



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-105

For Circulating Order CO-22-02 on: May 10, 2022

Title

Juvenile Law: Nonminor Dependents

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 5.555, 5.570, and 5.906; adopt forms JV-469 and JV-471

Effective Date

September 1, 2022

Date of Report

April 20, 2022

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Stephanie E. Hulse, Cochair

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Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending three rules and adopting two forms to implement recent statutory changes that authorize placing agencies to petition the court on behalf of nonminor dependents who were ineligible for federal funding as children to terminate the nonminors from juvenile dependency or transitional jurisdiction, and immediately reenter them to allow a new federal eligibility determination to be undertaken so that federal matching funds can be accessed to cover the costs of their cases.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2022:

1. Adopt new forms *Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent* (form JV-469) and *Findings and Orders Regarding Exit and Reentry of Jurisdiction—Nonminor Dependent* (form JV-471) to allow an agency to petition for and a court to grant an

order exiting a nonminor from jurisdiction and allowing them to reenter with a new voluntary placement agreement; and

2. Amend California Rules of Court, rules 5.555, 5.570, and 5.906 to clarify that their specific procedural requirements do not apply when reentry is done via this process and make them gender neutral.

The proposed amended rules and new forms are attached at pages 7–19.

Relevant Previous Council Action

Rules 5.555 and 5.906 were originally created to implement extended foster care legislation co-sponsored by the Judicial Council,¹ and they have been revised numerous times in response to subsequent clarifying legislation. Rule 5.570 was first adopted as rule 1432, effective January 1, 1991, and was amended and renumbered as rule 5.570 effective January 1, 2007. It has been amended numerous times, most recently effective January 1, 2020, to implement legislative clarifications concerning the requirements of the Indian Child Welfare Act.

Analysis/Rationale

Background

In 2021, the Legislature enacted Assembly Bill 640 (Cooley; Stats. 2021, ch. 622) to provide a mechanism for county child welfare and probation agencies to obtain a redetermination of eligibility for federal financial participation in a foster care case for a nonminor dependent. Such a redetermination is beneficial to the state and the agency because of the restrictions on which cases can receive federal matching funds for reimbursement. As the Assembly Floor Analysis for AB 640 explains:

Foster care payments for eligible youth are provided through either state or federal AFDC-FC [Aid for Dependent Children–Foster Care]. In order to be eligible for federal AFDC-FC, the home from which the child was removed must meet Aid for Dependent Children (AFDC) eligibility criteria from 1996 for the month in which a dependency petition is filed with the juvenile court, or in any of the six months prior to the month in which the petition is filed. In 1996, the income limit for a family of three to qualify for AFDC was \$723. Eligibility for federal AFDC-FC is determined at the time a child is removed from their parent’s custody and eligibility is not re-determined once the youth is in foster care. Because many youth are ineligible for federal AFDC-FC, California created state AFDC-FC, which provides funding to foster children who are placed with non-relative foster parents.

Because eligibility for federal AFDC-FC is determined at the time a child is removed from their parents’ custody, youth who immediately transition from

¹ Assem. Bill 12 (Beall; Stats. 2010, ch. 559).

foster care to EFC do not undergo federal AFDC-FC eligibility re-determination, as there is no disruption in their foster care status that would warrant re-determination. However, current law permits nonminors who are eligible for EFC to undergo re-determination for federal AFDC-FC if they re-enter the dependency system through a voluntary re-entry agreement.

(Assem. Floor Analysis, Sen. Conc. Amends. to Assem. Bill 640 (2021–2022 Reg. Sess.) Sept. 2, 2021, pp. 3–4.)

The legislation adds a new subdivision (f) to Welfare and Institutions Code section 388² to authorize the placing agency to file the request for the court to terminate its specific jurisdiction over the nonminor and resume that jurisdiction on behalf of and with the consent of the nonminor. It provides that there be no break in services and prohibits filing a petition if the nonminor is categorically ineligible for federal funds, or if the nonminor is a member of a tribe and filing the request would disrupt services or make the nonminor ineligible for services. The request may be granted by the court without a hearing, and the proceeding is not subject to the requirements for other hearings to terminate juvenile court jurisdiction.

AB 640 requires the Judicial Council to adopt any needed rules or forms for implementation by September 1, 2022. Many nonminor dependents whose families were ineligible for federal financial participation when the nonminor entered care are expected to be eligible when they are evaluated as nonminors based on their current income, which will allow the state to draw down additional federal funds for foster care.

Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent (form JV-469)

The committee recommends that the council adopt a mandatory form to be used by the placing agency to petition the court to dismiss and then resume jurisdiction over the nonminor. The form would also allow the court to order the matter to be set for a hearing. In most cases, it is expected that a hearing will not be required, in which case the court would use the other proposed form to make all of its findings and orders. In response to feedback received from public comment, the committee has included space on the form for the agency to document the time and manner in which it received the consent of the nonminor, as well as certifications that the petition is in the nonminor’s best interest and that reasonable efforts have been made to address the nonminor’s needs. The form also clarifies the mechanisms by which service on the nonminor and counsel can be accomplished to include the standard means for serving a modification petition, mail service, personal service, or electronic service pursuant to section 212.5.

Findings and Orders Regarding Exit and Reentry of Jurisdiction—Nonminor Dependent (form JV-471)

The committee recommends an additional mandatory form be adopted for the court to make the findings and orders required to dismiss and resume jurisdiction over the nonminor so that the

² All statutory references hereafter are to the Welfare and Institutions Code.

placing agency may enter into a new nonminor dependent agreement with the youth and redetermine federal financial eligibility. The form would also allow the court to deny the request if it found that granting the petition was not in the nonminor's best interest.

Amendments to rules 5.555, 5.570, and 5.906 to exclude exit and reentry from procedural requirements

The committee recommends amending rules 5.555 and 5.906, which address procedures to be used when terminating jurisdiction over a nonminor or resuming jurisdiction when they reenter care after exiting in other circumstances, to make clear that neither rule applies to the exit and reentry provisions of section 388(f). Similarly, rule 5.570, which governs the procedures for other petitions filed pursuant to section 388, would be amended to clarify that it does not apply to subdivision (f). Each of these rules would then provide that cases filed under section 388(f) should be handled using the two mandatory forms described above. In addition, rules 5.555 and 5.906 would be amended to delete gender specific pronouns to conform to the council's policy that rules and forms be gender neutral whenever that does not conflict with the substantive law. The changes to make the rules gender neutral were not circulated for public comment, but are entirely technical in nature and thus are recommended to be made without further circulation.

Policy implications

The legislation that enacted section 388(f) requires the council to develop and implement rules and forms as necessary to implement its provisions so that the state and counties can access additional federal funds. The committee opted to rely upon the adoption of two mandatory forms as the primary means of implementation of the section with rule changes only to clarify that this process was not subject to other procedural requirements. This choice was made to streamline the process and ensure consistent statewide implementation with as little administrative burden on the courts or child welfare agencies as possible to effectuate the statutory goals.

Comments

This proposal circulated for public comment from December 10, 2021, to January 21, 2022, as part of the winter rules cycle. The committee received comments from 10 entities, including four superior courts. One commenter agreed with the proposal, eight agreed with the proposal if modified, and one did not indicate a position. The committee made some stylistic changes and fixed typographical errors in response to the comments in addition to the specific issues raised in the comments discussed in more detail below. The chart of comments is attached at pages 20-43.

One form as petition and order is workable in this limited situation

The committee sought specific comment on whether it was preferable to have one form to serve as both the request by the agency and the order to set a hearing or not for the court. Most commenters indicated that they preferred one form for simplicity, and even those who indicated they generally prefer separation of these functions indicated that one form was workable in this situation. The committee did revise this form, however, to make it an order only when the court determined that a hearing on the petition was required. Because such hearings will be rare, the result is that the form will generally only need to be used as a petition and the court will not need to sign two orders to finalize most of these petitions.

Forms are an effective way of implementing a procedure for this section and should be mandatory

The committee sought specific comment on whether in addition to the proposed forms, a rule should be adopted to set forth the procedures for these petitions and orders. All commenters agreed that the rules were sufficient, although one noted that rule 5.570, which governs modification petitions filed under section 388, also needed amendment to clarify that it does not apply to these petitions; the committee took that suggestion and added amendments to that rule to the proposal. Because the forms will be the mechanism to ensure that the statutory requirements of section 388(f) are carried out, the committee concluded that it was best for them to be mandatory forms. A child welfare agency noted that it does not typically use council forms for its pleading, but the committee was persuaded by the larger number of commenters who wanted mandatory forms. The committee notes that this process is not required but is available to agencies who believe that it will result in additional federal funding, and they can recreate the mandatory forms in their case management systems as allowed by rule 5.504(b).

Consent should be documented, but a separate form is not required

The statute requires that the consent of the nonminor be obtained before the petition is filed with the court—and the petition as circulated for comment required the petitioner to certify that consent was obtained and to serve a copy on the nonminor and counsel—but the committee sought comment on whether an additional consent form should be approved. While some commenters thought that was the preferred option, a number suggested incorporating proof of consent into the petition to ease the burden on the agency and simplify the process. The committee adopted this suggestion and added a section to the request and order form for the petitioner to document the time and manner by which consent was obtained from the nonminor.

Clarified findings to ensure compliance with federal requirements

Three legal advocacy organizations submitted joint comments expressing concern that the proposal would not satisfy its statutory objectives because it would not allow for an eligibility redetermination under federal law. Their view was that the statute and the proposal were predicated on eligibility for a redetermination based on the voluntary reentry of the nonminor, a procedure that can occur under existing law when a nonminor chooses to exit foster care and then subsequently elects to reenter care.

After consulting with the California Department of Social Services, and a close reading of the statute, the committee concluded that section 388(f) is not a voluntary reentry petition, but rather a court-ordered termination and resumption of jurisdiction made with the consent of the nonminor. To ensure that this process is consistent with federal title IV-E requirements, the committee has added a “reasonable efforts” finding to the findings and order form, and has modified the petition to require the agency to certify the basis for this finding as well as the best interest finding. With these modifications, the committee believes that the forms are consistent with section 388(f) and will allow agencies who seek to use this process to redetermine eligibility for any youth who may be newly eligible for federal financial participation.

Alternatives considered

As described above, the committee considered adopting a new rule of court to implement section 388(f) but concluded that the statutory guidance and the forms were sufficient to allow the courts to administer this new process. The committee also considered whether a form was required to document the consent of the nonminor and ultimately concluded that it would be preferable to require the petitioner to document the time and method of obtaining consent on form JV-469, rather than require that a signature be obtained on a separate form. The committee considered separating the order form from the petition but, based on the comments, opted instead to narrow the circumstances in which the petition would be used as an order form for those rare cases in which a hearing is required. The committee considered taking no action on rules or forms, but that would have been in direct contravention of the statutory requirement that rules or forms be developed by September 1, 2022.

Fiscal and Operational Impacts

The proposal is designed to minimize the burden on the courts to implement the new legislative option by providing simple and streamlined mandatory forms to be filed by the placing agency. Because the legislation allows the court to take this action without holding a hearing, the workload burden is expected to be mostly administrative. The committee heard from four courts that the burdens would involve training and case management changes that would be workable in their courts. Only one court of the four that submitted comments indicated that three months was not sufficient time to implement these changes, but because the statute requires that the forms be in place by September 1, the committee determined that implementation could not be delayed beyond that date.

Attachments and Links

1. Cal. Rules of Court, rules 5.555, 5.570, and 5.906, at pages 7–17
2. Forms JV-469 and JV-471, at pages 18–19
3. Chart of comments, at pages 20–42
4. Link A: Assem. Bill 640,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB640

Rules 5.555, 5.570, and 5.906 of the California Rules of Court are amended, effective September 1, 2022, to read:

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

(a) Applicability

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

(A)-(B) * * *

(C) A ward who was subject to an order for foster care placement at the time ~~he or she~~ the ward attained 18 years of age, or a dependent of the juvenile court who is 18 years of age or older and is living in the home of the parent or former legal guardian.

- (3) This rule does not apply to a hearing on a petition for a nonminor to exit and reenter care to establish eligibility for federal financial participation under section 388(f). Those petitions may be decided with or without a hearing using mandatory forms *Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent* (form JV-469) and *Findings and Orders Regarding Exit and Reentry of Jurisdiction—Nonminor Dependent* (form JV-471).

(b) * * *

(c) Reports

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

(A) * * *

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

(C) For a nonminor to whom the Indian Child Welfare Act applies, when and how the nonminor was provided with information about the right to continue to be considered an Indian child for the purposes of the

ongoing application of the Indian Child Welfare Act to ~~him or her as a~~
the nonminor;

(D)—(F) * * *

(G) When and how the nonminor was informed that if juvenile court jurisdiction is terminated, the court maintains general jurisdiction over ~~him or her~~ the nonminor for the purpose of resuming jurisdiction and ~~he or she~~ the nonminor has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over ~~him or her~~ the nonminor as a nonminor dependent until ~~he or she~~ the nonminor has attained the age of 21 years;

(H) When and how the nonminor was informed that if juvenile court dependency jurisdiction or transition jurisdiction is continued ~~over him or her~~, ~~he or she~~ the nonminor has the right to have that jurisdiction terminated;

(I) If the social worker or probation officer has reason to believe that the nonminor will not appear at the hearing, documentation of the basis for that belief, including:

(i) Documentation of the nonminor's statement that ~~he or she~~ the nonminor does not wish to appear in person or by telephone for the hearing; or

(ii) Documentation of reasonable efforts to find the nonminor when ~~his or her~~ the nonminor's location is unknown;

(J)—(K) * * *

(2)—(4) * * *

(d) Findings and orders

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

(1) Findings

(A) Whether the nonminor had the opportunity to confer with ~~his or her~~ the nonminor's attorney about the issues currently before the court;

(B)—(C) * * *

(D) For a nonminor to whom the Indian Child Welfare Act applies, whether the nonminor was provided with information about the right to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to ~~him or her~~ the nonminor;

(E)—(G) * * *

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

(I) Whether the nonminor has been informed that if juvenile court jurisdiction is terminated, ~~he or she~~ the nonminor has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over ~~him or her~~ the nonminor as a nonminor dependent until ~~he or she~~ the nonminor has attained the age of 21 years;

(J)—(K) * * *

(L) Whether the nonminor's:

(i) Transitional Independent Living Case Plan, if required, includes a plan for a placement the nonminor believes is consistent with ~~his or her~~ the nonminor's need to gain independence, reflects the agreements made between the nonminor and social worker or probation officer to obtain independent living skills, and sets out the benchmarks that indicate how both will know when independence can be achieved;

(ii) —(iii) * * *

(M)—(N) * * *

(2) Orders

(A) * * *

- 1
2 (B) When juvenile court jurisdiction is continued for the nonminor to
3 remain in placement as a nonminor dependent:
4
5 (i) * * *
6
7 (ii) Continue the nonminor's status as an Indian child for the
8 purposes of the ongoing application of the Indian Child Welfare
9 Act unless ~~he or she~~ the nonminor has elected not to have ~~his or~~
10 ~~her~~ the nonminor's status as an Indian child continued; and
11
12 (iii) Set a status review hearing under rule 5.903 within six months of
13 the date of ~~his or her~~ the nonminor's most recent status review
14 hearing.
15
16 (C)—(D) * * *
17
18 (E) For a nonminor who does not meet one or more of the eligibility
19 criteria of section 11403(b) and is not otherwise eligible to remain
20 under juvenile court jurisdiction or, alternatively, who meets one or
21 more of the eligibility criteria of section 11403(b) but either does not
22 wish to remain under the jurisdiction of the juvenile court as a
23 nonminor dependent or is not participating in a reasonable and
24 appropriate Transitional Independent Living Case Plan, the court may
25 order the termination of juvenile court jurisdiction only after entering
26 the following findings:
27
28 (i) * * *
29
30 (ii) The nonminor was informed of the options available ~~to him or~~
31 ~~her~~ to assist with the transition from foster care to independence;
32
33 (iii) The nonminor was informed that if juvenile court jurisdiction is
34 terminated, ~~he or she~~ the nonminor has the right to file a request
35 to return to foster care and have the juvenile court resume
36 jurisdiction over ~~him or her~~ the nonminor as a nonminor
37 dependent until ~~he or she~~ the nonminor has reached 21 years of
38 age;
39
40 (iv) * * *
41

(v) The nonminor had an opportunity to confer with ~~his or her~~ the nonminor's attorney regarding the issues currently before the court;

(vi) * * *

(F) * * *

Rule 5.570. Request to change court order (petition for modification)

(a)–(j) * * *

(k) Petitions for juvenile court to exit and reenter jurisdiction over nonminors (§ 388(f))

This rule does not apply to a hearing on a petition for a nonminor to exit and reenter care to establish eligibility for federal financial participation under section 388(f). Those petitions may be decided with or without a hearing using mandatory forms *Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent* (form JV-469) and *Findings and Orders Regarding Exit and Reentry of Jurisdiction—Nonminor Dependent* (form JV-471).

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

(a) Purpose

(1) Except as provided in (2), this rule provides the procedures that must be followed when a nonminor wants to have juvenile court jurisdiction assumed or resumed over ~~him or her~~ the nonminor as a nonminor dependent as defined in subdivisions (v) or (aa) of section 11400.

(2) This rule does not apply to a petition for a nonminor to exit and reenter care to establish eligibility for federal financial participation under section 388(f). Those petitions may be decided with or without a hearing using mandatory forms *Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent* (form JV-469) and *Findings and Orders Regarding Exit and Reentry of Jurisdiction—Nonminor Dependent* (form JV-471).

(b) Contents of the request

(1) * * *

1 (2) The request must be liberally construed in favor of its sufficiency. It must be
2 verified by the nonminor or if the nonminor is unable to provide verification
3 due to a medical condition, the nonminor's representative, and to the extent
4 known to the nonminor or the nonminor's representative, must include the
5 following information:

6
7 (A)—(D) * * *

8
9 (E) If the nonminor wants ~~his or her~~ the nonminor's parents or former legal
10 guardians to receive notice of the filing of the request and the hearing,
11 the name and residence addresses of the nonminor's parents or former
12 guardians;

13
14 (F) The name and telephone number of the court-appointed attorney who
15 represented the nonminor at the time the juvenile court terminated its
16 dependency jurisdiction, delinquency jurisdiction, or transition
17 jurisdiction if the nonminor wants that attorney to be appointed to
18 represent ~~him or her~~ the nonminor for the purposes of the hearing on
19 the request;

20
21 (G) If the nonminor is an Indian child within the meaning of the Indian
22 Child Welfare Act and chooses to have the Indian Child Welfare Act
23 apply to ~~him or her~~ the nonminor, the name of the tribe and the name,
24 address, and telephone number of ~~his or her~~ tribal representative;

25
26 (H) If the nonminor had a Court Appointed Special Advocate (CASA)
27 when ~~he or she~~ the nonminor was a dependent or ward of the court and
28 wants the CASA to receive notice of the filing of the request and the
29 hearing, the CASA's name;

30
31 (I)—(J) * * *

32
33 (3) * * *

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

36
37 (1) * * *

38
39 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
40 wishes to keep ~~his or her~~ the nonminor's contact information confidential, the
41 *Confidential Information—Request to Return to Juvenile Court Jurisdiction*
42 *and Foster Care* (form JV-468) may be:
43

1 (A) * * *

2
3 (B) Submitted to the juvenile court in the county in which the nonminor
4 currently resides, after which:

5
6 (i) The court clerk must record the date and time received on the
7 face of the originals submitted and provide a copy of the originals
8 marked as received to the nonminor at no cost to ~~him or her~~ the
9 nonminor.

10
11 (ii)—(v) * * *

12
13 (C) For a nonminor living outside the state of California, the form JV-466
14 and, if the nonminor wishes to keep ~~his or her~~ the nonminor's contact
15 information confidential, the form JV-468 must be filed with the
16 juvenile court of general jurisdiction.

17
18 (3)—(5) * * *

19
20 **(d) Determination of prima facie showing**

21
22 (1) Within three court days of the filing of form JV-466 with the clerk of the
23 juvenile court of general jurisdiction, a juvenile court judicial officer must
24 review the form JV-466 and determine whether a prima facie showing has
25 been made that the nonminor meets all of the criteria set forth below in
26 (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

27
28 (A) The nonminor is eligible to seek assumption of dependency jurisdiction
29 under the provisions of section 388.1(c), or the nonminor was
30 previously under juvenile court jurisdiction subject to an order for
31 foster care placement on the date ~~he or she~~ the nonminor attained 18
32 years of age, including a nonminor whose adjudication was vacated
33 under Penal Code section 236.14;

34
35 (B)—(D) * * *

36
37 (2)—(3) * * *

38
39 **(e) Appointment of attorney**

40
41 (1) If the nonminor included on the form JV-466 a request for the appointment of
42 the court-appointed attorney who represented the nonminor during the period
43 of time ~~he or she~~ the nonminor was a ward or dependent or nonminor

1 dependent, the judicial officer must appoint that attorney solely for the
2 hearing on the request, if the attorney is available to accept such an
3 appointment.
4

5 (2) If the nonminor did not request the appointment of ~~his or her~~ the nonminor's
6 former court-appointed attorney, the judicial officer must appoint an attorney
7 to represent the nonminor solely for the hearing on the request. The attorney
8 must be selected from the panel or organization of attorneys approved by the
9 court to represent children in juvenile court proceedings.
10

11 (3) In addition to complying with the requirements in (g)(1) for service of notice
12 of the hearing, the juvenile court clerk must notify the attorney of ~~his or her~~
13 the appointment as soon as possible, but no later than one court day from the
14 date the order ~~for his or her~~ of appointment was issued under (d)(3). This
15 notification must be made by telephone, fax, e-mail, or other method
16 approved by the presiding juvenile court judge that will ensure prompt
17 notification. The notice must also include the nonminor's contact information
18 and inform the attorney that a copy of the form JV-466 will be served on ~~him~~
19 ~~or her~~ the attorney and that one is currently available in the office of the
20 juvenile court clerk.
21

22 (4) If the request is granted, the court must continue the attorney's appointment
23 to represent the nonminor regarding matters related to ~~his or her~~ the
24 nonminor's status as a nonminor dependent until the jurisdiction of the
25 juvenile court is terminated, unless the court finds that the nonminor would
26 not benefit from the appointment of an attorney.
27

28 (A)—(B) * * *
29

30 (5) Representation of the nonminor by the court-appointed attorney for the
31 hearing on the request to return to juvenile court jurisdiction and for matters
32 related to ~~his or her~~ the nonminor's status as a nonminor dependent must be
33 at no cost to the nonminor.
34

35 (6) * * *
36

37 (f) * * *
38

39 (g) **Notice of hearing**
40

41 (1) The juvenile court clerk must serve notice as soon as possible, but no later
42 than five court days before the date the hearing is set, as follows:
43

1 (A) * * *

2
3 (B) The notice of the date, time, place, and purpose of the hearing must be
4 served on the nonminor's parents only if the nonminor included in the
5 form JV-466 a request that notice be provided to ~~his or her~~ the
6 nonminor's parents.

7
8 (C) The notice of the date, time, place, and purpose of the hearing must be
9 served on the nonminor's tribal representative if the nonminor is an
10 Indian child and indicated on the form JV-466 ~~his or her~~ the
11 nonminor's choice to have the Indian Child Welfare Act apply to ~~him~~
12 ~~or her~~ the nonminor as a nonminor dependent.

13
14 (D) The notice of the date, time, place, and purpose of the hearing must be
15 served on the local CASA office if the nonminor had a CASA and
16 included on the form JV-466 a request that notice be provided to ~~his or~~
17 ~~her~~ the nonminor's former CASA.

18
19 (2)—(4) * * *

20
21 **(h) Reports**

22
23 (1) The social worker, probation officer, or Indian tribal agency case worker
24 (tribal case worker) must submit a report to the court that includes:

25
26 (A) Confirmation that the nonminor was previously under juvenile court
27 jurisdiction subject to an order for foster care placement when ~~he or she~~
28 the nonminor attained 18 years of age and that ~~he or she~~ the nonminor
29 has not attained 21 years of age, or is eligible to petition the court to
30 assume jurisdiction over the nonminor pursuant to section 388.1;

31
32 (B) The condition or conditions under section 11403(b) that the nonminor
33 intends to satisfy;

34
35 (C)—(F) * * *

36
37 (2) At least two court days before the hearing, the social worker, probation
38 officer, or tribal case worker must file the report and any supporting
39 documentation with the court and provide a copy to the nonminor and to ~~his~~
40 ~~or her~~ the nonminor's attorney of record; and

41
42 (3) * * *

1 (i) Findings and orders

2
3 The court must read and consider, and state on the record that it has read and
4 considered, the report; the supporting documentation submitted by the social
5 worker, probation officer, or tribal caseworker; the evidence submitted by the
6 nonminor; and any other evidence. The following judicial findings and orders must
7 be made and included in the written court documentation of the hearing.
8

9 (1) Findings

10
11 (A) * * *

12
13 (B) Whether the nonminor was previously under juvenile court jurisdiction
14 subject to an order for foster care placement when ~~he or she~~ the
15 nonminor attained 18 years of age, or meets the requirements of
16 subparagraph (5) of subdivision (c) of section 388.1;
17

18 (C)—(G) * * *

19
20 (H) Whether a nonminor who is an Indian child chooses to have the Indian
21 Child Welfare Act apply to ~~him or her~~ the nonminor as a nonminor
22 dependent.
23

24 (2) Orders

25
26 (A) If the court finds that the nonminor has not attained 21 years of age,
27 that the nonminor intends to satisfy at least one condition under section
28 11403(b), and that the nonminor and placing agency have entered into a
29 reentry agreement, the court must:
30

31 (i)—(ii) * * *

32
33 (iii) Order the social worker or probation officer to consult with the
34 tribal representative regarding a new Transitional Independent
35 Living Case Plan for the nonminor who chooses to have the
36 Indian Child Welfare Act apply to ~~him or her~~ the nonminor as a
37 nonminor dependent and who is not under the supervision of a
38 tribal case worker;
39

40 (iv)—(v) * * *

41
42 (B)—(C) * * *

1 (3) * * *
2
3

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME:		
PETITION AND ORDER TO EXIT AND REENTER JURISDICTION—NONMINOR DEPENDENT		CASE NUMBER:

1. **Petitioner (name):**

- a. ☐ Social worker
 b. ☐ Probation officer
 c. ☐ Tribal placing agency

requests on behalf of and with the consent of the nonminor named above that the court dismiss its jurisdiction under Welfare and Institutions Code section 300 or 450 and assume general jurisdiction under section 303, and then immediately resume its jurisdiction under section 300 or 450 to establish the nonminor's eligibility for federal financial participation. Petitioner certifies that the nonminor is not categorically ineligible for federal foster care benefits and is not a member of a tribe whose services would be disrupted by seeking to establish federal eligibility. Petitioner certifies that the petition is in the nonminor's best interest, and that reasonable efforts were made to meet the nonminor's needs prior to a foster care placement.

2. Petitioner obtained the consent of the minor on (date): _____ via the following method (specify how consent was obtained):

3. Notice of this request has been provided to the nonminor and the attorney for the nonminor via first class mail, personal service, or electronic service as provided in Welfare and Institutions Code section 212.5, and a proof of service is attached.

Date: _____

 (TYPE OR PRINT NAME)  _____
 (SIGNATURE)

(The court will complete the section below only if a hearing is set.)

ORDER

4. The court orders the following:

- ☐ The matter is set for hearing on (date): _____ (time): _____
 in department:

At the court address listed above.

Date: _____

 (JUDICIAL OFFICER)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
FINDINGS AND ORDERS REGARDING EXIT AND REENTRY OF JURISDICTION—NONMINOR DEPENDENT	CASE NUMBER:

Findings and Orders:

1. The court has read and considered *Petition and Order to Exit and Reenter Jurisdiction—Nonminor Dependent* (form JV-469), filed by (name): _____ on (date): _____
2. ☐ The court makes its findings and orders on the petition without a hearing.
3. ☐ The court held a hearing on the request on (date): _____, at which the following were present

<u>Name</u>	<u>Attorney name</u>
a. <input type="checkbox"/> Nonminor dependent:	<input type="checkbox"/>
b. <input type="checkbox"/> Probation officer:	<input type="checkbox"/>
c. <input type="checkbox"/> County agency social worker:	<input type="checkbox"/>
d. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>

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. ☐ Notice of the request was provided to the nonminor and the attorney for the nonminor.
 - c. ☐ The placing agency made reasonable efforts to meet the nonminor's needs prior to a foster care placement.
 - d. ☐ It is in the best interest of the nonminor to reenter foster care as a nonminor dependent.
5. ☐ The court makes the order stated below:
 - a. ☐ The court grants the request to dismiss jurisdiction under Welfare and Institutions Code section 300 or section 450 and to assume general jurisdiction over the nonminor under section 303, and then resume jurisdiction over the nonminor under section 300 or section 450 to establish the nonminor's eligibility for federal financial participation in the cost of the nonminor's care.
 - b. ☐ Placement and care are vested with the placing agency.
 - c. ☐ The placing agency must establish a new agreement for extended foster care with the nonminor and ensure no break in service or support.
 - d. ☐ A transitional independent living case plan has not previously been established. The placing agency must develop with the nonminor a new plan and file it with the court within 60 days.
 - 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 (date): _____

Court Denies Request

6. ☐ The court finds that it is not in the nonminor's best interest to grant the request to dismiss jurisdiction and maintains jurisdiction over the nonminor under its existing order for the reasons stated on the record.

Date: _____

(JUDICIAL OFFICER)

Page 1 of 1

W22-04**Juvenile Law: Nonminor Dependents** (Amend Cal. Rules of Court, rules 5.555, 5.570 and 5.906; approve forms JV-469 and JV-471)

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

	Commenter	Position	Comment	Committee Response
1.	Children's Law Center of California by Sue Abrams, Director of Policy and Training	AM	<p>1. Does the proposal appropriately address the stated purpose?</p> <p>Yes with modifications</p> <p>2. Is a form that combines the request and initial order on whether a hearing is needed on the request workable?</p> <p>Yes</p> <p>3. Does this mostly administrative process require its own rule of court, or can it be accomplished with the mandatory forms?</p> <p>It can be accomplished with mandatory forms.</p> <p>4. Should the forms be mandatory or optional? If the forms were optional, would a rule of court then be required?</p> <p>The forms should be mandatory as the required process is very specific and must be followed as prescribed in the new law. The form ensures compliance with the law. If, for example, the case is terminated but not re-opened immediately in the same hearing, there could be a detrimental impact on the youth's services and funding.</p> <p>5. Is a form needed to document the consent of the nonminor?</p>	<p>The committee appreciates the careful review.</p> <p>Commenters were in favor of one form and the committee has maintained this feature of the proposal.</p> <p>The committee agrees and has opted not to add a rule of court based on feedback from commenters.</p> <p>Based on the comments, the committee agrees that mandatory forms are justified here, especially since a rule has not been adopted to ensure that services are not disrupted.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W22-04**Juvenile Law: Nonminor Dependents** (Amend Cal. Rules of Court, rules 5.555, 5.570 and 5.906; approve forms JV-469 and JV-471)

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	Commenter	Position	Comment	Committee Response
			<p>As it stands the proposal does not provide adequate protection for the youth's position as required by the law. Either there should be a form to document the consent of the nonminor, or the petition should include a box for the agency to check whereby the agency: (a) verifies that the youth has provided consent, (b) provides the date of consent and (c) describes the manner in which the agency obtained the youth's consent.</p> <p>Other areas of concern:</p> <p>There are some limited situations in which granting this petition could be very problematic for a non-minor dependent. The proposal does not provide any process for the non-minor dependent to object to the request. Given that most of these petitions will be approved without a hearing – as stated in the proposal – it is important to have a process to object, especially if there is no form showing the consent of the nonminor.</p>	<p>The committee has added space on the form to document the date and manner by which the agency obtained the consent of the minor.</p> <p>The petition is required to be served on the nonminor and their attorney and has been clarified to specify the optional proof of service form that can be used to document service. If the nonminor objects (despite have provided consent as documented on the petition) the attorney would be able to contact the court and request a hearing to raise any objection.</p>
2.	Legal Aid Association of California by Alison Corn, Legal Design Attorney	AM	We are writing on behalf of the Legal Aid Association of California (LAAC) to address the recommendations of the Family and Juvenile Law Advisory Committee pertaining to the rules of court and forms implementing recent statutory changes that authorize placing agencies to petition the court on behalf of	No response required.

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W22-04**Juvenile Law: Nonminor Dependents** (Amend Cal. Rules of Court, rules 5.555, 5.570 and 5.906; approve forms JV-469 and JV-471)

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	Commenter	Position	Comment	Committee Response
			<p>nonminor dependents who were ineligible for federal funding as children to terminate the nonminors from juvenile dependency or transitional jurisdiction and immediately reenter them to allow a new federal eligibility determination to be undertaken so that federal matching funds can be accessed to cover the costs of their cases. While we generally support this proposal, we wish to address our concerns and positions with respect to the following items.</p> <p>A Form that Combines the Request and Initial Order on Whether a Hearing is Needed is a Workable Solution Combining the request and initial order in one form will ensure courts have the appropriate items at the appropriate time. As such, it will increase workflow efficiencies for the court and decrease the need for continuances due to administrative delays. One form is a workable solution.</p> <p>A Rule of Court is Not Needed, But, at a Minimum, Form JV-469 Requires Adjustment to Meet Federal Removal Requirements While it does not appear to need a rule of court to administer the process as it stands, there appears to be a problem with this new mechanism. It was designed to help counties</p>	<p>Commenters were in favor of one form and the committee has maintained this feature of the proposal.</p> <p>The committee agrees that a rule is not needed to effectuate the new statutory provisions allowing for exit and reentry, but takes a different view of the mechanism by which the law allows for a</p>

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	Commenter	Position	Comment	Committee Response
			<p>and youth establish federal eligibility for AFDC-FC after turning 18, but as it is currently framed, it will both fail to establish eligibility and may also allow placement authority to lapse. This is not the intent of the law, but it is not yet clear whether this can be corrected through only form adjustment, or even with form adjustment and a new court rule. It may require a statutory cleanup.</p> <p>The crux of the problem is that the reentry order, as written in form JV-469, does not satisfy the federal removal requirements. Because the point of this provision is to end the removal and establish a new removal period, the removal requirements and placement authority must be established anew. After the age of 18, a new removal period can begin in one of two ways under the federal structure. First, when there is statutory authority to do so, a court can order a removal and authorize placement by making a contemporaneous contrary to the welfare finding and reasonable efforts determination. Such authority does not exist in California. The other way to establish a new removal and placement authority is through a voluntary placement agreement (VPA). Under this process, it is the execution of the agreement that confers placement authority, which is continued (and may only be continued past 180 days) with a court finding that continuance of the VPA and</p>	<p>redetermination of federal eligibility. The commenter correctly notes that there are two means to establish a new removal period, either by court order, or via a voluntary reentry agreement. However, the committee reads the amendments to section 388 to in fact authorize the court to order a removal and authorize placement after making a finding that placement into foster care is in the nonminor's best interest, and that the agency has made reasonable efforts to meet the nonminor's needs prior to a foster care placement. These are the findings needed to resume dependency jurisdiction for a nonminor, and the petition and the form have been revised to ensure that the court can make them and thereby allow the placing agency to sign an agreement with the nonminor to ensure that the nonminor can remain eligible for extended foster care. This agreement is not a voluntary placement agreement that would be signed when the nonminor is initiating the reentry, but rather it is analogous to the agreement that must be signed by all in foster care at age 18 who wish to remain in extended foster care until age 21. As a result, the statute and the form require that it be signed after the court orders a new removal and entry into foster care for the nonminor. The proposed revised forms will ensure that the court ordered process includes required federal findings so that the redetermination can be made.</p>

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	Commenter	Position	Comment	Committee Response
			<p>remaining in foster care is in the youth's best interests, otherwise known as a best interest finding.</p> <p>With the form and hearing as currently structured, there is no finding that the nonminor and the agency have entered into a voluntary placement agreement as there is in the form JV-472 reentry order section. Absent this VPA, there is no removal and authority for the court to place the nonminor with the agency. This can obviously be corrected when a nonminor appears at the hearing and executes a VPA in between exit and reentry. It is also possible that a youth could execute a new VPA in advance of the hearing and that could be a required attachment to the petition.</p> <p>However, we would need to review whether it is possible to execute the agreement prior to the exit. If this is possible, then one solution would be to add the VPA finding to the form in a manner similar to that in JV-472 and to require the VPA to accompany the petition. Given the importance of establishing a new removal and placement authority, and the fact that a new best interest finding would also be required to complete, it would be prudent to have a court rule outlining the process and the necessary components for the petition.</p> <p>It is worth exploring whether there is a way to correct the problem without a statutory correction. At the very least, the hearing process and form need to account for the VPA</p>	

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	Commenter	Position	Comment	Committee Response
			<p>requirement and the need for a new best interest finding.</p> <p>The Forms Should be Mandatory A court should not be able to grant a reentry order without simultaneously providing findings and orders regarding the granted reentry order. Allowing otherwise could place a nonminor dependent out of care. Further, there is a need for this to be a clean and unconvoluted process. The forms should be mandatory.</p> <p>A Nonminor's Documented Consent Should be Included in Form JV-469 and Presented as a Finding on Form JV-471 Consistent with the goals of the extended foster care program, any form used to obtain a minor's form consent should be accessible to the nonminor. It should be easy for the nonminor to read and understand. That said, a nonminor's documented consent does not require a new form. Instead, documentation should be included in form JV-469 and be listed as one of the findings on form JV-471. As additional new forms pose a risk to all involved, documenting the nonminor's consent on existing forms will encourage a more seamless process.</p>	<p>Based on the comments, the committee agrees that mandatory forms are justified here, especially since a rule has not been adopted to ensure that services are not disrupted.</p> <p>The committee has revised the petition to require the agency to document the time and manner in which it obtained the consent of the minor.</p>
3.	Los Angeles Department of Child and Family Services and Los Angeles County Counsel, Dependency Division by Ana Maria Herrera Murray, Principal Deputy County Counsel	AM	1. DCFS Juvenile Court Services and Principal Deputy County Counsel Ana Maria Herrera Murray believe the proposed forms do address the stated purpose.	The committee appreciates the support of the commenter.

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	Commenter	Position	Comment	Committee Response
			<p>2. DCFS Juvenile Court Services and Principal Deputy County Counsel Ana Maria Herrera Murray believe that combined forms would be workable and would simplify the process.</p> <p>3. DCFS Juvenile Court Services is unsure if this mostly administrative process requires its own rule of court or if it can be accomplished with the mandatory forms.</p> <p>4. DCFS Juvenile Court Services and Principal Deputy County Counsel Ana Maria Herrera Murray believe the forms should be mandatory to ensure that the juvenile court makes all the appropriate findings. Principal Deputy County Counsel Ana Maria Herrera Murray also believes that a form to document the consent of the non minor dependent (NMD) would be helpful, as long as it is a form that the social worker can sign, affirming that the NMD has been explained the process and purpose, and that the NMD does consent to it. This would expedite matters, as opposed to creating a form for the NMD to sign. That would result in delays having to locate the NMD (not always an easy task) and then have the NMD actually sign the form. Even an electronic signature requirement could take time to obtain from the NMD.</p>	<p>Commenters were in favor of one form and the committee has maintained this feature of the proposal.</p> <p>After reviewing feedback from other commenters the committee is not proposing a rule, but relying on the forms to effectuate the new process.</p> <p>The committee concurs that there are benefits to documenting the consent of the nonminor and has revised the petition form to require that the time and manner that consent were obtained be recorded on the petition. This will ensure that consent is obtained and documented for the court without requiring a physical signature by the nonminor.</p>

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	Commenter	Position	Comment	Committee Response
			<p>5. DCFS Juvenile Court Services believe a form is needed to document the consent of the NMD. Principal Deputy County Counsel Ana Maria Herrera Murray believes that after the court reinstates jurisdiction, the NMD will still have to sign the “Agreement,” which is form SOC 163.</p> <p>Principal Deputy County Counsel Ana Maria Herrera Murray has the following additional comments: Regarding form JV-471: Item “3”: The current item “c” should be “d”. Item “c” should read: The court finds that the County Agency has complied with the case plan by making Reasonable Efforts to finalize a permanent plan.</p> <p>Item “4”: Should be amended by adding: “c”: The placing Agency must immediately establish an Extended Foster Care agreement between the Agency and the non minor, by securing the non minor’s signature in form SOC-163. The placing Agency must ensure there is no break in services and supports.</p>	<p>The committee agrees that the statute provides that an agreement will need to be signed after the petition is granted, but that agreement is not the SOC 163 because this is not a voluntary reentry process, but rather a court ordered placement, and as a result the agreement would be the agreement signed by any foster child who elects to remain in care after age 18. That process does not involve the court, and thus does not need to be included with the court forms.</p> <p>The committee concurs that a “reasonable efforts” finding needs to be made, and has added language to both forms to allow for that finding in compliance with federal requirements.</p> <p>The order text on the form reflects that specific language of the statute. The form referenced by the commenter is not a court form, and does not appear to be the correct form for this agreement, which is not a voluntary reentry agreement, thus the committee is not adding the suggested language.</p>

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	Commenter	Position	Comment	Committee Response
			<p>“d”: The non minor dependent case number is _____ and the case is assigned to Department _____.</p> <p>**Note in item 4, part “c” of my comment, what I added to the existing proposed item “c” was the word Immediately (or it could be “within five calendar days”). The reason for this is that until the SOC 163 is signed by the NMD, there is no federal funding granted. In other words, the date in which that form is signed by the NMD is the earliest date when federal funding may apply. Therefore, if we do not ensure the order specifies that it must be done immediately, or within a very short, defined time, many cases may end up lingering and Los Angeles County will continue to have to support the case without reimbursement possibility. Currently, we are trying to find out if the State would allow the signing of the agreement (Form SOC 163), before the orders are made, but it is uncertain because the statute directs it to be done after the court makes the orders under WIC 388(f). The statute also directs that these NMDs must begin to receive benefits upon their 18th birthday, but these hearings cannot occur until after the youth is 18.</p>	<p>The case number is already reflected on the form, and assignment to a court department is not something that the court would order, but rather an administrative designation that should be the same department in which the action was filed.</p> <p>The statute does not specify a time frame for signing the new agreement for extended foster care, so the committee does not have the authority to order that it be done immediately. As the commenter notes, it is in the interest of the agency to complete the agreement in a timely way to ensure that federal eligibility is maintained and that it can comply with the statutory requirement that there be no break in services or supports to the nonminor, but how to accomplish that is an implementation issue for child welfare agencies to resolve. Similarly, the form cannot require that the agreement be signed before the petition is granted because the statute expressly provides that the court order is what triggers the redetermination of federal eligibility and then the agreement is signed to allow the nonminor to indicate how they will maintain eligibility. The committee also notes that the nonminor will have already signed such an agreement when they entered extended foster care, so it should be relatively easy to re-establish the agreement.</p>

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	Commenter	Position	Comment	Committee Response
4.	Public Counsel by Michael Rawson, Director Los Angeles	AM	Commenter signed on to comments of Legal Aid Association of California (see item 2)	See responses to item 2
5.	San Bernardino County Children and Family Services by Keysii Parker, Program Specialist	NI	<p>1. In order for the Court to make the findings and orders contained on the JV 471, information will need to be provided in support of 3. C. best interest. The form does not have a spot to further describe this supporting information. Will this then require another court report to support the request?</p> <p>2. The process is vague has to noticing requirements. This is also an administrative burden.</p> <p>3. CFS does not use the JV forms, but instead uses auto-text. [With the exception of a few] County Counsel prepares some of the JV forms. Will CFS be doing the forms themselves? CFS will need to decide whether to request an “optional use” so they can incorporate the noticing/findings and orders in the last PPR report before the Court orders NMD status. This would then save a separate process needing to be implemented. The eligibility issues and best interest could then be contained in that report and/or NAR packet avoiding additional work.</p>	<p>The committee has added a declaration on the petition to support the best interest finding so that the court has a basis to make that finding.</p> <p>The statute requires that the petition be served as provided on the form and has clarified it to require service by first class mail, personal service or electronic service as provided in Welfare and Institutions Code section 212.5.</p> <p>This comment appears to be arguing against the use of mandatory Judicial Council forms. The committee sought comment on that issue and concluded that mandatory forms were preferable to ensure that all required findings are made and consent is documented. The committee appreciates that this may result in additional work for child welfare agencies, but notes that the provisions of section 388(f) are optional and only need to be pursued by an agency when it determines that the workload is justified by the increased federal participation in funding the case.</p>

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	Commenter	Position	Comment	Committee Response
			<p>4. Who will make the eligibility determination and how with this information be provided to the SW in order to initiate this process?</p> <p>5. Regarding the NMD's consent, the JV form should be signed by the NMD thereby eliminating the need for a separate consent form. This would notify the Court that the minor is in agreement.</p> <p>6. The JV 471 form does not have a place for the Court to acknowledge that a hearing was not set, but it was ordered based on the review of the request. Section 2 only indicates that a hearing was held and the following checked off participants were present.</p> <p>7. What impact if any will occur, if the JV 469/471 process was erroneously submitted and ordered by the Court? Does this terminate State funding otherwise available and prohibit reinstatement of that alternative funding source should federal eligibility not be in place.</p>	<p>The committee notes that eligibility determinations are a responsibility of the child welfare agency, and thus determinations about processes and procedures would need to be developed at the agency level.</p> <p>The committee agrees that an additional form is not needed, and has instead added a section to document the time and manner in which consent was obtained on the JV-469 to provide maximum flexibility for agencies.</p> <p>The JV-469 has a box for the court to set a hearing, and the JV-471 has a check box for the court to indicate if a hearing was held. Thus the committee believes that the forms allow the court to accommodate both possible situations – hearing or no hearing.</p> <p>Eligibility for extended foster care is distinct from eligibility for federal funding, so even if a court makes this order and it turns out that the nonminor is not federally eligible, the nonminor can still enter into a new extended foster care agreement and the case will be funded without federal dollars as was the case before the petition was filed.</p>
6.	Superior Court of Los Angeles County by Bryan Borys, Director of Research and Data Management	A	<p><u>General comments:</u></p> <p>Agree with proposed changes.</p>	The committee appreciates the concurrence.

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	Commenter	Position	Comment	Committee Response
			<p><u>Specific questions:</u></p> <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? <p>Yes.</p> <ul style="list-style-type: none"> • Is a form that combines the request and initial order on whether a hearing is needed on the request workable? <p>Yes.</p> <ul style="list-style-type: none"> • Does this mostly administrative process require its own rule of court, or can it be accomplished with the mandatory forms? <p>May require an amendment to local rules. It may also require amendments to California Rules of Court (CRC) 5.570 as it outlines the requirements and process for Welfare and Institutions Code (WIC) 388 petitions. It should also require amendments to CRC 5.555 and 5.906.</p>	<p>No response required.</p> <p>Commenters were in favor of one form and the committee has maintained this feature of the proposal.</p> <p>The committee concurs that it would be beneficial to clarify that Rule 5.570 does not apply to petitions filed pursuant to section 388(f) and has added a subdivision (k) to include that exception.</p>

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			<ul style="list-style-type: none"> • Should the forms be mandatory or optional? If the forms were optional, would a rule of court then be required? <p>The forms should be mandatory.</p> <ul style="list-style-type: none"> • Is a form needed to document the consent of the nonminor? <p>A form would be preferred for consistency.</p> <p>The advisory committee also seeks comments from courts on the following cost and implementation matters:</p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. <p>There may be in an increase in postage for noticing parties.</p> <ul style="list-style-type: none"> • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? <ul style="list-style-type: none"> • Requires approximately one hour of training for staff. 	<p>Based on the feedback from the commenters, the committee agrees that the forms should be mandatory to ensure that appropriate findings are made.</p> <p>The committee has added a section to the petition to document consent which should likewise promote consistency.</p> <p>The committee will note this cost, however it is expected that notice will be provided by the agency.</p> <p>The committee will note these impacts in its report to the Judicial Council.</p>

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> Requires revision to the WIC 388 procedure. Requires changes to procedural guides. Requires update to the Dependency JA Manual. Requires CMS events for the new forms (JV-469 and JV-471). Requires new Event Status to reflect the status of the Petition and Order to Exit and Reenter Jurisdiction – Nonminor Dependent (JV-469). Requires new WIC 388(f) Hearing Types for appearance or nonappearance hearings. <p>• Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>No. Six months is needed.</p>	The committee appreciates the desire for additional time, but the statute requires that forms be in place by September 1, so six months is not possible.
7.	Superior Court of Orange County by Vivian Tran, Operations Analyst Family Law and Juvenile Law Division	AM	<p>Comments</p> <p><i>JV-469 – Petition and Order to Exit and Reenter Jurisdiction-Nonminor Dependent</i></p> <ul style="list-style-type: none"> Word “JURISDICTION” in the header and footer should be revised to correct the misspelling. 	The committee has corrected this spelling error.

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W22-04**Juvenile Law: Nonminor Dependents** (Amend Cal. Rules of Court, rules 5.555, 5.570 and 5.906; approve forms JV-469 and JV-471)

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	Commenter	Position	Comment	Committee Response
			<p>JV-471 – <i>Findings and Orders Regarding Exit and Reentry of Jurisdiction – Nonminor Dependent</i></p> <ul style="list-style-type: none"> ▪ In section 2, the word "of" should be removed and sentence should read “The court held a hearing on the request on (date): _____, at which the following were present” ▪ In section 4a the recommendation is to change the word "assumed" to "assume". ▪ Remove 3.a. from JV-469 and add an option on the JV-471 to indicate the order was granted without a hearing. This is so the judge does not have to sign the order twice, once on the JV-469 and once on the JV-471. ▪ It is recommended to move 3.a. and 3.b. under section 1. See sample below. The notice of the hearing date, time and location and the notice that the request was provided to the nonminor and attorney also apply to petitions that are denied. As currently formatted, they appear only to apply when a court grants a request. 	<p>The committee has made this change to remove the extraneous word.</p> <p>The committee has corrected this usage.</p> <p>The committee has adopted this suggestion so that the only time that this form would need to be used as an order is when a hearing is set, which should be rare.</p> <p>The committee has adopted this recommendation which clarifies the requirements of the statute.</p>

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W22-04

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			<p>Findings and Orders:</p> <p>1. The court has read and considered <i>Petition and Order to Exit and</i> filed by (name):</p> <p>a. <input type="checkbox"/> Notice of the date, time, and location of the hearing was given</p> <p>b. <input type="checkbox"/> Notice of the request was provided to the nonminor and the</p> <p>▪ <i>Does the Proposal appropriately address the stated purpose?</i></p> <p>Yes.</p> <p>▪ <i>Is a form that combines the request and initial order on whether a hearing is needed on the request workable?</i></p> <p>Yes. As proposed, it would require 2 signatures. While it's workable, it is preferable to use one form for the granting of the order.</p> <p>▪ <i>Does this mostly administrative process require its own rule of court, or can it be accomplished with the mandatory forms?</i></p> <p>No, the forms would be sufficient.</p> <p>▪ <i>Should the forms be mandatory or optional? If the forms were optional, would a rule of court then be required?</i></p> <p>The forms should be mandatory.</p> <p>▪ <i>Is a form needed to document the consent of the nonminor?</i></p>	<p>The committee appreciates the concurrence.</p> <p>The committee has adopted the commenter's suggestion to make the petition a petition and order only when a hearing is set, and thus two signatures will be required only when the court sets a hearing, which is expected to be rare.</p> <p>After reviewing feedback from other commenters, the committee is not proposing a rule, but relying on the forms to effectuate the new process.</p> <p>Based on the feedback from the commenters, the committee agrees that the forms should be mandatory to ensure that appropriate findings are made.</p>

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li data-bbox="863 339 1381 634">▪ No, it would not be needed since the agency is confirming nonminor's consent on the form. Absent a consent form, we recommend update section 2 in JV-469 to add a declaration under penalty of perjury to support the statement by the petition that notice was provided to the nonminor and the attorney for the nonminor. <li data-bbox="863 639 1381 805">▪ <i>Would the proposal result in fiscal or operational costs for the courts? If so, please quantify</i> It would not result in any significant costs or cost savings for the courts. <li data-bbox="863 850 1381 1289">▪ <i>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</i> The court would need to implement new docket (event) codes for the forms, revise processes/procedures, and provide brief training for staff. <li data-bbox="863 1334 1381 1395">▪ <i>Would 3 months from Judicial Council approval of this proposal until its</i> 	<p data-bbox="1409 339 2009 431">The committee has opted to add a section to the form requiring that the petitioner document how consent was obtained.</p> <p data-bbox="1409 740 2009 800">The committee notes this comment regarding implementation.</p> <p data-bbox="1409 1143 2009 1203">The committee has noted these impacts in its report to the Judicial Council.</p>

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			<p><i>effective date provide sufficient time for implementation?</i></p> <p>Yes, three months should be enough time to get the system updated and the new process in place.</p> <ul style="list-style-type: none"> ▪ <i>How well would this proposal work in courts of different sizes?</i> <p>It should work well in larger courts such as Orange County.</p>	<p>The committee notes that the statute requires implementation by September 1, 2022, and is pleased to hear that it is workable.</p> <p>The committee is pleased to hear that the proposal will work well in larger courts.</p>
8.	Superior Court of Riverside County by Susan Ryan, Chief Deputy of Legal Services	AM	<p><u>Does the proposal appropriately address the stated purpose?</u></p> <p>Yes, the proposal seems to address the stated purposes. WIC § 388(f) authorizes the placing agency to file these requests with the court, this proposal provides the forms and processes for these types of requests and orders.</p> <p><u>Is a form that combines the request and initial order on whether a hearing is needed on the request workable?</u></p> <p>Typically for our court requests and orders being separate forms makes it easier to file the request for the date that it was received. That being said, the combined form for the request and initial order on whether a hearing is needed or not is workable.</p>	<p>The committee appreciates the support for the proposal.</p> <p>The committee was concerned about this issue and therefore raised it in the invitation to comment, but like this commenter, most seem to think that one form can work. To mitigate the challenges, the committee has limited the order aspect of the form to only that circumstance when a hearing is ordered, which should be a rare occurrence, as a result most of the time the form should just serve as the petition.</p>

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	Commenter	Position	Comment	Committee Response
			<p><u>Does this mostly administrative process require its own rule of court, or can it be accomplished with the mandatory forms?</u></p> <p>No, the mandatory forms and clarifications provided in the updates to CRC 5.555 and 5.906 should be sufficient.</p> <p><u>Should the forms be mandatory or optional? If the forms were optional, would a rule of court then be required?</u></p> <p>The forms should be mandatory.</p> <p><u>Is a form needed to document the consent of the nonminor?</u></p> <p>A separate form to document the consent of the nonminor is not necessary. The consent is clearly stated in item #1 on the JV-469, and item #2 of the JV-469 states that the nonminor was served a copy of the JV-469.</p> <p><u>Would the proposal provide cost savings? If so, please quantify.</u></p> <p>There is no cost savings to an individual court that does not have an existing process. However, cost savings to the state and counties could be considerable. Implementation of this new process at the individual court level will require additional staff processing time, as well</p>	<p>After reviewing feedback from other commenters, the committee is not proposing a rule, but relying on the forms to effectuate the new process.</p> <p>Based on the feedback from the commenters, the committee agrees that the forms should be mandatory to ensure that appropriate findings are made.</p> <p>To ensure that consent has been obtained, the committee has revised the JV-469 to document the means by which consent was obtained, but agrees that an additional form is unnecessary.</p> <p>The committee will note these workload costs to the court generated by the legislation authorizing this new process.</p>

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	Commenter	Position	Comment	Committee Response
			<p>as additional judicial officer time. At this time the costs to the court cannot be quantified as we have not way to estimate how many of these types of requests the court can expect to receive.</p> <p><u>What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management practices?</u></p> <p>Judges would need to be notified of and trained on the new process, clerk's office and courtroom staff would also need to be trained - we estimate approximately one hour of training. Additionally, document filing codes and minute codes would need to be created in the case management system.</p> <p><u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u></p> <p>Yes</p> <p><u>How well would this proposal work in courts of different sizes?</u></p> <p>Requirements on courts are minimal for this proposal. It is likely that this proposal would work well for courts</p>	<p>The committee has noted these impacts in its report to the Judicial Council.</p> <p>The committee notes that the statute requires implementation in this timeframe.</p> <p>The committee is pleased that the proposal will work well for the courts.</p>

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	Commenter	Position	Comment	Committee Response
9.	Superior Court of San Diego County by Mike Roddy, Court Executive Officer	AM	<ul style="list-style-type: none"> • Does the proposal appropriately address the stated purpose? Yes. • Is a form that combines the request and initial order on whether a hearing is needed on the request workable? Yes. • Does this mostly administrative process require its own rule of court, or can it be accomplished with the mandatory forms? It does not require its own rule of court. • Should the forms be mandatory or optional? If the forms were optional, would a rule of court then be required? In general, the San Diego Superior Court prefers optional forms. • Is a form needed to document the consent of the nonminor? No, it is documented on the JV-469. 	<p>The committee appreciates the support for the proposal.</p> <p>The committee agrees, but to make it simpler, has removed the order not to set a hearing, so that the court only needs to use the form as an order in the rare case that a hearing is required.</p> <p>The committee agrees and has not proposed a new rule of court.</p> <p>Based on the feedback from the bulk of the commenters, the committee has determined that the forms should be mandatory to ensure that appropriate findings are made, especially as there will not be a separate rule of court.</p> <p>The committee concurs that a separate form is not needed, but for clarity has added a section to the petition for documenting the time and manner in which consent was obtained.</p>

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. No. • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Train judges and staff; create minute order codes. • Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. • How well would this proposal work in courts of different sizes? It should work in courts of different sizes. <p>OTHER COMMENTS:</p> <ul style="list-style-type: none"> • “JURISDICTION” is misspelled in the title and center footer of both forms. • In the citations (right footer on both forms), after “Welfare and Institutions Code,” only one section 	<p>No response required.</p> <p>The committee will note these impacts in its report to the Judicial Council.</p> <p>The committee notes that the statute requires implementation in this timeframe,</p> <p>The committee is pleased to hear that the proposal is workable.</p> <p>The committee has corrected this spelling error.</p> <p>The committee has made this change to remove the extraneous section symbol, and to add the rule citation.</p>

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			<p>symbol (§) is needed. Also, consider whether a citation to Cal. Rules of Court, rule 5.906 should be added to the footer.</p> <ul style="list-style-type: none"> • JV-469, above “ORDER,” insert a period in the parenthetical sentence: <i>(The court will complete the section below.)</i> • JV-469, item 3b: to assure notice of the hearing is given as required by law (see JV-471, item 3a), insert “(time):” after “(date):” and, after “in department:” insert “at the court address listed above.” • JV-471, item 2: delete “of” and insert a colon at the end -- “at which of the following were present: • JV-471, item 4a: “assumed” should be “assume” • JV-471, item 4e: consider whether to add “(time):” and “(location):” after “(date):” 	<p>The committee has added the period, and clarified that an order is required only if a hearing is set.</p> <p>The committee has made these revisions for clarification.</p> <p>The committee has made this change to remove the extraneous word and add the colon.</p> <p>The committee has corrected this usage.</p> <p>The committee has made these additions for clarity.</p>
10.	Youth Law Center by Erin Palacios, Staff Attorney San Francisco	AM	Commenter signed on to comments of Legal Aid Association of California (see item 2)	See responses to item 2

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