



Judicial Council of California

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Subject Details (With Text)

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Title

Juvenile Law: Vacatur of Convictions Related to Human Trafficking and Preservation of Extended Foster Care Eligibility (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend three rules and adopt one rule of the California Rules of Court, revise 10 Judicial Council forms, and approve two Judicial Council forms to implement Assembly Bill 604 (Gipson; Stats. 2017, ch. 707), which clarified that extended foster care benefits are available to young people who have suffered adjudications related to human trafficking that are eligible for vacatur under Penal Code section 236.14. The committee further recommends revising form JV-462 to include certain changes necessitated by recent legislation, making a technical change to form JV-462, and revising form JV-367 to reflect how the form is typically used. Finally, the committee recommends amending rules 5.903 and 5.906 to clarify who may attend status review hearings for former wards who have become nonminor dependents.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2019:

1. Amend rule 5.906, *Request by nonminor for the juvenile court to resume jurisdiction*, to clarify that a young person whose underlying conviction was vacated pursuant to Penal Code section 236.14 is eligible for extended foster care;
2. Revise form JV-464-INFO, *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care*, to state that extended foster care is available to a young person who was in foster care on his or her 18th birthday and whose underlying petition is subject to vacatur;
3. Revise form JV-466, *Request to Return to Juvenile Court Jurisdiction and Foster Care*, to include sections that seek information relevant to an applicant who has obtained relief under Penal Code section 236.14;
4. Revise form JV-470, *Findings and Orders Regarding Prima Facie Showing on Nonminor's Request to Reenter Foster Care*, to include orders applicable to a young person whose conviction was vacated under

- Penal Code section 236.14;
5. Revise form JV-472, *Findings and Orders After Hearing to Consider Nonminor's Request to Reenter Foster Care*, to include orders applicable to a young person whose conviction was vacated under Penal Code section 236.14;
 6. Adopt rule 5.811, *Modification to transition jurisdiction for a ward older than 17 years and 5 months with a petition subject to vacatur*, to establish the procedure that must be followed when a young person aged 17 years and 5 months or older is eligible for vacatur.
 7. Amend rule 5.812, Additional requirements for any hearing to terminate jurisdiction over child in foster care and for status review or dispositional hearing for child approaching majority, to clarify that the court need not find that a young person whose petition is subject to vacatur has completed his or her rehabilitative goals because the young person is no longer subject to a delinquency adjudication and to specify that the court's order modifying jurisdiction to transition jurisdiction must be made before the underlying petition is vacated and must contain reference to certain findings required by title IV-E, as well as information about sealing and destruction of records related to the arrest and/or conviction.
 8. Revise form JV-680, *Findings and Orders for Child Approaching Majority-Delinquency*, to include language that states the form also applies to children whose underlying petition is subject to vacatur pursuant to Penal Code section 236.14.
 9. Revise form JV-682, *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Child Younger Than 18 Years of Age*, to include the findings and orders that will transition the young person to the transition jurisdiction of the juvenile court.
 10. Revise form JV-683, *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Ward Older Than 18 Years of Age*, to include the findings and orders that will transition the young person to the transition jurisdiction of the juvenile court.
 11. Approve form JV-748 *Request to Expunge Arrest or Vacate Adjudication (Human Trafficking Victim)*, which allows applicants to request that arrests and adjudications from various jurisdictions be expunged.
 12. Approve form JV-749 *Order After Request to Expunge Arrest or Vacate Adjudication (Human Trafficking Victim)*.
 13. Revise form JV-462 *Findings and Orders After Nonminor Dependent Status Review Hearing*, so that it comports with the findings and orders required by continuum of care reform.
 14. Revise form JV-367 *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor*, to ensure that the title IV-E findings are made at hearings where termination of nonminor dependent status is considered but not ordered.
 15. Revise form JV-320 *Orders under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31*, to make a technical change.
 16. Amend rule 5.903 *Nonminor Dependent Status Review Hearing*, to clarify who is entitled to attend nonminor dependent review hearings.
 17. Amend rule 5.906 *Request by Nonminor for the Juvenile Court to Resume Jurisdiction*, to clarify who is entitled to attend nonminor dependent review hearings.