



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27–28, 2016

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Title

Juvenile Law: Termination of Jurisdiction  
Over Nonminor

Agenda Item Type

Action Required

Effective Date

January 1, 2017

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rule 5.555; revise  
forms JV-365 and JV-367

Date of Report

September 27, 2016

Recommended by

Family and Juvenile Law Advisory  
Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending one of the California Rules of Court and revising two Judicial Council forms to provide legally accurate information about available benefits to nonminors facing termination of juvenile court jurisdiction. Certain form revisions implement amended statutory entitlements in response to suggestions received from the California Department of Social Services and are consistent with Assembly Bill 1849. The rule amendments and other form revisions make technical corrections to ensure consistency with existing law and each other, to improve readability, and to reduce unnecessary repetition of statutory language.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2017:

1. Amend rule 5.555 of the California Rules of Court to ensure consistency with current law, reduce the unnecessary restatement of statutory language, and promote internal consistency and readability;
2. Revise *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) to conform to amended statutory eligibility requirements for Medi-Cal and other benefits, ensure the accuracy of the information provided to and receipt of the required assistance or services by nonminors facing termination of juvenile court jurisdiction and to make nonsubstantive technical changes; and
3. Revise *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to conform to current law, ensure consistency with the amendments to rule 5.555 and the revisions to form JV-365, and to make nonsubstantive technical changes.

Text of the amended rule and revised forms is attached at pages 8–17.

### **Previous Council Action**

The Judicial Council adopted form JV-365 for mandatory use in 2002 to clarify the criteria that a court must apply before terminating juvenile dependency jurisdiction when a dependent reaches the age of majority, to provide a checklist for the county welfare department and the judicial officer to ensure that all the proper information and services have been provided to the dependent, and to ensure implementation of Assembly Bill 686 (Aroner; Stats. 2000, ch. 911). The council has subsequently revised form JV-365 to clarify existing items, correct typographical errors, and comply with statutory mandates, such as assistance in maintaining relationships with individuals important to the dependent (Assem. Bill 1412 [Leno]; Stats. 2005, ch. 640). In 2010, the council revised form JV-365 to clarify that the form must also be completed for a foster child under delinquency jurisdiction.

The Judicial Council cosponsored Assembly Bill 12 (Beall; Stats 2010, ch. 559), 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 adopted rule 5.555 and form JV-367 for mandatory use in 2012 to ensure that the provisions of AB 12 could be implemented by the courts when the statute took effect. The council subsequently amended rule 5.555 and revised forms JV-365 and JV-367, effective July 1, 2012, to implement modifications of AB 12 made by Assembly Bill 212 (Beall; Stats. 2011, ch. 459) as well as changes required in rules and forms that were adopted before circulation for public comment.

### **Rationale for Recommendation**

Sections 391, 607.2, and 607.3 of the Welfare and Institutions Code require the juvenile court, before it terminates jurisdiction over a dependent youth or ward of the court who is more than 18 years old, to hold a hearing at which it must, as a condition to terminating jurisdiction, make

certain factual findings and legal orders.<sup>1</sup> The required findings include whether the county welfare department or the probation department has provided the youth with the information, documents, and services required by sections 391(e) and 607.3(f) to help him or her prepare for the transition from foster care to independence. If the court determines that the department has complied with the statutory requirements, it may terminate jurisdiction. Otherwise, the court must determine whether jurisdiction should be continued until the department has done so.

*Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) is used by the child welfare or probation department to verify that it has provided the required information, documents, and services to a nonminor in anticipation of his or her transition to independent living when the juvenile court terminates its jurisdiction over the youth. After the department completes the form, the youth has an opportunity to review it, make corrections, and initial after each item to confirm his or her receipt of the specified information, document, or service. The youth then signs the completed form and returns it to the social worker or probation officer, who, under rule 5.555 of the California Rules of Court, must attach it to the report submitted to the court before the hearing on termination of jurisdiction.

On November 3, 2015, the Family and Juvenile Law Advisory Committee received a formal letter from Mr. Will Lightbourne, Director of the California Department of Social Services (CDSS), suggesting several revisions to form JV-365. Most of the information, documents, and services listed on the form are needed to help a foster youth obtain benefits and access services after he or she leaves foster care. CDSS's suggestions, stemming from collaboration with the California Department of Health Care Services, are intended to promote conformity to the federal Affordable Care Act<sup>2</sup> as implemented in section 14005.28 by enabling a former foster youth to maintain his or her good health through access to health insurance, health care, and wholesome food. Assembly Bill 1849 (Gipson; Stats. 2016, ch. 609) amended section 391, effective January 1, 2017, to bring it into conformity with section 14005.28.<sup>3</sup> The amendments and revisions recommended in this proposal are designed to bring rule 5.555 and forms JV-365 and JV-367 into conformity with section 14005.28 and AB 1849.

The committee recommends revising item 7 on form JV-365 in four respects. First, item 7a is used to verify the department's provision of assistance with the former foster youth's application for Medi-Cal or other health insurance. Recent amendments to sections 391 and 14005.28 of the code have rendered that specific assistance unnecessary.<sup>4</sup> As amended, section 14005.28 entitles

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<sup>1</sup> All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified. All rule references are to the California Rules of Court.

<sup>2</sup> Patient Protection and Affordable Care Act, Pub.L. No. 111-148 (Mar. 23, 2010) 124 Stat. 119; Health Care and Education Reconciliation Act of 2010, Pub.L. No. 111-152 (Mar. 30, 2010) 124 Stat. 1029.

<sup>3</sup> In addition, this bill amended section 16501.1 to require verification of the placement agency's compliance with section 14005.28 in the youth's 90-day Transition Plan.

<sup>4</sup> Section 14005.28 was amended by Senate Bill 508 (Hernandez; Stats. 2014, ch. 831, § 4). Section 391 was amended by Assembly Bill 1849.

a youth who was in foster care on his or her 18th birthday to continued enrollment in Medi-Cal without any interruption in coverage and without requiring a new application.<sup>5</sup> Section 391 now requires written verification of continued enrollment before the court terminates jurisdiction. The county eligibility worker is responsible for ensuring each youth's continued enrollment.<sup>6</sup> Revised item 7a affirms the youth's continued enrollment in Medi-Cal.

Second, both rule 5.555 and item 7a on form JV-365 require the provision of information regarding availability of Medi-Cal coverage to former foster youth up to age 21. Section 14005.28(a)(1) extends eligibility for Medi-Cal coverage to youth who were in foster care on their 18th birthdays until they reach age 26. The committee recommends revising item 7a to reflect the higher age limit in section 14005.28(a)(1).

Third, the committee recommends adding language to item 7a to document the youth's receipt of written verification of his or her continued enrollment in Medi-Cal, his or her Medi-Cal Benefits Identification Card, and information regarding extended Medi-Cal eligibility. This information falls within the scope of assisting the youth with continuous enrollment in Medi-Cal as required by section 14005.28. Furthermore, Assembly Bill 1849 amended section 391 to require provision of these documents, or reasonable efforts to provide them, before the court may terminate jurisdiction.<sup>7</sup>

Fourth, and finally, the committee proposes adding clarifying language to form JV-365 to document the department's assistance to youth who would benefit from enrollment in the CalFresh program. The committee proposes adding a checkbox to item 7e before the reference to CalFresh. All former foster youth are eligible for CalFresh; many, however, may not know how to enroll or have the wherewithal to do so. Adding this checkbox to item 7e emphasizes the

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<sup>5</sup> Welf. & Inst. Code, § 14005.28(a)(1). The statute also requires the Department of Health Care Services to develop procedures to identify and enroll eligible youth in Medi-Cal (§ 14005.28(a)(2)) and to develop a simplified redetermination form to update the youth's information, if necessary (§ 14005.28(a)(3)(A)).

<sup>6</sup> Dept. of Health Care Svcs., Health and Human Svcs. Agency, Letter No. 15-32 to All County Welfare Directors, Oct. 7, 2015.

<sup>7</sup> AB 1849 also inserted the word "eligible" before a reference to the nonminor's enrollment in Medi-Cal. The committee chose not to add this language to form JV-365 because if a nonminor were ineligible (which is an exceedingly rare occurrence), the nonminor and the social worker or probation officer would almost certainly decline to check the box. This omission should prompt a judicial inquiry, the response to which would explain the nonminor's ineligibility. Ensuring that nonminors who are otherwise eligible for enrollment in Medi-Cal do not leave the court's jurisdiction without verification that they are enrolled in Medi-Cal is consistent with the broad scope of Medi-Cal eligibility under section 14005.28 and promotes the welfare of nonminors facing termination of juvenile court jurisdiction. Inserting language into the form such as "if eligible" could potentially mislead nonminors, the courts, and social workers or probation officers into thinking that the class of ineligible nonminors is larger than it actually is. Section 14005.28(a)(1) states: "A foster care adolescent who was in foster care in this state on his or her 18th birthday . . . shall be enrolled to receive benefits under this section without any interruption in coverage and without requiring a new application." It is consistent with the breadth of section 14005.28 to assume on form JV-365 that a nonminor is eligible. To do otherwise risks creating confusion and implying ineligibility when none exists.

department's role in ensuring that each former foster youth leaving juvenile court supervision is aware of this benefit and able to take advantage of it, to have access to nutritious food.

The statutory changes and proposed revisions to form JV-365 also require conforming amendments to rule 5.555, which addresses hearings to consider termination of juvenile court jurisdiction, as well as revisions to *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367).

When examining rule 5.555 and forms JV-365 and JV-367, the committee identified additional nonsubstantive technical corrections to improve the rule's and forms' internal consistency and readability. These amendments and revisions remove unnecessary statutory language, simplify the rule and forms, and ensure consistent application of legal requirements.

## **Comments, Alternatives Considered, and Policy Implications**

### **External comments**

The invitation to comment on this proposal circulated from April 15 through June 14, 2016, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list, which includes judges, court administrators, attorneys, mediators, family law facilitators and self-help attorneys, and other family and juvenile law professionals and attorney organizations. The proposal was also sent to the California Department of Social Services. Six comments were received.<sup>8</sup> Four commentators agreed with the proposal as circulated. Two commentators agreed with the proposal if modified. No commentators opposed the proposal.

One commentator suggested changing the language on form JV-365 to reflect that section 14005.28 entitles youth exiting foster care at age 18 or older to ongoing enrollment in Medi-Cal coverage with no interruption in coverage and no application required. The commentator recommended changing 7a of the form to read, "Continued enrollment in Medi-Cal with no interruption in coverage" as opposed to "Completing enrollment in Medi-Cal with no interruption in coverage." The commentator noted that this revision would further clarify the duties of social workers and probation officers before termination of juvenile court jurisdiction. The committee agrees with this revision. Section 14005.28 emphasizes continuity of the youth's enrollment. Maintaining continuity requires administrative action by the county eligibility worker.<sup>9</sup> Verification of that action is critical for a youth leaving foster care. The committee

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<sup>8</sup> A chart providing the full text of the comments and the committee responses is attached at pages 18–27.

<sup>9</sup> Virtually all nonminor former foster youth living in California are eligible for uninterrupted enrollment in Medi-Cal. One class of nonminors who may be ineligible are nonminors who establish residence in another state without the intention of returning to California. These nonminors need to arrange medical insurance in their new state of residence. However, if these nonminors return to California, they would be eligible on their return. Nonminors who move out of state with the intention of coming back—for instance, a college student going to college out of state and maintaining residence in California—would maintain eligibility for Medi-Cal. Likewise, a nonminor's immigration status would not cause a disruption in coverage or make a nonminor ineligible for Medi-Cal. (Dept. of Health Care Svcs., Health and Human Svcs. Agency, Letter No. 15-32 to All County Welfare Directors, Oct. 7, 2015; Dept. of

therefore recommends revising the language to require “[w]ritten verification of continued enrollment . . . .” This language emphasizes that the nonminor must be enrolled without interruption in Medi-Cal, which is required by section 14005.28.

In addition, the commentator requested that the form specify separately that written verification of enrollment in Medi-Cal also be provided to the nonminor. The committee agrees with this suggestion but—rather than adding written verification as a separate, additional requirement—has incorporated it into the principal item relating to Medi-Cal enrollment. AB 1849 also amended section 391 to require that the nonminor be provided with written verification of the nonminor’s enrollment in Medi-Cal before the court terminates jurisdiction.

In response to the committee’s request, several commentators provided input about whether requiring the social worker or probation officer to verify that he or she had provided the assistance identified in items 7a and 7e would place an undue burden on the worker or officer. These commentators all indicated that these verification requirements would not place an undue burden on the worker or officer because they were already providing these services as required by law. Based on these comments, the committee is recommending that these verification requirements be included in the form.

One court suggested that rule 5.555(b) be clarified to indicate how notice of a hearing under section 391 should be provided to the nonminor and whose responsibility it is to give notice. Section 295 is the applicable statute and provides the manner in which notice must be given for a section 391 termination hearing. To reflect this, the committee has added rule new paragraph (3) to 5.555(b): “Notice of the hearing must be given as provided in section 295.”

A court also perceived an inconsistency in form JV-365, item 2g, regarding the nonminor’s right to inspect and receive a copy of his or her juvenile case file without a court order. Portions of some nonminors’ juvenile case files may be sealed. Under section 786(f)(1)(F), a sealed record requires the person whose record has been sealed to petition the court for permission to inspect those records. Form JV-365, item 2g, however, states that the nonminor is to be informed in writing of the right to inspect and receive a copy of his or her juvenile case file without a court order. In response to this issue, the committee recommends that form JV-365 include clarifying language regarding sealed records. The committee recommends that item 2g of form JV-365 now read: “Instructions on how the nonminor may exercise his or her right to inspect, receive, and copy his or her juvenile case file, including how to access sealed records. (See Welf. & Inst. Code, §§ 389(a), 781(a)(4), 786(f)(1)(F), 826.6 & 827; Cal. Rules of Court, rule 5.552.)”

One commentator recommended that the following finding be added to form JV-367: “The nonminor is, or is at risk of becoming, a victim of commercial sexual exploitation, and the case plan documents the services provided to address that issue.” This language is taken from section

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Health Care Svcs., Health and Human Svcs. Agency, Letter No. 14-41E to All County Welfare Directors, August 4, 2016.)

16501.1(g)(19). The committee does not recommend the suggested change. The findings in item 22 address only elements of the Transitional Independent Living Case Plan, Transitional Independent Living Plan, and 90-day Transition Plan directly related to promoting the youth's transition to independence and successful adulthood. The suggested finding addresses an element of the case plan that is required throughout the life of the youth's case; it is not specific to a section 391 termination hearing. Although a judicial determination of the adequacy of the services provided to the youth, including services designed to address the danger of becoming a victim of commercial sexual exploitation, is critical, that determination is more appropriately made at each review hearing under section 366.3 or 366.31.

### **Alternatives**

The committee considered not revising the forms or amending the rule but elected to proceed with the proposal for the reasons stated above. The committee also considered recommending more extensive amendments intended to promote clarity and consistency, but determined that those amendments would be more appropriate in the context of a proposal with broader scope.

### **Implementation Requirements, Costs, and Operational Impacts**

The committee does not anticipate that this proposal will result in costs to the courts other than printing costs in courts that continue to distribute printed copies of blank forms.

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.555, at pages 8–11
2. Forms JV-365 and JV-367, at pages 12–17
3. Chart of comments received and committee responses, at pages 18–27
4. AB 1849, [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1849](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1849)

Rule 5.555 of the California Rules of Court is amended, effective January 1, 2017, 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~~(f)~~(g)(16))**

(a) \* \* \*

**(b) Setting a hearing**

- (1) A court hearing must be placed on the appearance calendar and held completed before ~~prior to terminating~~ juvenile court jurisdiction is terminated.
- (2) The hearing under this rule may be held during any regularly scheduled review hearing or a hearing required on a petition filed under section ~~366 (g), 366.3, 366.31, 727.2, or 727.3 or rule 5.903~~ 388 or section 778.
- (3) Notice of the hearing must be given as required by section 295.
- (4) Notice of the hearing to the parents of a nonminor dependent as defined in section 11400(v) is not required, unless the parents ~~are~~ is receiving court-ordered family reunification services or the nonminor is living in the home of the parent or former legal guardian.

~~(4)(5)~~ \* \* \*

~~(5)(6)~~ The hearing must be continued for no more than five court days for the submission of additional information as ordered by the court if the court determines that the report, the Transitional Independent Living Plan, the Transitional Independent Living Case Plan, ~~(TILCP)~~ if required, or the 90-day Transition Plan submitted by the social worker or probation officer does not provide the information required by (c) and the court is unable to make the findings and orders required by (d).

**(c) Reports**

- (1) ~~In addition to complying with all other statutory and rule requirements applicable to the report prepared by the social worker or probation officer for any hearing during which termination of the court's jurisdiction will be considered,~~ 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)–(C) \* \* \*



1 (D) Whether the nonminor has applied for title XVI Supplemental Security  
2 Income benefits and, if so, the status of ~~any in-progress that~~ application  
3 ~~pending for title XVI Supplemental Security Income benefits~~, and  
4 whether remaining under juvenile court jurisdiction until a final  
5 decision has been issued is in the nonminor's best interests;  
6

7 (E) Whether the nonminor has applied for Special Immigrant Juvenile  
8 status or other immigration relief and, if so, the status of ~~any in-~~  
9 ~~progress that~~ application, ~~pending for Special Immigrant Juvenile~~  
10 ~~Status or other applicable application for legal residency~~ and whether  
11 an active juvenile court case is required for that application;  
12

13 (F)–(H) \* \* \*

14  
15 (I) ~~For a nonminor who is not present for the hearing:~~ If the social worker  
16 or probation officer has reason to believe that the nonminor will not  
17 appear at the hearing, documentation of the basis for that belief,  
18 including:  
19

20 (i) Documentation of the nonminor's statement that he or she ~~did~~  
21 does not wish to appear in court person or by telephone for the  
22 ~~scheduled~~ hearing; or  
23

24 (ii) Documentation of ~~the~~ reasonable efforts ~~made to locate~~ find the  
25 nonminor when his or her ~~current~~ location is unknown;  
26

27 (J)–(K) \* \* \*

28  
29 (2) The social worker or probation officer must file with the report a completed  
30 *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365).  
31

32 (3) The social worker or probation officer must also file with the report the  
33 nonminor's:  
34

35 (A) \* \* \*

36  
37 (B) Most recent Transitional Independent Living Plan (~~TILP~~); and  
38

39 (C) \* \* \*

40  
41 (4) The social worker's or probation officer's report and all documents required  
42 by ~~(e)~~(2)–(3) must be filed with the court at least 10 calendar days before the  
43 hearing, and the social worker or probation officer must provide copies of the  
44 report and other documents to the nonminor, the nonminor's parents, and all  
45 attorneys of record. If the nonminor is under juvenile court jurisdiction as a  
46 nonminor dependent, the social worker or probation officer is not required to

1 provide copies of the report and other documents to the nonminor  
2 dependent's parents, unless the ~~nonminor dependent's parents are~~ is receiving  
3 court-ordered family reunification services.  
4

5 **(d) Findings and orders**  
6

7 ~~In addition to complying with all other statutory and rule requirements applicable~~  
8 ~~to the hearing, The court must, in addition to any other determinations required by~~  
9 law, make the following judicial findings and orders must be made and included  
10 them in the written court documentation of the hearing:  
11

12 (1) *Findings*  
13

14 (A)–(D) \* \* \*  
15

16 (E) Whether the nonminor has an ~~in-progress~~ application pending for title  
17 XVI Supplemental Security Income benefits, and if ~~such an application~~  
18 ~~is pending so~~, whether it is in the nonminor's best interests to continue  
19 juvenile court jurisdiction until a final decision has been issued to  
20 ensure that the nonminor receives continued assistance with the  
21 application process;  
22

23 (F) Whether the nonminor has an ~~in-progress~~ application pending for  
24 Special Immigrant Juvenile status or other ~~applicable application for~~  
25 ~~legal residency~~ immigration relief, and whether an active juvenile court  
26 case is required for that application;  
27

28 (G)–(K) \* \* \*  
29

30 (L) Whether the nonminor's  
31

32 (i) \* \* \*  
33

34 (ii) Transitional Independent Living Plan identifies the nonminor's  
35 level of functioning, emancipation goals, and ~~the~~ specific skills  
36 ~~he or she needed~~ to prepare to live independently for  
37 independence and successful adulthood ~~upon~~ leaving foster care;  
38 and  
39

40 (iii) \* \* \*  
41

42 (M) For a nonminor who ~~is not present~~ does not appear in person or by  
43 telephone for the hearing, whether ~~the reason for his or her failure to~~  
44 appear was:  
45

1 (i) The nonminor's expressed a wish to not to appear in court for the  
2 scheduled hearing; or

3  
4 (ii) The nonminor's ~~current~~ location remains unknown ~~although~~ and,  
5 if so, whether reasonable efforts were made to ~~locate~~ find the  
6 nonminor.

7  
8 (N) \* \* \*

9  
10 (2) *Orders*

11  
12 (A)–(B) \* \* \*

13  
14 (C) For a nonminor who does not meet and does not intend to meet the  
15 eligibility requirements for nonminor dependent status but who is  
16 otherwise eligible to and will remain under juvenile court jurisdiction  
17 in a foster care placement, the court must set an appropriate statutory  
18 review hearing under section 366.21, 366.22, 366.25, 366.3, 727.2, or  
19 727.3 within six months of the date of the nonminor's most recent  
20 status review hearing.

21  
22 (D) \* \* \*

23  
24 (E) For a nonminor ~~(1)~~ who does not meet one or more of the eligibility  
25 criteria of section 11403(b) and is not otherwise eligible to remain  
26 under juvenile court jurisdiction, ~~(2) who does or, alternatively, who~~  
27 meets one or more of the eligibility criteria of section 11403(b) but  
28 either does not wish to remain under the jurisdiction of the juvenile  
29 court as a nonminor dependent, ~~or (3) who does meet one or more of~~  
30 ~~the eligibility criteria of section 11403(b) but~~ or is not participating in a  
31 reasonable and appropriate Transitional Independent Living Case Plan,  
32 the court may order the termination of juvenile court jurisdiction only  
33 after entering the following findings ~~and orders~~:

34  
35 (i)–(ii) \* \* \*

36  
37 (iii) The nonminor was informed that if juvenile court jurisdiction is  
38 terminated, he or she has the right to file a request to return to  
39 foster care and ~~to file a request to~~ have the juvenile court resume  
40 jurisdiction over him or her as a nonminor dependent until he or  
41 she has ~~attained the age of~~ reached 21 years of age;

42  
43 (iv)–(vi) \* \* \*

44  
45 (F) \* \* \*

- Form Adopted for Mandatory Use  
Judicial Council of California  
JV-365 [Rev. January 1, 2017]

Welfare & Institutions Code, §§ 391,  
607.2, 607.3;  
Cal. Rules of Court, rule 5.555  
[www.courts.ca.gov](http://www.courts.ca.gov)

NONMINOR'S NAME:	CASE NUMBER:
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3. g. ☐ A blank advance health care directive form \_\_\_\_\_
- h. ☐ A letter prepared by the county welfare department that includes the nonminor's name and date of birth, the dates during which he or she was within the jurisdiction of the juvenile court, and a statement that the nonminor was a foster child in compliance with state and federal financial aid documentation requirements \_\_\_\_\_
- i. ☐ The nonminor's 90-day Transition Plan \_\_\_\_\_
- j. ☐ A copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), a blank *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and a blank *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) \_\_\_\_\_
4. ☐ The nonminor continues to be eligible for services or accommodations under the Individuals with Disabilities Education Act, the Americans with Disabilities Act, or section 504 of the Rehabilitation Act of 1973, and he or she has been provided with his or her most recent service or accommodation plan. \_\_\_\_\_
5. ☐ The nonminor has been receiving services as provided in the Individuals with Disabilities Education Act (see 34 C.F.R. §§ 300.320(b)–(c) & 300.321(b)) and
- a. ☐ has received a copy of his or her transition service plan. \_\_\_\_\_
- b. ☐ has been informed of the rights that will transfer to him or her under this Act. \_\_\_\_\_
6. ☐ The nonminor was informed that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age who are or have been dependent children in foster care. \_\_\_\_\_
7. The nonminor received the following assistance or services (*check all that apply*):
- a. ☐ Written verification of continued enrollment in Medi-Cal with no interruption in coverage, and provision of \_\_\_\_\_
- i. ☐ His or her Medi-Cal Benefits Identification Card (BIC) \_\_\_\_\_
- ii. ☐ Information about eligibility for extended Medi-Cal benefits until age 26 \_\_\_\_\_
- b. ☐ Help applying to college, a vocational training program, or another educational or employment program \_\_\_\_\_
- c. ☐ Help obtaining financial aid for college, a vocational training program, or another educational or employment program \_\_\_\_\_
- d. ☐ A referral to transitional housing, if available, or assistance in securing other housing \_\_\_\_\_
- e. ☐ Help obtaining employment or other financial support \_\_\_\_\_
- ☐ including completing enrollment in CalFresh \_\_\_\_\_
- f. ☐ Help maintaining relationships with individuals important to him or her, consistent with his or her best interests (*required only if the nonminor has been in an out-of-home placement for six months or longer*) \_\_\_\_\_
- g. ☐ Help accessing the Independent Living Aftercare Program in the nonminor's county of residence \_\_\_\_\_
- h. ☐ Other services ordered by the court (*specify*): \_\_\_\_\_

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

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)

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

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF NONMINOR)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
NONMINOR'S NAME: NONMINOR'S DATE OF BIRTH: HEARING DATE AND TIME: DEPT:		
<b>FINDINGS AND ORDERS AFTER HEARING TO CONSIDER TERMINATION OF JUVENILE COURT JURISDICTION OVER A NONMINOR</b>	CASE NUMBER:	
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

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

**FINDINGS AND ORDERS AFTER HEARING TO  
CONSIDER TERMINATION OF JUVENILE COURT  
JURISDICTION OVER A NONMINOR**

NONMINOR'S NAME:	CASE NUMBER:
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**BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS**

**Findings**

8. ☐ Notice of the date, time, and location of the hearing was given as required by law.
9. ☐ The nonminor is neither present in court nor participating by telephone and
  - a. ☐ the nonminor expressed a wish not to appear for the hearing and did not appear.
  - b. ☐ the nonminor's current location is unknown. Reasonable efforts ☐ were ☐ were not made to find him or her.
10. ☐ The nonminor had the opportunity to confer with his or her attorney about the issues currently before the court.
11. Remaining under juvenile court jurisdiction ☐ is ☐ is not in the nonminor's best interests. The facts supporting this determination were stated on the record.
12. a. ☐ The nonminor does not now meet any of the eligibility criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
- b. ☐ The nonminor meets the following criteria in Welfare and Institutions Code, § 11403(b), to remain in foster care as a nonminor dependent under juvenile court jurisdiction.
  - (1) ☐ The nonminor attends high school or a high school equivalency certificate (GED) program.
  - (2) ☐ The nonminor attends a college, a community college, or a vocational education program.
  - (3) ☐ The nonminor attends a program or takes part in activities that will promote employment or overcome barriers to employment.
  - (4) ☐ The nonminor is employed at least 80 hours per month.
  - (5) ☐ The nonminor is incapable of doing any of the activities in (1)–(4) due to a medical condition.
13. ☐ The nonminor has an application pending for title XVI Supplemental Security Income benefits, and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure continued assistance with the application process ☐ is ☐ is not in the nonminor's best interests.
14. ☐ The nonminor has an application pending for Special Immigrant Juvenile status or other immigration relief for which an active juvenile court case is required.
15. ☐ The nonminor was informed of the options available to make the transition from foster care to independence and successful adulthood.
16. ☐ The potential benefits of remaining in foster care under juvenile court jurisdiction were explained to the nonminor, and the nonminor has stated that he or she understands those benefits.
17. ☐ The nonminor was informed that if juvenile court jurisdiction is continued, he or she may have the right to have that jurisdiction terminated and that if jurisdiction is then terminated, the court will maintain general jurisdiction for the purpose of reviewing a request to resume jurisdiction over him or her as a nonminor dependent.
18. ☐ The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to file a petition asking the court to resume dependency jurisdiction or transition jurisdiction over him or her as a nonminor dependent as long as he or she has not yet reached 21 years of age.
19. a. ☐ The nonminor was provided with the information, documents, and services required under Welfare and Institutions Code, § 391(e), and a completed *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) was filed with this court.
- b. ☐ The nonminor cannot be located despite the department's reasonable efforts, and for that reason the nonminor was not provided with the information, documents, services, and form specified in item 19a.
20. ☐ The nonminor is subject to delinquency jurisdiction and either was previously a dependent of the court under section 300 or was placed in foster care under section 727. The requirements of Welfare and Institutions Code, § 607.5, ☐ were ☐ were not met.

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

### Orders

23. ☐ The nonminor meets at least one of the conditions listed in item 12(b)(1)–(5) and
- 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 a supervised setting specified in Welfare and Institutions Code, § 11402.
- (2) ☐ other (specify):
- c. The Indian Child Welfare Act ☐ does ☐ does not continue to apply.
- d. The matter is set for further hearing under Welfare and Institutions Code, § 366(f), 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 nonminor's most recent status review hearing.
25. ☐ Reasonable efforts were made to find the nonminor, and his or her location remains unknown. **Juvenile court jurisdiction over the nonminor is terminated.** The nonminor remains under the general jurisdiction of the juvenile court for the purpose of its considering a petition filed under Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.
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. ☐ meets the eligibility criteria for status as a nonminor dependent but does not wish to remain under juvenile court jurisdiction as a nonminor dependent; or
- c. ☐ meets the eligibility criteria for status as a nonminor dependent but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan; and

the findings required in items 10, 16, 19a, and 22c of this form were made, and the nonminor was given an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365). **Juvenile court jurisdiction over the nonminor is terminated.** The nonminor remains under the general jurisdiction of the juvenile court for the purpose of its considering a petition filed under Welfare and Institutions Code, § 388(e) or 388.1, to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent.



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. ☐ **The next hearing is scheduled as follows:**

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

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

Date:

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

## SPR16-19

### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association Newport Beach, California by Todd G. Friedland, President	A	No specific comment.	The committee notes the commentator's support for the proposal. No further response required.
2.	The State Bar of California Standing Committee on the Delivery of Legal Services San Francisco by Phong S. Wong, Chair	A	<ul style="list-style-type: none"><li>• <u>Does the proposal appropriately address the stated purpose?</u> Yes. It provides a way to ensure that nonminors are getting the assistance needed to enroll in benefits program by qualified persons.</li><li>• <u>Will requiring the social worker or probation officer to verify, in items 7a and 7e of form JV-365, that he or she has assisted the youth in "completing enrollment" in Medi-Cal and CalFresh place an undue burden on the worker or officer?</u> No. It provides and ensures that the court is made aware that the probation or social work staff is declaring that he or she assisted the youth in completing the enrollment process for such programs. This is a training issue for probation and social work staff. It should be included in the duties of the staff of such organizations.</li></ul> <p><b>Additional Comments</b> This proposal would have a huge impact on those nonminors who are in dependency and/or delinquency, especially those who are low income. It will ensure that nonminors are receiving information about and/or assistance to access public benefits and other programs, services or relief, and are not terminated from the Juvenile Court Jurisdiction without access to resources.</p>	<p>The committee appreciates this input. No further response is required.</p> <p>No response required.</p> <p>No response required.</p>

## SPR16-19

### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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

	Commentator	Position	Comment	Committee Response
3.	Superior Court of Los Angeles County	A	<p><b>Are there specific changes that would improve the rules and forms in this proposal? (If so, please specify the individual rule or form, and the particular recommended changes.)</b></p> <p><i>No</i></p> <p><b>Will requiring the social worker or probation officer to verify, in items 7a and 7e of form JV-365, that he or she has assisted the youth in “completing enrollment” in Medi-Cal and CalFresh place an undue burden on the worker or officer?</b></p> <p><i>It should not cause an undue burden, as the social worker or probation officer is already offering these services that are provided for the youth. It would require additional boxes to check on the JV forms confirming that the youth received those services.</i></p> <p><b>Would the proposal provide cost savings? If so please quantify.</b></p> <p><i>At this time, there should not be a difference in cost other than the normal printing costs for the forms. Once juvenile implements the new case management system, scheduled for September 2017, the printing costs should be reduced considerably. However, making certain that the youth is aware of all the services available to them can potentially eliminate the need to have them returning through the system.</i></p> <p><b>What are the implementation requirements for courts—for example, training staff (please</b></p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

**SPR16-19****Juvenile Law: Termination of Jurisdiction Over Nonminor** (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<p><b>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?</b></p> <p><i>Once the new case management system is in place, there will need to be training on the process of scanning and imaging documents into the system. However, the social worker or probation officer will still need to provide copies of the forms and the report to the parties.</i></p> <p><b>Keeping in mind that rule 5.504(c) grants courts one year from their effective date to implement production of new and revised mandatory juvenile forms, would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</b></p> <p><i>Yes</i></p>	<p>No response required.</p> <p>No response required.</p>
4.	Superior Court of Riverside County by Marita Ford	AM	<p>Recommend that rule 5.555, section (b) be clarified to indicate how the notice of hearing should be provided to the non-minor and whose responsibility it is to give notice.</p> <p>Line 2g of the proposed Termination of Juvenile Court Jurisdiction – Nonminor form (JV-365) states the nonminor’s right to inspect and receive copy of juvenile case file “without a court order”. With the recent changes in sealing statutes, Riverside is seeking clarification of this</p>	<p>The committee agrees with this suggestion. Section 295 prescribes the manner in which notice must be given for a section 391 termination hearing. The committee has modified its recommendation to add paragraph 5.555(b)(3). The new paragraph reads: “Notice of the hearing must be given as required by section 295.”</p> <p>The committee agrees and recommends clarifying item 2g on form JV-365 to read: “Instructions on how the nonminor may exercise his or her right to inspect, receive, and copy his or her juvenile case file, including how to access sealed records. (See Welf. &amp; Inst. Code, §§ 389(a), 781(a)(4),</p>

**SPR16-19****Juvenile Law: Termination of Jurisdiction Over Nonminor** (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			would apply to sealed cases and/or documents? Under WIC 786(f)(1)(F) it states that a <i>“record that has been ordered sealed by the court under this section may be accessed, inspected, or utilized by the person whose record has been sealed, upon his or her request <u>and petition to the court to permit inspection of the records.</u>”</i>	786(f)(1)(F), 826.6 & 827; Cal. Rules of Court, rule 5.552.”
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p>CRC 5.555(c)(1)(D): See, e.g., WIC § 16501.1(g)(16)(A)(ii): ... for <del>¶</del><u>Title XVI</u> Supplemental Security Income ...</p> <p>CRC 5.555(d)(1)(E): Suggest change to: Whether the nonminor has an application pending for <del>¶</del><u>Title XVI</u> Supplemental Security Income benefits and, if so, whether <u>it is in the nonminor’s best interests for the continued juvenile court to continue</u> jurisdiction until a final decision has been issued to ensure that the nonminor receives continued assistance with the application process <del>is in the nonminor’s best interests</del>;</p> <p>CRC 5.555(d)(1)(L)(ii): Per SB 794 amendment to WIC § 16501.1, suggest change to: Transitional Independent Living Plan identifies the nonminor’s level of functioning, emancipation goals, and the specific skills he or she needs to prepare <del>to live independently for</del> <u>successful adulthood</u> upon leaving foster care; and</p> <p>CRC 5.555(d)(1)(M)(ii): For consistency with 5.555(c)(1)(I)(ii), suggest change to: The nonminor’s current location remains unknown</p>	<p>The committee does not recommend the suggested change. Judicial Council style calls for lowercase letters to begin words that designate parts of codes.</p> <p>The committee does not recommend the first suggested change for the reason stated above. The committee agrees with the second suggestion and has revised the recommended rule accordingly.</p> <p>The committee agrees with the suggestion and has revised the recommended rule accordingly.</p> <p>The committee agrees with the suggestion and has revised the recommended rule accordingly.</p>

**SPR16-19****Juvenile Law: Termination of Jurisdiction Over Nonminor** (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<p>although and, if so, whether reasonable efforts were made to <del>locate</del> <u>find</u> the nonminor.</p> <p>CRC 5.555(d)(2)(E)(iii): For readability, suggest change to: ... have the juvenile court resume jurisdiction over him or her as a nonminor dependent until he or she <del>has attained the age of</del> <u>is 21 years of age</u>;</p> <p>JV-365: Boxed “Directions for the nonminor...”: Sign your initials on the lines after items 2a–h, <del>items</del> 3a–j, <del>item</del> 4, <del>items</del> 5a–b, <del>item</del> 6, and <del>items</del> 7a–h <u>only</u> if you received the information, document, or service <u>described in that item</u>.</p> <p>JV-365: item 2d: The nonminor’s educational <u>history</u> and medical history</p> <p>JV-365: item 2g: The nonminor’s right to inspect and receive a copy of his or her juvenile case file without a court order by going to the <u>court clerk’s office and demonstrating his or her showing proof of identity, e.g., driver’s license, photo ID card using an identification card or other means</u> (see ...)</p> <p>JV-365: item 3b: <del>A</del> <u>His or her</u> social security card</p> <p>JV-365: item 3c: <del>An</del> <u>His or her</u> identification card or driver’s license</p> <p>JV-365: item 3g: <del>An</del> <u>His or her</u> advance health care directive form</p>	<p>The committee agrees with the suggestion in part and has revised the recommended rule to improve readability.</p> <p>The committee agrees with the suggestion and has deleted repeated uses of the words “item” and “items” and added “<i>only</i>” and “described in that item” in the instruction box.</p> <p>The committee agrees with the suggestion and has revised the recommended rule accordingly.</p> <p>The committee does not recommend this suggestion. Item 2g has been revised to require that the department provide the nonminor with instruction on how to access his or her records. It no longer specifies the methods or documents required.</p> <p>The committee agrees with the suggestion and has revised the recommended rule accordingly.</p> <p>The committee does not recommend the suggested change. An advance health care directive form is</p>

## SPR16-19

### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
				not specific to the nonminor. Rather, it is a blank form for the nonminor to fill out if he or she chooses.
			JV-365: items 4, 5: Lower case “w” – Individuals with Disabilities Education Act (20 U.S.C. § 1400) Americans with Disabilities Act (PL 101–336, July 26, 1990, 104 Stat 327.)	The committee agrees with the suggestion and has revised the recommended rule accordingly.
			JV-367: item 9: The nonminor is <del>not</del> <u>neither</u> present in court <u>nor</u> participating by telephone and	The committee agrees with the suggestion and has revised the recommended rule accordingly.
			JV-367: item 9b: For consistency with 5.555(c)(1)(I)(ii), suggest change to: Reasonable efforts <input type="checkbox"/> were <input type="checkbox"/> were not made to <del>locate</del> <u>find</u> him or her.	The committee agrees with the suggestion and has revised the recommended rule accordingly.
			JV-367: item 13: See, e.g., WIC § 16501.1(g)(16)(A)(ii): ... for <del>the</del> Title XVI Supplemental Security Income ...	The committee does not recommend the suggested change. Judicial Council style calls for words designating parts of codes to begin with lowercase letters.
			JV-367: item 22b: Per SB 794 amendment to WIC § 16501.1(g)(16)(A)(ii): The Transitional Independent Living Plan identifies the nonminor’s level of functioning, emancipation goals, and specific skills he or she needs to prepare <del>to live independently</del> <u>for successful adulthood</u> upon leaving foster care.	The committee agrees with the suggestion and has revised the recommended rule accordingly.
			JV 367, p. 3: Add item 22d to “Findings” per SB 794 amendment to WIC § 16501.1(g)(19):	The committee does not recommend the suggested change. The findings in item 22 are intended to

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### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<u>The nonminor is, or is at risk of becoming, a victim of commercial sexual exploitation, and the case plan documents the services provided to address that issue.</u>  JV-367: item 23b: Independence after a period of placement <u>in a</u> supervised settings specified in Welfare and Institutions Code, § 11402.	address only elements of the TILCP, TILP, and 90-day transition plan directly related to promoting the youth's transition to independence and successful adulthood. The suggested finding addresses an element of the case plan required throughout the life of the youth's case; it is not specific to a section 391 termination hearing. Although a judicial determination of the adequacy of the services provided to the youth, including services designed to address the danger of becoming a victim of commercial sexual exploitation, is critical, that determination is more appropriately made at a review hearing under section 366.3 or 366.31.  The committee agrees with the suggestion and has revised the recommended rule accordingly.
6.	Youth Law Center and Children Now San Francisco by Virginia Corrigan and Jessica Haspel	A	<b>Comments on the Proposal as a Whole</b> We strongly support the Family and Juvenile Law Advisory Committee's recommendation to amend the JV-365 court form to conform to existing law on Medi-Cal coverage for former foster youth. As the Committee notes in its invitation for public comment, Welfare and Institutions Code (WIC) section 14005.28 entitles youth exiting foster care at age 18 or older to ongoing enrollment in Med-Cal with no interruption in coverage and no application required. However, the JV-365 and WIC section 391 still retain outdated instructions for social workers preparing youth to transition out of foster care. These outdated instructions have at	The committee appreciates this input. No further response is required.



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### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<p>times resulted in youth leaving foster care without receiving accurate information about their ongoing eligibility for Medi-Cal up to age 26. Additionally, some youth have been incorrectly instructed to apply for coverage or dropped from coverage as they have exited foster care because of confusion stemming from these outdated instructions.</p> <p>Amending the JV-365 form to conform to existing law is a critical step towards ensuring that these youth receive the health insurance coverage to which they are legally entitled.</p> <p><b>Specific Comments</b></p> <ul style="list-style-type: none"><li>• <u>Are there specific changes that would improve the rules and forms in this proposal? (If so, please specify the individual rule or form, and the particular recommended changes.)</u></li></ul> <p>We appreciate the Advisory Committee's proposal to revise the form to reflect the new age limit of 26 and to replace outdated instructions about assisting youth with completing an application with language reflecting that youth are entitled to continuous enrollment in Medi-Cal. Additionally, we agree that adding language to the form regarding assistance needed to maintain access to Medi-Cal benefits, including providing information about Medi-Cal eligibility and the Medi-Cal Benefits Identification Card, falls within the scope of assisting the youth with continuous enrollment in Medi-Cal as required by section 14005.28.</p>	No response required.

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### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<p>While the revisions proposed by the Committee would bring the form more closely in line with existing law, we believe that the following small changes to the proposed language will further clarify the duties of social workers and probation officers prior to termination of juvenile court jurisdiction.</p> <p>We suggest that the proposed language for item 7a on form JV-365 be amended as follows:</p> <p>7a. <del>Completing</del> <u>Continued</u> enrollment in Medi-Cal with no interruption in coverage, including <u>confirming the nonminor has</u>:</p> <ul style="list-style-type: none"><li>i. <del>Obtaining a</del> A Medi-Cal Benefits Identification Card (BIC)</li><li>ii. <del>Obtaining</del> Information about eligibility for extended Medi-Cal benefits until age 26.</li><li>iii. <u>Written verification of enrollment in Medi-Cal.</u></li></ul> <p>We recommend changing “completing” to “continued” enrollment to reflect that no application must be completed and that enrollment is continuing. Additionally, we suggest small revisions to 7a(i) and (ii) to reflect that the youth should leave care with their BIC and information about extended Medi-Cal eligibility until age 26.</p> <p>Moreover, we recommend adding 7a(iii). These small changes will help ensure the youth has ongoing coverage and accurate information and</p>	<p>The committee agrees in principle with these suggestions and has incorporated them, with some alterations, into its recommendation. Assembly Bill 1849 imposes similar requirements on county departments.</p> <p>The committee agrees that continuous enrollment should be emphasized and that the nonminor should be provided with his or her Medi-Cal Benefits Identification Card.</p> <p>The committee agrees that written verification is critical to notify the youth that the county eligibility worker has performed the actions</p>

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### Juvenile Law: Termination of Jurisdiction Over Nonminor (amend Cal. Rules of Court, rule 5.555; revise forms JV-365 and JV-367)

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	Commentator	Position	Comment	Committee Response
			<p>documents to access Medi-Cal, in compliance with section 14005.28.</p> <p>• <u>Will requiring the social worker or probation officer to verify, in items 7a and 7e of form JV-365, that he or she has assisted the youth in “completing enrollment” in Medi-Cal and CalFresh place an undue burden on the worker or officer?</u></p> <p>The proposed revisions to the JV-365 do not place an undue burden on the worker or officer. They merely update the form to conform with existing law and responsibilities. Moreover, complying with existing law by ensuring and verifying the youth’s seamless transition into the Medi-Cal program for former foster youth poses less of a burden than the outdated requirement that social workers and probation officers assist youth with applying for coverage.</p> <p>Additionally, social workers and probation officers should already be asking youth if they have their Medi-Cal Benefits Identification Cards before they exit care. Youth can continue to use the same BIC after they exit care; a new card is not needed unless the card has been lost or misplaced. If a new card is needed, assisting the youth is often as simple as providing the youth with the phone number to call to ask for a new card.</p>	<p>necessary to ensure continued enrollment. The committee recommends incorporating written verification into the principal requirement of item 7a rather than as a separate, additional requirement.</p> <p>No response required.</p>