PREPARING FOREFC—SIXMONTHS PRIORTO 18TH | CASE PLAN | TRANSITIONAL INDEPENDENT LIVING PLAN(TILP) | ADVISEMENT OF NMD'S RIGHTSAT | GENERAL CONDUCT OF NMD | NMD STATUS REVIEW HEARING | TERMINATING DEPENDENCY | SUBMISSION OF COURT REPORT | JV FORMS FORNMDS | RE-ENTRY INTOEFC | ICWA | NOTICE OF HEARING | PROVISION OF COURT REPORT | ADDENDUM REPORTS | OTHER COURT REPORTS | COURT RETURNS AND FIFTEEN-DAY | TELEPHONIC APPEARANCE AT HEARINGS | AVAILABILITY FORCOURT DATES | ATTACHMENTS AND CWS/CMS DATA | HYPERLINKS | OTHER SOURCES | ONLINE FORMS | HARD COPY FORMS | CWS/CMS FORMS | BROCHURES

ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

Effective Date: August 22, 2012 **Number: J-0104**

Non-Minor Dependency Court Proceedings

Purpose

To provide guidelines for court proceedings for foster youth who participate in extended foster care (EFC).

Approved

This policy was approved by Gary Taylor, Director of CFS, on August 22, 2012. *Signature on file*.

Most Recent Revision

New.

Background

Foster youth who reach 18 years of age and elect to participate in EFC remain under the jurisdiction of Juvenile Court (Court) as non-minor dependents (NMDs). NMDs:

- Receive permanent placement (PP) services to:
  - Successfully transition to independence
  - Achieve permanence through establishing or maintaining permanent connections with caring, committed adults
- Remain in long-term foster care (LTFC) under a Planned Permanent Living Arrangement (PPLA) consistent with their Case Plan (i.e., Transitional Independent Living Case Plan)
- Remain under dependency jurisdiction:
  - Up to 21 years of age

  –And/or–

  - Dependency is terminated at a hearing conducted pursuant to section (§) 391 of the Welfare and Institutions Code (i.e., WIC § 391 Termination Review hearing)

This P&P addresses topics related to non-minor dependency proceedings, including but not limited to:

- A foster youth's transition to non-minor dependency
- Conduct of hearings involving a NMD
- Court reports
- Terminating dependency for a NMD
- Applicability of the Indian Child Welfare Act (ICWA)
- Use of Juvenile Court forms (JV forms) specific to NMDs
- Notice of hearings
- Telephonic appearances at court hearings

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Note: The "EFC—General Guidelines" Policy section in CFS P&P Extended Foster Care EFC (J-0101) details EFC eligibility requirements. Nothing restricts the ability of Court to maintain dependency jurisdiction over a person, 18 years of age or older, who does not meet eligibility requirements for EFC.

Legal Mandates

Welfare and Institutions Code section (§) 224.1 provides that a NMD may be considered an "Indian child," for the purposes of ongoing application of the ICWA.

Welfare and Institutions Code §§ 293 and 295 detail notice requirements for Status Review hearings and provide that parents of a NMD are not required to receive notice.

Welfare and Institutions Code § 303(a) provides that Court may retain jurisdiction over any person found to be a dependent until the dependent reaches age 21.

Welfare and Institutions Code §§ 303(b), 366.31(c), and 391(d) provide that once dependency jurisdiction over a NMD is terminated, Court will maintain general jurisdiction over the non-minor until 21 years of age, to allow for a petition to be filed to resume dependency jurisdiction.

Welfare and Institutions Code § 303 acknowledges the adult legal status of a NMD, details the rights of a NMD, and describes the responsibilities of the child welfare agency, towards a NMD.

Welfare and Institutions Code § 361.3 outlines the factors that must be assessed in consideration of relative placement, and the need to document consideration of these factors for Court.

Welfare and Institutions Code § 366(f) mandates a NMD Status Review hearing be conducted pursuant to WIC §§ 366.3 and 16503.

Welfare and Institutions Code §§ 366(a)(1)(F), 366.3(l), 366.3(n), and California Rules of Court, Rule 5.707 detail findings and court report requirements that must be addressed at the last Status Review hearing prior to a foster youth's 18th birthday.

Welfare and Institutions Code § 366.3(m), California Rules of Court, Rule 5.740 and Rule 5.903 detail the conduct of the NMD Status Review hearing and applicable Court findings/orders.

Welfare and Institutions Code § 366.31 provides that when Court continues dependency over a NMD, a PPLA be developed consistent with the NMD's Case Plan.

Welfare and Institutions Code § 391 details when dependency jurisdiction over a NMD may be terminated, the conduct of the hearing to terminate dependency, and the information and services that must be provided to a NMD prior that hearing.

Welfare and Institutions Code § 11400 defines a NMD and Transitional Independent Living Case Plan.

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Welfare and Institutions Code § 16002 details efforts and exceptions to facilitating sibling placement and/or visitation.

Welfare and Institutions Code §16501(i) defines PP services, including transitional independent living services.

Welfare and Institutions Code § 16503 provides a Status Review hearing be conducted on behalf of a NMD no less frequently than once every six months.

Welfare and Institutions Code § 16508 details a NMD's eligibility to receive PP services.

Welfare and Institutions Code § 388(e)(3) and California Rules of Court, Rule 5.900(e) allow for NMDs to make telephonic appearances at hearings.

California Rules of Court, Rule 5.555 provides that a WIC § 391 Termination Review hearing, to terminate dependency over a NMD, may be held during a NMD Status Review hearing, and details the conduct of the WIC § 391 hearing and applicable Court findings/orders.

California Rules of Court, Rule 5.651(c) and Welfare and Institutions Code §§ 303(e) provide at each Status Review hearing, specific information be addressed to ensure educational, physical, mental health, and developmental needs of a NMD are being met.

California Rules of Court, Rule 5.900 defines the purpose of non-minor dependency, the legal status of NMDs, and the general conduct of hearings involving NMDs.

California Rules of Court, Rule 5.903(d) and Rule 5.555(c) detail the timeframe within which a court report prepared for a NMD Status Review hearing (including any WIC § 391 Termination Review hearing) will be provided to applicable parties.

Definitions

Non-Minor Dependent (NMD): A current dependent or ward of the Juvenile Court who satisfies all of the following criteria:

- Has turned 18 years of age, but is less than 21 years of age
- Is in foster care under the placement and care responsibility of Children and Family Services (CFS), County of Orange Probation Department, or an Indian tribe that entered into an agreement pursuant to Section 10553.1
- Is participating in or intending/willing to participate in a Transitional Independent Living Plan (TILP)

NMDs include young adults in legal guardianship with an open dependency case as of their 18th birthday.

General Jurisdiction: The legal status retained by Juvenile Court over a young adult when dependency jurisdiction is terminated. General jurisdiction will be retained until the young adult reaches 21 years of age to allow for a petition to be filed pursuant to WIC § 388(e) should the young adult desire to re-enter EFC.

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Indian Child: An unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, and who is under the jurisdiction of the Juvenile Court.

Exculpatory Evidence: Evidence favorable to a party in the case and relevant to the issues of the case.

POLICY

Preparing for EFC—Six Months Prior to 18th Birthday

A. **Required Advisements:**
No less than six months prior to a foster youth's 18th birthday, the assigned Senior Social Worker (SSW) will meet with the youth and their caregiver to provide all required advisements regarding EFC. Refer to *Preparation for Non-Minor Dependency (Procedure and SSW Talking Points) (F063-25-678)* for a description of required advisements.

The assigned SSW will review the *Youth Advisement of Non-Minor Dependency (Extended Foster Care) (F063-25-677)* with the youth and, as appropriate, their caregiver to explain:

- The potential benefits of continued dependency
- The youth's right to remain in EFC
- The youth's right to request termination of dependency at 18 years of age
- The youth's right to request resumption of dependency and re-enter EFC, if the youth meets eligibility requirements, pursuant to WIC § 388(e)

Note: Additional advisements are required for an Indian child. Refer to the "ICWA" Policy section for further direction.

The assigned SSW will document that each of the required above advisements were provided and discussed in:

- A CWS/CMS contact
- The court report prepared for the last Status Review hearing prior to the youth's 18th birthday (see Attachment 1—Non-Minor Dependency Supplemental Documentation for Court Reports)
- Any subsequent court report prepared for a WIC § 391 Termination Review hearing to address termination of dependency (see "Terminating Dependency" Policy section)

Note: If a Jurisdictional/Dispositional hearing (JD hearing) is pending, advisements regarding EFC will be provided to foster youth 17 years of age and older, if recommending Juvenile Court assume dependency jurisdiction. These youth will be informed that all rights related to EFC are contingent on the Juvenile Court assuming dependency jurisdiction over the youth prior to their 18th birthday.

B. **Last Status Review Hearing Prior to 18th Birthday:**
The assigned SSW will prepare a court report for the last Status Review hearing prior to a foster youth's 18th birthday which describes:

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- The advisements provided to the youth regarding EFC and non-minor dependency
- The youth's understanding of the potential benefits of continued dependency
- The youth's desires/plans to remain in EFC
- The youth's plan to satisfy at least one EFC participation requirement to remain eligible for EFC
- Efforts made and assistance provided to the youth to meet EFC participation requirements
- Efforts towards providing the information, documents, and services required pursuant to WIC § 391(e)(2)

Note: The factors outlined above will also be addressed in a Jurisdictional/Dispositional Hearing Report (JD Report) prepared for foster youth 17 years of age and older, when recommending Juvenile Court assume dependency jurisdiction.

Refer to Attachment 1—Non-Minor Dependency Supplemental Documentation for Court Reports to incorporate the above referenced information into court reports.

For a list of recommendations available for the last Status Review hearing prior to a dependent foster youth's 18th birthday, refer to Attachment 6—Non-Minor Dependency Recommendation Desk Guide contained in PDU Dispatch Court Report Recommendations—Autotext (G-0321-D).

C. **Case Plan and TILP:**
The assigned SSW will prepare a Case Plan and TILP for the last Status Review hearing prior to a dependent foster youth's 18th birthday in accordance with the guidelines detailed in the "Case Plan" and "TILP" Policy sections below.

Case Plan

A. **Case Plan Development:**
Refer to *Case Plans for Non-Minor Dependents (F063-25-688)* to develop a Case Plan for a NMD (including any foster youth, 17 ½ years of age or older, who is eligible for EFC). The Case Plan will be based on the NMD's developmental needs and include:

1. Goals, objectives, and supportive services, consistent with the NMD's TILP, to assist with:

   - Achieving a permanent plan to transition to independent living
   - Assuming incremental responsibilities for adult decision-making
   - Meeting at least one of the EFC participation requirements

   Refer to the "Incorporating TILP Goals into Case Plan" Procedure section in CFS P&P Independent Living Program (ILP) Services (D-0504).

2. The NMD's plan to remain eligible for EFC during the next six-month period. This includes the **Primary** and **Secondary** EFC participation requirements the NMD intends to meet to ensure continued eligibility for EFC (see "Participation Requirements" Policy section in CFS P&P Extended Foster Care [EFC] [J-0101]).

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Note: For foster youth approaching 18 years of age, this plan is required regardless of whether a youth intends to remain in EFC.

3. A description of the anticipated placement while in EFC.

B. **Timeframes:**
The assigned SSW will develop a Case Plan pursuant to the guidelines detailed above, in preparation for the last Status Review hearing prior to a foster youth's 18th birthday.

While in EFC, the Case Plan will be updated no less frequently than **once every six months**:

- In conjunction with each NMD Status Review hearing, unless recommending termination of dependency

–And–

- If the current Case Plan Service Objectives no longer meet the needs of the NMD to achieve independence

Note: If a Case Plan Update is required prior to a NMD Status Review hearing, consult SSSS and County Counsel regarding submission of a *Request to Change Court Order (JV-180)* or Ex Parte request.

C. **Acknowledgement of Participation in Case Plan Development:**
At the time of each Case Plan Update, the assigned SSW will request those involved in case plan development sign the *Acknowledgement of Participation in Case Plan Development (F063-28-244),* for submission to Court.

For guidelines regarding use of the *Acknowledgement of Participation in Case Plan Development (F063-28-244)* refer to the "Family Engagement in Case Planning" Policy section in CFS P&P Case Plans (D-0101).

D. **Six-Month Certification of EFC Participation:**
At the time of each Case Plan Update, the assigned SSW will complete a *Six-Month Certification of Extended Foster Care Participation (SOC 161)*, for submission to:

- Court
- Foster Care Eligibility

Refer to *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)* for further direction.

Transitional Independent Living Plan (TILP)

An initial TILP will be developed for a foster youth when they reach 15 ½ years of age. The assigned SSW will update the TILP for EFC purposes, in preparation for the last Status Review hearing prior to the youth's 18 birthday

While in EFC, the TILP will be updated no less frequently than **once every six months** in conjunction with each Case Plan Update.

Note: Refer to the "Creating TILP/Establishing TILP Goals" Policy section in CFS P&P Independent Living Program (ILP) Services (D-0504).

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When updating the TILP for a NMD (including a foster youth nearing 18 years of age), the assigned SSW will:

A. Collaborate with the NMD to update the TILP.

B. Ensure the TILP includes a primary and backup goal to satisfy at least one EFC participation requirement, regardless of whether the NMD intends to remain in EFC.

C. Assist the NMD to develop TILP goals that allow continuous eligibility for EFC during periods they are not able to meet education or employment based EFC participation requirements. For example, establish backup goals such as, "Removing barriers to employment."

The assigned SSW will verify participation in completing TILP goals and meeting EFC participation requirements pursuant to the "Verification of Meeting Participation Requirements" Policy section in CFS P&P Extended Foster Care (J-0101).

Advisement of NMD's Rights at Court

The assigned SSW will make every attempt to inform a NMD (capable of understanding the concept) of their right to:

- Be present and participate in any hearing regarding their case (**Note:** For guidelines regarding a NMD's attendance at a WIC § 391 Termination Review hearing refer to the "Terminating Dependency" Policy section)
- Make a telephonic appearance at hearings (Refer to the "Telephonic Appearance at Hearings" Policy section)
- Invite others to attend the hearing (i.e. parents, relatives, etc.)

Documentation of the above advisements and statements made by the NMD will be documented in the "Young Adult's Attendance At Court" section of the court report.

General Conduct of NMD Hearings

For all hearings regarding a NMD, the following guidelines apply:

A. The hearings will be non-adversarial (unless there is a contested issue of fact or law). Parties will work together with the NMD to achieve the goals of the Case Plan and TILP.

B. The NMD will have the right to be present and participate in hearings, including making a statement to Court.

C. Additional parties (e.g., parents, important persons, etc.) may attend if invited by the NMD, however are not considered a party to the case.

Note: Counsel will not be appointed for the parent of a NMD.

D. At the NMD's request, Court may arrange for the NMD to make a telephonic appearance. See "Telephonic Appearance at Hearings" Policy section for further guidelines.

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NMD Status Review Hearing

A. **Purpose of Hearing:**
While in EFC, the status of a NMD will be reviewed by Court **every six months**, at a NMD Status Review hearing (i.e., Post-Permanency Plan Review hearing). Each NMD Status Review hearing will be conducted in accordance with WIC §§ 366.3 and 16503, and will focus on:

- Continued eligibility for EFC
- Appropriateness and extent of compliance with the goals and services described in the Case Plan and TILP
- Appropriateness of, and continuing necessity for, placement in EFC
- Adequacy of services provided to the NMD
- Efforts and progress to address the NMD's safety, well-being, and successful transition towards independence
- Efforts to achieve permanence for the NMD, including efforts to establish and/or maintain permanent connections with caring and committed adults. (Refer to CFS P&P Maintaining Connections with Important Persons [D-0410])

Note: Efforts to achieve permanence for a NMD do not include further provision of Family Reunification (FR) services to a parent, Adoption, or Legal Guardianship.

B. **Periodic Review Report:**
The assigned SSW will prepare a Periodic Review Report for each NMD Status Review hearing, pursuant to the guidelines in Attachment 2—Non-Minor Dependent Status Review Report Guidelines.

The court report will incorporate pertinent, accurate, and objective information, including exculpatory evidence obtained over the current period of review. Information incorporated into the court report will be consistent with information documented in CWS/CMS contact narratives. Objectivity and accuracy on behalf of the assigned SSW is paramount. This ensures a factual representation for Court to make a determination regarding the NMD's status and compliance with the permanent plan, and lends credibility to the assigned SSW's recommendation.

The court report will be written in complete, concise sentences. Documentation of any interviews/ correspondence with collateral contacts/service providers will include:

- The date on which interview/correspondence was completed
- The method by which interview/correspondence was conducted (e.g., in-person, phone, letter, email)
- A notation of language (other than English) or interpreter services utilized
- The full name, title, and agency affiliation (as applicable) of any professional
- Contact information (i.e., address and phone number), unless there is a compelling reason to keep the information confidential

Note: Attempts to obtain required information not available for inclusion in the court report, or Case Plan Update, will be documented in the court report.

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C. **Recommendation Considerations:**
The recommendation at each NMD Status Review hearing will be based on the NMD's desires and eligibility to remain in EFC and the appropriateness of continued dependency.

Note: If recommending termination of dependency for a NMD, refer to the "Terminating Dependency" Policy section.

For a listing of recommendations applicable to NMDs, refer to Attachment 4—Status/Interim Review Hearing Recommendation Desk Guide contained in PDU Dispatch Court Report Recommendations—Autotext (G-0321-D).

Terminating Dependency

A. **WIC § 391 Termination Review Hearing:**
A WIC § 391 hearing must be held to terminate dependency of a NMD. A recommendation will be made to terminate dependency if any of the following apply:

- NMD no longer wishes to remain in EFC
- NMD is not complying with the Case Plan, and/or is unwilling to modify the Case Plan, to meet at least one EFC participation requirement
    - This may include the NMD refusing to live in an approved placement setting
- NMD's whereabouts are unknown and reasonable efforts to locate the NMD have been documented for Court
- NMD has reached 21 years of age

A WIC § 391 Termination Review hearing may be held in conjunction with a NMD Status Review hearing. In the event termination of dependency is addressed at a NMD Status Review hearing, all of the guidelines detailed in this Policy section apply.

B. **Preparing for a WIC § 391 Termination Review Hearing:**
Prior to, and in preparation for, any hearing to terminate dependency of a NMD, the assigned SSW will:

1. Prepare a court report in accordance with Attachment 2—Non-Minor Dependent Status Review Report Guidelines, which includes:

    a. Verification the information, documents, and services required pursuant to WIC § 391(e) have been provided to the NMD.

    This will be addressed in the "Adequacy of Services Provided Pursuant to WIC § 391" section of the court report.

    When terminating dependency for a NMD who re-entered EFC through the filing of a WIC § 388(e) petition, review the legal file to ensure all of the WIC § 391(e) requirements were previously provided to the NMD and documented for Court. Information, documents, and services required pursuant to WIC § 391(e) that were not previously provided, will be the responsibility of the assigned SSW.

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Note: Court will not terminate dependency for a NMD whose whereabouts are known, until the information, documents, and services required pursuant to WIC § 391(e) have been provided.

b. Documentation of advisements provided to the NMD regarding:

- The potential benefits of continued dependency
- The NMD's right to remain in EFC
- The NMD's's right to request termination of dependency, should dependency be continued
- The NMD's right to request resumption of dependency and re-enter EFC, if he/she meets eligibility requirements, pursuant to WIC § 388(e)

This will be addressed in the "Adequacy of Services Provided Pursuant to WIC § 391" section of the court report. Refer to Attachment 1—Non-Minor Dependency Supplemental Documentation for Court Reports for further guidelines.

c. An assessment of whether it is in the NMD's best interest to remain under dependency jurisdiction.

This will be addressed in the "Assessment/ Evaluation" section of the court report.

Note: Refer to "Submission of Court Report Documents" Policy section for a listing of documents that must be submitted to Court at a WIC § 391 Termination Review hearing.

2. Provide the NMD with the following documents regarding re-entry into EFC:

- *How to Return to Juvenile Court Jurisdiction and Foster Care (JV-464-INFO)*
- *Request to Return to Juvenile Court Jurisdiction and Foster Care (JV-466)*
- *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care (JV-468)*

3. Prepare a 90-Day Transition Plan for the NMD. To initiate development of a 90-Day Transition Plan refer to the "90-Day Transition Plan" Policy section in CFS P&P Independent Living Program (ILP) Services (D-0504).

Note: Once a 90-Day Transition Plan is completed, additional TILP updates will not be required unless dependency is continued beyond the 90-day period and a TILP update is due.

If a NMD makes an unplanned exit from EFC, a 90-Day Transition Plan is still required.

Exception: A 90-Day Transition Plan is not required when terminating dependency for a NMD who re-entered EFC through the filing of a WIC § 388(e) petition.

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4. Complete the following ILP service activities, based upon the anticipated date dependency will be terminated:

   a. Submit an *ILP Services—WIC 391 Letter Referral (F063-28-333)* to the TPSP SSSS to request completion of a WIC § 391 letter.

   b. Prepare an *ILP Services—Proof of Wardship Letter (F063-25-617)* to provide to the NMD once dependency is terminated.

   c. Complete the *ILP Services—Assessment C (F063-25-616*) on behalf of the NMD.

   d. Assist NMD in applying for Food Stamp benefits, pursuant to PDU Dispatch Food Stamp Applications for Transitioning Youth (D-0512-D).

   Refer to Attachment 2 of CFS P&P Independent Living Program (ILP) Services (D-0504) for further guidance.

5. Complete and sign the *Termination of Juvenile Court Jurisdiction—Non-Minor (JV-365)* together with the NMD. Ensure each item specified on the *JV-365* has been provided to the NMD. Upon completion, provide a copy to the NMD.

6. A recommendation to terminate dependency will not be made for an undocumented dependent until any pending application for lawful permanent resident status and/or Special Immigrant Juvenile Status (SIJS) has been granted. Refer to the "Retaining Juvenile Court Jurisdiction" Policy section in CFS P&P Undocumented Dependents (D-0508).

   Exception: Termination of dependency will be recommended if the undocumented dependent has been incarcerated or their whereabouts have remained unknown for the last 60 calendar days.

7. Update the Case Plan and TILP if a recommendation will be made to continue dependency at the WIC § 391 Termination Review hearing.

C. **NMD's Attendance at WIC § 391 Termination Review Hearing:**
The NMD must attend the WIC § 391 hearing unless he/she does not wish to appear or whereabouts are unknown. The assigned SSW will make reasonable efforts to ensure the NMD is present for a WIC § 391 Termination Review hearing and will arrange transportation, if necessary.

If the NMD does not wish to appear in Court, a telephonic appearance will be arranged. Refer to the "Telephonic Appearance at Hearings" Policy section.

If the NMD is not available to make an appearance, the court report prepared for the WIC § 391 Termination Review hearing must document all reasonable efforts to locate the NMD.

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Submission of Court Report Documents

A. **Timeframes:**
The court report prepared for a NMD Status Review hearing (including any WIC § 391 Termination Review hearing) must be:

1. Submitted to the Court Typist by the **clerical deadline**, no later than **24 calendar days** prior to the scheduled hearing date.

2. E-filed with the Juvenile Court by the **court filing deadline,** no later than **10 calendar days** (excluding judicial holidays) prior to the scheduled hearing date.

   Note: A court report will not be e-filed after the Court Clerk's office closes.

   For guidelines regarding e-filing court report documents, including use of e-signatures, refer to CFS P&P Electronic Signing and Filing of Court Reports (B-0217).

B. **Court Report Documents to be Submitted:**
The assigned SSW will prepare the documents referenced below for submission to Court, based on the hearing type and recommendation.

The following will be filed with the court report prepared for a NMD Status Review hearing **if recommending dependency be continued**:

- The most recently completed TILP
- An updated Case Plan
  - Include *Acknowledgement of Participation in Case Plan Development (F063-28-244)*
- A newly completed *Six-Month Certification of Extended Foster Care Participation (SOC 161)*
  - For guidelines regarding completion of the form, see *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)*

The following will be filed with the court report prepared for a WIC § 391 Termination Review hearing **if recommending termination of dependency**:

Note: Further guidelines regarding preparation for a WIC § 391 Termination Review hearing are detailed in the “Terminating Dependency” Policy section.

- A completed 90-Day Transition Plan
  - **Exception:** A 90-Day Transition Plan is not required to terminate dependency for a NMD who re-entered EFC pursuant to a WIC § 388(e) petition
- The most recently completed TILP
- A completed *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)*

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JV Forms for NMDs

The Court Typist will prepare the following JV forms, as applicable, to provide to Court in advance of the scheduled hearing:

- **Last Status Review Hearing Prior to 18th Birthday**
  - *Cover Sheet to Orders & Findings for Child Approaching Age of Majority and/or Foster Care Placement—Dependency (F063-25-690)*
  - *Attachment: Additional Findings and Orders for Child Approaching Majority—Dependency (JV-460)*
  - *Stipulation Signature Page (F063-25-689)*

  Note: The above referenced forms will be prepared and provided to Court along with the stipulation sheet applicable to the hearing.

- **NMD Status Review Hearing**
  - *Findings and Orders After Nonminor Dependent Review Hearing (JV-462)*
  - *Stipulation Signature Page (F063-25-689)*

  Note: No additional stipulation sheet is required for a NMD Status Review hearing.

- **WIC 391 Termination Review Hearing**
  - *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)* (**Note:** The assigned SSW will complete the JV-365 with the NMD, as detailed in the "Terminating Dependency" Policy section)
  - *Findings and Orders After Hearing To Consider Termination of Juvenile Court Jurisdiction Over a Nonminor (JV-367)*
  - *Stipulation Signature Page (F063-25-689)*

Note: Additional JV forms must be completed for a young adult seeking re-entry into extended foster care (EFC). Refer to *Re-Entry Into Extended Foster Care (EFC) (F063-25-702)* for guidelines regarding completion of these forms.

To ensure appropriate use of the JV forms specific to NMDs, the following will be completed:

A. The Court Typist will review the *Notice of Hearing Worksheet (F063-28-04)* completed by the assigned SSW, to identify the JV form(s) applicable to the hearing.

   Note: The Court Typist will consult the assigned SSW if there appears to be a discrepancy with the information contained on the *Notice of Hearing Worksheet (F063-28-04)*.

B. The Court Typist will generate the required JV form(s) in CWS/CMS. Pre-populating information will be reviewed for accuracy. Additional information will be included on the JV form(s), as necessary.

C. The Court Typist will include the JV form(s) in the Legal File forwarded to Court in advance of the scheduled hearing.

D. The Court Officer will review the Legal File to ensure receipt of the correct JV form(s).

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Re-Entry into EFC

After dependency is terminated for a NMD, Court will retain general jurisdiction over the young adult until 21 years of age, to allow for re-entry into EFC. Should the young adult desire to re-enter EFC, refer to *Re-Entry Into Extended Foster Care (EFC) (F063-25-702)*.

Note: During the period of general jurisdiction, dependency hearings will not be calendared (unless a WIC § 388[e] petition is filed) and compliance contacts will not be required.

ICWA

A. **Advisements Regarding Ongoing Application of ICWA:**
If Court previously found that ICWA applies, the assigned SSW will complete the following in preparation for the last Status Review hearing prior to a foster youth's 18th birthday and prior to a WIC § 391 Termination Review hearing:

1. Advise the youth/NMD (or their Guardian Ad Litem) of their right to continue to be considered an Indian child.

2. Ask the youth/NMD (or their Guardian Ad Litem) whether they want the provisions of ICWA to continue to apply, should they remain in EFC.

The court report prepared for the last Status Review hearing prior to the foster youth's 18th birthday and the court report prepared for a WIC § 391 Termination Review hearing will document:

- When/how ICWA advisement was provided
- The decision regarding ongoing application of ICWA

Refer to Attachment 1—Non-Minor Dependency Supplemental Documentation for Court Reports for further guidelines.

B. **ICWA Provisions for NMDs:**
If a NMD (or their Guardian Ad Litem) elects for the provisions of ICWA to continue to apply:

1. The ICWA Unit will provide notice of each NMD Status Review hearing to the:

   - Tribe or Bureau of Indian Affairs (BIA) (if Tribal affiliation is unknown)
   - Secretary of the Interior

   Refer to the "Initial Notice" Policy section in CFS P&P Indian Child Welfare Act (G-0309) for ICWA notices.

2. The assigned SSW will consult the NMD's Indian tribal representative during case plan development.

3. A placement plan will be developed for the NMD, which meets ICWA placement preferences. Refer to the "Placement" Policy section in CFS P&P Indian Child Welfare Act (G-0309).

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Note: Court will consider the request of an Indian child of sufficient age, in determining whether good cause exists to deviate from ICWA placement preferences.

Efforts to meet ICWA requirements will be addressed in the court report prepared for each NMD Status Review hearing. Refer to Attachment 2—Non-Minor Dependent Status Review Report Guidelines.

Notice of Hearing

Notice of a NMD Status Review hearing will be provided:

A. To the NMD and all applicable parties, in accordance with the "Post-Permanency Periodic Reviews" Policy section in CFS P&P Notices of Hearing (G-0507). The following **exceptions** apply:

- Notice is not required for parents of a NMD
- If the NMD is an Indian Child, ICWA notices are not required unless the NMD has elected to have the provisions of ICWA continue to apply
  - ICWA notices, if applicable, will be provided in accordance with the "ICWA" Policy section

B. **No earlier than calendar 30 days or later than 15 calendar days** prior to the hearing.

C. By first-class mail, to the last known address of the person provided notice.

D. Using the *Notice of Hearing/Dependent Child (F063-28-82/F063-28-82Sp)*, and include:

- The nature of the hearing
- Any recommended change in the legal status of the NMD
- Advisement of the NMD's right to a telephonic appearance at the hearing, and instructions to arrange for a personal or telephonic appearance

Refer to the "Notice for Status Reviews" Procedure section in CFS P&P Notices of Hearing (G-0507), for step-by-step instructions to provide notice.

Verification that notice was given to all applicable parties will be documented by the Court Typist through:

- Signature on the *Certification of Services by Mail (F063-28-82*/page two) (to be filed with Court)
- Data entry into CWS/CMS (see CWS/CMS Data Entry Standards—Notice of Hearings)

Provision of Court Report to Involved Parties

The court report prepared for a NMD Status Review hearing (including any WIC § 391 Termination Review hearing) will be provided to the following parties, no later than **10 calendar days** in advance of the scheduled hearing:

- The NMD (by first-class mail)
- All attorneys of record (by pony mail to Court)
- The NMD's Indian Tribe or tribal representative if the NMD has elected to have ICWA continue to apply to him/her as a NMD (by first-class mail)

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Note: Parents of a NMD are not entitled to receive copies of the court report. Provision of the court report to a CASA will be determined by Court, on a case-by-case basis.

The Court Typist will provide the court report, along with the following documents (if completed), as directed on the *Notice of Hearing Worksheet (F063-28-04)*:

- Most recent TILP
- Case Plan Update
- 90-Day Transition Plan
- *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)*

Addendum Reports

Following submission of the court report prepared for a NMD Status Review hearing (including any WIC § 391 Termination Review hearing), an Addendum Report will be submitted by the assigned SSW if:

- New information pertinent to the case is obtained, which was not previously documented
- The recommendation changes
- The Case Plan Update previously submitted, is revised prior to the scheduled hearing (include revised Case Plan Update and *Acknowledgement of Participation in Case Plan Development [F063-28-244]* if not previously submitted)
- The NMD Status Review hearing is continued:
    - A minimum of **seven calendar** days

    –and/or–

    - Court requests additional information be provided

Addendums may be submitted to the Court Typist for filing **any time prior** to the scheduled hearing.

Other Court Reports

If a non-statutory review hearing is calendared (e.g., Case Plan Review hearing), the assigned SSW will prepare and submit a court report specific to that hearing (i.e., Interim Report).

Any Interim Report prepared by the assigned SSW will be:

A. Submitted to the Court Typist by the **clerical deadline**, no later than **four court business days** prior to the scheduled hearing date.

B. Filed with Court by the **court filing deadline**, no later than **two court business days** prior to scheduled hearing date.

Court Returns and Fifteen-Day Reviews

With regards to NMDs, Court Return Detention hearings and Fifteen-Day Review hearings do not apply. In the event a NMD's placement changes, the assigned SSW will address the placement change (including the reason and efforts to locate an alternative placement) in the "Family Assessment Update—Out-Of-Home Placement" section of the court report prepared for the next NMD Status Review hearing.

Note: Immediate notification of changes related to a NMD's placement will be provided to Court based upon the bench officer's preference.

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Telephonic Appearance at Hearings

A NMD may request to make a telephonic appearance at any hearing convened on their behalf.

Note: Court may require a personal appearance on a showing of good cause, if the personal appearance would not create undue hardship.

A. **Advisement:**
Prior to each hearing, the assigned SSW will advise the NMD of their right to a telephonic appearance. Notice will include advisement of the right to a telephonic appearance and instructions for the NMD to:

- Notify their attorney and the assigned SSW when a telephonic appearance is requested
- Provide the phone number where the NMD can be reached on the date of the scheduled hearing

B. **Arranging A Telephonic Appearance:**
The following will be completed to facilitate a telephonic appearance:

1. Assigned SSW:
Document the request for a telephonic appearance, and the phone number where the NMD can be reached, in the "Young Adult's Attendance At Court" section of the court report.

Note: If the request is not documented in the court report, notify Court Officer and Court Officer Supervisor, by telephone or email, at least **two business days** prior to the scheduled hearing. Provide the phone number where the NMD can be reached.

2. Court Officer:
At least **one business day** prior to the scheduled hearing, review the "Young Adult's Attendance At Court" section of the court report to determine if a telephonic appearance has been requested.

If a telephonic appearance has been requested, **immediately** notify the Court Clerk, and provide the phone number where the NMD can be reached.

Note: The Court Clerk will make arrangements to facilitate telephonic appearances per courtroom protocol.

Availability for Court Dates

The assigned SSW and SSSS will be available to respond to Court for each NMD Status Review hearing (including any WIC § 391 Termination Review hearing) or continuance of that hearing, as follows:

A. The SSW will immediately return any telephone call received from the courtroom in which the hearing is being held.

B. The SSW will make an in-person response to Court at the time specified by Court, when the SSW's presence is requested. The SSW will be available to respond to Court regardless of his/her flex day.

C. Upon receipt of a personal appearance subpoena, the SSW will do one of the following:

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- Appear in Court on the date/time specified
- Contact Victim Witness to be placed on call if subpoenaed by County Counsel
- Make alternate arrangements (e.g., request to be placed on-call) with the person requesting their presence and inform County Counsel

For further information regarding subpoenas, refer to CFS P&P Confidentiality—CFS Client Records (F-0105).

D. The assigned SSSS, or designee, will be available to respond to Court if the assigned SSW is unable to do so.

Note: The SSW will inform the assigned SSSS in advance, when unavailable for a scheduled hearing.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- Attachment 1—Non-Minor Dependency Supplemental Documentation for Court Reports
- Attachment 2—Non-Minor Dependent Status Review Report Guidelines

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Case Plans (D-0101)
- CFS P&P Confidentiality—CFS Client Records (F-0105)
- CFS P&P Electronic Signing and Filing of Court Reports (B-0217)
- CFS P&P Extended Foster Care EFC (J-0101)
- CFS P&P Independent Living Program (ILP) Services (D-0504)
- CFS P&P Indian Child Welfare Act (G-0309)
- CFS P&P Maintaining Connections with Important Persons (D-0410)
- CFS P&P Notices of Hearing (G-0507)
- CFS P&P Undocumented Dependents (D-0508)
- PDU Dispatch Court Report Recommendations—Autotext (G-0321-D)
- PDU Dispatch Food Stamp Applications for Transitioning Youth (D-0512-D)

Other Sources

Other printed references include the following:

None.

REQUIRED FORMS

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Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Acknowledgement of Participation in Case Plan Development	F063-28-244
ILP Services—Assessment C	F063-25-616
ILP Services-Proof of Wardship Letter	F063-25-617
ILP Services—WIC 391 Letter Referral	F063-28-333
Notice of Hearing—Dependent Child	F063-28-82
Notice of Hearing—Dependent Child (Spanish)	F063-28-82Sp
Notice of Hearing Worksheet	F063-28-04
Stipulation Signature Page	F063-25-689
Request to Change Court Order	JV-180

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Attachment: Additional Findings and Orders for Child Approaching Majority – Dependency	JV-460
Confidential Information – Request to Return to Juvenile Court Jurisdiction and Foster Care	JV-468
Cover Sheet to Orders & Findings for Child Approaching Age of Majority and/or Foster Care Placement—Dependency	F063-25-690
Findings and Orders After Hearing To Consider Termination of Juvenile Court Jurisdiction Over a Nonminor	JV-367
Findings and Orders After Nonminor Dependent Review Hearing	JV-462
Request to Return to Juvenile Court Jurisdiction and Foster Care	JV-466
Six-Month Certification of Extended Foster Care Participation	SOC 161
Termination of Juvenile Court Jurisdiction—Non-Minor	JV-365

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
Case Plans for Non-Minor Dependents	F063-25-688
Foster Care Eligibility—Required Documents to Transition to Extended Foster Care	F063-25-681

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How to Return to Juvenile Court Jurisdiction and Foster Care	JV-464-INFO
Preparation for Non-Minor Dependency (Procedure and SSW Talking Points)	F063-25-678
Re-Entry Into Extended Foster Care (EFC)	F063-25-702
Youth Advisement of Non-Minor Dependency (Extended Foster Care)	F063-25-677
Youth Advisement of Non-Minor Dependency (Extended Foster Care) (Spanish)	F063-25-677SP
Youth Advisement of Non-Minor Dependency (Extended Foster Care) (Vietnamese)	F063-25-677VN

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