

[<< Previous Rule](#) | [\[ Back to Title Index \]](#) | [Next Rule >>](#) | [Printer-friendly version of this page](#)



## 2012 California Rules of Court

### **Rule 5.900. Nonminor dependent-preliminary provisions (§§ 224.1(b), 295, 303, 366, 366.3, 388, 391, 607(a))**

#### **(a) Applicability**

- (1) The provisions of this chapter apply to nonminor dependents as defined in section 11400(v).
- (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) Purpose**

Maintaining juvenile court jurisdiction under section 300,450, 601, or 602 over a person as a nonminor dependent is the result of a consensual agreement between the person and child welfare services agency or the probation department for a voluntary placement in a supervised setting and includes the agreement between the social worker or probation officer and the person to work together to facilitate the implementation of the mutually developed supervised placement agreement or reentry agreement and Transitional Independent Living Case Plan. Maintaining juvenile court jurisdiction and supervision by the child welfare services agency or probation department is for the purpose of providing support, guidance, and foster care services to the person as a nonminor dependent so he or she is able to successfully achieve independence.

#### **(c) Legal status**

- (1) Nothing in the Welfare and Institutions Code, including sections 340, 366.2, and 369.5, or in the California Rules of Court provides legal custody of a nonminor dependent to the child welfare services agency or the probation department or abrogates any right the nonminor dependent, as a person who has attained 18 years of age, may have as an adult under California law.
- (2) A nonminor dependent retains all his or her legal decision-making authority as an adult.

#### **(d) Conduct of hearings**

- (1) All hearings involving a person who is a nonminor dependent must be conducted in a manner that respects the person's legal status as an adult.
- (2) Unless there is a contested issue of fact or law, the hearings must be informal and nonadversarial and all parties must work collaboratively with the nonminor dependent as he or she moves toward the achievement of his or her Transitional Independent Living Case Plan goals.
- (3) The nonminor dependent may designate his or her attorney to appear on his or her behalf at a hearing under this chapter.

#### **(e) Telephone appearance**

- (1) The person who is the subject of the hearing may appear, at his or her request, by telephone at a hearing to terminate juvenile court jurisdiction held under rule 5.555, a status review hearing under rule 5.903, or a hearing on a request to have juvenile court jurisdiction resumed held under rule 5.906. Rule 5.531 applies to telephone appearances under this paragraph.
- (2) The court may require the nonminor dependent or the person requesting to return to juvenile court jurisdiction and foster care to appear personally on a showing of good cause and a showing that the personal appearance will not create an undue hardship for him or her.

- (3) The telephone appearance must be permitted at no cost to the nonminor dependent or the person requesting to return juvenile court jurisdiction and foster care.

*Rule 5.900 adopted effective January 1, 2012.*

[\[ Back to Top \]](#)