



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-185

For business meeting on September 25, 2020

Title

Juvenile Law: Information, Documents, and Services for Youth 16 and Older

Agenda Item Type

Action Required

Effective Date

January 1, 2021

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 5.502, 5.740, and 5.810; adopt forms JV-361, JV-362, and JV-363; revise form JV-365

Date of Report

August 10, 2020

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

Contact

Kerry Doyle, 415-865-8791

kerry.doyle@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court, adopting three forms, and revising one form to conform to the mandate of Assembly Bill 718 (Eggman; Stats. 2019, ch. 438) that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction.

Recommendation

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

1. Amend rule 5.502 of the California Rules of Court to define the term “youth” as a person who is at least 14 years of age and not yet 21 years of age.
2. Amend rule 5.740 to add a requirement that the social worker provide the youth with the documents required by Welfare and Institutions Code section 391 and to identify the form

(discussed below) that must be used to specify the information, documents, and services that were provided to the youth.

3. Amend rule 5.810 to add a requirement that the probation officer provide the youth with the documents required by section 391 and to identify the form (discussed below) that must be used to record the information, documents, and services that were provided to the youth.
4. Adopt *First Review Hearing After Youth Turns 16 Years of Age—Information, Documents, and Services* (form JV-361) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at the first review hearing after the youth turns 16.
5. Adopt *Review Hearing for Youth Approaching 18 Years of Age—Information, Documents, and Services* (form JV-362) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at the last review hearing before the youth turns 18.
6. Adopt *Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services* (form JV-363) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at each review hearing after the youth turns 18.
7. Revise *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365) to add the new requirement in AB 718 that the nonminor be provided with written information notifying the nonminor of financial literacy programs or other available resources to help the nonminor obtain financial literacy skills, to clarify the new requirement that information be in writing notifying a nonminor who was formerly in foster care and is granted a preference for student assistant or internship programs with state agencies, and to remove the phrase “his or her” so that the form is gender neutral.

The text of the amended rules and the new and revised forms are attached at pages 7–15.¹

Relevant Previous Council Action

Rule 5.502 contains the definitions for the juvenile rules in Division 3 of the California Rules of Court. The Judicial Council adopted what is now rule 5.502 as rule 1401 effective January 1, 1990. It was amended seven times before it was renumbered and amended effective January 1, 2007. It was further amended seven times to add various definitions to the juvenile rules.

Rule 5.740 addresses hearings after the establishment of a dependent child or youth’s permanent plan. The Judicial Council adopted what is now rule 5.740 as rule 1465 effective January 1,

¹ This report outlines the Family and Juvenile Law Advisory Committee’s recommendation of adding a new subdivision (c) to rule 5.740. In a separate report, the committee also recommends amendments to subdivision (a) of rule 5.740. See Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Guardianship Rules and Forms* (August 10, 2020). The committee has submitted both reports for the Judicial Council’s consideration at its September 25, 2020, meeting. To prevent the inadvertent omission of either set of amendments if both are published, the text of rule 5.740 attached to this report includes the amendments recommended in both reports.

1990. It was amended four times before it was renumbered and amended effective January 1, 2007. It was further amended six times.

Rule 5.810 addresses review hearing requirements for youth placed in foster care under the delinquency jurisdiction of the court. The Judicial Council adopted what is now rule 5.810 as rule 1496 effective January 1, 1991. It was amended five times before it was renumbered and amended effective January 1, 2007. It was further amended three times.

Form JV-365 is a mandatory form and was most recently revised effective January 1, 2017.

Analysis/Rationale

Before the passage of AB 718, the law only required the provision of certain information, documents, and services to a youth in foster care who was 18 years of age or older prior to termination of juvenile court jurisdiction over that youth.² A county welfare department was—and still is—also required, at the hearing before a dependent turns 18 and at every review hearing thereafter until the court terminates jurisdiction, to submit a report describing efforts toward providing certain documents and information to the youth.³ Assembly Bill 718 seeks to increase the access that youth in foster care have to various information, documents, and services—and to broaden those items to include financial literacy resources—as they transition to adulthood and greater levels of independence, acknowledging the need that some youth may have for such materials and supports before they turn 18, and between turning 18 and exiting foster care.

According to the bill's author:

While many positives have come from the extension of benefits for youth involved in the foster care system, one result of the implementation of AB 12 (2010) has been that many youth do not receive important documents, such as their social security card, driver's license, and birth certificate, until well past the period when they need these documents to navigate employment, housing, higher education or financial aid applications. [This bill] would provide youth with important documentation and support when it is needed, which will give them a better opportunity to achieve their goals and be independent.⁴

Policy implications

The committee considered how to best implement AB 718's statutory mandate that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction. The

² Welf. & Inst. Code, § 391.

³ *Id.*, § 366.31(a)(3).

⁴ Assem. Com. on Judiciary, Analysis of Assem. Bill No. 718 (2019–2020 Reg. Sess.) Apr. 2, 2019, pp. 4–5.

proposed rules and forms attempt to provide youth with important documents, information, and services when they are most needed and not merely at the end of the court’s jurisdiction.

Comments

This proposal circulated for comment as part of the spring 2020 invitation-to-comment cycle from April 10 through June 9, 2020, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, trial court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, CASA (Court Appointed Special Advocates) programs, and other juvenile and family law professionals. Nine organizations, including four superior courts, provided comment: six agreed with the proposal, and three did not indicate a position. A chart with the full text of the comments received and the committee’s responses is attached at pages 16–25.

The committee sought specific comment on whether the rules of court should define “youth” and, if so, whether the proposed definition of “a person who is at least 14 years of age and not yet 21 years of age” was appropriate. All five commenters who answered this question agreed that the rules of court should define “youth.” Four of the commenters stated that the proposed definition was appropriate. One commenter stated that the definition should be more specific, as the definitions overlap; as it reads, they commented, a person who is a “youth” can also be a child, a nonminor, or a nonminor dependent. The committee has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age.⁵ While the definitions may overlap, this will allow the youth to be identified by the term they find the most respectful. In addition to creating a respectful term for older children, the term “youth” is important in juvenile justice court because many 18- to 21-year-olds appear before that court and do not meet the definition of child.

One commenter, a large superior court, commented: “Each of the forms indicate that the agency report is attached. Currently in Orange County, the agency reports are filed separately, not attached. The existing form JV-365 also has the language indicating that a report is attached. However, in practice, the report itself is filed separately, often on a different date, and not attached to the JV-365.” In response, the committee has modified the proposal to include language on the forms allowing for an attached report or report submitted to the court. This will allow courts to continue to follow their current process of informing the courts whether the youth received the required information, documents, and services.

⁵ The committee has modified the proposal to replace the terms “child” or “minor” with “youth” in most items on the Judicial Council forms. The one exception is that the committee has retained the proposed language of “the date the child entered foster care” because that is a legal term defined by statute. Welf. & Inst. Code § 361.49.

Alternatives considered

The committee considered not defining “youth” in rule 5.502. However, the committee has had repeated and lengthy discussions over whether to use the term “child” or “minor.” The current rules all use “child,” but the statutes use “minor.” The committee notes that throughout the juvenile court rules and forms there is a consistent practice of using “child,” and this term is clearly defined in rule 5.502.⁶ Use of the term “child” is a reminder to all in the system that juvenile offenders are developmentally distinct from adults; “minor” is not defined in rule 5.502. In a proposal circulated for public comment in spring 2019 that addressed the needs of older children as this proposal does, the committee sought specific comment on whether the rules should use the term “child” or “minor.” While many commenters suggested that the term “youth” is preferred by older children who do not like to be referred to as children, the committee concluded that since “youth” is not defined in the rules of court and any definition of the term would be an important substantive change to the proposal, public comment should be sought before the council defines the term. The committee circulated a definition of “youth” for public comment in this proposal, which commenters agreed with.

The committee considered using age 15 as the beginning of the “youth” age group, since that is the age the United Nations, for statistical purposes, uses as the beginning age in its definition.⁷ However, under the California statutory scheme, the case plan must include a written description of the programs and services that will help the child to prepare for the transition from care to successful adulthood beginning at age 14.⁸ For that reason, and because the dependency court needs to make a finding regarding the services needed to assist the child or nonminor dependent to make the transition from foster care to successful adulthood beginning at age 14,⁹ the committee concluded that the term should be defined as “a person who is at least 14 years of age and not yet 21 years of age.” Fourteen is also the minimum age when a minor can obtain a permit to work.¹⁰ If a definition of youth is ultimately adopted by the Judicial Council, this change should be incorporated into other rules and forms when those rules and forms require other more substantive revisions, such as those necessitated by statutory amendments.

The committee considered adding Regional Center documents as documents that must be provided to the youth listed on the Judicial Council forms. These documents are not required by statute, however, so the committee concluded that they should not be added to the forms. The committee has noted that if legislation is proposed again in this area, Regional Center documents would be appropriate to include in statute.

⁶ Rule 5.502 defines “child” as “a person under the age of 18 years.”

⁷ United Nations, “Global Issues—Youth,” www.un.org/en/sections/issues-depth/youth-0/index.html (as of August 5, 2020).

⁸ Welf. & Inst. Code, § 16501.1(g)(16)(A).

⁹ *Id.*, § 366.3(e)(10).

¹⁰ Ed. Code, § 49112.

Assembly Bill 718 governs review hearings in the dependency court, but not in the delinquency court. The committee considered limiting this proposal to youth in foster care under the dependency jurisdiction of the court, and not those under the delinquency jurisdiction of the court. This, however, would result in youth in foster care in the delinquency system receiving different treatment than those in the dependency system. Rule 5.555(c)(1)(J) requires that, for a hearing in which the court is considering terminating jurisdiction, the probation officer's report include verification that the nonminor was provided with the information, documents, and services as required under Welfare and Institutions Code section 391(e). Probation officers throughout the state are providing the required information, documents, and services to nonminors when the court terminates jurisdiction, and are using and filing *Termination of Juvenile Court Jurisdiction—Nonminor* (form JV-365). While AB 718 governs review hearings in the dependency court and not in the delinquency court, the legislative history is very clear that the bill is intended to help youth who exit foster care to successfully prepare for their transition to independence.¹¹ It is both fair and reasonable that this proposal help all youth in foster care successfully prepare for their transition to independence.

Fiscal and Operational Impacts

The proposal includes an added requirement that social workers and probation officers provide certain information, documents, and services to youth in foster care earlier in the case than is the current practice. This will increase workload but is required for social workers by recent statutory amendments. As discussed above, the committee concluded that this benefit should also be provided to youth in foster care under the delinquency jurisdiction of the court and thus the proposal includes a slight increase in workload for probation officers. In implementing the new and revised forms, courts will incur standard reproduction costs.

Attachments and Links

1. Cal. Rules of Court, rules 5.502, 5.740, and 5.810, at pages 7–9
2. Forms JV-361, JV-362, JV-363, and JV-365, at pages 10–15
3. Chart of comments, at pages 16–25
4. Link A: Assem. Bill 718,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=2019202000AB718

¹¹ Assem. Com. on Human Services, Analysis of Assem. Bill No. 718 (2019–2020 Reg. Sess.) Mar. 26, 2019, pp. 5–7.

Rules 5.502, 5.740, and 5.810 of the California Rules of Court are amended, effective January 1, 2021, to read:

Rule 5.502. Definitions and use of terms

Definitions * * *

As used in these rules, unless the context or subject matter otherwise requires:

(1)–(4) * * *

(5) “Child” means a person under the age of 18 years.

(6)–(24) * * *

(25) “Nonminor” means a youth at least 18 years of age and not yet 21 years of age who remains subject to the court’s dependency, delinquency, or general jurisdiction under section 303 but is not a “nonminor dependent.”

(26) “Nonminor dependent” means a youth who is a dependent or ward of the court, or a nonminor under the transition jurisdiction of the court, is at least 18 years of age and not yet 21 years of age, and:

(A) Was under an order of foster care placement on ~~his or her~~ the youth’s 18th birthday;

(B) Is currently in foster care under the placement and care authority of the county welfare department, the county probation department, or an Indian tribe that entered into an agreement under section 10553.1; and

(C) Is participating in a current Transitional Independent Living Case Plan as defined in this rule.

(27)–(45) * * *

(46) “Youth” means a person who is at least 14 years of age and not yet 21 years of age.

Rule 5.740. Hearings ~~subsequent to~~ after selection of a permanent plan (§§ 366.26, 366.3, 16501.1)

(a) Review hearings—adoption and guardianship

Following an order for termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, or a plan for the establishment of a legal guardianship under section 366.26, the court must retain jurisdiction and conduct review hearings at least every 6 months to ensure the expeditious completion of the adoption or guardianship.

(1)–(3) * * *

(4) ~~When~~ After a legal guardianship is granted established, the court may continue dependency jurisdiction if it is in the best interest of the child, or the court may terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship under section 366.4. If the court appoints a relative or nonrelative extended family member as the child’s guardian and the other requirements in section 366.3(a)(3) apply, the court must terminate dependency jurisdiction and retain jurisdiction over the child under section 366.4 unless the guardian objects or the court finds that exceptional circumstances require it to retain dependency jurisdiction.

(5)–(6) * * *

(b) * * *

(c) Review hearings—youth 16 years of age and older

If the youth is 16 years of age or older, the procedures in section 391 must be followed.

(1) If it is the first review hearing after the youth turns 16 years of age, the social worker must provide the information, documents, and services required by section 391(a) and must use *First Review Hearing After Youth Turns 16 years of Age—Information, Documents, and Services* (form JV-361).

(2) If it is the last review hearing before the youth turns 18 years of age, the social worker must provide the information, documents, and services required by section 391(b)–(c) and must use *Review Hearing for Youth Approaching 18 Years of Age—Information, Documents, and Services* (form JV-362).

(3) If it is a review hearing after the youth turns 18 years of age, the social worker must provide the information, documents, and services required by section 391(c) and must use *Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services* (form JV-363). If the court is terminating jurisdiction at this review hearing, the social worker must also provide the information, documents, and services required by section 391(h),

1 must follow the procedures in rule 5.555, and must use *Termination of*
2 *Juvenile Court Jurisdiction—Nonminor* (form JV-365).

3
4 ~~(e)~~(d) * * *

5
6
7 **Rule 5.810. Reviews, hearings, and permanency planning**

8
9 (a)–(b) * * *

10
11 (c) **Postpermanency status review hearings (§ 727.2)**

12
13 A postpermanency status review hearing must be conducted for wards in placement
14 no less frequently than once every six months.

15
16 (1)–(2) * * *

17
18 (3) Information, Documents, and Services (§ 391)

19
20 If the youth is 16 years of age or older, the procedures in section 391 must be
21 followed.

- 22
23 (A) If it is the first review hearing after the youth turns 16 years of age, the
24 probation officer must provide the information, documents, and
25 services required by section 391(a) and must use *First Review Hearing*
26 *After Youth Turns 16 Years of Age—Information, Documents, and*
27 *Services* (form JV-361).
28
29 (B) If it is the last review hearing before the youth turns 18 years of age,
30 the probation officer must provide the information, documents, and
31 services required by section 391(b)–(c) and must use *Review Hearing*
32 *for Youth Approaching 18 Years of Age—Information, Documents, and*
33 *Services* (form JV-362).
34
35 (C) If it is a review hearing after the youth turns 18 years of age, the
36 probation officer must provide the information, documents, and
37 services required by section 391(c) and must use *Review Hearing for*
38 *Youth 18 Years of Age or Older—Information, Documents, and*
39 *Services* (form JV-363). If the court is terminating jurisdiction at this
40 review hearing, the probation officer must also provide the information,
41 documents, and services required by section 391(h), must follow the
42 procedures in rule 5.555, and must use *Termination of Juvenile Court*
43 *Jurisdiction—Nonminor* (form JV-365).

1
2 **(d)–(e) * * ***
3

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-361.v7.080520.CZ.AEM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	CASE NUMBER: _____
YOUTH'S NAME: _____ DATE OF BIRTH: _____	
FIRST REVIEW HEARING AFTER YOUTH TURNS 16 YEARS OF AGE— INFORMATION, DOCUMENTS, AND SERVICES	

Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 8, complete item 9, attach or submit to the court documents as required, and sign and date the form.

Directions for the youth (if the youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 8. Sign your initials on the lines after items 1 through 8 **only if** you received the information, document, or service described in that item. Then sign and date the form. You should give the form to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.

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

1. ☐ Social security card (if required) _____
2. ☐ A copy of the youth's birth certificate _____
3. ☐ A certified copy of the youth's birth certificate, if requested by the youth _____
4. ☐ California identification card or driver's license _____
5. ☐ Assistance in obtaining employment _____
6. ☐ Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution, and in obtaining financial aid _____
7. ☐ Written information notifying the youth that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age who are or have been dependent children in foster care, homeless youth, or formerly incarcerated youth _____
8. ☐ Written information notifying the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
9. 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 YOUTH)

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 JV-362.v6.080520.CZ.AEM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
YOUTH'S NAME: DATE OF BIRTH:		
REVIEW HEARING FOR YOUTH APPROACHING 18 YEARS OF AGE— INFORMATION, DOCUMENTS, AND SERVICES		
CASE NUMBER:		

Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 17, complete item 18, attach or submit to the court documents as required, and sign and date the form.

Directions for the youth (if the youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 17. Sign your initials on the lines after items 1 through 17 **only if** you received the information, document, or service described in that item. Then sign and date the form. You should give the form to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.

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


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

YOUTH'S NAME:	CASE NUMBER:
---------------	--------------

14. ☐ Written notice informing the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
15. ☐ Referrals to transitional housing, if available, or assistance in securing other housing _____
16. ☐ Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the youth's best interests _____
17. ☐ The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling _____
18. 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:

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME)		<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)
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I certify that I have received the information, documents, and services that I initialed above.

Date:

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (TYPE OR PRINT NAME)		<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> (SIGNATURE OF YOUTH)
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ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-363.v7.080520.CZ.AEM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	CASE NUMBER: _____
YOUTH'S NAME: _____ DATE OF BIRTH: _____	
REVIEW HEARING FOR YOUTH 18 YEARS OF AGE OR OLDER— INFORMATION, DOCUMENTS, AND SERVICES	

Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 8, complete item 9, attach or submit to the court documents as required, and sign and date the form.

Directions for the youth (if the youth is available): Review the boxes checked by the social worker or probation officer in items 1 through 8. Sign your initials on the lines after items 1 through 8 **only if** you received the information, document, or service described in that item. Then sign and date the form. You should give the form to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.

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

1. ☐ Assistance in obtaining employment _____
2. ☐ Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution, and in obtaining financial aid _____
3. ☐ Written information notifying the youth that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age who are or have been dependent children in foster care, homeless youth, or formerly incarcerated youth _____
4. ☐ Written information notifying the youth that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income, and are not required to apply _____
5. ☐ Written notice informing the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
6. ☐ Referrals to transitional housing, if available, or assistance in securing other housing _____
7. ☐ Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the youth's best interests _____
8. ☐ The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling _____
9. Number of pages attached: _____

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF YOUTH)

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-365.v7.080520.CZ.AEM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
NONMINOR'S NAME: _____ NONMINOR'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____	
TERMINATION OF JUVENILE COURT JURISDICTION—NONMINOR	CASE NUMBER: _____
Directions for the social worker or probation officer: Check the appropriate boxes in items 1 through 6, complete item 7, attach or submit to the court documents as required, and sign and date item 7.	
Directions for the nonminor (if nonminor is available): Review the boxes checked by the social worker or probation officer in items 1 through 6. If the box checked in item 1 is wrong, check the correct box and sign your initials next to the box. Sign your initials on the lines after items 2a–i, 3a– l 4, 5a–b, and 6a–h only if you received the information, document, or service described in that item. Then sign and date item 7. You should give the form to the judge on the day of the hearing if you didn't give it to your social worker, probation officer, or attorney before the hearing.	

1. a. ☐ The nonminor wants to attend the termination hearing ☐ in person ☐ by telephone.
 b. ☐ The nonminor does not want to attend the termination hearing. The petitioner has attached verification that the nonminor has been informed of the potential consequences of failure to attend the termination hearing.
 c. ☐ The nonminor is unavailable or has refused to sign this form. Documentation of reasonable efforts to locate the nonminor and to obtain the nonminor's signature is attached.
2. An attached report **or report submitted to the court** verifies that the nonminor has received written information about the **nonminor's** juvenile court case, including (*check all that apply*):
 - a. ☐ The nonminor's Indian heritage or tribal connections _____
 - b. ☐ The nonminor's family history _____
 - c. ☐ The nonminor's placement history _____
 - d. ☐ The nonminor's educational history and medical history _____
 - e. ☐ Any photographs of the nonminor or **the nonminor's** family in the possession of the county welfare department or probation department, other than forensic photographs _____
 - f. ☐ Contact information for all siblings under juvenile court jurisdiction, **unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling** _____
 - g. ☐ Instructions on how the nonminor may exercise the right to inspect and receive a copy their juvenile case file, including how to access sealed records (see Welf. & Inst. Code, §§ 389(a), 781(a)(4), 786(g)(1)(F), 826.6, 827; Cal. Rules of Court, rule 5.552) _____
 - h. ☐ If the nonminor requests, assistance in completing a voluntary reentry agreement for care and placement pursuant to Welf. & Inst. Code § 1140 and in filing a petition pursuant to Welf. & Inst. Code § 338(e) to resume dependency jurisdiction _____**
 - i. ☐ The date on which the jurisdiction of the court would be terminated _____
3. The nonminor has been provided with the following documents (*check all that apply*):
 - a. ☐ A certified copy of **the nonminor's** birth certificate _____
 - b. ☐ Social security card _____
 - c. ☐ California identification card or driver's license _____
 - d. ☐ Proof of citizenship or lawful permanent resident status _____
 - e. ☐ A copy of the death certificate of **the nonminor's** parent or parents _____
 - f. ☐ Health and Education Passport _____

NONMINOR'S NAME:

CASE NUMBER:

3. g. ☐ A blank advance health care directive form _____
- h. ☐ A letter prepared by the county welfare department that includes the nonminor's name and date of birth, the dates during which the nonminor was within the jurisdiction of the juvenile court, and a statement that the nonminor was a foster child in compliance with state and federal financial aid documentation requirements _____
- i. ☐ Written information notifying the nonminor of any financial literacy programs or other available resources provided through the county or other community organizations to help the nonminor obtain financial literacy skills, including but not limited to banking, credit card debt, student loan debt, credit scores, credit history, and personal savings _____
- j. ☐ Written information notifying the nonminor that state agencies, when hiring for internships and student assistant positions, must give preference to qualified applicants up to 26 years of age who are or have been dependent children in foster care, homeless youth, or formerly incarcerated youth _____
- k. ☐ The nonminor's 90-day Transition Plan _____
- l. ☐ A copy of each of the following: *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), a blank *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), and a blank *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) _____
4. ☐ The nonminor continues to be eligible for services or accommodations under the Individuals with Disabilities Education Act, the Americans with Disabilities Act, or section 504 of the Rehabilitation Act of 1973, and the nonminor has been provided with the most recent service or accommodation plan. _____
5. ☐ The nonminor has been receiving services as provided in the Individuals with Disabilities Education Act (see 34 C.F.R. §§ 300.320(b)–(c) & 300.321(b)), and
- a. ☐ has received a copy of their transition service plan. _____
- b. ☐ has been informed of the rights that will transfer to them under this Act. _____
6. The nonminor received the following assistance or services (*check all that apply*):
- a. ☐ Written verification of continued enrollment in Medi-Cal with no interruption in coverage _____ and provision of
1. ☐ Medi-Cal Benefits Identification Card _____
2. ☐ Information about eligibility for extended Medi-Cal benefits until age 26 _____
- b. ☐ Help applying to college, a vocational training program, or another educational or employment program _____
- c. ☐ Help obtaining financial aid for college, a vocational training program, or another educational or employment program _____
- d. ☐ Referrals to transitional housing, if available, or assistance in securing other housing _____
- e. ☐ Assistance obtaining employment or other financial support _____
☐ including completing enrollment in CalFresh _____
- f. ☐ Help maintaining relationships with individuals important to the nonminor, consistent with their best interests (*required only if the nonminor has been in an out-of-home placement for six months or longer*) _____
- g. ☐ Help accessing the Independent Living Aftercare Program in the nonminor's county of residence _____
- h. ☐ Other services ordered by the court (*specify*): _____

7. Number of pages attached: _____

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF SOCIAL WORKER OR PROBATION OFFICER)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF NONMINOR)

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Juvenile Law: Information, Documents, and Services for Youth 16 years of Age and Older

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

	Commenter	Position	Comment	Committees Response
1.	California Lawyers Association, The Executive Committee of the Family Law Section	A	FLEXCOM agrees with this proposal.	No response required.
2.	Los Angeles County Department of Children and Family Services and Office of County Counsel	NI	<p>DCFS Youth Development Services (YDS) Division had the following comments to Proposed CRC Revision SPR 20-21: The YDS Division is in agreement that the Proposal does appropriately address the stated purpose. We are in agreement that youth should be provided documents prior to the case closing starting at age 16 as this will enhance significant activities towards the successful transition to adulthood.</p> <p>We also agree that the term “youth” should be defined as a person who is at least 14 years of age and not yet 21 years of age. This would support our ongoing efforts while we develop key objectives to include youth at this earlier age with the provision of our Independent Living Programs services normally reserved for youth starting at age 16.</p>	<p>No response required.</p> <p>The committee agrees with this comment and has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age.</p>
3.	Orange County Bar Association	A	The Orange County Bar Association agrees with the above-referenced instructions	No response required.
4.	Superior Court of Los Angeles County By: Bryan Borys	A	<p>Does the proposal appropriately address the stated purpose? Answer: Yes</p> <ul style="list-style-type: none"> Should the rules of court define “youth” and, if so, is the proposed definition of “a person who is at least 14 years of age and not yet 21 years of age” an appropriate definition? 	<p>No response required.</p> <p>The committee agrees with this comment and has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age.</p>

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			<p>Answer: Yes, the rules should define “youth” in that manner.</p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. Answer: 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. Answer: Training for judicial officers and staff regarding use of the forms. • Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Answer: Yes 	<p>No response required.</p> <p>The committee agrees with the comment and anticipates minimal implementation requirements for this proposal.</p> <p>No response required.</p>
5.	Superior Court of Orange County	NI	<p>Each of the forms indicate that the agency report is attached. Currently in Orange County, the agency reports are filed separately, not attached. The existing form JV-365 also has the language indicating that a report is attached. However, in practice, the report itself is filed separately, often on a different date, and not attached to the JV-365.</p> <ul style="list-style-type: none"> ▪ <i>Recommendation:</i> add language on forms that refer to an "attached report." For example, modify the language on the forms (#2 on JV-365) to change "An attached report..." to "An attached report or report submitted to the court..." 	<p>The committee has modified the proposal to include language on the forms allowing for an attached report or report submitted to the court.</p>

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

		<ul style="list-style-type: none"> JV-362 item #12 (...child turns 26 years) and JV-363 item #3 (...child turns 26 years) should read the same as JV-361 item #7 (...youth turns 26 years). JV-362 item #16 is confusing in its reference in the same sentence to youth, child, and minor('s) as these are the same person <p>16. <input type="checkbox"/> Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the child entered foster care, based on the minor's best interest_____</p> <p>Same as to JV-363 item #7</p> <p>7. <input type="checkbox"/> Assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six months or longer from the date the minor child entered foster care, based on the minor's or nonminor's best interest_____</p> <p><i>Recommendation:</i> change "minor's" and "nonminor's" to "youth's"</p> <p>Request for Specific Comments</p> <p><i>Does the proposal appropriately address the stated purpose?</i> Yes.</p>	<p>The committee has modified the proposal to replace the term “child” with “youth” in these items.</p> <p>The committee has modified the proposal to replace the term “minor” with “youth” in these items. The committee has retained the proposed language of “the date the child entered foster care” because that is a legal term defined by statute. Welf. & Inst. Code § 361.49.</p> <p>See response above.</p> <p>No response required.</p>
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All comments are verbatim unless indicated by an asterisk (*).

			<p><i>Should the rules of court define "youth" and, if so, is the proposed definition of "a person who is at least 14 years of age and not yet 21 years of age" an appropriate definition?</i> Yes, the rules should define youth. However, the definition provided should be more specific, as the definitions overlap. As it reads, a person who is a "youth" can also be a child, a nonminor, or a nonminor dependent. This may be a source of confusion, especially in the courtroom.</p> <p><i>Would the proposal provide cost savings? If so, please quantify.</i> None identified.</p> <p><i>What would be 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 CMS's or modifying CMS's.</i></p>	<p>The committee has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age. While the definitions may overlap, this will allow the youth to be identified by the term they find respectful. In addition to creating a respectful term for older children, this term is important in juvenile justice court since many 18–21-year-olds are before that court and do not meet the definition of child.</p> <p>No response required.</p> <p>No response required.</p>
6.	Superior Court of Riverside County By: Susan Ryan	A	<p>Does the proposal appropriately address the stated purpose? Yes, the proposal seems to address the mandate created by AB718 that child welfare agencies</p>	No response required.

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		<p>begin the process of providing key information, documents, and services to youth in foster care beginning at age 16.</p> <p>Should the rules of court define “youth” and, if so, is the proposed definition of “a person who is at least 14 year of age and not yet 21 years of age” an appropriate definition? Yes.</p> <p>Would the proposal provide cost savings? If so, please quantify. The proposal would not provide cost savings to the court. There may be slight increases in costs (staffing) to process and file more documents, however this seems to be the most efficient way to address the mandates required by AB718.</p> <p>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), change docket codes in case management systems, or modify case management systems. New codes would need to be created in the case management system to file the three new forms (code already exist for the JV-365 in our court). Minimal training would be required to train courtroom assistants to file this new document- perhaps one hour to review the 3 new filing codes.</p>	<p>The committee agrees with this comment and has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age.</p> <p>The committee appreciates the view that this proposal seems to be the most efficient way to address the mandates of AB 718.</p> <p>The committee agrees with the comment and anticipates minimal implementation requirements for this proposal.</p>
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Juvenile Law: Information, Documents, and Services for Youth 16 years of Age and Older

			<p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes</p> <p>How well would this proposal work in courts of different sizes?</p> <p>The same creation of new filing codes would likely need to occur in any size court. The proposals should work well for courts of any size.</p>	<p>No response required.</p> <p>No response required.</p>
7.	Superior Court of San Diego County By: Michael Roddy	NI	<p>GENERAL COMMENTS:</p> <p>CRC 5.740(c)(1) and 5.810(c)(3)(A) – Change per California Style Manual</p> <p>“... must use First Review Hearing aAfter Youth Turns 16 Years of Age-- ...”</p> <p>JV-361</p> <ul style="list-style-type: none"> - Line above item 1: Change “That” to “An” for consistency with forms JV-362 and JV-363. - Item 1: Add “(if required)” because the social security card must be provided to the youth <i>only if</i> one of the circumstances described in WIC 391(a)(2) exists: - “Social security card (if required)” - - Item 7: Add “or wards” after “dependent children” because the committee wants this form to be used for juvenile justice youth as 	<p>The committee appreciates the level of detail in the comments provided and has made all the suggested comments to improve grammar and readability.</p> <p>The committee has modified the proposal to add “if required” to item 1.</p> <p>The committee has modified the proposal to add the additional youth included in Government Code section 18220 to this item. It is important to</p>

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

			<p>well. CAVEAT: It is not entirely clear from Gov. Code §. 18220 whether this preference is actually granted to wards in foster care; the statute specifically refers to "a dependent child in foster care, a homeless youth, or a formerly incarcerated youth."</p> <ul style="list-style-type: none"> - Item 7: Change "child" to "youth" – "until the child youth turns 26 years of age." - Item 9: Change: "I certify that I have received the information, documents, and services that I initialed above." <p>JV-362</p> <ul style="list-style-type: none"> - Item 5: If "youth" is defined in CRC 5.502, change "child's" to "youth's" – "the child's youth's name and date of birth"; change "minor" to "youth" – "the dates - - within which the minor youth was within the jurisdiction." Change "minor or nonminor" to "youth" --"a statement that the minor or nonminor youth was a foster youth <ul style="list-style-type: none"> - Item 12: See comment above for JV-361, item 7. - Item 12: Change "child" to "youth" – "until the child youth turns 26 years of age." - Item 16: Change "child" to "youth" and change "minor's" to "youth's" – "from the date the child youth entered foster care, based on the minor's youth's best interests," 	<p>the committee to treat youth in foster care under the delinquency jurisdiction of the court similar to those in foster care under dependency jurisdiction.</p> <p>The committee appreciates the level of detail in the comments provided and has made all the suggested comments to improve grammar and readability.</p> <p>The committee has modified the proposal to replace "child" and "minor or nonminor" with "youth" on this form. The exception to this is that the committee has retained the proposed language of "the date the child entered foster care" because that is a legal term defined by statute. Welf. & Inst. Code § 361.49.</p>
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		<ul style="list-style-type: none"> - Item 17: Change: “I certify that I have received the information, documents, and services that I initialed above.” <p>JV-363</p> <ul style="list-style-type: none"> - Item 3: See comment above for JV-361, item 7. - Item 3: If “youth” is defined in CRC 5.502, change “child” to “youth” – “until the child youth turns 26 years of age.” - Item 7: If “youth” is defined in CRC 5.502, change “minor child” to “youth” and change “minor’s or nonminor’s” to “youth’s” – “from the date the minor-child youth entered foster care, based on the minor’s or nonminor’s youth’s best interests,” - Item 9: Change: “I certify that I have received the information, documents, and services that I initialed above.” <p>JV-365</p> <ul style="list-style-type: none"> - Item 2: Change “minor’s” to “nonminor’s” – “the nonminor has received written information about the nonminor’s juvenile court case...” - Item 2.e: Insert “nonminor’s” before “family” – “photographs of the nonminor or the nonminor’s family...” - Item 2d: Query – Is this required by statute? Is it something different from item 3f (Health and Education Passport)? - sealed records (see Welf. & Inst. Code, §§ 389(a), 781(a)(4), 786(F)(g)(1)(F), 826.6, & 827; Cal. Rules of Court, rule 5.552)“ 	<p>See response above.</p> <p>The committee appreciates the level of detail in the comments provided and has made all the suggested comments to improve grammar and readability.</p>
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		<ul style="list-style-type: none">- Item 2f: Suggested edit for consistency with WIC § 391(c)(8):- “Contact information for all siblings under juvenile court jurisdiction, except for any siblings whose safety or welfare would be jeopardized by contact with the nonminor, as determined by the court unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.” <p>Note -- WIC § 391(c)(8) states:” The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.”</p> <ul style="list-style-type: none">- Item 2g: Change: “Instructions on how the nonminor may exercise the right to inspect, and receive, and a copy their juvenile case file, including how to access- Item 7: Change: “I certify that I have received the information, documents, and services that I initialed above.”- Are items 6b, 6c, and 6e meant to describe this requirement? None of these items specify that the nonminor received help in completing a voluntary reentry agreement or for filing a petition under WIC § 388(e).- Note -- WIC § 391(h)(1) states: “Assistance in accessing the Independent Living Aftercare Program in the nonminor’s county of residence, and, upon the nonminor’s request, assistance in completing a voluntary reentry agreement for care and placement pursuant to	<p>The committee agreed with the comment that the language should be more consistent with statute, and has modified the proposal to mirror the statutory language.</p> <p>The committee appreciates the level of detail in the comments provided and has made all the suggested comments to improve grammar and readability.</p>
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			[§ 11400(z)] and in filing a petition pursuant to [§ 388(e)] to resume dependency jurisdiction.” -	
8.	San Diego County Health and Human Services-Child Welfare Services By: Karla Morales	A	Agree with the term "youth" to describe a minor age 14 and older. Agree with having the important information, services and documents provided to youth by the age of 16, at 18 and at termination of jurisdiction.	The committee agrees with this comment has retained the proposed language in rule 5.502 defining “youth” as a person who is at least 14 years of age and not yet 21 years of age.
9.	Trial Court Presiding Judges Advisory Committee/Executive Officers Advisory Committee Joint Rules Subcommittee	A	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following impact to court operations: <ul style="list-style-type: none">• Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.).• Results in additional training, which requires the commitment of staff time and court resources.	No response required. The committee agrees with this comment and anticipates minimal implementation requirements for this proposal.