707 of the California Rules of Court at the last status review hearing held under Welfare and Institutions Code section 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 per month.
  - e.  The child may not be able to attend school, college, a vocational program, or a program or activities to promote employment or overcome barriers to employment or to work 80 hours per month due to a medical condition.
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 that continued assistance with the application process
  - a.  is in the child's best interest.
  - b.  is not in the child's best interest because 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 Welfare and Institutions Code section 391(b)-(c) were provided to the child.
  - b.  Not all the information, documents, and services included in Welfare and Institutions Code section 391(b)-(c) were 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 rule 5.555 of the California Rules of Court.
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 was 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:

**Orders**

10.  The child intends to remain under juvenile court jurisdiction as a nonminor dependent as defined in Welfare and Institutions Code section 11400(v) after attaining 18 years of age, and a hearing is ordered set under rule 5.903 of the California Rules of Court 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 Welfare and Institutions Code section 11400(v), and at the child's request, a hearing is ordered set under rule 5.555 of the California Rules of Court 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 Welfare and Institutions Code section 11400(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 Welfare and Institutions Code section 366.21, 366.22, 366.25 or 366.3 to occur within the next six months.

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:  STATE:                      ZIP CODE: FAX NO.:	FOR COURT USE ONLY   <b>DRAFT</b> <b>Not approved by the</b> <b>Judicial Council</b> <b>JV-462.v1.070820.CZ.AEM</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME:		
<b>FINDINGS AND ORDERS AFTER NONMINOR DEPENDENT STATUS REVIEW HEARING</b>		CASE NUMBER:
Judicial Officer:	Court Clerk:	Court Reporter:
Baliff:	Other Court Personnel:	Interpreter: Language:

- |                                 |                          |                  |                          |
|---------------------------------|--------------------------|------------------|--------------------------|
| 1. Parties (name):              | Present                  |                  | Present                  |
| a. Nonminor dependent:          | <input type="checkbox"/> | Attorney (name): | <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 (specify):             | <input type="checkbox"/> |                  | <input type="checkbox"/> |
2. Tribal representative (name):
3. Others present in courtroom
- a. Other (specify):
- b. Other (specify):
- c. Other (specify):
- d. Other (specify):
4. **The court has read, and considered, and admits into evidence:**
- a.  Report of social worker dated:
- b.  Report of probation officer dated:
- c.  Other (specify):
- d.  Other (specify):

**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:**

5. Notice of the date, time, and location of the hearing was given as required by law.
6.  **The nonminor dependent's continued placement is necessary.**
7.  **The nonminor dependent's continued placement is no longer necessary.**
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.

NONMINOR'S NAME:	CASE NUMBER:
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- 10.  The nonminor dependent's Transitional Independent Living Case Plan does include a plan for him or her to satisfy at least one of the criteria in Welfare and Institutions Code section 11403(b) to remain in foster care under juvenile court jurisdiction as 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, or 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 one of the conditions in Welfare and Institutions Code section 11403(b).
  
- 12.  The nonminor dependent  was  was not provided with the information, documents, and services as required under Welfare and Institutions Code section 391(c).
  
- 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 achieve successful adulthood and set out benchmarks that indicate how both the county agency and nonminor dependent will know when successful adulthood 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 help the youth transition from foster care to successful adulthood.
  
- 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 county agency  has  has not made ongoing and intensive efforts to finalize the permanent plan.
  
- 19.  The nonminor dependent  did  did not sign and receive a copy of his or her Transitional Independent Living Case Plan.
  
- 20. 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.
  
- 21.  The county agency  has  has not exercised due diligence to locate an appropriate relative with whom the nonminor could be placed. Each relative whose name has been submitted to the department  has  has not been evaluated.
  
- 22.  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.
  
- 23.  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.
  
- 24. The likely date by which it is anticipated the nonminor dependent will achieve successful adulthood is:
  
- 25.  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 rule 5.555 of the California Rules of Court is ordered.

NONMINOR'S NAME:	CASE NUMBER:
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26.  At a hearing under rule 5.555 of the California Rules of Court 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 a Nonminor* (form JV-367), and juvenile court jurisdiction is terminated under those findings and orders.

27.  Juvenile court jurisdiction over the youth as a nonminor dependent is continued and

a.  The youth's permanent plan is:

- (1)  Return home
- (2)  Adoption
- (3)  Tribal customary adoption
- (4)  Placement with a fit and willing relative
- (5)  Another planned permanent living arrangement
- (6)  Other (*specify*):

b.  For nonminors placed in another planned permanent living arrangement, the court has considered the evidence before it and finds that another planned permanent living arrangement is still the best permanent plan because:

- (1)  The nonminor is 18 or older.
- (2)  Other (*specify*):

The compelling reasons why other permanent plan options are not in the nonminor's best interest are:

- (1)  The nonminor wants to live independently.
- (2)  Other (*specify*):

c.  Family reunification services are continued.

d. The matter is continued for a hearing set under Welfare and Institutions Code section 366.31, and rule 5.903 of the California Rules of Court within the next six months.

28. **All prior orders not in conflict with this order remain in full force and effect.**

29.  Other findings and orders

- a.  See attachment 29a.
- b.  (*Specify*):

30.  Additional findings and orders for nonminor dependent with case plan of continued family reunification services

- a. The agency  has  has not complied with the case plan by making reasonable efforts to create a safe home for the nonminor dependent to reside in and to complete whatever steps are necessary to finalize the permanent plan.
- b. The extent of progress made toward alleviating or mitigating the causes necessitating the current out-of-home placement has been
  - (1)  by the father:
  - (2)  by the mother:
  - (3)  by the nonminor:
  - (4)  other (*specify*):
- c. The likely date by which the nonminor dependent may safely reside in the family home or achieve successful adulthood is:
- d. (1)  The nonminor can safely reside in the family home and may return to the family home.
  - (a)  The court maintains jurisdiction under Welfare and Institutions Code section 303(a) and a review hearing under Welfare and Institutions Code section 366.31 is ordered.
  - (b)  It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is ordered.

NONMINOR'S NAME:	CASE NUMBER:
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30. d. (2)  The nonminor cannot safely reside in the family home, and reunification services are continued.
- (a)  The nonminor dependent and parent(s) of guardian(s) are in agreement with the continuation of reunification services.
  - (b)  Continued reunification services are in the best interest of the nonminor dependent.
  - (c)  There is a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.
  - (d)  The matter is continued for a review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court within the next six months.
- (3)  The nonminor cannot safely reside in the family home and reunification services are terminated (*check all that apply*).
- (a)  The nonminor dependent and parent(s) or guardian(s) are not in agreement with the continuation of reunification services.
  - (b)  Continued reunification services are not in the best interest of the nonminor dependent.
  - (c)  There is not a substantial probability that the nonminor dependent will be able to safely reside in the family home by the next review hearing.

31.  Additional findings and orders for nonminor residing in the home of a parent or former legal guardian
- a. (1)  It appears that juvenile court jurisdiction over the nonminor may no longer be necessary, and a hearing to consider termination of juvenile court jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is ordered.
  - (2)  Court supervision and juvenile court jurisdiction continues to be necessary. The court maintains jurisdiction under Welfare and Institutions Code section 303(a). The matter is continued for a review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court within the next six months.
  - b.  The county agency  has  has not complied with the case plan by making reasonable efforts to maintain a safe family home for the nonminor.
  - c.  The county agency  has  has not complied with the nonminor's Transitional Independent Living Case Plan, including efforts to prepare the nonminor for successful adulthood.

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

- a.  Nonminor dependent status review hearing (Wel. & Inst. Code, § 366.31; Cal. Rules of Court, rule 5.903)
- |               |       |       |       |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|
- b.  Hearing to consider termination of jurisdiction under rule 5.555 of the California Rules of Court.
- |               |       |       |       |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|
- c.  Other (*specify*):
- |               |       |       |       |
|---------------|-------|-------|-------|
| Hearing date: | Time: | Dept: | Room: |
|---------------|-------|-------|-------|

33. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER



ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:  STATE:                      ZIP CODE: FAX NO.:	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not approved by the</b> <b>Judicial Council</b> <b>JV-680.v2.072320.CZ.AEM</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
<b>FINDINGS AND ORDERS FOR CHILD APPROACHING                  MAJORITY—DELINQUENCY</b>		CASE NUMBER:
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

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

1. A review hearing under Welfare and Institutions Code section 727.2, held on behalf of a child approaching majority;
2. A review hearing under Welfare and Institutions Code section 727.2, during which a recommendation to terminate juvenile court jurisdiction is considered, held on behalf of a child 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 child 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. This form also applies to children whose underlying adjudication is subject to vacatur under Penal Code section 236.14.

If this hearing is also a review hearing under Welfare and Institutions Code section 727.2 or section 727.3, the findings and orders required in that section and in rule 5.810 of the California Rules of Court must be made in addition to the findings and orders on this form.

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

**Findings**

1. a.  The child's rehabilitative goals have been met. Juvenile court jurisdiction over the child as a ward is no longer required. The facts supporting this finding were stated on the record.
- b.  The child's rehabilitative goals have not been met. Continued juvenile court jurisdiction over the child as a ward is required. The facts supporting this finding were stated on the record.
- c.  The child's underlying adjudication is subject to vacatur under Penal Code section 236.14.
2.  For a dual-status child for whom dependency jurisdiction was suspended under Welfare and Institutions Code section 241.1(e)(5)(A):
  - a.  A return to the child's home would be detrimental to the child, and juvenile court jurisdiction over the child as a dependent should be resumed. The facts supporting this finding were stated on the record.
  - b.  A return to the child's home would not be detrimental to the child, and juvenile court jurisdiction over the child as a dependent does not need to be resumed. The facts supporting this finding were stated on the record.

CHILD'S NAME:	CASE NUMBER:
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3.  For a dual-status child for whom the probation department was designated the lead agency under Welfare and Institutions Code section 241.1(e)(5)(B):
  - a.  A return to the child's home would be detrimental to the child, and juvenile court jurisdiction over the child as a dual-status child is no longer required. The facts supporting this finding were stated on the record.
  - b.  A return to the child's home would not be detrimental to the child, and juvenile court jurisdiction over the child as a dependent is not required. The facts supporting this finding were stated on the record.
  
4.  For other than a dual status child:
  - a.  The child was not a court dependent at the time he or she was declared a ward. The child  does  does not appear to come within the description of Welfare and Institutions Code section 300, and  can  cannot be returned home safely. The facts supporting this finding were stated on the record and  the underlying petition is subject to vacatur under Penal Code section 236.14.
  - b.  The child 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 Welfare and Institutions Code section 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 child'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 child's case  has  has not been set for a hearing to terminate parental rights or establish a guardianship.
  - e.  The child  does  does not intend to sign a mutual agreement for a placement in a supervised setting as a nonminor dependent.
  
5.  The child's Transitional Independent Living Case Plan includes a plan for the child to satisfy at least one of the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent:
  - a.  The child plans to continue attending high school or a high school equivalency certificate (GED) program.
  - b.  The child plans to attend a college, community college, or 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, or a program or activities to promote employment or overcome barriers to employment or to work 80 hours per month due to a medical condition.
  
6.  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.
  
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 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 because it is not necessary.

CHILD'S NAME:	CASE NUMBER:
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9.  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.
10.  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.
11.  The child was informed that he or she may decline to become a nonminor dependent.
12.  The child 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 child was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a request to return to foster care and have the court assume or resume jurisdiction over him or her as a nonminor dependent.
14. a.  All the information, documents, and services required by Welfare and Institutions Code section 391(b)-(c) were provided to the child.
- b.  Not all the information, documents, and services required by Welfare and Institutions Code section 391(b)-(c) were 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.
15.  The child  was  was not provided with the notices and information required under Welfare and Institutions Code section 607.5.

### Orders

16.  The court, having previously determined that the child is a dual-status child under Welfare and Institutions Code section 241.1(e)(5)(A), and that juvenile court jurisdiction over the child as a dependent should be resumed, orders that:
- a. Dependency jurisdiction over the child previously suspended is resumed and delinquency jurisdiction is dismissed.
- b. The matter is continued for a status review hearing set under Welfare and Institutions Code section 366.21 or section 366.31, on the date stated on the record, which is within six months of the date of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
17.  The court, having previously determined that the child is a dual-status child under Welfare and Institutions Code section 241.1(e)(5)(B), that the child's rehabilitative goals were achieved, that a return to the child's home would be detrimental, and that juvenile court jurisdiction over the child as a dual-status child is no longer required, orders that:
- a. The child's dual status is terminated, delinquency jurisdiction over the child is dismissed, and dependency jurisdiction is continued with the child welfare services department responsible for the child's placement and care.
- b. The matter is continued for a status review hearing set under Welfare and Institutions Code section 366.21 or section 366.31, on the date stated on the record, which is within six months of the date of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
18.  The child comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- a. The child 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.

CHILD'S NAME:	CASE NUMBER:
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18. c. The  child welfare services department  probation department is responsible for the child's placement and care.

The child 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 Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.

19.  The child comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450, in that his or her underlying adjudication is subject to vacatur under Penal Code section 236.14.

- a. Continuance in the home is contrary to the child's welfare;
- b. Reasonable efforts have been made to prevent or eliminate the need for removal, and the child remains removed from the parent or guardian;
- c. The adjudication in petition number \_\_\_\_\_ is vacated, the petition is dismissed, and the underlying arrest is expunged under Penal Code section 236.14;
- d. The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
- e. The  probation department  child welfare services department is responsible for the child's placement and care.

20.  The child (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 Welfare and Institutions Code section 300 and cannot be returned home safely.

- a. The  probation officer  child's attorney must submit an application under Welfare and Institutions Code section 329 to the child welfare services department to commence a proceeding to declare the child 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.

21.  The child (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 Welfare and Institutions Code section 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 child 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 child's placement and care.

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

CHILD'S NAME:	CASE NUMBER:
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22.  Jurisdiction over the child is not modified from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction.
- a.  The child 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 child is returned to the home of the parent or legal guardian and juvenile court jurisdiction of the child is terminated as stated 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 child 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 rule 5.903 of the California Rules of Court, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.
    - (2)  The child 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 Welfare and Institutions Code sections 607.2(b)(4) and 607.3 is set for the date stated on the record, which is within one month of the child's 18th birthday.
      - (b)  A status review hearing is set under Welfare and Institutions Code section 727.2, on the date stated on the record, which is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or section 727.3.

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

- a.  Nonminor dependent status review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court

Hearing date:	Time:	Dept:	Room:
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- b.  Hearing to consider termination of jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court

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

Hearing date:	Time:	Dept:	Room:
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Date:

\_\_\_\_\_  
JUDICIAL OFFICER