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2012 California Rules of Court

Rule 5.707. Review hearing requirements for child approaching majority (§§ 224.1, 366(a)(1)(F), 366.3(l), 366.3(n), 16501.1(f)(16))

(a) Reports

At the last review hearing before the child attains 18 years of age held under section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all other statutory and rule requirements applicable to the report prepared by the social worker for the hearing, the report must include a description of:

- (1) The child's plans to remain under juvenile court jurisdiction as a nonminor dependent including the criteria in section 11403(b) that he or she plans to meet;
- (2) The efforts made by the social worker to help the child meet the criteria in section 11403(b);
- (3) For an Indian child to whom the Indian Child Welfare Act applies, his or her plans 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 dependent;
- (4) Whether the child has applied for and, if so, the status of any in-progress application pending for title XVI Supplemental Security Income benefits and, if such an application is pending, whether it will be the child's best interest to continue juvenile court jurisdiction until a final decision is issued to ensure that the child receives continued assistance with the application process;
- (5) Whether the child has an in-progress application pending for Special Juvenile Immigration Status or other applicable application for legal residency and whether an active dependency case is required for that application;
- (6) The efforts made by the social worker toward providing the child with the written information described in section 391(e)(1), and to the extent that the child has not yet been provided with the information, the barriers to providing that information, and the steps that will be taken to overcome those barriers by the date the child attains 18 years of age;
- (7) The efforts made by the social worker toward completing and providing the child with the documents and services described in section 391(e)(2), and to the extent that the child has not yet been provided with them, the barriers to providing documents and services, and the steps that will be taken to overcome those barriers by the date the child attains 18 years of age;
- (8) When and how the child was informed of his or her right to have juvenile court jurisdiction terminated when he or she attains 18 years of age;
- (9) When and how the child was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent and the social worker's assessment of the child's understanding of those benefits; and
- (10) When and how the child was informed that if juvenile court jurisdiction is terminated, 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.

(b) Transitional Independent Living Case Plan

At the last review hearing before the child attains 18 years of age held under section 366.21, 366.22, 366.25, or 366.3, the child's Transitional Independent Living Case Plan:

- (1) Must be submitted with the social worker's report prepared for the hearing at least 10 calendar days before the hearing; and
- (2) Must include:
 - (A) The individualized plan for the child to satisfy one or more of the criteria in section 11403(b) and the child's anticipated placement as specified in section 11402; and
 - (B) The child's alternate plan for his or her transition to independence, including housing, education, employment, and a support system in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age.

(c) Findings

- (1) At the last review hearing before the child attains 18 years of age held under section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all other statutory and rule requirements applicable to the hearing, the court must find on the record and in the written, signed orders:
 - (A) Whether the child's Transitional Independent Living Case Plan includes a plan for the child to satisfy one or more of the criteria in section 11403(b) and the specific criteria it is anticipated the child will satisfy;
 - (B) Whether there is included in the child's Transitional Independent Living Case Plan an alternative plan for the child's transition to independence, including housing, education, employment, and a support system in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age;
 - (C) For an Indian child to whom the Indian Child Welfare Act applies, whether he or she intends 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 dependent;
 - (D) Whether the child 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 child's best interest to continue juvenile court jurisdiction until a final decision has been issued to ensure that the child receives continued assistance with the application process;
 - (E) Whether the child has an in-progress application pending for Special Juvenile Immigration Status or other applicable application for legal residency and whether an active dependency case is required for that application;
 - (F) Whether all the information, documents, and services in sections 391(e) were provided to the child, and
 - (i) Whether the barriers to providing any missing information, documents, or services can be overcome by the date the child attains 18 years of age; and
 - (ii) Whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided to the child if the barriers cannot be overcome by the date the child attains 18 years of age;
 - (G) Whether the child has been informed of his or her right to have juvenile court jurisdiction terminated when he or she attains 18 years of age;
 - (H) Whether the child understands the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent; and
 - (I) Whether the child has been informed that if juvenile court jurisdiction is terminated, 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.
- (2) 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 finds that the report and Transitional Independent Living Case Plan submitted by the social worker do not provide the information required by (a) and (b) and the court is unable to make all the findings required by (c)(1).

(d) Orders

- (1) For a child who intends to remain under juvenile court jurisdiction as a nonminor dependent, as defined in section 11400(v), after attaining 18 years of age, the court must set a nonminor dependent review hearing under rule 5.903 within six months from the date of the current hearing.
- (2) For a child who does not intend to remain under juvenile court as a nonminor dependent, as defined in section 11400(v), after attaining 18 years of age, the court must:

- (A) Set a hearing under rule 5.555 for a date within one month after the child's 18th birthday, for the child who requests that the juvenile court terminate its jurisdiction after he or she attains 18 years of age; or
- (B) Set a hearing under section 366.21, 366.22, 366.25, or 366.3 no more than six months from the date of the current hearing, for a child who will remain under juvenile court jurisdiction in a foster care placement.

Rule 5.707 adopted effective January 1, 2012.

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