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2012 California Rules of Court

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

(a) Applicability

- (1) This rule applies to any hearing during which the termination of the juvenile court's jurisdiction over the following nonminors will be considered:
 - (A) A nonminor dependent as defined in section 11400(v); and
 - (B) A ward or dependent of the juvenile court who is a nonminor 18 years of age or older, and subject to an order for a foster care placement.
- (2) Nothing in the Welfare and Institutions Code or in the California Rules of Court restricts the ability of the juvenile court to maintain dependency jurisdiction or delinquency jurisdiction over a person, 18 years of age and older, who does not meet the eligibility requirements for status as a nonminor dependent and to proceed as to that person under the relevant sections of the Welfare and Institutions Code and California Rules of Court.

(b) Setting a hearing

- (1) A court hearing placed on the appearance calendar must be held prior to terminating juvenile court jurisdiction.
- (2) The hearing under this rule may be held during a hearing required under section 366(f), 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 or rule 5.903.
- (3) Notice of the hearing to the parents of a nonminor dependent as defined in section 11400(v) is not required.
- (4) If juvenile court jurisdiction was previously terminated with the juvenile court retaining general jurisdiction for the purpose of resuming its jurisdiction, and subsequently jurisdiction was resumed, a hearing under this rule must be held if the nonminor dependent wants juvenile court jurisdiction terminated again. The social worker or probation officer is not required to file the 90-day Transition Plan, and the court need not make the findings included in (d)(1)(L)(iii) or (d)(2)(E)(vi).
- (5) The hearing must be continued for no more than five court days for the submission of additional information as ordered by the court, if the court determines that the report, the Transitional Independent Living Plan, the Transitional Independent Living Case Plan (TILCP) if required, or the 90-day Transition Plan submitted by the social worker or probation officer do not provide the information required by (c) and the court is unable to make the findings and orders required by (d).

(c) Reports

- (1) In addition to complying with all other statutory and rule requirements applicable to the report prepared by the social worker or probation officer for any hearing during which termination of the court's jurisdiction will be considered, the report must include:
 - (A) Whether remaining under juvenile court jurisdiction is in the nonminor's best interests and the facts supporting the conclusion reached;
 - (B) The specific criteria in section 11403(b) met by the nonminor that makes him or her eligible to remain under juvenile court jurisdiction as a nonminor dependent defined in section 11400(v);

- (C) For an Indian child to whom the Indian Child Welfare Act applies, when and how the nonminor was provided with information about the right to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her as a nonminor;
 - (D) Whether the nonminor has applied for and, if so, the status of any in-progress application pending for title XVI Supplemental Security Income benefits and whether remaining under juvenile court jurisdiction until a final decision has been issued is in the nonminor's best interests;
 - (E) Whether the nonminor has applied for and, if so, the status of any in-progress application pending for Special Juvenile Immigration Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;
 - (F) When and how the nonminor was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent, and the social worker's or probation officer's assessment of the nonminor's understanding of those benefits;
 - (G) When and how the nonminor was informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction for the purpose of resuming jurisdiction, he or she has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a nonminor dependent until he or she has attained the age of 21 years or the age of 20 years if the Legislature does not appropriate funding to extend the availability of foster care placement to the age of 21 years;
 - (H) When and how the nonminor was informed that if juvenile court jurisdiction is continued over him or her, he or she has the right to have juvenile court jurisdiction terminated;
 - (I) For a nonminor who is not present for the hearing:
 - (i) Documentation of the nonminor's statement that he or she did not wish to appear in court for the scheduled hearing; or
 - (ii) Documentation of the reasonable efforts made to locate the nonminor when his or her current location is unknown;
 - (J) Verification that the nonminor was provided with the information, documents, and services as required under section 391(e)(1)-(8); and
 - (K) Verification for a nonminor who is under delinquency jurisdiction that the notices and information required under section 607.5 were provided.
- (2) The social worker or probation officer must file with the report a completed *Termination of Juvenile Court Jurisdiction-Nonminor* (form JV-365).
- (3) The social worker or probation officer must file with the report the nonminor's:
- (A) Transitional Independent Living Case Plan when recommending continuation of juvenile court jurisdiction;
 - (B) Most recent Transitional Independent Living Plan (TILP); and
 - (C) Completed 90-day Transition Plan.
- (4) The social worker or probation officer's report and all documents required by (c)(2)-(3) must be filed with the court at least 10 calendar days before the hearing, and the social worker or probation officer must provide copies of the report and other documents to the nonminor, the nonminor's parents, and all attorneys of record. If the nonminor is under juvenile court jurisdiction as a nonminor dependent, the social worker or probation officer is not required to provide copies of the report and other documents to the nonminor dependent's parents.

(d) Findings and orders

In addition to complying with all other statutory and rule requirements applicable to the hearing, the following judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing:

- (1) *Findings*
- (A) Whether the nonminor had the opportunity to confer with his or her attorney about the issues currently before the court;
 - (B) Whether remaining under juvenile court jurisdiction is in the nonminor's best interests and the facts in support of the finding made;

- (C) Whether the nonminor meets the eligibility criteria in section 11403(b) to remain in foster care as a nonminor dependent under juvenile court jurisdiction and, if so, the specific criteria in section 11403(b) met by the nonminor;
- (D) For an Indian child to whom the Indian Child Welfare Act applies, whether the nonminor was provided with information about the right to continue to be considered an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her;
- (E) Whether the nonminor has an in-progress application pending for title XVI Supplemental Security Income benefits and, if such an application is pending, whether it is in the nonminor's best interests to continue juvenile court jurisdiction until a final decision has been issued to ensure that the nonminor receives continued assistance with the application process;
- (F) Whether the nonminor has an in-progress application pending for Special Juvenile Immigration Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;
- (G) Whether the nonminor understands the potential benefits of remaining in foster care under juvenile court jurisdiction;
- (H) Whether the nonminor has been informed that if juvenile court jurisdiction is continued, he or she may have the right to have juvenile court jurisdiction terminated with the court retaining general jurisdiction for the purpose of resuming dependency jurisdiction or assuming or resuming transition jurisdiction over him or her as a nonminor dependent;
- (I) Whether the nonminor has been informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, he or she has the right to file a request to return to foster care and have the juvenile court resume jurisdiction over him or her as a nonminor dependent until he or she has attained the age of 21 years or the age of 20 years if the Legislature does not appropriate funding to extend the availability of nonminor foster care placement to the age of 21 years;
- (J) Whether the nonminor was provided with the information, documents, and services as required under section 391(e) and, if not, whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided;
- (K) Whether verification was submitted that the requirements of section 607.5 have been completed for a nonminor who is subject to delinquency jurisdiction; and
- (L) Whether the nonminor's:
 - (i) Transitional Independent Living Case Plan, if required, includes a plan for a placement the nonminor believes is consistent with his or her need to gain independence, reflects the agreements made between the nonminor and social worker or probation officer to obtain independent living skills, and sets out the benchmarks that indicate how both will know when independence can be achieved;
 - (ii) Transitional Independent Living Plan identifies the nonminor's level of functioning, emancipation goals, and the specific skills he or she needs to prepare to live independently upon leaving foster care; and
 - (iii) 90-day Transition Plan is a concrete individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.
- (M) For a nonminor who is not present for the hearing, whether the reason for his or her failure to appear was:
 - (i) The nonminor's expressed wish to not appear in court for the scheduled hearing; or
 - (ii) The nonminor's current location remains unknown although reasonable efforts were made to locate the nonminor.

(2) *Orders*

- (A) Order the continuation of juvenile court jurisdiction for a nonminor who meets the eligibility criteria in section 11403(b) to remain in placement under dependency jurisdiction as a nonminor dependent or under transition jurisdiction as a nonminor dependent, unless the court finds that:
 - (i) The nonminor does not wish to remain under juvenile court jurisdiction as a nonminor dependent;

- (ii) The nonminor is not participating in a reasonable and appropriate Transitional Independent Living Case Plan; or
 - (iii) Reasonable efforts were made to locate the nonminor whose current location is unknown.
- (B) When juvenile court jurisdiction is continued for the nonminor to remain in placement as a nonminor dependent:
- (i) Order a permanent plan consistent with the nonminor's Transitional Independent Living Plan or Transitional Independent Living Case Plan;
 - (ii) Continue the nonminor's status as an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act to him or her unless he or she has elected not to have his or her status as an Indian child continued; and
 - (iii) Set a status review hearing under rule 5.903 within six months of the date of his or her most recent status review hearing.
- (C) For a nonminor who does not meet and does not intend to meet the eligibility requirements for nonminor dependent status but who is otherwise eligible to and will remain under juvenile court's jurisdiction in a foster care placement, the court must set a hearing under section 366.21, 366. 2, 366.25, 366.3, 727.2, or 727.3 within six months of the date of the nonminor's most recent status review hearing.
- (D) For a nonminor whose current location is unknown the court may enter an order for termination of juvenile court jurisdiction only after finding that reasonable efforts were made to locate the nonminor whose current location is unknown;
- (E) For a nonminor (1) who does not meet the eligibility criteria of section 11403(b) and is not otherwise eligible to remain under juvenile court jurisdiction, (2) who does meet the eligibility criteria of section 11403(b) but does not wish to remain under the jurisdiction of the juvenile court as a nonminor dependent, or (3) who does meet the eligibility criteria of section 11403(b) but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan, the court may enter an order for the termination of juvenile court jurisdiction only after entering the following findings and orders:
- (i) The nonminor was provided with the information, documents, and services as required under section 391(e);
 - (ii) The nonminor was informed of the options available to him or her to assist with the transition from foster care to independence;
 - (iii) The nonminor was informed that if juvenile court jurisdiction is terminated, he or she has the right to return to foster care and to file a request to have the juvenile court resume jurisdiction over him or her as a nonminor dependent until he or she has attained the age of 21 years or the age of 20 years if the Legislature does not appropriate funding to extend the availability of nonminor foster care placement to the age of 21 years;
 - (iv) The nonminor was provided with a copy of *How to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO), *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466), *Confidential Information- Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468), and an endorsed, filed copy of the *Termination of Juvenile Court Jurisdiction-Nonminor* (form JV-365);
 - (v) The nonminor had an opportunity to confer with his or her attorney regarding the issues currently before the court;
 - (vi) The nonminor's 90-day Transition Plan includes specific options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care;
- (F) An order retaining general jurisdiction over the nonminor for the purpose of considering a request filed under section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent must be made when juvenile court jurisdiction is terminated under this rule.

Rule 5.555 adopted effective January 1, 2012.

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