



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

Title	Agenda Item Type
Juvenile Law: Extended Foster Care	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.555, 5.707, 5.812, and 5.906; revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472	January 1, 2016
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	October 13, 2015
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee proposes amending four of the California Rules of Court and revising five Judicial Council forms to (1) implement the provisions of Assembly Bill 2454 (Quirk-Silva; Stats. 2014, ch. 769) allowing specified youth to petition the court to assume jurisdiction over them as nonminor dependents, and to (2) provide further guidance on the implementation of prior legislation authorizing extended foster care to age 21. The rules and forms that currently allow youth to petition for reentry would be modified to accommodate these new petitioners. In addition, this proposal would clarify the requirements for other extended foster care processes to address concerns raised by courts as implementation has proceeded.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2016:

1. Amend rule 5.555 of the California Rules of Court on termination of jurisdiction to make specific provisions for termination of juvenile court jurisdiction over a nonminor dependent who has attained age 21;
2. Amend rules 5.707 and 5.812 to include disposition hearings in the class of hearings subject to the rule which governs hearings that are the last court hearing before a child in juvenile court attains age 18;
3. Amend rule 5.906, which sets forth the procedures for the court to follow when considering a petition for a nonminor to reenter juvenile court jurisdiction as a nonminor dependent, to include petitioners made eligible by recently enacted legislation;
4. Revise *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to clarify that jurisdiction must be terminated at age 21 and that the attorney for the nonminor is relieved 60 days from the order;
5. Revise *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO) to include information on petitioners made eligible for reentry in recent legislation;
6. Revise *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) to allow newly eligible petitioners to petition the court to enter foster care as nonminors and correct a previous drafting error;
7. Revise *Findings and Orders Regarding Prima Facie Showing on Nonminor's Request to Reenter Foster Care* (form JV-470) to allow the court to document its findings and orders for newly eligible petitioners seeking to reenter foster care as nonminors; and
8. Revise *Findings and Orders After Hearing to Consider Nonminor's Request to Reenter Foster Care* (JV-472) to allow the court to document its findings and orders after a hearing on a petition filed by a newly eligible petitioner for reentry to foster care as a nonminor.

The proposed text of the new and amended rules is attached at pages 7–12. The proposed new and revised forms are attached at pages 13–27.

Previous Council Action

The Judicial Council was a cosponsor of AB 12, the original legislation that authorized extended foster care for young adults ages 18 to 21, which was enacted in 2010, with most of its provisions effective January 1, 2012. The council has supported each of the subsequent cleanup bills to make changes to ensure smooth and effective implementation of AB 12: AB 212 in 2011, AB 1712 in 2012, and AB 787 (Stone; Stats. 2013, ch. 487) in 2013.

The council adopted rules 5.555, 5.707, 5.812, and 5.906, and forms JV-367, JV-464-INFO, and JV-466 effective January 1, 2012, to ensure that the provisions of AB 12 could be implemented

by the courts when the statute took effect. The council subsequently revised rules 5.555, 5.707, 5.812, and 5.906, and forms JV-367, JV-464-INFO, and JV-466, effective July 1, 2012, to implement modifications of AB 12 made by AB 212 as well as changes required in rules and forms that were adopted before circulation for public comment.

The council approved forms JV-470 and JV-472 effective January 1, 2014, to provide agencies and the courts with optional forms to use to make required reentry findings and orders.

Rationale for Recommendation

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub.L. No. 110-351) made extensive policy and program changes to improve the outcomes for children in the foster care system, including the extension of foster care services to nonminors up to age 21 when certain education, training, or work requirements are met or are incapable of being met due to a medical condition. California chose to participate in this voluntary program and AB 12, the California Fostering Connections to Success Act, was enacted in 2010 making extensive changes to California statutes to comply with provisions of the federal act. As implementation of AB 12 has gone forward, numerous subsequent bills have been enacted to improve upon the original statutory scheme.¹

Assembly Bill 2454 is the most recent revision to provisions that allow reentry into foster care for youth formerly in a foster care placement. It revised a recently enacted code section² to allow youth between the ages of 18 and 21 who were placed in guardianships or adopted out of foster care and whose guardians or adoptive parents have died or are no longer providing support to the youth to petition the court to enter foster care as nonminor dependents if they are willing to meet the eligibility criteria. This proposal would aid courts in implementing that expansion of eligibility. In addition, it would clarify some existing rules and forms to address concerns raised by courts as implementation of extended foster care has proceeded. The specific changes proposed by the committee are described below.³

Amend rule 5.555 to incorporate termination of jurisdiction at age 21

Rule 5.555, which governs any hearing to terminate jurisdiction over a nonminor dependent, is primarily geared toward hearings involving youth who are still eligible for reentry up to age 21. As the first AB 12 cohorts are reaching age 21, courts have noticed that the rule does not specifically address their responsibility at a hearing for a youth who has attained age 21. To address this deficiency, the proposal adds to the rule's findings and orders section language that is specific to this circumstance and would ensure that the nonminor has received the information and support that he or she is statutorily entitled to, while also making clear that his or her

¹ AB 12 (Beall; Stats. 2010, ch. 559), the California Fostering Connections to Success Act, as amended by AB 212 (Beall; Stats. 2011, ch. 459); AB 1712 (Beall; Stats. 2012, ch. 846); and AB 787 (Stone; Stats. 2013, ch. 487).

² Welf. & Inst. Code, § 388.1.

attorney is relieved from representation at the end of the appeal period. This rule would also be revised to remove an advisory committee comment regarding the age of eligibility for extended foster care; the comment is now obsolete because the Legislature took action to extend care to age 21.

Amend rules 5.707 and 5.812 to include a dispositional hearing for a child approaching age 18

To ensure that youth in foster care who are approaching age 18 are prepared to participate in extended foster care, the original legislation required that the last review hearing taking place before the child attains age 18 address the child's plans to either access extended foster care services or choose to exit foster care. However, the rules that implement these statutes did not include the circumstance in which the last hearing before the child attains age 18 is a dispositional hearing, rather than a status review hearing. This proposal would address that oversight by adding dispositional hearings to rules 5.707 and 5.812, which state the requirements for these hearings for dependents and delinquents, respectively.

Amend rule 5.906 to include new section 388.1 provisions

Assembly Bill 2454 revised recently enacted section 388.1 of the Welfare and Institutions Code to authorize specified nonminors whose juvenile court-established guardianships have failed (or whose guardians or adoptive parents have died) to petition the court to assume jurisdiction over them as nonminor dependents so that they may access extended foster care services. These are youth whose former guardians or adoptive parents were receiving support for their care as nonminors but no longer are. The procedures in section 388.1 closely mirror the procedures to be followed when other nonminors petition the court to reenter jurisdiction. To include this newly eligible population of petitioners, this proposal would amend rule 5.906 to include them as eligible and modify the findings and orders requirements to encompass 388.1 petitioners. This rule would also be revised to remove an advisory committee comment regarding the age of eligibility for extended foster care; the comment is now obsolete because the Legislature took action to extend care to age 21.

Revise form JV-367

This proposal, consistent with the changes to rule 5.555 described above, would also revise item 27 of *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to clarify that jurisdiction must be terminated at age 21 and that the attorney for the nonminor is relieved 60 days from the date of the order.

Revise form JV-464-INFO, *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care*

Form JV-464-INFO would be revised to include information in the section with the heading, "Do I qualify to return to juvenile court jurisdiction and foster care?" regarding nonminors who are eligible under section 388.1 to petition the court to assume jurisdiction over them. The proposed provisions would state the requirements for these youth in plain language.

Revise form JV-466, *Request to Return to Juvenile Court Jurisdiction and Foster Care*

Form JV-466 would also be revised to accommodate petitions from nonminors who are asking the court to assume jurisdiction under section 388.1 of the Welfare and Institutions Code. It would allow these youth to provide the court with the information required to determine whether there is a prima facie case that jurisdiction should be assumed and to make the findings and orders on the request itself. Because this form is intended to be accessible to the youth directly, it would also employ plain language. In addition, a drafting error in item nine of form JV-466 would be corrected so that the item is internally consistent.

Revise form JV-470, *Findings and Orders Regarding Prima Facie Showing on Nonminor's Request to Reenter Foster Care*

Form JV-470 would be revised to allow the court to document its findings and orders under section 388.1 when determining whether the nonminor has made a prima facie showing that he or she is eligible for the court to assume dependency jurisdiction over the nonminor. Without creating a new form, these proposed changes would provide the courts with a form to accomplish their statutory obligations under section 388.1(c)(1).

Revise form JV-472, *Findings and Orders After Hearing to Consider Nonminor's Request to Reenter Foster Care*

Form JV-472 would be revised to allow the court to document its required findings and orders after a hearing on a petition filed under section 388.1 for a nonminor to reenter foster care. The proposed additions can be made to this existing form to provide the courts with a form to accomplish their statutory obligations under paragraph (5) of subdivision (c) of section 388.1.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment as part of the spring 2015 invitation to comment cycle, from April 16 to June 17, 2014, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, social workers, probation officers, and other juvenile law professionals. Nine organizations provided comment: three agreed with the proposal, five agreed with the proposal if modified, and one did not indicate a position but provided comments. A chart with the full text of the comments received and the committee's responses is attached at pages 28–30.

The committee sought specific comment on whether the proposal would allow courts to effectively implement the recently enacted legislation, and all commentators appeared to agree that it would accomplish that objective. The modifications proposed in the comments suggested minor corrections, clarifications, and stylistic changes, most of which the committee adopted.

Alternatives Considered

The committee considered preparing new rules and forms specifically to implement AB 2454 but concluded that, because the newly eligible cases were few in numbers and the procedures were

very similar, amending the existing rules and forms for reentry into foster care would be preferable. The committee also considered making only the changes necessary to implement AB 2454 but determined that the additional proposed changes would clarify existing law and enhance the ability of the courts to effectively carry out their obligations with regard to extended foster care cases.

Implementation Requirements, Costs, and Operational Impacts

This proposal will have some positive operational impact in implementing the statutory requirements of AB 2454. The proposed amended rules and revised forms are in response to requests for guidance from courts and agencies. The proposed revisions will ensure that courts can easily make the necessary orders in each of the affected cases.

Because AB 2454 expands the eligible population that may petition the court to reenter foster care as nonminors, it will result in additional hearings in the juvenile courts. This proposal will provide the courts with the tools they need to perform their statutorily required obligations as efficiently as possible. The findings and orders forms to implement AB 2454 are optional forms, so courts that prefer to use their own forms could opt not to use the revised forms proposed here.

In implementing the new and revised forms, courts would incur standard reproduction costs and retraining of affected staff.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because this proposal will revise and supplement a set of rules and forms that ensure compliance with state and federal legal requirements, it supports Goal III, Modernization of Management and Administration (Goal III.A).

Attachments and Links

1. Cal. Rules of Court, rules 5.555, 5.707, 5.812, and 5.906, at pages 7–12
2. Judicial Council forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472, at pages 13–27
3. Chart of comments, at pages 28–31
4. Assembly Bill 2454 (Quirk-Silva; Stats. 2014, ch. 769)
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2454&search_keywords=

Rules 5.555, 5.707, 5.812, and 5.906 of the California Rules of Court are amended, effective January 1, 2016, 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, 452, 607.3,**
4 **16501.1(f)(16))**

5
6 (a)–(c) * * *

7
8 (d) **Findings and orders**

9
10 In addition to complying with all other statutory and rule requirements applicable
11 to the hearing, the following judicial findings and orders must be made and
12 included in the written court documentation of the hearing:

13
14 (1) *Findings*

15
16 (A)–(M) * * *

17
18 (N) For a nonminor who has attained 21 years of age the court is only
19 required to find that:

20
21 (i) Notice was given as required by law.

22
23 (ii) The nonminor was provided with the information, documents,
24 and services required under section 391(e), and a completed
25 Termination of Juvenile Court Jurisdiction—Nonminor (form JV-
26 365) was filed with the court.

27
28 (iii) The 90-day Transition Plan is a concrete, individualized plan that
29 specifically covers the following areas: housing, health insurance,
30 education, local opportunities for mentoring and continuing
31 support services, workforce supports and employment services,
32 and information that explains how and why to designate a power
33 of attorney for health care.

34
35 (iv) The nonminor has attained 21 years of age and is no longer
36 subject to the jurisdiction of the court under section 303.

37
38 (2) *Orders*

39
40 (A)–(E) * * *

1 (F) For a nonminor who has attained 21 years of age and is no longer
2 subject to the jurisdiction of the juvenile court under section 303, the
3 court must enter an order that juvenile court jurisdiction is dismissed
4 and that the attorney for the nonminor dependent is relieved 60 days
5 from the date of the order.
6

7 **Rule 5.707. Review or dispositional hearing requirements for child approaching**
8 **majority (§§ 224.1, 366(a)(1)(F), 366.3, 366.31, 16501.1(f)(16))**
9

10 **(a) Reports**
11

12 At the last review hearing before the child attains 18 years of age held under
13 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held under
14 section 360 if no review hearing will be set before the child attains 18 years of age,
15 in addition to complying with all other statutory and rule requirements applicable to
16 the report prepared by the social worker for the hearing, the report must include a
17 description of:
18

19 (1)–(9) * * *
20

21 **(b) Transitional Independent Living Case Plan**
22

23 At the last review hearing before the child attains 18 years of age held under
24 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held under
25 section 360 if no review hearing will be set before the child attains 18 years of age,
26 the child's Transitional Independent Living Case Plan:
27

28 (1)–(2) * * *
29

30 **(c) Findings**
31

32 (1) At the last review hearing before the child attains 18 years of age held under
33 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held
34 under section 360 if no review hearing will be set before the child attains 18
35 years of age, in addition to complying with all other statutory and rule
36 requirements applicable to the hearing, the court must make the following
37 findings in the written court documentation of the hearing:
38

39 (A)–(I) * * *
40

41 (2) * * *
42

1 (d) * * *

2
3 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
4 **child in foster care and for status review or dispositional hearing for child**
5 **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**
6

7 (a) **Hearings subject to this rule**
8

9 The following hearings are subject to this rule:
10

11 (1) The last review hearing under section 727.2 or 727.3 before the child turns 18
12 years of age and a dispositional hearing under section 702 for a child under
13 an order of foster care placement who will attain 18 years of age before a
14 subsequent review hearing will be held. If the hearing is the last review
15 hearing under section 727.2 or 727.3, the ~~This~~ hearing must be set at least 90
16 days before the child attains his or her 18th birthday and within six months of
17 the previous hearing held under section 727.2 or 727.3.
18

19 (2)–(4) * * *

20
21 (b)–(f) * * *

22
23 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**
24 **(§§ 224.1(b), 303, 388(e), 388.1)**
25

26 (a) **Purpose**
27

28 This rule provides the procedures that must be followed when a nonminor wants to
29 have juvenile court jurisdiction assumed or resumed over him or her as a nonminor
30 dependent as defined in subdivisions (v) or (aa) of section 11400(v).
31

32 (b) **Contents of the request**
33

34 (1) The request to have the juvenile court assume or resume jurisdiction must be
35 made on the *Request to Return to Juvenile Court Jurisdiction and Foster*
36 *Care* (form JV-466).
37

38 (2)–(3) * * *

39
40 (c) **Filing the request**
41

42 (1) * * *

1 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
2 wishes to keep his or her contact information confidential, the *Confidential*
3 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
4 *Care* (form JV-468) may be:

5
6 (A) Filed with the juvenile court that maintained general jurisdiction or for
7 cases petitioned under section 388.1, in the court that established the
8 guardianship or had jurisdiction when the adoption was finalized; or

9
10 (B)–(C) * * *

11
12 (3)–(5) * * *

13
14 **(d) Determination of prima facie showing**

15
16 (1) Within three court days of the filing of form JV-466 with the clerk of the
17 juvenile court of general jurisdiction, a juvenile court judicial officer must
18 review the form JV-466 and determine whether a prima facie showing has
19 been made that the nonminor meets all of the criteria set forth below in
20 (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

21
22 (A) The nonminor was previously under juvenile court jurisdiction subject
23 to an order for foster care placement on the date he or she attained 18
24 years of age, or the nonminor is eligible to seek assumption of
25 dependency jurisdiction pursuant to the provisions of subdivision (c) of
26 section 388.1;

27
28 (B)–(D) * * *

29
30 (2)–(3) * * *

31
32 **(e)–(g) * * ***

33
34 **(h) Reports**

35
36 (1) The social worker, probation officer, or Indian tribal agency case worker
37 (tribal case worker) must submit a report to the court that includes:

38
39 (A) Confirmation that the nonminor was previously under juvenile court
40 jurisdiction subject to an order for foster care placement when he or she
41 attained 18 years of age and that he or she has not attained 21 years of
42 age, or is eligible to petition the court to assume jurisdiction over the
43 nonminor pursuant to section 388.1;

1 (B) * * *

2
3 (C) The social worker, probation officer, or tribal case worker’s opinion as
4 to whether continuing in a foster care placement is in the nonminor’s
5 best interests and recommendation about the assumption or resumption
6 of juvenile court jurisdiction over the nonminor as a nonminor
7 dependent;

8
9 (D)–(F) * * *

10
11 (2)–(3) * * *

12
13 (i) **Findings and orders**

14
15 The court must read and consider, and state on the record that it has read and
16 considered, the report; the supporting documentation submitted by the social
17 worker, probation officer, or tribal case worker; the evidence submitted by the
18 nonminor; and any other evidence. The following judicial findings and orders must
19 be made and included in the written court documentation of the hearing:

20
21 (1) *Findings*

22
23 (A) Whether notice was given as required by law;

24
25 (B) Whether the nonminor was previously under juvenile court jurisdiction
26 subject to an order for foster care placement when he or she attained 18
27 years of age, or meets the requirements of subparagraph (5) of
28 subdivision (c) of section 388.1;

29
30 (C)–(E) * * *

31
32 (F) Whether continuing or reentering and remaining in a foster care
33 placement is in the nonminor’s best interests;

34
35 (G)–(H) * * *

36
37 (2) *Orders*

38
39 (A) If the court finds that the nonminor has not attained 21 years of age,
40 that the nonminor intends to satisfy at least one condition under section
41 11403(b), and that the nonminor and placing agency have entered into a
42 reentry agreement, the court must:

1 (i) Grant the request and enter an order assuming or resuming
2 juvenile court jurisdiction over the nonminor as a nonminor
3 dependent and vesting responsibility for the nonminor's
4 placement and care with the placing agency;

5
6 (ii)-(v) * * *

7
8 (B)-(C) * * *

9
10 (3) * * *

11 **Advisory Committee Comment**

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

20
21 ~~The extension of benefits for nonminors up to 19 years of age during the first year and for~~
22 ~~nonminors up to 20 years of age during the following year is fully provided for in Assembly Bill~~
23 ~~12 and does not require further action by the Legislature; however, extension of those benefits to~~
24 ~~nonminors between 20 and 21 years of age is contingent upon an appropriation by the~~
25 ~~Legislature. (Welf. & Inst. Code, § 11403(k).)~~
26

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 DRAFT - NOT APPROVED BY THE JUDICIAL COUNCIL	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME: DEPT:		
FINDINGS AND ORDERS AFTER HEARING TO CONSIDER TERMINATION OF JUVENILE COURT JURISDICTION OVER A NONMINOR	CASE NUMBER:	
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

- | | <u>Present</u> | <u>Attorney (name)</u> | <u>Present</u> |
|--|--------------------------|------------------------|--------------------------|
| 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. The court has read and considered and admits into evidence | | | |
| a. <input type="checkbox"/> Report of social worker dated: | | | |
| b. <input type="checkbox"/> Report of probation officer dated: | | | |
| c. <input type="checkbox"/> Other (specify): | | | |
| d. <input type="checkbox"/> Other (specify): | | | |
| e. <input type="checkbox"/> Other (specify): | | | |

NONMINOR'S NAME:	CASE NUMBER:
------------------	--------------

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

Findings

- 8. Notice of the date, time, and location of the hearing was given as required by law.
- 9. Nonminor is not present.
 - a. The nonminor expressed a wish to not appear for hearing and did not appear.
 - b. The nonminor's current location is unknown and reasonable efforts were made to locate the youth.
- 10. The nonminor had the opportunity to confer with his or her attorney about the issues currently before the court.
- 11. Remaining under juvenile court jurisdiction is is not in the nonminor's best interests. The facts supporting this determination were stated on the record.
- 12. a. The nonminor does not meet the eligibility criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction at this time.
 - b. The nonminor does satisfy the following criteria in 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 (b)(1)–(4) due to a medical condition.
- 13. The nonminor has an in-progress application pending for title XVI Supplemental Security Income benefits, and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process is is not in the nonminor's best interest.
 - a. is in the child's best interest.
 - b. is not in the child's best interest as it is not necessary.
- 14. The nonminor has an in-progress application pending for Special Immigrant Juvenile Status or other application for legal residency for which an active juvenile court case is required.
- 15. The nonminor was informed of the options available to assist with the transition from foster care to independence.
- 16. The potential benefits of remaining in foster care under juvenile court jurisdiction were explained to the nonminor, and the nonminor has stated that he or she understands those benefits.
- 17. The nonminor was informed that, if juvenile court jurisdiction is continued, he or she may have the right to have that jurisdiction terminated and that the court will maintain general jurisdiction for the purpose of resuming jurisdiction over him or her as a nonminor dependent.
- 18. The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a petition to have the court resume dependency jurisdiction or transition jurisdiction over him or her so long as he or she is within the eligible age range for status as a nonminor dependent.
- 19. a. The nonminor was provided with the information, documents, and services required under Welfare and Institutions Code, § 391(e), and a completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) was filed with this court.
 - b. The nonminor cannot be located, reasonable efforts were made to locate him or her, and for that reason the nonminor was not provided with the information, documents, services, and form specified in item 19a.
- 20. For a nonminor who is subject to delinquency jurisdiction, the requirements of Welfare and Institutions Code, § 607.5, were were not met.

NONMINOR'S NAME:	CASE NUMBER:
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21. For a nonminor who is an Indian child under the Indian Child Welfare Act, he or she was was not provided with information regarding the right to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act as a nonminor dependent.
22. a. The Transitional Independent Living Case Plan includes a plan for a placement the nonminor believes is consistent with his or her need to gain independence, reflects agreements made to obtain independent living skills, and sets out benchmarks that indicate how the nonminor and social worker or probation officer will know when independence can be achieved.
- b. The Transitional Independent Living Plan (TILP) identified the nonminor's level of functioning, emancipation goals, and specific skills he or she needs to prepare to live independently upon leaving foster care.
- c. The 90-day Transition Plan is a concrete individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.

Orders

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

NONMINOR'S NAME:	CASE NUMBER:
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27. The nonminor is 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.

28. **Other findings and orders**

- a. See attachment 28a.
- b. Other (*specify*):

29. **Other findings and orders**

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*):

30. Number of pages attached: _____

Date:

_____ JUDICIAL OFFICER

How to Ask to Return to Juvenile Court Jurisdiction and Foster Care

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

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

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

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

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

You can also get:

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

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

You qualify if you meet these requirements:

Court Jurisdiction Requirements

- You are now 18, 19, or 20 years old;
- You were in foster care on your 18th birthday;* **OR**
- You were placed by the juvenile court in a guardianship or adoption; and
 - Your guardian(s) or adoptive parent(s) were receiving payments for your support on or after your 18th birthday; and

- Your guardian(s) or adoptive parent(s) died on or after your 18th birthday, or they no longer support you and no longer receive payments for your support.

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

Work/School Requirements

You must plan to do one of the following:

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

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

Sign an Agreement to Return to Foster Care

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

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

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

When can I get help to find housing?

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



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

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

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

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

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

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

What if I need help with the form?

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

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

What do I do with my completed form?

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

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

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

Where do I file my completed form?

You can file it by mail or in person at the juvenile court clerk's office at the courthouse in the county where your court case was closed.

You can submit it by mail or in person at the juvenile court clerk's office in the county where you live. The clerk will send it to the juvenile court clerk's office at the courthouse in the county where your court case was closed.

If you file by mail because you live outside of California, you must send it to juvenile court clerk's office at the courthouse in the county where your court case was closed.

Important! Keep a copy of all papers you file at court. If you file in person, the clerk can give you free copies.

Do I have to pay to file the form?

No. It's free.

Do I have to fill out other court forms?

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



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

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

The judge can decide that:

- **You do not qualify** because of your age. If this happens, you cannot file another request.
- **The information you gave to the court** shows that you do not meet one of the eligibility requirements or the court needs more information to decide your case. If this happens, the court will deny your request and send you a letter explaining why your request was denied. The court will also send you a list of lawyers who can help you with your case. You can file another request that includes the information that was missing.
- **The court has enough information** to decide your case and wants you to come to a court hearing. If this happens, you will get a notice telling you the date, time, and place of your hearing. The court will also assign a lawyer to speak for you at the hearing.

The court will send a copy of the notice and your papers to:

- The lawyer assigned to your case, and
- The office that supervised you when the juvenile court's jurisdiction was dismissed. That office must make a report about your eligibility to return to foster care.

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

When will the hearing happen?

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

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

What happens at the hearing?

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

If the court decides you meet the requirements, you will be allowed to return to foster care. You will also have to go back to court within 6 months to tell the court how you are doing. Your lawyer will also go with you to that hearing. If you used to be a dependent, you will be under the juvenile court's dependency jurisdiction.

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

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

Clerk stamps date here when form is filed.

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

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

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

- ① My information:
- My address: _____

 - My city, state, zip code: _____
 - My area code and telephone number: _____
 - My date of birth: _____

- ② The location of the juvenile court that had authority over me when I was 18 years old or when my guardianship or adoption was finalized:

- City: _____
- County: _____

- ③ The name and court file number or case number of my case in juvenile court:

- Name of my case: _____
- Court file number or case number: _____

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

- ⑤ I need help to keep or find an appropriate place to live.

I need a placement right now.

- ⑥ Voluntary Reentry Agreement with child welfare services or the probation department to return to foster care:

I agree to sign a Voluntary Reentry Agreement for a supervised placement.

I signed a Voluntary Reentry Agreement for a supervised placement on (date): _____ with

Child welfare services.

Probation department.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Name:

Court fills in case number when form is filed.

Case Number:

Your name: _____

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

- 8** If you were in a guardianship on your 18th birthday or adopted from foster care, please check all that apply below. If not, skip to 9.
- a. I was placed by the juvenile court in a guardianship.
 - b. I was adopted from foster care.
 - c. My guardian(s) or adoptive parent(s) were receiving payments for my support on or after my 18th birthday.
 - d. My guardian(s) or adoptive parent(s) died on or after my 18th birthday.
 - e. My guardian(s) or adoptive parent(s) are no longer supporting me.
 - f. My guardian(s) or adoptive parent(s) no longer receive payments for my support.

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

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

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

Parent's name and address: _____

Parent's name and address: _____

Former legal guardian's name and address: _____

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

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



Your name: _____

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

NO. I did not have a CASA.

YES. I did have a CASA.

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

NO. I do not want the CASA to be told about the hearing.

YES. I want the CASA to be told about the hearing. The name of the person who was my CASA is:

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

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

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

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

(1) NO. I do not want the Indian Child Welfare Act to apply to me.

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

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

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

Name of tribe(s) (*name each*):

Name of band (*if applicable*):

(2) I may have Indian ancestry.

Name of tribe(s) (*name each*):

Name of band (*if applicable*):

(3) I have no Indian ancestry as far as I know.

13 Your verification:

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

Date: _____

Type or print your name



Sign your name



Case Number:

Your name: _____

14 Verification by nonminor's representative:

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

Date: _____

Type or print your name



Sign your name

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
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
FINDINGS AND ORDERS REGARDING PRIMA FACIE SHOWING ON NONMINOR'S REQUEST TO REENTER FOSTER CARE	CASE NUMBER:

Findings and Orders: Prima Facie Showing Made

1. The court has read and considered
 - a. Request to Return to Juvenile Court Jurisdiction and Foster Care (form JV-466) filed by (name): _____ on (date): _____
 - b. Other (specify): _____
 - c. Other (specify): _____
2. The court finds that a prima facie showing has been made that
 - a. the nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age; or

 the nonminor was a minor under juvenile court jurisdiction at the time of the establishment of a guardianship under section 360, section 366.26, or section 728(d), or he or she was a minor or nonminor dependent when his or her adoption was finalized, and

 the nonminor's guardian or guardians, or adoptive parent or parents, as applicable, died after the nonminor attained 18 years of age but before he or she attained 21 years of age.

 the nonminor's guardian or guardians, or adoptive parent or parents, as applicable, no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor after the nonminor attained 18 years of age but before he or she attained 21 years of age, and it may be in the nonminor's best interest for the court to assume dependency jurisdiction.
 - b. the nonminor is under 21 years of age.
 - c. the nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a voluntary reentry agreement.
 - d. the nonminor intends to satisfy at least one of the conditions described in Welfare and Institutions Code section 11403(b) as follows (check all that apply):
 - (1) Attending high school or a high school equivalency certificate (GED) program
 - (2) Attending a college, community college, or vocational education program
 - (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - (4) Employed for at least 80 hours per month
 - (5) Unable to attend high school, a GED program, college, community college, a vocational education program, or an employment program or activity, or to work 80 hours per month due to a medical condition
3. **The court orders the following:**
 - a. The nonminor's request to return to foster care is set for hearing on (specify date within 15 days of the date form JV-466 was filed): _____
 - b. An attorney is appointed to represent the nonminor solely for the hearing on the request.

NONMINOR'S NAME:	CASE NUMBER:
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3. c. Other orders:

Findings and Orders: Prima Facie Showing Not Made

4. The court has read and considered

- a. *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) filed by (name): _____ on (date): _____
- b. Other (specify): _____
- c. Other (specify): _____

5. The court finds that a prima facie showing has not been made. The nonminor's request to return to foster care is denied because (check all that apply)

- a. the nonminor was not previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age; or
- the nonminor is not eligible under section 388.1 for the juvenile court to assume dependency jurisdiction because (check all that apply)
 - the guardian(s) or parent(s) were not receiving Kin-GAP or adoption assistance payments for the nonminor.
 - the guardian(s) or adoptive parent(s) are providing support to the nonminor and/or are continuing to receive aid payments.
 - the petition is lacking evidence of the death of the guardian(s) or adoptive parent(s).
- b. the nonminor is over 21 years of age.
- c. the nonminor does not want assistance to maintain or secure an appropriate, supervised placement or does not agree to a supervised placement under a voluntary reentry agreement.
- d. the nonminor does not intend to satisfy at least one of the conditions described in Welfare and Institutions Code section 11403(b), and stated below:
 - (1) Attending high school or a high school equivalency certificate (GED) program
 - (2) Attending a college, community college, or vocational education program
 - (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - (4) Being employed for at least 80 hours per month
 - (5) Unable to attend high school, a GED program, college, community college, a vocational education program, or an employment program or activity or to work 80 hours per month due to a medical condition
- e. Other (specify reason for denial): _____

6. The nonminor may file a new request when the issues are resolved.

7. The court clerk must serve on the nonminor the following documents:

- a. A copy of the written order
- b. Blank copies of *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) and *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468)
- c. A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO)
- d. The names and contact information of attorneys approved by the court to represent children in juvenile court proceedings and who have agreed to provide a consultation to nonminors whose requests are denied due to the failure to make a prima facie showing

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	STATE BAR NO:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME:		
FINDINGS AND ORDERS AFTER HEARING TO CONSIDER NONMINOR'S REQUEST TO REENTER FOSTER CARE		CASE NUMBER:
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

- | | Present | <u>Attorney (name)</u> | Present |
|---------------------------------|--------------------------|------------------------|--------------------------|
| 1. Parties (name) | | | |
| a. Nonminor dependent: | <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. Others present
- a. Other (specify):
- b. Other (specify):
- c. Other (specify):

3. 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):
- e. other (specify):

Court Grants Request

4. The court makes the findings stated below:
- a. Notice of the date, time, and location of the hearing was given as required by law.
- b. The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age, or
- The nonminor is eligible for the court to assume jurisdiction as provided in section 388.1.
- c. The nonminor is under 21 years of age.
- d. The nonminor intends to satisfy a condition or conditions under Welfare and Institutions Code section 11403(b).
- e. The condition or conditions under Welfare and Institutions Code section 11403(b) that the nonminor intends to satisfy follow (specify all that apply):
- (1) Attending high school or a high school equivalency certificate (GED) program

NONMINOR'S NAME:	CASE NUMBER:
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- 4.
 - e. (2) Attending a college, community college, or vocational education program
 - (3) Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - (4) Being employed for at least 80 hours per month
 - (5) Unable to do any of the activities in e(1)–(4) due to a medical condition
 - f. Continuing in a foster care placement is in the nonminor's best interest.
 - g. The nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care responsibility of the placing agency.
 - h. The nonminor, who is an Indian child, chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.

- 5. The court makes the orders stated below:
 - a. The court grants the request to assume or resume jurisdiction, and juvenile court jurisdiction shall resume over the nonminor as a nonminor dependent.
 - b. Placement and care are vested with the placing agency.
 - c. The placing agency must develop with the nonminor a new Transitional Independent Living Case Plan and file it with the court within 60 days.
 - d. The social worker or probation officer must consult with the tribal representative regarding a new Transitional Independent Living Case Plan.
 - e. A nonminor dependent review hearing under Welfare and Institutions Code section 366.31 and rule 5.903 of the California Rules of Court is set for *(specify a date that is within six months of the date the voluntary reentry agreement was signed)*:
 - f. The prior order appointing an attorney for the nonminor is continued, and that attorney is appointed until the jurisdiction of the juvenile court is terminated.

Court Denies Request

- 6. a. The court finds that the nonminor is under 21 years of age, but the nonminor does not intend to satisfy at least one of the conditions under Welfare and Institutions Code section 11403(b), or the nonminor and the placing agency have not entered into a reentry agreement.
 - (1) The nonminor's request to return to foster care is denied. The request is denied because *(specify the reasons for denial)*:

 - (2) The nonminor may file a new request when the circumstances change.
 - (3) The order appointing an attorney to represent the nonminor is terminated, and the attorney is relieved as of *(specify date seven calendar days after the hearing)*:

- b. The court finds that the nonminor is over 21 years of age.
 - (1) The request to have juvenile court jurisdiction assumed or resumed is denied; and
 - (2) The order appointing an attorney to represent the nonminor is terminated, and the attorney is relieved as of *(specify date seven calendar days after the hearing)*:

Findings and Orders: Service

- 7. The written findings and orders must be served by the juvenile court clerk on all persons who were served with notice of the hearing.
 - a. Service must be by personal service or first-class mail within three court days of the issuance of the order.
 - b. Proof of service must be filed.

Date: _____

JUDICIAL OFFICER

SPR15-21**Juvenile Law: Extended Foster Care** (amend Cal. Rules of Court, rules 5.555, 5.707, 5.812, and 5.906; Revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472)

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

	Commentator	Position	Comment	Committee Response
1.	California Judges Association Hon. Joan P. Weber President	A	The California Judges Association supports this amendment. Although this expands the number of nonminor dependents who will come before the court thereby increasing caseloads, it is the best interest of our dependency children to assist them to become successful. It requires a concrete ninety-day transition plan prior to the age of 21 and requires a dispositional hearing before a dependent ward turns 18 will create more focus on their transition. It adds a finding on JV 367 regarding a nonminor reaching the age of 21 and clarifies the Judicial Council forms for entry or reentry into the nonminor dependent system to comply with AB2454.	No response required.
2.	Los Angeles County Counsel's Office Dawyn Harrison Assistant County Counsel	AM	Agree with the suggested changes if amended to change the reference made in form JV-472, section 5(e) to reflect that the review hearing for a nonminor dependent is conducted pursuant to Welfare and Institutions Code section 366.31, not section 391. Rule 5.903 does not reference section 391. Section 391 is used when the juvenile court is considering whether or not to terminate jurisdiction over a nonminor dependent. Additionally the form JV-367, section 23(d) should reference section 366(g) not 366(f).	The committee has adopted these clarifying suggestions on statutory references.
3.	Orange County Bar Association Ashleigh Aitken President	AM	The proposed recommendations regarding extended foster care are a result of the enactment of AB 2454 which primarily provided for youth between the ages of 18 and 21 who were placed in guardianships, or adopted, out of foster care, and whose guardians or adoptive parents have died, or are no longer	No response required.

SPR15-21**Juvenile Law: Extended Foster Care** (amend Cal. Rules of Court, rules 5.555, 5.707, 5.812, and 5.906; Revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472)

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	Commentator	Position	Comment	Committee Response
			<p>providing support to the youth, to petition the court to enter foster care as nonminor dependents. The proposal also clarifies the findings to be made at a hearing to terminate jurisdiction over a nonminor dependent who has attained 21 years of age, and clarifies that the last hearing before a child turns 18 may include a dispositional hearing. The proposal entails the amendment of four Rules of Court and the revisions of four JV forms to effectuate the legislative changes.</p> <p>The amendments to the Rules of Court, and the revision of the JV forms appear consistent with the enacted legislation, however the JV-464-INFO form contains information that may be misconstrued by the reader. Instead of saying “you would be able to live in a . . . “ the form should say, “you may be able to live in a . . .”</p>	<p>The committee has adopted this change to ensure that the form is not misconstrued as authorizing a particular placement.</p>
4.	San Diego County Leesa Rosenberg	AM	That the language in the JV 464 be changed to read “on or after your 18th birthday” to align with the law and the language in the JV 466 form.	The committee has adopted this clarifying change.
5.	Santa Clara County Julie Fulmer McKellar Lead Deputy County Counsel	NI	<p>The modification to CRC 5.555(1) adds a subdivision (N) for dismissal for nonminors turning 21, but doesn't make it clear whether those are findings needed in addition to findings (A)-(M), or whether those are the only findings needed at that hearing. Tends to make the rule less clear rather than to clarify.</p> <p>The addition of the dispositional hearing as a hearing where the "last review hearing before</p>	<p>The committee has clarified the rule provision to specify that the findings in N are the only required findings for a nonminor who has turned 21.</p> <p>Welfare and Institutions Code section 366.3 provides that these findings are required at any</p>

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			<p>turning 18" findings apply in 5.707(a) makes sense (and that was already our practice), but it doesn't resolve the longstanding confusion about whether those findings are needed at a 366.3 for a minor in a PP other than PPLA.</p> <p>The modification to 5.906(a) proposes "assumes or resumes" jurisdiction as an NMD under 11400(v) in an attempt to add the LG and AAP kids, but the LG and AAP kids don't meet the 11400(v) definition. They are within WIC 11400(aa).</p> <p>Form JV-466 asks for "The date the juvenile court closed my case or finalized my guardianship or adoption" without consideration of the fact that a guardianship might be finalized long before the case is closed.</p> <p>The JV-466 in Item 9 also erroneously says "formal legal guardians" rather than "former legal guardians."</p>	<p>review hearing that is the last prior to a dependent child attaining 18 years of age, and makes no distinction based upon the permanent plan for the child. Thus the committee deems the rule, which includes all such hearings, to be consistent with the statute.</p> <p>The committee appreciates this clarification and added the additional subdivision (11400(aa)) to the rule.</p> <p>The committee agrees that this might cause confusion and has restored that item to read simply: "the date the court closed my case."</p> <p>The committee takes note of this correction and has corrected the error.</p>
6.	State Bar of California, Family Law Section Saul Bercovitch Legislative Counsel	A	The Executive Committee of the Family Law Section of the State Bar (FLEXCOM) supports this proposal.	No response required.
7.	Superior Court of Los Angeles County (no name provided)	AM	<p>In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> · Does the proposal appropriately address the stated purpose? · Do the revisions to forms JV-464-INFO, JV- 	No response required.

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			<p>466, JV-470, and JV-472 allow for effective implementation of AB 2454? Yes, to both.</p> <p>On JV-464-INFO, under “Do I qualify to return to juvenile court jurisdiction and foster care? 2d bullet reads “You were in foster care on your 18th birthday.” It should read as in the findings (JV-470), “You were previously under juvenile court jurisdiction and subject to an order for foster care placement on your 18th birthday.”</p> <p>The third bullet, “You were supervised by a social worker or probation officer,” is confusing and should be deleted.</p> <p>Also, the and/or bullets are confusing and hard to follow. The spacing is much clearer on the JV-470. Otherwise, the proposed changes are excellent.</p>	<p>Form JV-464-INFO is intended to assist nonminors in understanding the process to reenter foster care and thus is written in plain language. Because the plain language on the current form is more comprehensible to a young person the committee prefers maintaining the current language re being in foster care.</p> <p>The committee has adopted this suggested modification and deleted this sentence.</p> <p>The committee has added space after the or to make this easier to read.</p>
8.	Superior Court of San Diego County Mike Roddy Executive Officer	AM	JV-470, item 5a: Should be amended to state: “the guardian(s) or adoptive parent(s) are providing support to the <i>nonminor</i> ...”	The committee has adopted this correction and revised the item to read nonminor.
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) Joint Rules Working Group	A	No specific comment provided.	No response required.