



California
Rules of
Court
(Revised
January 1,
2012)

Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366(f), 366.1, 366.3)

(a) Purpose

The primary purpose of the nonminor dependent status review hearing is to focus on the goals and services described in the nonminor dependent's Transitional Independent Living Case Plan and the efforts and progress made toward achieving independence and establishing lifelong connections with caring and committed adults.

(b) Setting and conduct of a nonminor dependent status review hearing

- (1) A status review hearing for a nonminor dependent conducted by the court or by a local administrative review panel must occur no less frequently than once every 6 months.
- (2) The hearing must be placed on the appearance calendar, held before a judicial officer, and recorded by a court reporter under any of the following circumstances:
 - (A) The hearing is the first hearing following the nonminor dependent's 18th birthday;
 - (B) The hearing is the first hearing following the resumption of juvenile court jurisdiction over a person as a nonminor dependent under rule 5.906;
 - (C) The nonminor dependent or the nonminor dependent's attorney requests that the hearing be conducted by the court; or
 - (D) It has been 12 months since the hearing was conducted by the court.
- (3) The hearing may be attended, as appropriate, by participants invited by the nonminor dependent in addition to those entitled to notice under (c).
- (4) The nonminor dependent may appear by telephone as provided in rule 5.900 at a hearing conducted by the court.
- (5) The hearing must be continued for no more than five court days for the social worker, probation officer, or nonminor dependent to submit additional information as ordered by the court if the court determines that the report and Transitional Independent Living Case Plan submitted by the social worker or probation officer do not provide the information required by (d)(1) and the court is unable to make all the findings and orders required by (e).

(c) Notice of hearing (§ 295)

- (1) The social worker or probation officer must serve written notice of the hearing in the manner provided in section 295, and to all persons required to receive notice under section 295, except notice to the parents of the nonminor dependent is not required.
- (2) The written notice served on the nonminor dependent must include:
 - (A) A statement that he or she may appear for the hearing by telephone; and
 - (B) Instructions about the local court procedures for arranging to appear and appearing at the hearing by telephone.

- (3) Proof of service of notice must be filed by the social worker or probation officer at least five court days before the hearing.

(d) Reports

- (1) The social worker or probation officer must submit a report to the court that includes information regarding:
- (A) The continuing necessity for the nonminor dependent's placement and the facts supporting the conclusion reached;
 - (B) The appropriateness of the nonminor dependent's current foster care placement;
 - (C) The nonminor dependent's plans to remain under juvenile court jurisdiction including the criteria in section 11403(b) that he or she meets;
 - (D) The efforts made by the social worker or probation officer to help the nonminor dependent meet the criteria in section 11403(b);
 - (E) Verification that the nonminor dependent was provided with the information, documents, and services as required under section 391(e);
 - (F) How and when the Transitional Independent Living Case Plan was developed, including the nature and the extent of the nonminor dependent's participation in its development, and for the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the extent of consultation with the tribal representative;
 - (G) The efforts made by the social worker or probation officer to comply with the nonminor dependent's Transitional Independent Living Case Plan, including efforts to finalize the permanent plan and prepare him or her for independence;
 - (H) Progress made toward meeting the Transitional Independent Living Case Plan goals and the need for any modifications to assist the nonminor dependent in attaining the goals;
 - (I) The efforts made by the social worker or probation officer to maintain relationships between the nonminor dependent and individuals who are important to him or her, including the efforts made to establish and maintain relationships with caring and committed adults who can serve as a lifelong connection;
 - (J) The efforts made by the social worker or probation officer to establish or maintain the nonminor dependent's relationship with his or her siblings who are under the juvenile court's jurisdiction as required in section 366(a)(1)(D).
- (2) The social worker or probation officer must submit with his or her report the Transitional Independent Living Case Plan.
- (3) The social worker or probation officer must file with the court the report prepared for the hearing and the Transitional Independent Living Case Plan at least 10 calendar days before the hearing, and provide copies of the report and other documents to the nonminor dependent, all attorneys of record, and for the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, the tribal representative.

(e) Findings and orders

The court must consider the safety of the nonminor dependent, and the following judicial determinations and orders must be made on the record and included in the written, signed court documentation of the hearing:

- (1) *Findings*
- (A) Whether notice was given as required by law;
 - (B) Whether the nonminor dependent's continuing placement is necessary;

- (C) Whether the nonminor dependent's current placement is appropriate;
 - (D) Whether the Transitional Independent Living Case Plan includes a plan for the nonminor dependent to satisfy one or more of the criteria in section 11403(b);
 - (E) The specific criteria in section 11403(b) the nonminor dependent satisfied since the last hearing held under this rule;
 - (F) The specific criteria in section 11403(b) it is anticipated the nonminor dependent will satisfy during the next six months;
 - (G) Whether reasonable efforts were made and assistance provided by the social worker or probation officer to help the nonminor dependent establish and maintain compliance with section 11403(b);
 - (H) Whether the nonminor dependent was provided with the information, documents, and services as required under section 391(e);
 - (I) Whether the Transitional Independent Living Case Plan was developed jointly by the nonminor dependent and the social worker or probation officer, reflects the living situation and services that are consistent in the nonminor dependent's opinion with what he or she needs to gain independence, and sets out the benchmarks that indicate how both will know when independence can be achieved;
 - (J) For the nonminor dependent who has elected to have the Indian Child Welfare Act continue to apply, whether the representative from his or her tribe was consulted during the development of the Transitional Independent Living Case Plan;
 - (K) Whether reasonable efforts were made by the social worker or probation officer to comply with the Transitional Independent Living Case Plan, including efforts to finalize the nonminor dependent's permanent plan and prepare him or her for independence;
 - (L) Whether the Transitional Independent Living Case Plan includes appropriate and meaningful independent living skill services that will assist him or her with the transition from foster care to independent living;
 - (M) Whether the nonminor dependent signed and received a copy of his or her Transitional Independent Living Case Plan;
 - (N) The extent of progress made by the nonminor dependent toward meeting the Transitional Independent Living Case Plan goals and any modifications needed to assist in attaining the goals;
 - (O) Whether reasonable efforts were made by the social worker or probation officer to maintain relationships between the nonminor dependent and individuals who are important to him or her, including the efforts made to establish and maintain relationships with caring and committed adults who can serve as lifelong connections; and
 - (P) Whether reasonable efforts were made by the social worker or probation officer to establish or maintain the nonminor dependent's relationship with his or her siblings who are under the juvenile court's jurisdiction as required in section 366(a)(1)(D).
- (2) *Orders*
- (A) Order the continuation of juvenile court jurisdiction and set a nonminor dependent review hearing under this rule within six months, and:
 - (i) Order a permanent plan consistent with the nonminor dependent's Transitional Independent Living Case Plan, and
 - (ii) Specify the likely date by which independence is anticipated to be achieved; or
 - (B) Order the continuation of juvenile court jurisdiction and set a hearing to consider termination of juvenile court jurisdiction over a nonminor under rule 5.555 within 30 days; or

- (C) Order termination of juvenile court jurisdiction pursuant to rule 5.555 if this nonminor dependent status review hearing was heard at the same time as a hearing under rule 5.555.

Rule 5.903 adopted effective January 1, 2012.