



Part 7 COMMUNITY & FAMILY-BASED SUPPORTS FOR YOUTH IN CALIFORNIA A LEGAL MAP

STATUTES CITED

This document contains the full text of the California state statutes and Rules of Court cited in Part 7: A Legal Map of Community & Family-Based Supports for Youth in California.¹ For all maps in the series, visit our website: www.ylc.org/navigate-juvenile-justice-law.

Education Code:

- **56031.**

(a) “Special education,” in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.

(b) In accordance with Section 300.39 of Title 34 of the Code of Federal Regulations, special education includes each of the following, if the services otherwise meet the requirements of subdivision (a):

(1) Speech-language pathology services, or any other designated instruction and service or related service, pursuant to Section 56363, if the service is considered special education rather than a designated instruction and service or related service under state standards.

(2) Travel training.

(3) Vocational education.

(c) Transition services for individuals with exceptional needs may be special education, in accordance with Section 300.43(b) of Title 34 of the Code of Federal Regulations, if provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education.

(d) Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs.

(Amended by Stats. 2007, Ch. 454, Sec. 6. Effective October 10, 2007.)

¹ Current as of January 2020. All of California’s laws are available at <http://leginfo.legislature.ca.gov/>.

- **56032.**

“Individualized education program” means a written document described in Sections 56345 and 56345.1 for an individual with exceptional needs that is developed, reviewed, and revised in a meeting in accordance with Sections 300.320 to 300.328, inclusive, of Title 34 of the Code of Federal Regulations and this part. It also means “individualized family service plan” as described in Section 1436 of Title 20 of the United States Code if the individualized education program pertains to an individual with exceptional needs younger than three years of age.

(Amended by Stats. 2007, Ch. 56, Sec. 9. Effective January 1, 2008.)

- **56302.**

A local educational agency shall provide for the identification and assessment of the exceptional needs of an individual, and the planning of an instructional program to meet the assessed needs. Identification procedures shall include systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public. Identification procedures shall be coordinated with schoolsite procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program.

(Amended by Stats. 2008, Ch. 179, Sec. 57. Effective January 1, 2009.)

Welfare & Institutions Code

- **102.**

(a) Each CASA program shall, if feasible, be staffed by a minimum of one paid administrator. The staff shall be directly accountable to the presiding juvenile court judge and the CASA program board of directors, as applicable.

(b) The program shall provide for volunteers to serve as CASAs. A CASA may be appointed to any dependent, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court.

(c) Each CASA shall serve at the pleasure of the court having jurisdiction over the proceedings in which a CASA has been appointed and that appointment may continue after the child attains his or her age of majority, with the consent of the nonminor dependent. A CASA shall do all of the following:

(1) Provide independent, factual information to the court regarding the cases to which he or she is appointed.

(2) Represent the best interests of the child involved, and consider the best interests of the family, in the cases to which he or she is appointed.

(3) At the request of the judge, monitor cases to which he or she has been appointed to ensure that the court’s orders have been fulfilled.

(d) The Judicial Council, through its rules and regulations, shall require an initial and ongoing training program consistent with this chapter for all persons acting as a CASA, including, but not limited to, each of the following:

(1) Dynamics of child abuse and neglect.

(2) Court structure, including juvenile court laws.

- (3) Social service systems.
 - (4) Child development.
 - (5) Cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth.
 - (6) Interviewing techniques.
 - (7) Report writing.
 - (8) Roles and responsibilities of a CASA.
 - (9) Rules of evidence and discovery procedures.
 - (10) Problems associated with verifying reports.
- (e) The Judicial Council, through its CASA Advisory Committee, shall adopt guidelines for the screening of CASA volunteers, which shall include personal interviews, reference checks, checks for records of sex offenses and other criminal records, information from the Department of Motor Vehicles, and other information that the Judicial Council deems appropriate.

(Amended by Stats. 2015, Ch. 71, Sec. 2. (AB 424) Effective January 1, 2016.)

- **202.**

(a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. If removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. If the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment, and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.

(c) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(d) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety and protection of the public, the importance of

redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner. In working to improve system performance, the presiding judge of the juvenile court and other juvenile court judges designated by the presiding judge of the juvenile court shall take into consideration the recommendations contained in subdivision (e) of Standard 5.40 of Title 5 of the California Standards of Judicial Administration, contained in the California Rules of Court.

(e) As used in this chapter, “punishment” means the imposition of sanctions. It does not include retribution and shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include any of the following:

- (1) Payment of a fine by the minor.
- (2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.
- (3) Limitations on the minor’s liberty imposed as a condition of probation or parole.
- (4) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.
- (5) Commitment of the minor to the Division of Juvenile Facilities, Department of Corrections and Rehabilitation.

(f) In addition to the actions authorized by subdivision (e), the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim’s consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.

(Amended by Stats. 2007, Ch. 130, Sec. 242. Effective January 1, 2008.)

- **233.**

The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention commission, composed of not fewer than seven citizens, to coordinate on a countywide basis the work of those governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency. If the board so elects, it may designate the juvenile justice commission, or any other committee or council appointed pursuant to Section 232 or 235, to serve in such capacity.

The commission may receive funds from governmental and nongovernmental sources to hire an executive secretary and necessary staff and to defray needed administrative expenses. The board of supervisors may direct any county department to provide necessary staff service to the commission. The commission may expend its funds on specific projects designed to accomplish its objectives.

Members of the delinquency prevention commission shall be appointed by the board of supervisors to serve a term of four years, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Upon a vacancy occurring in the membership in the commission and upon the expiration in the term of office of any member, a successor shall be appointed by the board of supervisors. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor.

The board of supervisors may appoint initial members to any delinquency prevention commission created after the effective date of the amendment made to this section at the 1973–74 Regular Session of the Legislature to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining initial members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years.

For a delinquency prevention commission existing on the effective date of the amendment made to this section at the 1973–74 Regular Session of the Legislature the board of supervisors may at any time upon the expiration of all the members' terms of office appoint members to hold office for the following terms: one-half of the membership of an even-numbered commission for a term of two years and one-half plus one of the membership of an odd-numbered commission for a term of two years. The remaining members and the term of office of each successor appointed to fill a vacancy occurring on the expiration of a term thereafter shall be four years.

Notwithstanding the preceding provisions of this section, the board of supervisors shall appoint two or more persons who are between 14 and 21 years of age to membership on a delinquency prevention commission, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority.

(Amended by Stats. 1980, Ch. 751, Sec. 3.)

- **234.**

The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention agency or department, or may assign delinquency prevention duties to any existing county agency, or department. Any such agency or department may engage in activities designed to prevent juvenile and adult delinquency, including rendering direct and indirect services to persons in the community, and may cooperate with any other agency of government in carrying out its purposes.

(Added by Stats. 1976, Ch. 1068.)

- **303.**

(a) The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child attains 21 years of age.

(b) The court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency, delinquency, or transition jurisdiction over the nonminor dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency, delinquency, or transition jurisdiction, the nonminor dependent shall remain under the general jurisdiction of the court in order to allow for a petition under subdivision (e) of Section 388.

(c) A nonminor who has not yet attained 21 years of age and who exited foster care at or after the age of majority, may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction over himself or herself or to assume transition jurisdiction over himself or herself pursuant to Section 450.

(d) (1) Nothing in this code, including, but not limited to, Sections 340, 366.27, and 369.5, shall be construed to provide legal custody of a person who has attained 18 years of age to the county welfare or probation department or to otherwise abrogate any other rights that a person who has attained 18 years of age may have as an adult under California law. A nonminor dependent shall retain all of his or her legal decisionmaking authority as an adult. The nonminor shall enter into a mutual agreement for placement, as described in subdivision (u) of Section 11400, unless the nonminor dependent is incapable of making an informed agreement, or a voluntary reentry agreement, as described in subdivision (z) of Section 11400, for placement and care in which the nonminor consents to placement and care in a setting supervised by, and under the responsibility of, the county child welfare services department, the county probation department, or Indian tribe, tribal organization, or consortium of tribes that entered into an agreement pursuant to Section 10553.1.

(2) A nonminor dependent who remains under delinquency jurisdiction in order to complete his or her rehabilitative goals and is under a foster care placement order is not required to complete the mutual agreement as described in subdivision (u) of Section 11400. His or her adult decisionmaking authority may be limited by and subject to the care, supervision, custody, conduct, and maintenance orders as described in Section 727.

(e) Unless otherwise specified, the rights of a dependent child and the responsibilities of the county welfare or probation department, or tribe, and other entities, toward the child and family, shall also apply to nonminor dependents.

(f) The court shall assume transition jurisdiction pursuant to Section 450 over a person notwithstanding a court order vacating the underlying adjudication pursuant to Section 236.14 of the Penal Code. On or before January 1, 2019, the Judicial Council shall amend and adopt rules of court and develop appropriate forms to implement this subdivision.

(Amended by Stats. 2017, Ch. 707, Sec. 1. (AB 604) Effective January 1, 2018.)

- **388.**

(a) The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child attains 21 years of age.

(b) The court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency, delinquency, or transition jurisdiction over the nonminor dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency, delinquency, or transition jurisdiction, the nonminor dependent shall remain under the general jurisdiction of the court in order to allow for a petition under subdivision (e) of Section 388.

(c) A nonminor who has not yet attained 21 years of age and who exited foster care at or after the age of majority, may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction over himself or herself or to assume transition jurisdiction over himself or herself pursuant to Section 450.

(d) (1) Nothing in this code, including, but not limited to, Sections 340, 366.27, and 369.5, shall be construed to provide legal custody of a person who has attained 18 years of age to the county welfare or probation department or to otherwise abrogate any other rights that a person who has attained 18 years of age may have as an adult under California law. A nonminor dependent shall retain all of his or her legal decisionmaking authority as an adult. The nonminor shall enter into a mutual agreement for placement, as described in subdivision (u) of Section 11400, unless the nonminor dependent is incapable of making an informed agreement, or a voluntary reentry

agreement, as described in subdivision (z) of Section 11400, for placement and care in which the nonminor consents to placement and care in a setting supervised by, and under the responsibility of, the county child welfare services department, the county probation department, or Indian tribe, tribal organization, or consortium of tribes that entered into an agreement pursuant to Section 10553.1.

(2) A nonminor dependent who remains under delinquency jurisdiction in order to complete his or her rehabilitative goals and is under a foster care placement order is not required to complete the mutual agreement as described in subdivision (u) of Section 11400. His or her adult decisionmaking authority may be limited by and subject to the care, supervision, custody, conduct, and maintenance orders as described in Section 727.

(e) Unless otherwise specified, the rights of a dependent child and the responsibilities of the county welfare or probation department, or tribe, and other entities, toward the child and family, shall also apply to nonminor dependents.

(f) The court shall assume transition jurisdiction pursuant to Section 450 over a person notwithstanding a court order vacating the underlying adjudication pursuant to Section 236.14 of the Penal Code. On or before January 1, 2019, the Judicial Council shall amend and adopt rules of court and develop appropriate forms to implement this subdivision.

(Amended by Stats. 2017, Ch. 707, Sec. 1. (AB 604) Effective January 1, 2018.)

• **391.**

(a) (1) At the first regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 after a dependent child has attained 16 years of age, the county welfare department shall submit a report verifying that the following information, documents, and services have been provided to the child:

(A) Social security card, if provided to the child pursuant to paragraph (2).

(B) Copy of the birth certificate.

(C) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(D) Assistance in obtaining employment, if applicable.

(E) Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable.

(F) Written information notifying the child that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code, or with participating county agencies pursuant to Section 31000.11 of the Government Code, until the child attains 26 years of age.

(G) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

(2) Except as required by subdivision (b), the child's social security card may only be provided temporarily to the dependent child for the following purposes:

(A) To enable the child to obtain employment.

- (B) To apply for admission to an institution of postsecondary education or a vocational training program.
 - (C) To apply for financial aid.
 - (D) To apply for or access public benefits.
 - (E) As otherwise determined by the child's caseworker, including, but not limited to, in response to a request from the child.
- (3) For purposes of this subdivision, a certified copy of the dependent child's birth certificate shall be provided upon request of the child.
- (b) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, the county welfare department shall submit a report verifying that the following information, documents, and services have been provided to the minor or nonminor:
- (1) Social security card.
 - (2) Certified copy of the birth certificate.
 - (3) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.
 - (4) Medi-Cal Benefits Identification Card.
 - (5) A letter prepared by the county welfare department that includes the following information:
 - (A) The minor's or nonminor's name and date of birth.
 - (B) The dates during which the minor or nonminor was within the jurisdiction of the juvenile court.
 - (C) A statement that the minor or nonminor was a foster youth in compliance with state and federal financial aid documentation requirements.
 - (6) If applicable, the death certificate of the parent or parents.
 - (7) If applicable, proof of the minor's or nonminor's citizenship or legal residence.
 - (8) An advance health care directive form.
 - (9) The Judicial Council form that the minor or nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (c) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, the county welfare department shall submit a report describing efforts toward providing the following information, documents, and services to the minor or nonminor:
- (1) Assistance in obtaining employment, if applicable.
 - (2) Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable.
 - (3) Written information notifying the child that a current or former dependent child who is or has been in foster care is granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code, or with participating county agencies pursuant to Section 31000.11 of the Government Code, until the child attains 26 years of age.

- (4) Written information notifying the child that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income, and are not required to submit an application.
- (5) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.
- (6) If applicable, referrals to transitional housing, if available, or assistance in securing other housing.
- (7) Assistance in maintaining relationships with individuals who are important to a minor or nonminor who has been in out-of-home placement for six months or longer from the date the minor or nonminor entered foster care, based on the minor's or nonminor's best interests.
- (8) The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.
- (d) The dependency court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to this section. At any hearing at which the court is considering terminating jurisdiction over a nonminor, the county welfare department shall do all of the following:
- (1) Ensure that the dependent nonminor is present in court, unless the nonminor does not wish to appear in court and elects a telephonic appearance, or document reasonable efforts made by the county welfare department to locate the nonminor when the nonminor is not available.
- (2) Submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction, which includes a recommended transitional independent living case plan for the nonminor when the report describes continuing dependency jurisdiction as being in the nonminor's best interest.
- (3) If the county welfare department recommends termination of the court's dependency jurisdiction, submit documentation of the reasonable efforts made by the department to provide the nonminor with the assistance needed to meet or maintain eligibility as a nonminor dependent, as defined in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.
- (4) If the nonminor has indicated that they do not want dependency jurisdiction to continue, the report shall address the manner in which the nonminor was advised of their options, including the benefits of remaining in foster care, and of their right to reenter foster care and to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction prior to attaining 21 years of age.
- (e) (1) The court shall continue dependency jurisdiction over a nonminor who meets the definition of a nonminor dependent as described in subdivision (v) of Section 11400 unless the court finds either of the following:
- (A) That the nonminor does not wish to remain subject to dependency jurisdiction.
- (B) That the nonminor is not participating in a reasonable and appropriate transitional independent living case plan.
- (2) In making the findings pursuant to paragraph (1), the court shall also find that the nonminor has been informed of their options including the benefits of remaining in foster care and the right to reenter foster care by filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction and by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, and has had an opportunity to confer with their counsel if counsel has been appointed pursuant to Section 317.

- (f) The court may terminate its jurisdiction over a nonminor if the court finds after reasonable and documented efforts the nonminor cannot be located.
- (g) When terminating dependency jurisdiction, the court shall maintain general jurisdiction over the nonminor to allow for the filing of a petition to resume dependency jurisdiction under subdivision (e) of Section 388 until the nonminor attains 21 years of age, although no review proceedings shall be required. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.
- (h) The court shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted pursuant to this section. Jurisdiction shall not be terminated until the department has submitted a report verifying that the information, documents, and services required under subdivisions (a) and (b), as well as the following information, documents, and services, have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:
- (1) Assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence, and, upon the nonminor's request, assistance in completing a voluntary reentry agreement for care and placement pursuant to subdivision (z) of Section 11400 and in filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (2) Written information concerning the nonminor's dependency case, including, but not limited to, all of the following:
- (A) Any known information regarding the nonminor's Indian heritage or tribal connections.
- (B) The nonminor's family history and placement history.
- (C) Any photographs of the nonminor or the family of the nonminor in the possession of the county welfare department, other than forensic photographs.
- (D) Directions on how to access the documents the nonminor is entitled to inspect under Section 827.
- (E) The written 90-day transition plan prepared pursuant to Section 16501.1.
- (F) The date on which the jurisdiction of the juvenile court would be terminated.
- (3) The health and education summary described in subdivision (a) of Section 16010.
- (4) The Judicial Council form that the nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (5) Written verification that the eligible nonminor is enrolled in Medi-Cal and the nonminor's Medi-Cal Benefits Identification Card.
- (6) Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors pursuant to Section 14005.28 or 14005.285.
- (7) Assistance with the following:
- (A) Referrals to transitional housing, if available, or assistance in securing other housing.
- (B) Obtaining employment or other financial support, if applicable.
- (Repealed and added by Stats. 2019, Ch. 438, Sec. 2. (AB 718) Effective January 1, 2020.)*

- **607.5.**

(a) Notwithstanding any other provision of law, whenever the juvenile court terminates jurisdiction over a ward who has also been designated a dependent of the court, or upon release of a ward from a facility that is not a foster care facility, a probation officer or parole officer shall provide the person with, at a minimum, all of the following:

(1) A written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, including, but not limited to, any independent living program for former foster children. Providing the proof of dependency and wardship document described in All-County Letter 07-33 and Section 31-525.6 of Chapter 31-500 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it existed on January 1, 2010, shall satisfy this requirement.

(2) Existing information described in Section 31-525.61 of Chapter 31-500 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it existed on January 1, 2010, that informs the person of the availability of assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide benefits to former foster children, including, but not limited to, financial assistance, housing, and educational resources for which he or she may be eligible.

(3) Existing information described in Section 31-525.61 of Chapter 31-500 of Division 31 of the State Department of Social Services Manual of Policies and Procedures, as it existed on January 1, 2010, that informs the person of the availability of assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide independent living services to youth 16 years of age and over who may be eligible for services.

(b) This section shall apply to any ward who was previously adjudged a dependent child of the court pursuant to Section 300 or a child who at any time has been placed in foster care pursuant to Section 727.

(c) Nothing in this section shall be interpreted to alter or amend the obligations of probation officers under current law.

(Added by Stats. 2010, Ch. 631, Sec. 2. (SB 945) Effective January 1, 2011.)

- **626.**

An officer who takes a minor into temporary custody under the provisions of Section 625 may do any of the following:

(a) Release the minor.

(b) Deliver or refer the minor to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services to minors so delivered. A placement of a child in a community care facility as specified in Section 1530.8 of the Health and Safety Code shall be made in accordance with Section 319.2 or 319.3, as applicable, and with paragraph (8) or (9) of subdivision (e) of Section 361.2, as applicable.

(c) Prepare in duplicate a written notice to appear before the probation officer of the county in which the minor was taken into custody at a time and place specified in the notice. The notice shall also contain a concise statement of the reasons the minor was taken into custody. The officer shall deliver one copy of the notice to the minor or to a parent, guardian, or responsible relative of the minor and may require the minor or the minor's parent, guardian, or relative, or both, to sign a written promise to appear at the time and place designated in the notice. Upon the execution of the

promise to appear, the officer shall immediately release the minor. The officer shall, as soon as practicable, file one copy of the notice with the probation officer. The written notice to appear may require that the minor be fingerprinted, photographed, or both, upon the minor's appearance before the probation officer, if the minor is a person described in Section 602 and he or she was taken into custody upon reasonable cause for the commission of a felony.

(d) Take the minor without unnecessary delay before the probation officer of the county in which the minor was taken into custody, or in which the minor resides, or in which the acts take place or the circumstances exist which are alleged to bring the minor within the provisions of Section 601 or 602, and deliver the custody of the minor to the probation officer. The peace officer shall prepare a concise written statement of the probable cause for taking the minor into temporary custody and the reasons the minor was taken into custody and shall provide the statement to the probation officer at the time the minor is delivered to the probation officer. In no case shall the officer delay the delivery of the minor to the probation officer for more than 24 hours if the minor has been taken into custody without a warrant on the belief that the minor has committed a misdemeanor.

In determining which disposition of the minor to make, the officer shall prefer the alternative which least restricts the minor's freedom of movement, provided that alternative is compatible with the best interests of the minor and the community.

(Amended by Stats. 2013, Ch. 21, Sec. 10. (AB 74) Effective June 27, 2013.)

- **628.**

(a) (1) Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody and shall immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless it can be demonstrated upon the evidence before the court that continuance in the home is contrary to the minor's welfare and one or more of the following conditions exist:

(A) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or reasonable necessity for the protection of the person or property of another.

(B) The minor is likely to flee the jurisdiction of the court.

(C) The minor has violated an order of the juvenile court.

(2) The probation officer's decision to detain a minor who is currently a dependent of the juvenile court pursuant to Section 300 or the subject of a petition to declare him or her a dependent of the juvenile court pursuant to Section 300 and who has been removed from the custody of his or her parent or guardian by the juvenile court shall not be based on any of the following:

(A) The minor's status as a dependent of the juvenile court or as the subject of a petition to declare him or her a dependent of the juvenile court.

(B) A determination that continuance in the minor's current placement is contrary to the minor's welfare.

(C) The child welfare services department's inability to provide a placement for the minor.

(3) The probation officer shall immediately release a minor described in paragraph (2) to the custody of the child welfare services department or his or her current foster parent or other caregiver unless the probation officer determines that one or more of the conditions in paragraph (1) exist.

(4) This section does not limit a probation officer's authority to refer a minor to child welfare services.

(b) If the probation officer has reason to believe that the minor is at risk of entering foster care placement as defined in paragraphs (1) and (2) of subdivision (d) of Section 727.4, the probation officer shall, as part of the investigation undertaken pursuant to subdivision (a), make reasonable efforts, as described in paragraph (5) of subdivision (d) of Section 727.4, to prevent or eliminate the need for removal of the minor from his or her home.

(c) In any case in which there is reasonable cause for believing that a minor who is under the care of a physician or surgeon or a hospital, clinic, or other medical facility and cannot be immediately moved is a person described in subdivision (d) of Section 300, the minor shall be deemed to have been taken into temporary custody and delivered to the probation officer for the purposes of this chapter while he or she is at the office of the physician or surgeon or that medical facility.

(d) (1) It is the intent of the Legislature that this subdivision shall comply with paragraph (29) of subsection (a) of Section 671 of Title 42 of the United States Code as added by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). It is further the intent of the Legislature that the identification and notification of relatives shall be made as early as possible after the removal of a youth who is at risk of entering foster care placement.

(2) If the minor is detained and the probation officer has reason to believe that the minor is at risk of entering foster care placement, as defined in paragraphs (1) and (2) of subdivision (d) of Section 727.4, then the probation officer shall conduct, within 30 days, an investigation in order to identify and locate all grandparents, adult siblings, and other relatives of the child, as defined in paragraph (2) of subdivision (f) of Section 319, including any other adult relatives suggested by the parents. The probation officer shall provide to all adult relatives who are located, except when that relative's history of family or domestic violence makes notification inappropriate, within 30 days of the date on which the child is detained, written notification and shall also, whenever appropriate, provide oral notification, in person or by telephone, of all the following information:

(A) The child has been removed from the custody of his or her parent or parents, or his or her guardians.

(B) An explanation of the various options to participate in the care and placement of the child and support for the child's family, including any options that may be lost by failing to respond. The notice shall provide information about providing care for the child, how to become a foster family home, approved relative or nonrelative extended family member as defined in Section 362.7, or resource family home, and additional services and support that are available in out-of-home placements. The notice shall also include information regarding the Kin-GAP Program (Article 4.5 (commencing with Section 11360) of Chapter 2 of Part 3 of Division 9), the CalWORKs program for approved relative caregivers (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9), adoption and adoption assistance (Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9), as well as other options for contact with the child, including, but not limited to, visitation. When oral notification is provided, the probation officer is not required to provide detailed information about the various options to help with the care and placement of the child.

(3) The probation officer shall use due diligence in investigating the names and locations of the relatives pursuant to paragraph (2), including, but not limited to, asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interest, and obtaining information regarding the location of the child's adult relatives.

(4) To the extent allowed by federal law as a condition of receiving funding under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), if the probation officer did not conduct the identification and notification of relatives, as required in paragraph (2), but the court orders foster care placement, the probation officer shall conduct the investigation to find and notify relatives

within 30 days of the placement order. Nothing in this section shall be construed to delay foster care placement for an individual child.

(Amended by Stats. 2017, Ch. 732, Sec. 53. (AB 404) Effective January 1, 2018.)

- **635.1.**

When the court finds a minor to be a person described by Section 602 and believes the minor may need specialized mental health treatment while the minor is unable to reside in his or her natural home, the court shall notify the director of the county mental health department in the county where the minor resides. The county mental health department shall perform the duties required under Section 5697.5 for all those minors.

Nothing in this section shall restrict the provision of emergency psychiatric services to those minors who have not yet reached the point of adjudication or disposition, nor shall it operate to restrict evaluations at an earlier stage of the proceedings or to restrict the use of Sections 4011.6 and 4011.8 of the Penal Code.

(Amended by Stats. 2001, Ch. 854, Sec. 74. Effective January 1, 2002.)

- **636.**

(a) If it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter the order together with its findings of fact in support thereof in the records of the court. The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another that the minor be detained. If a minor is a dependent of the court pursuant to Section 300, the court's decision to detain shall not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor.

(b) If the court finds that the criteria of Section 628.1 are applicable, the court shall place the minor on home supervision for a period not to exceed 15 judicial days, and shall enter the order together with its findings of fact in support thereof in the records of the court. If the court releases the minor on home supervision, the court may continue, modify, or augment any conditions of release previously imposed by the probation officer, or may impose new conditions on a minor released for the first time. If there are new or modified conditions, the minor shall be required to sign a written promise to obey those conditions pursuant to Section 628.1.

(c) If the probation officer is recommending that the minor be detained, the probation officer shall submit to the court documentation, as follows:

(1) Documentation that continuance in the home is contrary to the minor's welfare shall be submitted to the court as part of the detention report prepared pursuant to Section 635.

(2) Documentation that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home and documentation of the nature and results of the services provided shall be submitted to the court either as part of the detention report prepared pursuant to Section 635, or

as part of a case plan prepared pursuant to Section 636.1, but in no case later than 60 days from the date of detention.

(d) Except as provided in subdivision (e), before detaining the minor, the court shall determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. The court shall make that determination on a case-by-case basis and shall make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision.

(1) If the minor can be returned to the custody of his or her parent or legal guardian at the detention hearing, through the provision of services to prevent removal, the court shall release the minor to the physical custody of his or her parent or legal guardian and order that those services be provided.

(2) If the minor cannot be returned to the custody of his or her parent or legal guardian at the detention hearing, the court shall state the facts upon which the detention is based. The court shall make the following findings on the record and reference the probation officer's report or other evidence relied upon to make its determinations:

(A) Whether continuance in the home of the parent or legal guardian is contrary to the minor's welfare.

(B) Whether reasonable efforts have been made to safely maintain the minor in the home of his or her parent or legal guardian and to prevent or eliminate the need for removal of the minor from his or her home. This finding shall be made at the detention hearing if possible, but in no case later than 60 days following the minor's removal from the home.

(3) If the minor cannot be returned to the custody of his or her parent or legal guardian at the detention hearing, the court shall make the following orders:

(A) The probation officer shall provide services as soon as possible to enable the minor's parent or legal guardian to obtain any assistance as may be needed to enable the parent or guardian to effectively provide the care and control necessary for the minor to return to the home.

(B) The minor's placement and care shall be the responsibility of the probation department pending disposition or further order of the court.

(4) If the matter is set for rehearing pursuant to Section 637, or continued pursuant to Section 638, or continued for any other reason, the court shall find that the continuance of the minor in the parent's or guardian's home is contrary to the minor's welfare at the initial petition hearing or order the release of the minor from custody.

(e) For a minor who is a dependent of the court pursuant to Section 300, the court's decision to detain the minor shall not be based on a finding that continuance in the minor's current placement is contrary to the minor's welfare. If the court determines that continuance in the minor's current placement is contrary to the minor's welfare, the court shall order the child welfare services department to place the minor in another licensed or approved placement.

(f) Whether the minor is returned home or detained, the court shall order the minor's parent or guardian to cooperate with the probation officer in obtaining those services described in paragraph (1) of, or in subparagraph (A) of paragraph (3) of, subdivision (d).

(Amended by Stats. 2014, Ch. 760, Sec. 6. (AB 388) Effective January 1, 2015.)

- **636.1.**

(a) When a minor is detained pursuant to Section 636 following a finding by the court that continuance in the home is contrary to the minor's welfare and the minor is at risk of entering foster care, the probation officer shall, within 60 calendar days of initial removal, or by the date of the disposition hearing, whichever occurs first, complete a case plan.

(b) If the probation officer believes that reasonable efforts by the minor, his or her parent or legal guardian, and the probation officer will enable the minor to safely return home, the case plan shall focus on those issues and activities associated with those efforts, including a description of the strengths and needs of the minor and his or her family and identification of the services that will be provided to the minor and his or her family in order to reduce or eliminate the need for the minor to be placed in foster care and make it possible for the minor to safely return to his or her home.

(c) If, based on the information available to the probation officer, the probation officer believes that foster care placement is the most appropriate disposition, the case plan shall include all the information required by Section 706.6.

(Amended by Stats. 2004, Ch. 332, Sec. 2. Effective January 1, 2005.)

- **654.**

In any case in which a probation officer, after investigation of an application for a petition or any other investigation he or she is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the probation officer may, in lieu of filing a petition to declare a minor a dependent child of the court or a minor or a ward of the court under Section 601 or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court under subdivision (e) of Section 601.3 or Section 602 and with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, for not to exceed six months, and attempt thereby to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction. This section does not prevent the probation officer from filing a petition or requesting the prosecuting attorney to file a petition at any time within the six-month period or a 90-day period thereafter. If the probation officer determines that the minor has not involved himself or herself in the specific programs within 60 days, the probation officer shall immediately file a petition or request that a petition be filed by the prosecuting attorney. However, when in the judgment of the probation officer the interest of the minor and the community can be protected, the probation officer shall make a diligent effort to proceed under this section.

The program of supervision of the minor undertaken pursuant to this section may call for the minor to obtain care and treatment for the misuse of, or addiction to, controlled substances from a county mental health service or other appropriate community agency.

The program of supervision shall require the parents or guardians of the minor to participate with the minor in counseling or education programs, including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court if the program of supervision is pursuant to the procedure prescribed in Section 654.2.

Further, this section shall authorize the probation officer with consent of the minor and the minor's parent or guardian to provide the following services in lieu of filing a petition:

(a) Maintain and operate sheltered-care facilities, or contract with private or public agencies to provide these services. The placement shall be limited to a maximum of 90 days. Counseling

services shall be extended to the sheltered minor and his or her family during this period of diversion services. The minor's parents may be required to make full or partial reimbursement for the services rendered to the minor's family, but not for the services rendered to the minor, during the diversion process. Referrals for sheltered-care diversion may be made by the minor, his or her family, schools, any law enforcement agency, or any other private or public social service agency.

(b) Maintain and operate crisis resolution homes, or contract with private or public agencies offering these services. Residence at these facilities shall be limited to 20 days during which period individual and family counseling shall be extended to the minor and his or her family. Failure to resolve the crisis within the 20-day period may result in the minor's referral to a sheltered-care facility for a period not to exceed 90 days. Referrals shall be accepted from the minor, his or her family, schools, law enforcement or any other private or public social service agency. The minor's parents may be required to reimburse the county for the cost of services rendered to the minor's family, but not for the cost of services rendered to the minor, at a rate to be determined by the county board of supervisors.

(c) Maintain and operate counseling and educational centers, or contract with private and public agencies, societies, or corporations whose purpose is to provide vocational training or skills. The centers may be operated separately or in conjunction with crisis resolution homes to be operated by the probation officer. The probation officer shall be authorized to make referrals to the appropriate existing private or public agencies offering similar services when available.

At the conclusion of the program of supervision undertaken pursuant to this section, the probation officer shall prepare and maintain a followup report of the actual program measures taken.

(Amended by Stats. 2017, Ch. 678, Sec. 9. (SB 190) Effective January 1, 2018.)

• **706.5.**

(a) If placement in foster care is recommended by the probation officer, or where the minor is already in foster care placement or pending placement pursuant to an earlier order, the social study prepared by the probation officer that is received into evidence at disposition pursuant to Section 706 shall include a case plan, as described in Section 706.6. If the court elects to hold the first status review at the disposition hearing, the social study shall also include, but not be limited to, the factual material described in subdivision (c).

(b) If placement in foster care is not recommended by the probation officer prior to disposition, but the court orders foster care placement, the court shall order the probation officer to prepare a case plan, as described in Section 706.6, within 30 days of the placement order. The case plan shall be filed with the court.

(c) At each status review hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6 and the following information:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(4) If the first permanency planning hearing has not yet occurred, the social study shall include the likely date by which the minor may be returned to and safely maintained in the home or placed for

adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or referred to another planned permanent living arrangement.

(5) Whether the minor has been or will be referred to educational services and what services the minor is receiving, including special education and related services if the minor has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code or accommodations if the child has disabilities as described in Chapter 16 (commencing with Section 701) of Title 29 of the United States Code Annotated. The probation officer or child advocate shall solicit comments from the appropriate local education agency prior to completion of the social study.

(6) If the parent or guardian is unwilling or unable to participate in making an educational or developmental services decision for his or her child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational or developmental services decisions for the child, the probation department shall consider whether the right of the parent or guardian to make educational or developmental services decisions for the minor should be limited. If the study makes that recommendation, it shall identify whether there is a responsible adult available to make educational or developmental services decisions for the minor pursuant to Section 726.

(7) When the minor is 16 years of age or older and in another planned permanent living arrangement, the social study shall include a description of all of the following:

(A) The intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, or establish a legal guardianship, as appropriate.

(B) The steps taken to do both of the following:

(i) Ensure that the minor's care provider is following the reasonable and prudent parent standard.

(ii) Determine whether the minor has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the minor about opportunities for the minor to participate in the activities.

(8) When the minor is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, the social study shall include a description of any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.

(d) At each permanency planning hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6, the factual material described in subdivision (c) of this section, and a recommended permanent plan for the minor.

(Amended by Stats. 2015, Ch. 425, Sec. 16. (SB 794) Effective January 1, 2016.)

- **706.6.**

(a) Services to minors are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(b) (1) For the purposes of this section, "child and family team" has the same meaning as in paragraph (4) of subdivision (a) of Section 16501.

(2) In its development of the case plan, the probation agency shall consider any recommendations of the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(c) A case plan prepared as required by Section 706.5 shall be submitted to the court. It shall either be attached to the social study or incorporated as a separate section within the social study. The case plan shall include, but not be limited to, the following information:

(1) A description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care.

(2) Documentation of the preplacement assessment of the minor's and family's strengths and service needs showing that preventive services have been provided, and that reasonable efforts to prevent out-of-home placement have been made. The assessment shall include the type of placement best equipped to meet those needs.

(3) (A) A description of the type of home or institution in which the minor is to be placed, and the reasons for that placement decision, including a discussion of the safety and appropriateness of the placement, including the recommendations of the child and family team, if available.

(B) An appropriate placement is a placement in the least restrictive, most family-like environment that promotes normal childhood experiences, in closest proximity to the minor's home, that meets the minor's best interests and special needs.

(d) The following shall apply:

(1) The agency selecting a placement shall consider, in order of priority:

(A) Placement with relatives, nonrelated extended family members, and tribal members.

(B) Foster family homes and certified homes or resource families of foster family agencies.

(C) Treatment and intensive treatment certified homes or resource families of foster family agencies, or multidimensional treatment foster homes or therapeutic foster care homes.

(D) Group care placements in the following order:

(i) Short-term residential therapeutic programs.

(ii) Group homes.

(iii) Community treatment facilities.

(iv) Out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) Although the placement options shall be considered in the preferential order specified in paragraph (1), the placement of a child may be with any of these placement settings in order to ensure the selection of a safe placement setting that is in the child's best interests and meets the child's special needs.

(3) A minor may be placed into a community care facility licensed as a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400, provided the case plan indicates that the placement is for the purposes of providing short-term, specialized, and intensive treatment for the minor, the case plan specifies the need for, nature of, and anticipated duration of this treatment, and the case plan includes transitioning the minor to a less restrictive environment and the projected timeline by which the minor will be transitioned to a less restrictive environment.

(e) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(1) Assurances that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(2) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(f) Specific time-limited goals and related activities designed to enable the safe return of the minor to his or her home, or in the event that return to his or her home is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following:

(1) The probation department.

(2) The minor's parent or parents or legal guardian or guardians, as applicable.

(3) The minor.

(4) The foster parents or licensed agency providing foster care.

(g) The projected date of completion of the case plan objectives and the date services will be terminated.

(h) (1) Scheduled visits between the minor and his or her family and an explanation if no visits are made.

(2) Whether the child has other siblings, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(F) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(3) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in

the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(i) (1) When placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the minor's parent or legal guardian or out of state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor.

(2) When an out-of-state group home placement is recommended or made, the case plan shall comply with Section 727.1 of this code and Section 7911.1 of the Family Code. In addition, documentation of the recommendation of the multidisciplinary team and the rationale for this particular placement shall be included. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended.

(j) If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.

(k) A schedule of visits between the minor and the probation officer, including a monthly visitation schedule for those children placed in group homes.

(l) Health and education information about the minor, school records, immunizations, known medical problems, and any known medications the minor may be taking, names and addresses of the minor's health and educational providers; the minor's grade level performance; assurances that the minor's placement in foster care takes into account proximity to the school in which the minor was enrolled at the time of placement; and other relevant health and educational information.

(m) When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

(n) (1) The updated case plan prepared for a permanency planning hearing shall include a recommendation for a permanent plan for the minor. The identified permanent plan for a minor under 16 years of age shall be return home, adoption, legal guardianship, or placement with a fit and willing relative. The case plan shall identify any barriers to achieving legal permanence and the steps the agency will take to address those barriers.

(2) If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement for a minor 16 years of age or older, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. For purposes of this subdivision, a "compelling reason" shall have the same meaning as in subdivision (c) of Section 727.3. The case plan shall also identify the intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, establish a legal guardianship, or place the minor with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the minor.

(o) Each updated case plan shall include a description of the services that have been provided to the minor under the plan and an evaluation of the appropriateness and effectiveness of those services.

(p) A statement that the parent or legal guardian, and the minor have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why the parent, legal guardian, or minor was not able to participate or sign the case plan.

(q) For a minor in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help the minor prepare for the transition from foster care to successful adulthood.

(Amended by Stats. 2016, Ch. 612, Sec. 76. (AB 1997) Effective January 1, 2017.)

- **710.**

(a) Sections 711, 712, and 713 shall not be applicable in a county unless the application of those sections in the county has been approved by a resolution adopted by the board of supervisors. A county may establish a program pursuant to Section 711, 712, or 713, or pursuant to two or all three of those sections, on a permanent basis, or it may establish the program on a limited duration basis for a specific number of years. Moneys from a grant from the Mental Health Services Act used to fund a program pursuant to Section 711, 712, or 713 may be used only for services related to mental health assessment, treatment, and evaluation.

(b) It is the intent of the Legislature that in a county where funding exists through the Mental Health Services Act, and the board of supervisors has adopted a resolution pursuant to subdivision (a), the courts may, under the guidelines established in Section 711, make available the evaluation described in Section 712, and receive treatment and placement recommendations from the multidisciplinary assessment team as described in Section 713.

(Added by Stats. 2005, Ch. 265, Sec. 3. Effective January 1, 2006.)

- **711.**

(a) When it appears to the court, or upon request of the prosecutor or counsel for the minor, at any time, that a minor who is alleged to come within the jurisdiction of the court under Section 602, may have a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the court may order that the minor be referred for evaluation, as described in Section 712.

(b) A minor, with the approval of his or her counsel, may decline the referral for mental health evaluation described in Section 712 or the multidisciplinary team review described in Section 713, in which case the matter shall proceed without the application of Sections 712 and 713, and in accordance with all other applicable provisions of law.

(Added by Stats. 2005, Ch. 265, Sec. 4. Effective January 1, 2006.)

- **712.**

(a) The evaluation ordered by the court under Section 711 shall be made, in accordance with the provisions of Section 741 and Division 4.5 (commencing with Section 4500), by either of the following, as applicable:

(1) For minors suspected to be developmentally disabled, by the director of a regional center or his or her designee, pursuant to paragraph (7) of subdivision (b) of Section 709.

(2) For all other minors, by an appropriate and licensed mental health professional who meets one or more of the following criteria:

(A) The person is licensed to practice medicine in the State of California and is trained and actively engaged in the practice of psychiatry.

(B) The person is licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(b) The evaluator selected by the court shall personally examine the minor, conduct appropriate psychological or mental health screening, assessment, or testing, according to a uniform protocol developed by the county mental health department, and prepare and submit to the court a written report indicating his or her findings and recommendations to guide the court in determining whether the minor has a serious mental disorder or is seriously emotionally disturbed, as described in Section 5600.3. If the minor is detained, the examination shall occur within three court days of the court's order of referral for evaluation, and the evaluator's report shall be submitted to the court not later than five court days after the evaluator has personally examined the minor, unless the submission date is extended by the court for good cause shown.

(c) Based on the written report by the evaluator or the regional center, the court shall determine whether the minor has a serious mental disorder or is seriously emotionally disturbed, as described in Section 5600.3, or has a developmental disability, as defined in Section 4512. If the court determines that the minor has a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the case shall proceed as described in Section 713. If the court determines that the minor does not have a serious mental disorder, is not seriously emotionally disturbed, or does not have a developmental disability, the matter shall proceed without the application of Section 713 and in accordance with all other applicable provisions of law.

(d) This section shall not be construed to interfere with the legal authority of the juvenile court or of any other public or private agency or individual to refer a minor for mental health evaluation or treatment as provided in Section 370, 635.1, 704, 741, 5150, 5694.7, 5699.2, 5867.5, or 6551 of this code, or in Section 4011.6 of the Penal Code.

(Amended by Stats. 2018, Ch. 991, Sec. 3. (AB 1214) Effective January 1, 2019.)

• **713.**

(a) For any minor described in Section 711 who is determined by the court under Section 712 to be seriously emotionally disturbed, have a serious mental disorder, or have a developmental disability, and who is adjudicated a ward of the court under Section 602, the dispositional procedures set forth in this section shall apply.

(b) Prior to the preparation of the social study required under Section 706, 706.5, or 706.6, the minor shall be referred to a multidisciplinary team for dispositional review and recommendation. The multidisciplinary team shall consist of qualified persons who are collectively able to evaluate the minor's full range of treatment needs and may include representatives from local probation, mental health, regional centers, regional resource development projects, child welfare, education, community-based youth services, and other agencies or service providers. The multidisciplinary team shall include at least one licensed mental health professional as described in subdivision (a) of Section 712. If the minor has been determined to have both a mental disorder and a developmental disorder, the multidisciplinary team may include both an appropriate mental health agency and a regional center.

(c) The multidisciplinary team shall review the nature and circumstances of the case, including the minor's family circumstances, as well as the minor's relevant tests, evaluations, records, medical and psychiatric history, and any existing individual education plan or individual program plans. The multidisciplinary team shall provide for the involvement of the minor's available parent, guardian, or primary caretaker in its review, including any direct participation in multidisciplinary team proceedings as may be helpful or appropriate for development of a treatment plan in the case. The

team shall identify the mental health or other treatment services, including in-home and community-based services that are available and appropriate for the minor, including services that may be available to the minor under federal and state programs and initiatives, such as wraparound service programs. At the conclusion of its review, the team shall then produce a recommended disposition and written treatment plan for the minor, to be appended to, or incorporated into, the probation social study presented to the court.

(d) The court shall review the treatment plan and the dispositional recommendations prepared by the multidisciplinary team and shall take them into account when making the dispositional order in the case. The dispositional order in the case shall be consistent with the protection of the public and the primary treatment needs of the minor as identified in the report of the multidisciplinary team. The minor's disposition order shall incorporate, to the extent feasible, the treatment plan submitted by the multidisciplinary team, with any adjustments deemed appropriate by the court.

(e) The dispositional order in the case shall authorize placement of the minor in the least restrictive setting that is consistent with the protection of the public and the minor's treatment needs, and with the treatment plan approved by the court. The court shall, in making the dispositional order, give preferential consideration to the return of the minor to the home of his or her family, guardian, or responsible relative with appropriate in-home, outpatient, or wraparound services, unless that action would be, in the reasonable judgment of the court, inconsistent with the need to protect the public or the minor, or with the minor's treatment needs.

(f) Whenever a minor is recommended for placement at a state developmental center, the regional center director or designee shall submit a report to the Director of the Department of Developmental Services or his or her designee. The regional center report shall include the assessments, individual program plan, and a statement describing the necessity for a developmental center placement. The Director of Developmental Services or his or her designee may, within 60 days of receiving the regional center report, submit to the court a written report evaluating the ability of an alternative community option or a developmental center to achieve the purposes of treatment for the minor and whether a developmental center placement can adequately provide the security measures or systems required to protect the public health and safety from the potential dangers posed by the minor's known behaviors.

(Added by Stats. 2005, Ch. 265, Sec. 6. Effective January 1, 2006.)

- **727.**

(a) (1) If a minor or nonminor is adjudged a ward of the court on the ground that the minor or nonminor is a person described by Section 601 or 602, the court may make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor or nonminor, including medical treatment, subject to further order of the court.

(2) In the discretion of the court, a ward may be ordered to be on probation without supervision of the probation officer. The court, in so ordering, may impose on the ward any and all reasonable conditions of behavior as may be appropriate under this disposition. A minor or nonminor who has been adjudged a ward of the court on the basis of the commission of any of the offenses described in subdivision (b) or paragraph (2) of subdivision (d) of Section 707, Section 459 of the Penal Code, or subdivision (a) of Section 11350 of the Health and Safety Code, shall not be eligible for probation without supervision of the probation officer. A minor or nonminor who has been adjudged a ward of the court on the basis of the commission of any offense involving the sale or possession for sale of a controlled substance, except misdemeanor offenses involving marijuana, as specified in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, or of an offense in

violation of Section 32625 of the Penal Code, shall be eligible for probation without supervision of the probation officer only when the court determines that the interests of justice would best be served and states reasons on the record for that determination.

(3) In all other cases, the court shall order the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer.

(4) It is the responsibility, pursuant to Section 672(a)(2)(B) of Title 42 of the United States Code, of the probation agency to determine the appropriate placement for the ward once the court issues a placement order. In determination of the appropriate placement for the ward, the probation officer shall consider any recommendations of the child and family. The probation agency may place the minor or nonminor in any of the following:

(A) The approved home of a relative or the approved home of a nonrelative, extended family member, as defined in Section 362.7. If a decision has been made to place the minor in the home of a relative, the court may authorize the relative to give legal consent for the minor's medical, surgical, and dental care and education as if the relative caregiver were the custodial parent of the minor.

(B) A foster home, the approved home of a resource family, as defined in Section 16519.5, or a home or facility in accordance with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(C) A suitable licensed community care facility, as identified by the probation officer, except a youth homelessness prevention center licensed by the State Department of Social Services pursuant to Section 1502.35 of the Health and Safety Code.

(D) A foster family agency, as defined in subdivision (g) of Section 11400 and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, in a suitable certified family home or with a resource family.

(E) A minor or nonminor dependent may be placed in a group home or short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code. The placing agency shall also comply with requirements set forth in paragraph (9) of subdivision (e) of Section 361.2, which includes, but is not limited to, authorization, limitation on length of stay, extensions, and additional requirements related to minors. For youth 13 years of age and older, the chief probation officer of the county probation department, or their designee, shall approve the placement if it is longer than 12 months, and no less frequently than every 12 months thereafter.

(F) (i) A minor adjudged a ward of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. A state or local regulation or policy shall not prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A short-term residential therapeutic program or a group home administrator, a facility manager, or their responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a minor residing in foster care to participate in extracurricular, enrichment, and social activities. A short-term residential therapeutic program or a group home administrator, a facility manager, or their responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the minor's age, maturity, and developmental level. For every minor placed in a setting described in

subparagraphs (A) through (E), inclusive, age-appropriate extracurricular, enrichment, and social activities shall include access to computer technology and the internet.

(ii) A short-term residential therapeutic program or a group home administrator, facility manager, or their responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the minor at the group home in applying and using the reasonable and prudent parent standard.

(G) For nonminors, an approved supervised independent living setting, as defined in Section 11400, including a residential housing unit certified by a licensed transitional housing placement provider.

(5) The minor or nonminor shall be released from juvenile detention upon an order being entered under paragraph (3), unless the court determines that a delay in the release from detention is reasonable pursuant to Section 737.

(b) (1) To facilitate coordination and cooperation among agencies, the court may, at any time after a petition has been filed, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to a minor, for whom a petition has been filed under Section 601 or 602, to a nonminor, as described in Section 303, or to a nonminor dependent, as defined in subdivision (v) of Section 11400. In any proceeding in which an agency is joined, the court shall not impose duties upon the agency beyond those mandated by law. The purpose of joinder under this section is to ensure the delivery and coordination of legally mandated services to the minor. The joinder shall not be maintained for any other purpose. Nothing in this section shall prohibit agencies that have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services.

(2) The court has no authority to order services unless it has been determined through the administrative process of an agency that has been joined as a party, that the minor, nonminor, or nonminor dependent is eligible for those services. With respect to mental health assessment, treatment, and case management services pursuant to an individualized education program developed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code, the court's determination shall be limited to whether the agency has complied with that chapter.

(3) For the purposes of this subdivision, "agency" means any governmental agency or any private service provider or individual that receives federal, state, or local governmental funding or reimbursement for providing services directly to a child, nonminor, or nonminor dependent.

(c) If a minor has been adjudged a ward of the court on the ground that the minor is a person described in Section 601 or 602, and the court finds that notice has been given in accordance with Section 661, and if the court orders that a parent or guardian shall retain custody of that minor either subject to or without the supervision of the probation officer, the parent or guardian may be required to participate with that minor in a counseling or education program, including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court.

(d) (1) The juvenile court may direct any reasonable orders to the parents and guardians of the minor who is the subject of any proceedings under this chapter as the court deems necessary and proper to carry out subdivisions (a), (b), and (c), including orders to appear before a county financial evaluation officer, to ensure the minor's regular school attendance, and to make reasonable efforts to obtain appropriate educational services necessary to meet the needs of the minor.

(2) If counseling or other treatment services are ordered for the minor, the parent, guardian, or foster parent shall be ordered to participate in those services, unless participation by the parent, guardian, or foster parent is deemed by the court to be inappropriate or potentially detrimental to the minor.

(e) The court may, after receipt of relevant testimony and other evidence from the parties, affirm or reject the placement determination. If the court rejects the placement determination, the court may instruct the probation department to determine an alternative placement for the ward, or the court may modify the placement order to an alternative placement recommended by a party to the case after the court has received the probation department's assessment of that recommendation and other relevant evidence from the parties.

(Amended by Stats. 2019, Ch. 341, Sec. 15. (AB 1235) Effective January 1, 2020.)

• **727.2.**

The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his or her home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(1) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21, 366.22, or 366.25, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(2) The parent has been convicted of any of the following:

(A) Murder of another child of the parent.

(B) Voluntary manslaughter of another child of the parent.

(C) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in subparagraph (A) or (B).

(D) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(3) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.

If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social

study report shall include all reports the probation officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or, if the minor is 16 years of age or older, referred to another planned permanent living arrangement.

(6) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to successful adulthood.

The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(f) At any status review hearing prior to the first permanency hearing, after considering the admissible and relevant evidence, the court shall order return of the minor to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed himself or herself of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a

permanent plan of “return to the physical custody of the parent or legal guardian after further reunification services are offered,” as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

(i) (1) On and after January 1, 2012, at any status review hearing at which a recommendation to terminate delinquency jurisdiction is being considered, or at the status review hearing held closest to the ward attaining 18 years of age, but no fewer than 90 days before the ward’s 18th birthday, the court shall consider whether to modify its jurisdiction pursuant to Section 601 or 602 and assume transition jurisdiction over the minor pursuant to Section 450. The probation department shall address this issue in its report to the court and make a recommendation as to whether transition jurisdiction is appropriate for the minor.

(2) The court shall order the probation department or the minor’s attorney to submit an application to the child welfare services department pursuant to Section 329 to declare the minor a dependent of the court and modify its jurisdiction from delinquency to dependency jurisdiction if it finds both of the following:

(A) The ward does not come within the description set forth in Section 450, but jurisdiction as a ward may no longer be required.

(B) The ward appears to come within the description of Section 300 and cannot be returned home safely.

(3) The court shall set a hearing within 20 judicial days of the date of its order issued pursuant to paragraph (2) to review the decision of the child welfare services department and may either affirm the decision not to file a petition pursuant to Section 300 or order the child welfare services department to file a petition pursuant to Section 300.

(j) On and after January 1, 2012, if a review hearing pursuant to this section is the last review hearing to be held before the minor attains 18 years of age, the court shall ensure that the minor’s transitional independent living case plan includes a plan for the minor to meet one or more of the criteria in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, so that the minor can become a nonminor dependent, and that the minor has been informed of his or her right to decline to become a nonminor dependent and to seek termination of the court’s jurisdiction pursuant to Section 607.2.

(Amended by Stats. 2015, Ch. 425, Sec. 18. (SB 794) Effective January 1, 2016.)

- **741.**

The juvenile court may, in any case before it in which a petition has been filed as provided in Article 16 (commencing with Section 650), order that the probation officer obtain the services of such psychiatrists, psychologists, physicians and surgeons, dentists, optometrists, audiologists, or other clinical experts as may be required to assist in determining the appropriate treatment of the minor and as may be required in the conduct or implementation of the treatment. Payment for the services shall be a charge against the county.

Whenever diagnosis or treatment pursuant to this section is due to, or related to, drug or alcohol use, the cost thereof shall be considered for the use of funds made available to the county from

state or federal sources for the purpose of providing care and treatment for drug- and alcohol-related illness or for drug or alcohol abuse.

(Amended by Stats. 1991, Ch. 482, Sec. 3. Effective October 4, 1991.)

- **4512.**

As used in this division:

(a) “Developmental disability” means a disability that originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

(b) “Services and supports for persons with developmental disabilities” means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, and normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer’s family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option. Services and supports listed in the individual program plan may include, but are not limited to, diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, physical, occupational, and speech therapy, training, education, supported and sheltered employment, mental health services, recreation, counseling of the individual with a developmental disability and of his or her family, protective and other social and sociolegal services, information and referral services, follow-along services, adaptive equipment and supplies, advocacy assistance, including self-advocacy training, facilitation and peer advocates, assessment, assistance in locating a home, child care, behavior training and behavior modification programs, camping, community integration services, community support, daily living skills training, emergency and crisis intervention, facilitating circles of support, habilitation, homemaker services, infant stimulation programs, paid roommates, paid neighbors, respite, short-term out-of-home care, social skills training, specialized medical and dental care, telehealth services and supports, as defined in Section 2290.5 of the Business and Professions Code, supported living arrangements, technical and financial assistance, travel training, training for parents of children with developmental disabilities, training for parents with developmental disabilities, vouchers, and transportation services necessary to ensure delivery of services to persons with developmental disabilities. Nothing in this subdivision is intended to expand or authorize a new or different service or support for any consumer unless that service or support is contained in his or her individual program plan.

(c) Notwithstanding subdivisions (a) and (b), for any organization or agency receiving federal financial participation under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, as amended,

“developmental disability” and “services for persons with developmental disabilities” mean the terms as defined in the federal act to the extent required by federal law.

(d) “Consumer” means a person who has a disability that meets the definition of developmental disability set forth in subdivision (a).

(e) “Natural supports” means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships, friendships reflecting the diversity of the neighborhood and the community, associations with fellow students or employees in regular classrooms and workplaces, and associations developed through participation in clubs, organizations, and other civic activities.

(f) “Circle of support” means a committed group of community members, who may include family members, meeting regularly with an individual with developmental disabilities in order to share experiences, promote autonomy and community involvement, and assist the individual in establishing and maintaining natural supports. A circle of support generally includes a plurality of members who neither provide nor receive services or supports for persons with developmental disabilities and who do not receive payment for participation in the circle of support.

(g) “Facilitation” means the use of modified or adapted materials, special instructions, equipment, or personal assistance by an individual, such as assistance with communications, that will enable a consumer to understand and participate to the maximum extent possible in the decisions and choices that affect his or her life.

(h) “Family support services” means services and supports that are provided to a child with developmental disabilities or his or her family and that contribute to the ability of the family to reside together.

(i) “Voucher” means any authorized alternative form of service delivery in which the consumer or family member is provided with a payment, coupon, chit, or other form of authorization that enables the consumer or family member to choose his or her own service provider.

(j) “Planning team” means the individual with developmental disabilities, the parents or legally appointed guardian of a minor consumer or the legally appointed conservator of an adult consumer, the authorized representative, including those appointed pursuant to subdivision (d) of Section 4548 and subdivision (e) of Section 4705, one or more regional center representatives, including the designated regional center service coordinator pursuant to subdivision (b) of Section 4640.7, any individual, including a service provider, invited by the consumer, the parents or legally appointed guardian of a minor consumer or the legally appointed conservator of an adult consumer, or the authorized representative, including those appointed pursuant to subdivision (d) of Section 4548 and subdivision (e) of Section 4705, and including a minor’s, dependent’s, or ward’s court-appointed developmental services decisionmaker appointed pursuant to Section 319, 361, or 726.

(k) “Stakeholder organizations” means statewide organizations representing the interests of consumers, family members, service providers, and statewide advocacy organizations.

(l) (1) “Substantial disability” means the existence of significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person:

(A) Self-care.

(B) Receptive and expressive language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency.

(2) A reassessment of substantial disability for purposes of continuing eligibility shall utilize the same criteria under which the individual was originally made eligible.

(m) “Native language” means the language normally used or the preferred language identified by the individual and, when appropriate, his or her parent, legal guardian or conservator, or authorized representative.

(Amended by Stats. 2015, Ch. 303, Sec. 574. (AB 731) Effective January 1, 2016.)

- **5847.**

Integrated Plans for Prevention, Innovation, and System of Care Services.

(a) Each county mental health program shall prepare and submit a three-year program and expenditure plan, and annual updates, adopted by the county board of supervisors, to the Mental Health Services Oversight and Accountability Commission and the State Department of Health Care Services within 30 days after adoption.

(b) The three-year program and expenditure plan shall be based on available unspent funds and estimated revenue allocations provided by the state and in accordance with established stakeholder engagement and planning requirements as required in Section 5848. The three-year program and expenditure plan and annual updates shall include all of the following:

(1) A program for prevention and early intervention in accordance with Part 3.6 (commencing with Section 5840).

(2) A program for services to children in accordance with Part 4 (commencing with Section 5850), to include a program pursuant to Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 or provide substantial evidence that it is not feasible to establish a wraparound program in that county.

(3) A program for services to adults and seniors in accordance with Part 3 (commencing with Section 5800).

(4) A program for innovations in accordance with Part 3.2 (commencing with Section 5830).

(5) A program for technological needs and capital facilities needed to provide services pursuant to Part 3 (commencing with Section 5800), Part 3.6 (commencing with Section 5840), and Part 4 (commencing with Section 5850). All plans for proposed facilities with restrictive settings shall demonstrate that the needs of the people to be served cannot be met in a less restrictive or more integrated setting, such as permanent supportive housing.

(6) Identification of shortages in personnel to provide services pursuant to the above programs and the additional assistance needed from the education and training programs established pursuant to Part 3.1 (commencing with Section 5820).

(7) Establishment and maintenance of a prudent reserve to ensure the county program will continue to be able to serve children, adults, and seniors that it is currently serving pursuant to Part 3 (commencing with Section 5800), the Adult and Older Adult Mental Health System of Care Act, Part 3.6 (commencing with Section 5840), Prevention and Early Intervention Programs, and Part 4 (commencing with Section 5850), the Children’s Mental Health Services Act, during years in which

revenues for the Mental Health Services Fund are below recent averages adjusted by changes in the state population and the California Consumer Price Index.

(8) Certification by the county behavioral health director, which ensures that the county has complied with all pertinent regulations, laws, and statutes of the Mental Health Services Act, including stakeholder participation and nonsupplantation requirements.

(9) Certification by the county behavioral health director and by the county auditor-controller that the county has complied with any fiscal accountability requirements as directed by the State Department of Health Care Services, and that all expenditures are consistent with the requirements of the Mental Health Services Act.

(c) The programs established pursuant to paragraphs (2) and (3) of subdivision (b) shall include services to address the needs of transition age youth 16 to 25 years of age. In implementing this subdivision, county mental health programs shall consider the needs of transition age foster youth.

(d) Each year, the State Department of Health Care Services shall inform the County Behavioral Health Directors Association of California and the Mental Health Services Oversight and Accountability Commission of the methodology used for revenue allocation to the counties.

(e) Each county mental health program shall prepare expenditure plans pursuant to Part 3 (commencing with Section 5800) for adults and seniors, Part 3.2 (commencing with Section 5830) for innovative programs, Part 3.6 (commencing with Section 5840) for prevention and early intervention programs, and Part 4 (commencing with Section 5850) for services for children, and updates to the plans developed pursuant to this section. Each expenditure update shall indicate the number of children, adults, and seniors to be served pursuant to Part 3 (commencing with Section 5800), and Part 4 (commencing with Section 5850), and the cost per person. The expenditure update shall include utilization of unspent funds allocated in the previous year and the proposed expenditure for the same purpose.

(f) A county mental health program shall include an allocation of funds from a reserve established pursuant to paragraph (7) of subdivision (b) for services pursuant to paragraphs (2) and (3) of subdivision (b) in years in which the allocation of funds for services pursuant to subdivision (e) are not adequate to continue to serve the same number of individuals as the county had been serving in the previous fiscal year.

(g) The department shall post on its website the three-year program and expenditure plans submitted by every county pursuant to subdivision (a) in a timely manner.

(Amended by Stats. 2016, Ch. 43, Sec. 3. (AB 1618) Effective July 1, 2016. Note: This section was added on Nov. 2, 2004, by initiative Prop. 63.)

- **14011.10.**

(a) Except as provided in Sections 14053.7 and 14053.8, benefits provided under this chapter to an individual who is an inmate of a public institution shall be suspended in accordance with Section 1396d(a)(29)(A) of Title 42 of the United States Code as provided in subdivision (c).

(b) County welfare departments shall notify the department within 10 days of receiving information that an individual on Medi-Cal in the county is or will be an inmate of a public institution.

(c) If an individual is a Medi-Cal beneficiary on the date he or she becomes an inmate of a public institution, his or her benefits under this chapter and under Chapter 8 (commencing with Section 14200) shall be suspended effective the date he or she becomes an inmate of a public institution.

The suspension shall end on the date he or she is no longer an inmate of a public institution or one year from the date he or she becomes an inmate of a public institution, whichever is sooner.

(d) This section does not create a state-funded benefit or program. Health care services under this chapter and Chapter 8 (commencing with Section 14200) shall not be available to inmates of public institutions whose Medi-Cal benefits have been suspended under this section.

(e) This section shall be implemented only if and to the extent allowed by federal law. This section shall be implemented only to the extent that any necessary federal approval of state plan amendments or other federal approvals are obtained.

(f) If any part of this section is in conflict with or does not comply with federal law, this entire section shall be inoperative.

(g) This section shall be implemented on January 1, 2010, or the date when all necessary federal approvals are obtained, whichever is later.

(h) By January 1, 2010, or the date when all necessary federal approvals are obtained, whichever is later, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, shall establish the protocols and procedures necessary to implement this section, including any needed changes to the protocols and procedures previously established to implement Section 14029.5.

(i) The department shall determine whether federal financial participation will be jeopardized by implementing this section and shall implement this section only if and to the extent that federal financial participation is not jeopardized.

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall implement this section by means of all-county letters or similar instructions without taking regulatory action. Thereafter, the department shall adopt regulations in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(Amended by Stats. 2015, Ch. 303, Sec. 604. (AB 731) Effective January 1, 2016. Section conditionally inoperative as provided in subd. (f).)

California Rules of Court

- **Rule 5.514 Intake; guidelines**

(a) Role of juvenile court

It is the duty of the presiding judge of the juvenile court to initiate meetings and cooperate with the probation department, welfare department, prosecuting attorney, law enforcement, and other persons and agencies performing an intake function. The goal of the intake meetings is to establish and maintain a fair and efficient intake program designed to promote swift and objective evaluation of the circumstances of any referral and to pursue an appropriate course of action.

(Subd (a) amended effective January 1, 2007.)

(b) Purpose of intake program

The intake program must be designed to:

- (1) Provide for settlement at intake of:

- (A) Matters over which the juvenile court has no jurisdiction;
 - (B) Matters in which there is insufficient evidence to support a petition; and
 - (C) Matters that are suitable for referral to a nonjudicial agency or program available in the community;
- (2) Provide for a program of informal supervision of the child under sections 301 and 654; and
 - (3) Provide for the commencement of proceedings in the juvenile court only when necessary for the welfare of the child or protection of the public.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 1995.)

(c) Investigation at intake (§§ 309, 652.5)

The probation officer or the social worker must conduct an investigation and determine whether:

- (1) The matter should be settled at intake by:
 - (A) Taking no action;
 - (B) Counseling the child and any others involved in the matter; or
 - (C) Referring the child, the child's family, and any others involved to other agencies and programs in the community for the purpose of receiving services to prevent or eliminate the need for removal;
- (2) A program of informal supervision should be undertaken for not more than six months under section 301 or 654; or
- (3) A petition should be filed under section 300 or 601, or the prosecuting attorney should be requested to file a petition under section 602.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 1994, January 1, 1995, and January 1, 2001.)

(d) Mandatory referrals to the prosecuting attorney (§ 653.5)

Notwithstanding (c), the probation officer must refer to the prosecuting attorney, within 48 hours, all affidavits requesting that a petition be filed under section 602 if it appears to the probation officer that:

- (1) The child, regardless of age:
 - (A) Is alleged to have committed an offense listed in section 707(b);
 - (B) Has been referred for the sale or possession for sale of a controlled substance under chapter 2 of division 10 of the Health and Safety Code;
 - (C) Has been referred for a violation of Health and Safety Code section 11350 or 11377 at a school, or for a violation of Penal Code sections 245.5, 626.9, or 626.10;
 - (D) Has been referred for a violation of Penal Code section 186.22;
 - (E) Has previously been placed on informal supervision under section 654; or
 - (F) Has been referred for an alleged offense in which restitution to the victim exceeds \$1,000;
- (2) The child was 16 years of age or older on the date of the alleged offense and the referral is for a felony offense; or

- (3) The child was under 16 years of age on the date of the alleged offense and the referral is not the first referral for a felony offense.

Except for the offenses listed in (1)(C), the provisions of this subdivision do not apply to narcotics and drug offenses listed in Penal Code section 1000.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 1994, and January 1, 1995.)

(e) Informal supervision (§§ 301, 654)

- (1) If the child is placed on a program of informal supervision for not more than six months under section 301, the social worker may file a petition at any time during the six-month period. If the objectives of a service plan under section 301 have not been achieved within six months, the social worker may extend the period up to an additional six months, with the consent of the parent or guardian.
- (2) If a child is placed on a program of informal supervision for not more than six months under section 654, the probation officer may file a petition under section 601, or request that the prosecuting attorney file a petition under section 602, at any time during the six-month period, or within 90 days thereafter. If a child on informal supervision under section 654 has not participated in the specific programs within 60 days, the probation officer must immediately file a petition under section 601, or request that the prosecuting attorney file one under section 602, unless the probation officer determines that the interests of the child and the community can be adequately protected by continuing under section 654.

(Subd (e) amended effective January 1, 2007; previously amended effective January 1, 1995.)

Rule 5.514 amended and renumbered effective January 1, 2007; adopted as rule 1404 effective January 1, 1991; previously amended effective January 1, 1994, January 1, 1995, and January 1, 2001.

- **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, 451, 452, 607.2, 607.3, 16501.1 (g)(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);
 - (B) A ward or dependent of the juvenile court who is 18 years of age or older and subject to an order for a foster care placement; or
 - (C) A ward who was subject to an order for foster care placement at the time he or she attained 18 years of age, or a dependent of the juvenile court who is 18 years of age or older and is living in the home of the parent or former legal guardian.
- (2) Nothing in the Welfare and Institutions Code or 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 or 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.

(Subd (a) amended effective January 1, 2014; previously amended effective July 1, 2012.)

(b) Setting a hearing

- (1) A court hearing must be placed on the appearance calendar and completed before juvenile court jurisdiction is terminated.
- (2) The hearing under this rule may be held during any regularly scheduled review hearing or a hearing on a petition filed under section 388 or section 778.
- (3) Notice of the hearing must be given as required by section 295.
- (4) Notice of the hearing to the parent of a nonminor dependent as defined in section 11400(v) is not required, unless the parent is receiving court-ordered family reunification services or the nonminor is living in the home of the parent or former legal guardian.
- (5) If juvenile court jurisdiction was resumed after having previously been terminated, 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 described in (d)(1)(L)(iii) or (d)(2)(E)(vi).
- (6) 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, if required, or the 90-day Transition Plan submitted by the social worker or probation officer does not provide the information required by (c) and the court is unable to make the findings and orders required by (d).

(Subd (b) amended effective January 1, 2017; previously amended effective July 1, 2012, and January 1, 2014.)

(c) Reports

- (1) The report prepared by the social worker or probation officer for a hearing under this rule must, in addition to any other elements required by law, 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 make him or her eligible to remain under juvenile court jurisdiction as a nonminor dependent as defined in section 11400(v);
 - (C) For a nonminor 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 title XVI Supplemental Security Income benefits and, if so, the status of that application, 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 Special Immigrant Juvenile status or other immigration relief and, if so, the status of that application, 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, the court maintains general jurisdiction over him or her for the purpose of resuming jurisdiction and 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;
 - (H) When and how the nonminor was informed that if juvenile court dependency jurisdiction or transition jurisdiction is continued over him or her, he or she has the right to have that jurisdiction terminated;
 - (I) If the social worker or probation officer has reason to believe that the nonminor will not appear at the hearing, documentation of the basis for that belief, including:
 - (i) Documentation of the nonminor's statement that he or she does not wish to appear in person or by telephone for the hearing; or
 - (ii) Documentation of reasonable efforts to find the nonminor when his or her location is unknown;
 - (J) Verification that the nonminor was provided with the information, documents, and services as required under section 391(e); and
 - (K) When and how a nonminor who is under delinquency jurisdiction was provided with the notices and information required under section 607.5.
- (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 also 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; and
 - (C) Completed 90-day Transition Plan.
 - (4) The social worker's or probation officer's report and all documents required by (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 parent, 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 parent, unless the parent is receiving court-ordered family reunification services.

(Subd (c) amended effective January 1, 2017; previously amended effective July 1, 2012, and January 1, 2014.)

(d) Findings and orders

The court must, in addition to any other determinations required by law, make the following findings and orders and include them in the written 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 one or more of 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 a nonminor 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 application pending for title XVI Supplemental Security Income benefits, and if so, 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 application pending for Special Immigrant Juvenile status or other immigration relief, 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 and that the court will maintain general jurisdiction over him or her 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, 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;
- (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 a nonminor who is under delinquency jurisdiction was provided with the notices and information required under section 607.5; 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 specific skills needed to prepare for independence and successful adulthood on 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 does not appear in person or by telephone for the hearing, whether:
 - (i) The nonminor expressed a wish not to appear for the hearing; or
 - (ii) The nonminor's location remains unknown and, if so, whether reasonable efforts were made to find the nonminor.
- (N) For a nonminor who has attained 21 years of age the court is only required to find that:
 - (i) Notice was given as required by law.
 - (ii) The nonminor was provided with the information, documents, and services required under section 391(e), and a completed *Termination of Juvenile Court Jurisdiction-Nonminor* (form JV-365) was filed with the court.
 - (iii) The 90-day Transition Plan is a concrete, individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentoring 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.
 - (iv) The nonminor has attained 21 years of age and is no longer subject to the jurisdiction of the court under section 303.

(2) Orders

- (A) For a nonminor who meets one or more of 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, the court must order the continuation of juvenile court jurisdiction 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 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 jurisdiction in a foster care placement, the court must set an

appropriate statutory review hearing 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;
- (E) For a nonminor who does not meet one or more of the eligibility criteria of section 11403(b) and is not otherwise eligible to remain under juvenile court jurisdiction or, alternatively, who meets one or more of the eligibility criteria of section 11403(b) but either does not wish to remain under the jurisdiction of the juvenile court as a nonminor dependent or is not participating in a reasonable and appropriate Transitional Independent Living Case Plan, the court may order the termination of juvenile court jurisdiction only after entering the following findings:
 - (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 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 reached 21 years of age;
 - (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) For a nonminor who has attained 21 years of age and is no longer subject to the jurisdiction of the juvenile court under section 303, the court must enter an order that juvenile court jurisdiction is dismissed and that the attorney for the nonminor dependent is relieved 60 days from the date of the order.

(Subd (d) amended effective January 1, 2017; previously amended effective July 1, 2012, July 1, 2013, January 1, 2014, and January 1, 2016.)

Rule 5.555 amended effective January 1, 2017; adopted effective January 1, 2012; previously amended effective July 1, 2012, July 1, 2013, January 1, 2014, and January 1, 2016.

- **Rule 5.575 Joinder of agencies**

(a) Basis for joinder (§§ 362, 365, 727)

The court may, at any time after a petition has been filed, following notice and a hearing, join in the proceedings any agency (as defined in section 362) that the court determines has failed to meet a legal obligation to provide services to a child or a nonminor or nonminor dependent youth for whom a petition has been filed under section 300, 601, or 602. The court may not impose duties on an agency beyond those required by law.

(Subd (a) amended effective January 1, 2014; previously amended effective January 1, 2007.)

(b) Notice and hearing

On application by a party, counsel, or CASA volunteer, or on the court's own motion, the court may set a hearing and require notice to the agency or provider subject to joinder.

- (1) Notice of the hearing must be given to the agency on *Notice of Hearing on Joinder-Juvenile* (form JV-540). The notice must clearly describe the legal obligation at issue, the facts and circumstances alleged to constitute the agency's failure to meet that obligation, and any issues or questions the court expects the agency to address at the hearing.
- (2) The hearing must be set to occur within 30 calendar days of the signing of the notice by the court. The hearing will proceed under the provisions of rule 5.570(h) or (i), as appropriate.
- (3) The clerk must cause the notice to be served on the agency and all parties, attorneys of record, the CASA volunteer, any other person or entity entitled to notice under section 291 or 658, and, if the hearing might address educational or developmental-services issues, the educational rights holder by first-class mail within 5 court days of the signing of the notice.
- (4) Nothing in this rule prohibits agencies from meeting before the hearing to coordinate the delivery of services. The court may request, using section 8 of form JV-540, that agency representatives meet before the hearing and that the agency or agencies submit a written response to the court at least 5 court days before the hearing.

(Subd (b) amended effective January 1, 2014; previously amended effective January 1, 2006, and January 1, 2007.)

Rule 5.575 amended effective January 1, 2014; adopted as rule 1434 effective January 1, 2002; previously amended effective January 1, 2006; amended and renumbered effective January 1, 2007.

- **Rule 5.651 Educational and developmental-services decisionmaking rights**

(a) Applicability (§§ 213.5, 319(g), 358, 358.1, 361(a), 362(a), 364, 366.21, 366.22, 366.23, 366.26, 366.27(b), 366.3(e), 726, 727.2(e), 4500 et seq., 11404.1; Ed. Code, §§ 48645 et seq., 48850 et seq., 49069.5, 56028, 56055, and 56155 et seq.; Gov. Code, §§ 7573-7579.6; 20 U.S.C. § 1400 et seq.; 29 U.S.C. § 794; 42 U.S.C. § 12101 et seq.)

This rule incorporates all rights with respect to education or developmental services recognized or established by state or federal law and applies:

- (1) To any child, or any nonminor or nonminor dependent youth, for whom a petition has been filed under section 300, 601, or 602 until the petition is dismissed or the court has terminated dependency, delinquency, or transition jurisdiction over that person; and
- (2) To every judicial hearing related to, or that might affect, the child's or youth's education or receipt of developmental services.

(Subd (a) amended effective January 1, 2014.)

(b) Conduct of hearings

- (1) To the extent the information is available, at the initial or detention hearing the court must consider:
 - (A) Who holds educational and developmental-services decisionmaking rights, and identify the rights holder or holders;
 - (B) Whether the child or youth is enrolled in, and is attending, the child's or youth's school of origin, as that term is defined in Education Code section 48853.5(f);
 - (C) If the child or youth is at risk of removal from or is no longer attending the school of origin, whether:
 - (i) In accordance with the child's or youth's best interest, the educational liaison, as described in Education Code section 48853.5(b), (d), and (e), in consultation with, and with the agreement of, the child or youth and the parent, guardian, or other person holding educational decisionmaking rights, recommends the waiver of the child's or youth's right to attend the school of origin;
 - (ii) Before making any recommendation to move a foster child or youth from his or her school of origin, the educational liaison provided the child or youth and the person holding the right to make educational decisions for the child or youth with a written explanation of the basis for the recommendation and how this recommendation serves the foster child's or youth's best interest as provided in Education Code section 48853.5(e)(7);
 - (iii) If the child or youth is no longer attending the school of origin, the local educational agency obtained a valid waiver of the child's or youth's right to continue in the school of origin under Education Code section 48853.5(e)(1) before moving the child or youth from that school; and
 - (iv) The child or youth was immediately enrolled in the new school as provided in Education Code section 48853.5(e)(8).
 - (D) In a dependency proceeding, whether the parent's or guardian's educational or developmental-services decisionmaking rights should be temporarily limited and an educational rights holder temporarily appointed using form JV-535; and
 - (E) Taking into account other statutory considerations regarding placement, whether the out-of-home placement:
 - (i) Is the environment best suited to meet the exceptional needs of a child or youth with disabilities and to serve the child's or youth's best interest if he or she has a disability; and
 - (ii) Promotes educational stability through proximity to the child's or youth's school of origin.
- (2) At the dispositional hearing and at all subsequent hearings described in (a)(2), the court must:
 - (A) Consider and determine whether the child's or youth's educational, physical, mental health, and developmental needs, including any need for special education and related services, are being met;
 - (B) Identify the educational rights holder on form JV-535; and

- (C) Direct the rights holder to take all appropriate steps to ensure that the child's or youth's educational and developmental needs are met.

The court's findings and orders must address the following:

- (D) Whether the child's or youth's educational, physical, mental health, and developmental-services needs are being met;
- (E) What services, assessments, or evaluations, including those for developmental services or for special education and related services, the child or youth may need;
- (F) Who must take the necessary steps for the child or youth to receive any necessary assessments, evaluations, or services;
- (G) If the child's or youth's educational placement changed during the period under review, whether:
 - (i) The child's or youth's educational records, including any evaluations of a child or youth with a disability, were transferred to the new educational placement within two business days of the request for the child's or youth's enrollment in the new educational placement; and
 - (ii) The child or youth is enrolled in and attending school.
- (H) Whether the parent's or guardian's educational or developmental-services decisionmaking rights should be limited or, if previously limited, whether those rights should be restored.
 - (i) If the court finds that the parent's or guardian's educational or developmental-services decisionmaking rights should not be limited or should be restored, the court must explain to the parent or guardian his or her rights and responsibilities in regard to the child's education and developmental services as provided in rule 5.650(e), (f), and (j); or
 - (ii) If the court finds that the parent's or guardian's educational or developmental-services decisionmaking rights should be or remain limited, the court must designate the holder of those rights. The court must explain to the parent or guardian why the court is limiting his or her educational or developmental-services decisionmaking rights and must explain the rights and responsibilities of the educational rights holder as provided in rule 5.650(e), (f), and (j); and
- (I) Whether, in the case of a nonminor or nonminor dependent youth who has chosen not to make educational or developmental-services decisions for himself or herself or has been deemed incompetent, it is in the best interests of the youth to appoint or to continue the appointment of an educational rights holder.

(Subd (b) amended effective January 1, 2014.)

(c) Reports for hearings related to, or that may affect, education or developmental services

This subdivision applies at all hearings, including dispositional and joint assessment hearings. The court must ensure that, to the extent the information was available, the social worker or the probation officer provided the following information in the report for the hearing:

- (1) The child's or youth's age, behavior, educational level, and developmental status and any discrepancies between that person's age and his or her level of achievement in education or level of cognitive, physical, and emotional development;
- (2) The child's or youth's educational, physical, mental health, or developmental needs;

- (3) Whether the child or youth is participating in developmentally appropriate extracurricular and social activities;
- (4) Whether the child or youth is attending a comprehensive, regular, public or private school;
- (5) Whether the child or youth may have physical, mental, or learning-related disabilities or other characteristics indicating a need for developmental services or special education and related services as provided by state or federal law;
- (6) If the child is 0 to 3 years old, whether the child may be eligible for or is already receiving early intervention services or services under the California Early Intervention Services Act (Gov. Code, § 95000 et seq.) and, if the child is already receiving services, the specific nature of those services;
- (7) If the child is between 3 and 5 years old and is or may be eligible for special education and related services, whether the child is receiving the early educational opportunities provided by Education Code section 56001 and, if so, the specific nature of those opportunities;
- (8) Whether the child or youth is receiving special education and related services or any other services through a current individualized education program and, if so, the specific nature of those services;
 - (i) A copy of the current individualized education program should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.
- (9) Whether the child or youth is receiving services under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) and, if so, the specific nature of those services;
 - (i) A copy of any current Section 504 plan should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.
- (10) Whether the child or youth is or may be eligible for developmental services or is already receiving developmental services and, if that person is already receiving services, the specific nature of those services;
 - (i) A copy of any current individualized family service plan or individual program plan should be attached to the report unless disclosure would create a risk of harm. In that case, the report should explain the risk.
- (11) Whether the parent's or guardian's educational or developmental-services decisionmaking rights have been or should be limited or restored;
- (12) If the social worker or probation officer recommends that the court limit the parent's or guardian's rights to make educational or developmental-services decisions, the reasons those rights should be limited and the actions that the parent or guardian may take to restore those rights if they are limited;
- (13) If the parent's or guardian's educational or developmental-services decisionmaking rights have been limited, the identity of the designated or appointed educational rights holder or surrogate parent;
- (14) Recommendations and case plan goals to meet the child's or youth's identified educational, physical, mental health, and developmental-services needs, including all related information listed in section 16010(a) as required by section 16010(b);

- (15) Whether any orders to direct an appropriate person to take the necessary steps for the child to receive assessments, evaluations, or services, including those for developmental services or for special education and related services, are requested; and
- (16) In the case of a joint assessment, separate statements by the child welfare department and the probation department, each addressing whether the child or youth may have a disability and whether the child or youth needs developmental services or special education and related services or qualifies for any assessment or evaluation required by state or federal law.

(Subd (c) amended effective January 1, 2014.)

(d) Continuance, stay, or suspension (§§ 357, 358, 702, 705)

If the court continues the dispositional hearing under rule 5.686 or 5.782 or stays the proceedings or suspends jurisdiction under rule 5.645, the child must continue to receive all services or accommodations required by state or federal law.

(Subd (d) amended effective January 1, 2014.)

(e) Change of placement affecting the child's or youth's educational stability (§§ 16010, 16010.6; Ed. Code §§ 48850-48853.5)

This subdivision applies to all changes of placement, including the initial placement and any subsequent change of placement.

- (1) At any hearing to which this rule applies that follows a decision to change the child's or youth's placement to a location that could lead to removal from the school of origin, the placement agency must demonstrate that, and the court must determine whether:
 - (A) The social worker or probation officer notified the court, the child's or youth's attorney, and the educational rights holder or surrogate parent, no more than one court day after making the placement decision, of the proposed placement decision.
 - (B) If the child or youth had a disability and an active individualized education program before removal, the social worker or probation officer, at least 10 days before the change of placement, notified in writing the local educational agency that provided a special education program for the child or youth before removal and the receiving special education local plan area, as described in Government Code section 7579.1, of the impending change of placement.
- (2) After receipt of the notice in (1):
 - (A) The child's or youth's attorney must, as appropriate, discuss the proposed placement change and its effect on the child's or youth's right to attend the school of origin with the child or youth and the person who holds educational rights. The child's or youth's attorney may request a hearing by filing form JV-539. If requesting a hearing, the attorney must:
 - (i) File form JV-539 no later than two court days after receipt of the notice in (1); and
 - (ii) Provide notice of the hearing date, which will be no later than five court days after the form was filed, to the parents or guardians, unless otherwise indicated on form JV-535, parental rights have been terminated, or the youth has reached 18 years of age and reunification services have been terminated; the social worker or probation officer; the educational rights holder or surrogate parent; the foster youth

educational liaison; the Court Appointed Special Advocate (CASA) volunteer; and all other persons or entities entitled to notice under section 293.

- (B) The person who holds educational rights may request a hearing by filing form JV-539 no later than two court days after receipt of the notice in (1). After receipt of the form, the clerk must notify the persons in (e)(2)(A)(ii) of the hearing date.
- (C) The court on its own motion may direct the clerk to set a hearing.
- (3) If removal from the school of origin is disputed, the child or youth must be allowed to remain in the school of origin pending this hearing and pending the resolution of any disagreement between the child or youth, the parent, guardian, or educational rights holder, and the local educational agency.
- (4) If the court sets a hearing, the social worker or probation officer must provide a report no later than two court days after the hearing is set that includes the information required by (b)(1)(C) as well as the following:
 - (A) Whether the foster child or youth has been allowed to continue his or her education in the school of origin to the extent required by Education Code section 48853.5(e)(1);
 - (B) Whether a dispute exists regarding the request of a foster child or youth to remain in the school of origin and whether the foster child or youth has been allowed to remain in the school of origin pending resolution of the dispute;
 - (C) Information addressing whether the information-sharing and other requirements in section 16501.1(c)(4) and Education Code section 49069.5 have been met;
 - (D) Information addressing how the proposed change serves the best interest of the child or youth;
 - (E) The responses of the child, if over 10 years old, or youth; the child's or youth's attorney; the parent, guardian, or other educational rights holder; the foster youth educational liaison; and the child's or youth's CASA volunteer to the proposed change of placement, specifying whether each person agrees or disagrees with the proposed change and, if any person disagrees, stating the reasons; and
 - (F) A statement from the social worker or probation officer confirming that the child or youth has not been segregated in a separate school, or in a separate program within a school, because the child or youth is placed in foster care.

(Subd (e) amended effective January 1, 2014.)

(f) Court review of proposed change of placement affecting the right to attend the school of origin

- (1) At a hearing set under (e)(2), the court must:
 - (A) Determine whether the placement agency and other relevant parties and advocates have fulfilled their obligations under section 16000(b), 16010(a), and 16501.1(f)(8);
 - (B) Determine whether the proposed school placement meets the requirements of this rule and Education Code sections 48853.5 and 49069.5, and whether the placement is in the best interest of the child or youth;
 - (C) Determine what actions are necessary to ensure the protection of the child's or youth's educational and developmental-services rights; and

- (D) Make any findings and orders needed to enforce those rights, which may include an order to set a hearing under section 362 to join the necessary agencies regarding provision of services, including the provision of transportation services, so that the child or youth may remain in his or her school of origin.
- (2) When considering whether it is in the child's or youth's best interest to remove him or her from the school of origin, the court must consider the following:
 - (A) Whether the parent, guardian, or other educational rights holder believes that removal from the school of origin is in the child's or youth's best interest;
 - (B) How the proposed change of placement will affect the stability of the child's or youth's school placement and the child's or youth's access to academic resources, services, and extracurricular and enrichment activities;
 - (C) Whether the proposed school placement would allow the child or youth to be placed in the least restrictive educational program; and
 - (D) Whether the child or youth has the educational and developmental services and supports, including those for special education and related services, necessary to meet state academic achievement standards.
- (3) The court may make its findings and orders on *Findings and Orders Regarding Transfer From School of Origin* (form JV-538).

(Subd (f) amended effective January 1, 2014.)

Rule 5.651 amended effective January 1, 2014; adopted effective January 1, 2008.

Advisory Committee Comment

A child or youth in, or at risk of entering, foster care has a statutory right to a meaningful opportunity to meet the state's academic achievement standards. To protect this right, the juvenile court, advocates, placing agencies, care providers, educators, and service providers must work together to maintain stable school placements and ensure that the child or youth is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to other pupils. This rule, sections 362 and 727, and rule 5.575 provide procedures for coordinating the provision of services to ensure that the child's or youth's educational and developmental-services needs are met.

Congress has found that improving the educational performance of children with disabilities is an essential prerequisite to ensuring their equality of opportunity, full participation in education, and economic self-sufficiency. Children and youth in foster care are disproportionately represented in the population of pupils with disabilities and face systemic challenges to attaining self-sufficiency. Children and youth in foster care have rights arising out of federal and state law, including the IDEA, the ADA, and section 504 of the Rehabilitation Act of 1973. To comply with federal requirements regarding the identification of children and youth with disabilities and the provision of services to those children and youth who qualify, the court, parent or guardian, placing agency, attorneys, CASA volunteer, local educational agencies, and educational rights holders must affirmatively address the child's or youth's educational and developmental-services needs. The court must continually inquire about the educational and developmental-services needs of the child or youth and the progress being made to enforce any rights the child or youth has under these laws.

- **Rule 5.903 Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1, 366.3, 366.31)**

(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). If delinquency jurisdiction is dismissed in favor of transition jurisdiction under Welfare and Institutions Code section 450, the prosecuting attorney is not permitted to appear at later review hearings for the nonminor dependent.
- (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).

(Subd (b) amended effective January 1, 2019.)

(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);
 - (K) For a nonminor dependent whose case plan is continued court-ordered family reunification services, the information required in section 366.31(d); and
 - (L) For a nonminor who has returned to the home of the parent or former legal guardian, whether continued juvenile court jurisdiction is necessary and the facts in support of that conclusion.
- (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.

(Subd (d) amended effective January 1, 2014.)

(e) Findings and orders

The court must consider the safety of the nonminor dependent, and the following judicial findings and orders must be made and included in the written 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;

- (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);
- (Q) For a nonminor dependent whose case plan is continued court-ordered family reunification services, the findings required in section 366.31(d); and
- (R) For a nonminor who has returned to the home of the parent or former legal guardian, whether continued juvenile court jurisdiction is necessary.

(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; and
 - (iii) For a nonminor dependent whose parents are receiving court-ordered family reunification services:
 - a. Order the continuation of reunification services;
 - b. Order the termination of reunification services; or
 - c. Order that the nonminor may reside in the home of the parent or former legal guardian and that juvenile court jurisdiction is terminated or that juvenile court jurisdiction is continued under section 303(a) and a status review hearing is set for within six months.
- (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.

(Subd (e) amended effective January 1, 2014.)

Rule 5.903 amended effective January 1, 2019; adopted effective January 1, 2012; previously amended effective January 1, 2014.

- **Rule 5.906 Request by nonminor for the juvenile court to resume jurisdiction (§§ 224.1(b), 303, 388(e), 388.1)**

(a) Purpose

This rule provides the procedures that must be followed when a nonminor wants to have juvenile court jurisdiction assumed or resumed over him or her as a nonminor dependent as defined in subdivisions (v) or (aa) of section 11400.

(Subd (a) amended effective January 1, 2016; previously amended effective July 1, 2012, and January 1, 2014.)

(b) Contents of the request

- (1) The request to have the juvenile court assume or resume jurisdiction must be made on the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466).
- (2) The request must be liberally construed in favor of its sufficiency. It must be verified by the nonminor or if the nonminor is unable to provide verification due to a medical condition, the nonminor's representative, and to the extent known to the nonminor or the nonminor's representative, must include the following information:
 - (A) The nonminor's name and date of birth;
 - (B) The nonminor's address and contact information, unless the nonminor requests that this information be kept confidential from those persons entitled to access to the juvenile court file, including his or her parents, by filing *Confidential Information-Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468). Form JV-468 must be kept in the court file under seal, and only the court, the child welfare services agency, the probation department, or the Indian tribe with an agreement under section 10553.1 to provide child welfare services to Indian children (Indian tribal agency), the attorney for the child welfare services agency, the probation department, or the Indian tribe, and the nonminor's attorney may have access to this information;
 - (C) The name and action number or court file number of the nonminor's case and the name of the juvenile court that terminated its dependency jurisdiction, delinquency jurisdiction, or transition jurisdiction;
 - (D) The date the juvenile court entered the order terminating its dependency jurisdiction, delinquency jurisdiction, or transition jurisdiction;
 - (E) If the nonminor wants his or her parents or former legal guardians to receive notice of the filing of the request and the hearing, the name and residence addresses of the nonminor's parents or former guardians;
 - (F) The name and telephone number of the court-appointed attorney who represented the nonminor at the time the juvenile court terminated its dependency jurisdiction, delinquency jurisdiction, or transition jurisdiction if the nonminor wants that attorney to be appointed to represent him or her for the purposes of the hearing on the request;
 - (G) If the nonminor is an Indian child within the meaning of the Indian Child Welfare Act and chooses to have the Indian Child Welfare Act apply to him or her, the name of the tribe and the name, address, and telephone number of his or her tribal representative;
 - (H) If the nonminor had a Court Appointed Special Advocate (CASA) when he or she was a dependent or ward of the court and wants the CASA to receive notice of the filing of the request and the hearing, the CASA's name;
 - (I) The condition or conditions under section 11403(b) that the nonminor intends to satisfy; and
 - (J) Whether the nonminor requires assistance to maintain or secure an appropriate, supervised placement, or is in need of immediate placement and will agree to a supervised placement under a voluntary reentry agreement.
- (3) The court may dismiss without prejudice a request filed under this rule that is not verified.

(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2012.)

(c) Filing the request

- (1) The form JV-466 must be completed and verified by the nonminor or the nonminor's representative if the nonminor is unable to provide verification due to a medical condition, and may be filed by the nonminor or the county child welfare services, probation department, or Indian tribe (placing agency) on behalf of the nonminor.
- (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor wishes to keep his or her contact information confidential, the *Confidential Information-Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468) may be:
 - (A) Filed with the juvenile court that maintained general jurisdiction or for cases petitioned under section 388.1, in the court that established the guardianship or had jurisdiction when the adoption was finalized; or
 - (B) Submitted to the juvenile court in the county in which the nonminor currently resides, after which:
 - (i) The court clerk must record the date and time received on the face of the originals submitted and provide a copy of the originals marked as received to the nonminor at no cost to him or her.
 - (ii) To ensure receipt of the original form JV-466 and, if submitted, the form JV-468 by the court of general jurisdiction within five court days as required in section 388(e), the court clerk must forward those originals to the clerk of the court of general jurisdiction within two court days of submission of the originals by the nonminor.
 - (iii) The court in the county in which the nonminor resides is responsible for all costs of processing, copying, and forwarding the form JV-466 and form JV-468 to the clerk of the court of general jurisdiction.
 - (iv) The court clerk in the county in which the nonminor resides must retain a copy of the documents submitted.
 - (v) The form JV-466 and, if submitted, the form JV-468 must be filed immediately upon receipt by the clerk of the juvenile court of general jurisdiction.
 - (C) For a nonminor living outside the state of California, the form JV-466 and, if the nonminor wishes to keep his or her contact information confidential, the form JV-468 must be filed with the juvenile court of general jurisdiction.
- (3) If form JV-466 is filed by the nonminor, within two court days of its filing with the clerk of the court in the county of general jurisdiction, the clerk of that court must notify the placing agency that was supervising the nonminor when juvenile court jurisdiction was terminated that the nonminor has filed form JV-466 and provide the placing agency with the nonminor's contact information. The notification must be by telephone, fax, e-mail, or other method approved by the presiding juvenile court judge that will ensure prompt notification and inform the placing agency that a copy of form JV-466 will be served on the agency and that one is currently available in the office of the juvenile court clerk.
- (4) If form JV-466 has not been filed at the time the nonminor completes the voluntary reentry agreement described in section 11400(z), the placing agency must file form JV-466 on the nonminor's behalf within 15 court days of the date the voluntary reentry agreement was signed, unless the nonminor files form JV-466 prior to the expiration of the 15 court days.

- (5) No filing fees are required for the filing of form JV-466 and, if filed, form JV-468. An endorsed, filed copy of each form filed must be provided at no cost to the nonminor or the placing agency that filed the request on the nonminor's behalf.

(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2012.)

(d) Determination of prima facie showing

- (1) Within three court days of the filing of form JV-466 with the clerk of the juvenile court of general jurisdiction, a juvenile court judicial officer must review the form JV-466 and determine whether a prima facie showing has been made that the nonminor meets all of the criteria set forth below in (d)(1)(A)-(D) and enter an order as set forth in (d)(2) or (d)(3).
- (A) The nonminor is eligible to seek assumption of dependency jurisdiction under the provisions of section 388.1(c), or the nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement on the date he or she attained 18 years of age, including a nonminor whose adjudication was vacated under Penal Code section 236.14;
- (B) The nonminor has not attained 21 years of age;
- (C) The nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a voluntary reentry agreement; and
- (D) The nonminor intends to satisfy at least one of the eligibility criteria in section 11403(b).
- (2) If the court determines that a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new form JV-466 may be filed when those issues are resolved.
- (A) The court clerk must serve on the nonminor:
- (i) A copy of the written order;
- (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) and *Confidential Information-Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468);
- (iii) A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO); and
- (iv) The names and contact information for those attorneys approved by the court to represent children in juvenile court proceedings who have agreed to provide a consultation to any nonminor whose request was denied due to the failure to make a prima facie showing.
- (B) The court clerk must serve on the placing agency a copy of the written order.
- (C) Service must be by personal service, by first-class mail, or by electronic service in accordance with section 212.5 within two court days of the issuance of the order.
- (D) A proof of service must be filed.
- (3) If the judicial officer determines that a prima facie showing has been made, the judicial officer must issue a written order:
- (A) Directing the court clerk to set the matter for a hearing; and

(B) Appointing an attorney to represent the nonminor solely for the hearing on the request.

(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 2012, January 1, 2014, and January 1, 2016.)

(e) Appointment of attorney

- (1) If the nonminor included on the form JV-466 a request for the appointment of the court-appointed attorney who represented the nonminor during the period of time he or she was a ward or dependent or nonminor dependent, the judicial officer must appoint that attorney solely for the hearing on the request, if the attorney is available to accept such an appointment.
- (2) If the nonminor did not request the appointment of his or her former court-appointed attorney, the judicial officer must appoint an attorney to represent the nonminor solely for the hearing on the request. The attorney must be selected from the panel or organization of attorneys approved by the court to represent children in juvenile court proceedings.
- (3) In addition to complying with the requirements in (g)(1) for service of notice of the hearing, the juvenile court clerk must notify the attorney of his or her appointment as soon as possible, but no later than one court day from the date the order for his or her appointment was issued under (d)(3). This notification must be made by telephone, fax, e-mail, or other method approved by the presiding juvenile court judge that will ensure prompt notification. The notice must also include the nonminor's contact information and inform the attorney that a copy of the form JV-466 will be served on him or her and that one is currently available in the office of the juvenile court clerk.
- (4) If the request is granted, the court must continue the attorney's appointment to represent the nonminor regarding matters related to his or her status as a nonminor dependent until the jurisdiction of the juvenile court is terminated, unless the court finds that the nonminor would not benefit from the appointment of an attorney.
 - (A) In order to find that a nonminor would not benefit from the appointment of an attorney, the court must find all of the following:
 - (i) The nonminor understands the nature of the proceedings;
 - (ii) The nonminor is able to communicate and advocate effectively with the court, other attorneys, and other parties, including social workers, probation officers, and other professionals involved in the case; and
 - (iii) Under the circumstances of the case, the nonminor would not gain any benefit from representation by an attorney.
 - (B) If the court finds that the nonminor would not benefit from representation by an attorney, the court must make a finding on the record as to each of the criteria in (e)(4)(A) and state the reasons for each finding.
- (5) Representation of the nonminor by the court-appointed attorney for the hearing on the request to return to juvenile court jurisdiction and for matters related to his or her status as a nonminor dependent must be at no cost to the nonminor.
- (6) If the nonminor chooses to be represented by an attorney other than a court-appointed attorney, the fees for an attorney retained by the nonminor are the nonminor's responsibility.

(Subd (e) amended effective July 1, 2012.)

(f) Setting the hearing

- (1) Within two court days of the issuance of the order directing the court clerk to do so, the court clerk must set a hearing on the juvenile court's calendar within 15 court days from the date the form JV-466 was filed with the court of general jurisdiction.
- (2) The hearing must be placed on the appearance calendar, heard before a juvenile court judicial officer, and recorded by a court reporter.

(Subd (f) amended effective July 1, 2012.)

(g) Notice of hearing

- (1) The juvenile court clerk must serve notice as soon as possible, but no later than five court days before the date the hearing is set, as follows:
 - (A) The notice of the date, time, place, and purpose of the hearing and a copy of the form JV-466 must be served on the nonminor, the nonminor's attorney, the child welfare services agency, the probation department, or the Indian tribal agency that was supervising the nonminor when the juvenile court terminated its delinquency, dependency, or transition jurisdiction over the nonminor, and the attorney for the child welfare services agency, the probation department, or the Indian tribe. Notice must not be served on the prosecuting attorney if delinquency jurisdiction has been dismissed, and the nonminor's petition is for the court to assume or resume transition jurisdiction under section 450.
 - (B) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's parents only if the nonminor included in the form JV-466 a request that notice be provided to his or her parents.
 - (C) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's tribal representative if the nonminor is an Indian child and indicated on the form JV-466 his or her choice to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.
 - (D) The notice of the date, time, place, and purpose of the hearing must be served on the local CASA office if the nonminor had a CASA and included on the form JV-466 a request that notice be provided to his or her former CASA.
- (2) The written notice served on the nonminor dependent must include:
 - (A) A statement that the nonminor may appear for the hearing by telephone; and
 - (B) Instructions regarding the local juvenile court procedures for arranging to appear and appearing at the hearing by telephone.
- (3) Service of the notice must be by personal service, by first-class mail, or by electronic service in accordance with section 212.5.
- (4) Proof of service of notice must be filed by the juvenile court clerk at least two court days prior to the hearing.

(Subd (g) amended effective January 1, 2019; previously amended effective July 1, 2012.)

(h) Reports

- (1) The social worker, probation officer, or Indian tribal agency case worker (tribal case worker) must submit a report to the court that includes:

- (A) Confirmation that the nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age and that he or she has not attained 21 years of age, or is eligible to petition the court to assume jurisdiction over the nonminor pursuant to section 388.1;
- (B) The condition or conditions under section 11403(b) that the nonminor intends to satisfy;
- (C) The social worker, probation officer, or tribal case worker's opinion as to whether continuing in a foster care placement is in the nonminor's best interests and recommendation about the assumption or resumption of juvenile court jurisdiction over the nonminor as a nonminor dependent;
- (D) Whether the nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care responsibility of the placing agency;
- (E) The type of placement recommended if the request to return to juvenile court jurisdiction and foster care is granted;
- (F) If the type of placement recommended is a placement in a setting where minor dependents also reside, the results of the background check of the nonminor under section 16504.5.
 - (i) The background check under section 16504.5 is required only if a minor dependent resides in the placement under consideration for the nonminor.
 - (ii) A criminal conviction is not a bar to a return to foster care and the resumption of juvenile court jurisdiction over the nonminor as a nonminor dependent.
- (2) At least two court days before the hearing, the social worker, probation officer, or tribal case worker must file the report and any supporting documentation with the court and provide a copy to the nonminor and to his or her attorney of record; and
- (3) If the court determines that the report and other documentation submitted by the social worker, probation officer, or tribal case worker does not provide the information required by (h)(1) and the court is unable to make the findings and orders required by (i), the hearing must be continued for no more than five court days for the social worker, probation officer, tribal case worker, or nonminor to submit additional information as ordered by the court.

(Subd (h) amended effective January 1, 2016; previously amended effective July 1, 2012, and January 1, 2014.)

(i) Findings and orders

The court must read and consider, and state on the record that it has read and considered, the report; the supporting documentation submitted by the social worker, probation officer, or tribal caseworker; the evidence submitted by the nonminor; and any other evidence. The following judicial findings and orders must be made and included in the written court documentation of the hearing.

(1) Findings

- (A) Whether notice was given as required by law;
- (B) Whether the nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age, or meets the requirements of subparagraph (5) of subdivision (c) of section 388.1;
- (C) Whether the nonminor has attained 21 years of age;

- (D) Whether the nonminor intends to satisfy a condition or conditions under section 11403(b);
- (E) The condition or conditions under section 11403(b) that the nonminor intends to satisfy;
- (F) Whether continuing or reentering and remaining in a foster care placement is in the nonminor's best interests;
- (G) Whether the nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care responsibility of the placing agency; and
- (H) Whether a nonminor who is an Indian child chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.

(2) *Orders*

- (A) If the court finds that the nonminor has not attained 21 years of age, that the nonminor intends to satisfy at least one condition under section 11403(b), and that the nonminor and placing agency have entered into a reentry agreement, the court must:
 - (i) Grant the request and enter an order assuming or resuming juvenile court jurisdiction over the nonminor as a nonminor dependent and vesting responsibility for the nonminor's placement and care with the placing agency;
 - (ii) Order the social worker, probation officer, or tribal case worker to develop with the nonminor and file with the court within 60 days a new Transitional Independent Living Case Plan;
 - (iii) Order the social worker or probation officer to consult with the tribal representative regarding a new Transitional Independent Living Case Plan for the nonminor who chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent and who is not under the supervision of a tribal case worker;
 - (iv) Set a nonminor dependent status review hearing under rule 5.903 within the next six months; and
 - (v) Make the findings and enter the appropriate orders under (e)(4) regarding appointment of an attorney for the nonminor.
- (B) If the court finds that the nonminor has not attained 21 years of age, but the nonminor does not intend to satisfy at least one of the conditions under section 11403(b) and/or the nonminor and placing agency have not entered into a reentry agreement, the court must:
 - (i) Enter an order denying the request, listing the reasons for the denial, and informing the nonminor that a new form JV-466 may be filed when those circumstances change;
 - (ii) Enter an order terminating the appointment of the attorney appointed by the court to represent the nonminor, effective seven calendar days after the hearing; and
 - (iii) In addition to the service of a copy of the written order as required in (i)(3), the juvenile court clerk must cause to be served on the nonminor a blank copy of the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) and *Confidential Information-Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468), and a copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO).

- (C) If the court finds that the nonminor is over 21 years of age, the court must:
- (i) Enter an order denying the request to have juvenile court jurisdiction resumed; and
 - (ii) Enter an order terminating the appointment of the attorney appointed by the court to represent the nonminor, effective seven calendar days after the hearing.

(3) *Findings and order; service*

- (A) The written findings and order must be served by the juvenile court clerk on all persons provided with notice of the hearing under (g)(1).
- (B) Service must be by personal service, by first-class mail, or by electronic service in accordance with section 212.5 within three court days of the issuance of the order.
- (C) A proof of service must be filed.

(Subd (i) amended effective January 1, 2019; previously amended effective July 1, 2012, January 1, 2014, and January 1, 2016.)

Rule 5.906 amended effective January 1, 2019; adopted effective January 1, 2012; previously amended effective July 1, 2012, January 1, 2014, and January 1, 2016.

Advisory Committee Comment

Assembly Bill 12 (Beall; Stats. 2010, ch. 559), known as the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the federal Fostering Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351, which provides funding resources to extend the support of the foster care system to children who are still in a foster care placement on their 18th birthday. Every effort was made in the development of the rules and forms to provide an efficient framework for the implementation of this important and complex legislation.

California Standards of Judicial Administration

- **Standard 5.40 Juvenile court matters**

(a) Assignments to juvenile court

The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment.

(b) Importance of juvenile court

The presiding judge of the juvenile court, in consultation with the presiding judge of the superior court, should:

- (1) Motivate and educate other judges regarding the significance of juvenile court.
- (2) Work to ensure that sufficient judges and staff, facilities, and financial resources are assigned to the juvenile court to allow adequate time to hear and decide the matters before it.

(Subd (b) amended effective January 1, 2007.)

(c) Standards of representation and compensation

The presiding judge of the juvenile court should:

- (1) Encourage attorneys who practice in juvenile court, including all court-appointed and contract attorneys, to continue their practice in juvenile court for substantial periods of time. A substantial period of time is at least two years and preferably from three to five years.
- (2) Confer with the county public defender, county district attorney, county counsel, and other public law office leaders and encourage them to raise the status of attorneys working in the juvenile courts as follows: hire attorneys who are interested in serving in the juvenile court for a substantial part of their careers; permit and encourage attorneys, based on interest and ability, to remain in juvenile court assignments for significant periods of time; and work to ensure that attorneys who have chosen to serve in the juvenile court have the same promotional and salary opportunities as attorneys practicing in other assignments within a law office.
- (3) Establish minimum standards of practice to which all court-appointed and public office attorneys will be expected to conform. These standards should delineate the responsibilities of attorneys relative to investigation and evaluation of the case, preparation for and conduct of hearings, and advocacy for their respective clients.
- (4) In conjunction with other leaders in the legal community, ensure that attorneys appointed in the juvenile court are compensated in a manner equivalent to attorneys appointed by the court in other types of cases.

(Subd (c) amended effective January 1, 2007; adopted effective July 1, 1992.)

(d) Training and orientation

The presiding judge of the juvenile court should:

- (1) Establish relevant prerequisites for court-appointed attorneys and advocates in the juvenile court.
- (2) Develop orientation and in-service training programs for judicial officers, attorneys, volunteers, law enforcement personnel, court personnel, and child advocates to ensure that all are adequately trained concerning all issues relating to special education rights and responsibilities, including the right of each child with exceptional needs to receive a free, appropriate public education and the right of each child with educational disabilities to receive accommodations.
- (3) Promote the establishment of a library or other resource center in which information about juvenile court practice (including books, periodicals, videotapes, and other training materials) can be collected and made available to all participants in the juvenile system.
- (4) Ensure that attorneys who appear in juvenile court have sufficient training to perform their jobs competently, as follows: require that all court-appointed attorneys meet minimum training and continuing legal education standards as a condition of their appointment to juvenile court matters; and encourage the leaders of public law offices that have responsibilities in juvenile court to require their attorneys who appear in juvenile court to have at least the same training and continuing legal education required of court-appointed attorneys.

(Subd (d) amended effective January 1, 2001; adopted effective July 1, 1989; previously amended and relettered effective July 1, 1992.)

(e) Unique role of a juvenile court judge

Judges of the juvenile court, in consultation with the presiding judge of the juvenile court and the presiding judge of the superior court, to the extent that it does not interfere with the adjudication process, are encouraged to:

- (1) Provide active leadership within the community in determining the needs of and obtaining and developing resources and services for at-risk children and families. At-risk children include delinquents, dependents, and status offenders.
- (2) Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families.
- (3) Exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment for at-risk children and their families.
- (4) Exercise a leadership role in the development and maintenance of permanent programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families.
- (5) Take an active part in the formation of a communitywide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families.
- (6) Maintain close liaison with school authorities and encourage coordination of policies and programs.
- (7) Educate the community and its institutions through every available means, including the media, concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families.
- (8) Evaluate the criteria established by child protection agencies for initial removal and reunification decisions and communicate the court's expectations of what constitutes "reasonable efforts" to prevent removal or hasten return of the child.
- (9) Encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children.
- (10) Be familiar with all detention facilities, placements, and institutions used by the court.
- (11) Act in all instances consistent with the public safety and welfare.

(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1989; previously relettered effective July 1, 1992.)

(f) Appointment of attorneys and other persons

For the appointment of attorneys, arbitrators, mediators, referees, masters, receivers, and other persons, each court should follow rule 10.611 and the guidelines of standard 10.21.

(Subd (f) amended effective January 1, 2007; adopted effective January 1, 1999.)

(g) Educational rights of children in the juvenile court

The juvenile court should be guided by certain general principles:

- (1) A significant number of children in the juvenile court process have exceptional needs that, if properly identified and assessed, would qualify such children to receive special education and related services under federal and state education law (a free, appropriate public education) (see Ed. Code, § 56000 et seq. and 20 U.S.C. § 1400 et seq.);

- (2) Many children in the juvenile court process have disabilities that, if properly identified and assessed, would qualify such children to receive educational accommodations (see § 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq.]);
- (3) Unidentified and unremediated exceptional needs and unaccommodated disabilities have been found to correlate strongly with juvenile delinquency, substance abuse, mental health issues, teenage pregnancy, school failure and dropout, and adult unemployment and crime; and
- (4) The cost of incarcerating children is substantially greater than the cost of providing special education and related services to exceptional needs children and providing educational accommodations to children with disabilities.

(Subd (g) adopted effective January 1, 2001.)

(h) Role of the juvenile court

The juvenile court should:

- (1) Take responsibility, with the other juvenile court participants at every stage of the child's case, to ensure that the child's educational needs are met, regardless of whether the child is in the custody of a parent or is suitably placed in the custody of the child welfare agency or probation department and regardless of where the child is placed in school. Each child under the jurisdiction of the juvenile court with exceptional needs has the right to receive a free, appropriate public education, specially designed, at no cost to the parents, to meet the child's unique special education needs. (See Ed. Code, § 56031 and 20 U.S.C. § 1401(8).) Each child with disabilities under the jurisdiction of the juvenile court has the right to receive accommodations. (See § 504 of the Rehabilitation Act of 1973 [29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq. (1980)].) The court should also ensure that each parent or guardian receives information and assistance concerning his or her child's educational entitlements as provided by law.
- (2) Provide oversight of the social service and probation agencies to ensure that a child's educational rights are investigated, reported, and monitored. The court should work within the statutory framework to accommodate the sharing of information between agencies. A child who comes before the court and is suspected of having exceptional needs or other educational disabilities should be referred in writing for an assessment to the child's school principal or to the school district's special education office. (See Ed. Code, §§ 56320–56329.) The child's parent, teacher, or other service provider may make the required written referral for assessment. (See Ed. Code, § 56029.)
- (3) Require that court reports, case plans, assessments, and permanency plans considered by the court address a child's educational entitlements and how those entitlements are being satisfied, and contain information to assist the court in deciding whether the right of the parent or guardian to make educational decisions for the child should be limited by the court under Welfare and Institutions Code section 361(a) or 726(b). Information concerning whether the school district has met its obligation to provide educational services to the child, including special educational services if the child has exceptional needs under Education Code section 56000 et seq., and to provide accommodations if the child has disabilities as defined in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq. (1980)) should also be included, along with a recommendation for disposition.
- (4) Facilitate coordination of services by joining the local educational agency as a party when it appears that an educational agency has failed to fulfill its legal obligations to provide special

education and related services or accommodations to a child in the juvenile court who has been identified as having exceptional needs or educational disabilities. (See Welf. & Inst. Code, §§ 362(a), 727(a).)

- (5) Make appropriate orders limiting the educational rights of a parent or guardian who cannot be located or identified, or who is unwilling or unable to be an active participant in ensuring that the child's educational needs are met, and appoint a responsible adult as educational representative for such a child or, if a representative cannot be identified and the child may be eligible for special education and related services or already has an individualized education program, use form JV-535 to refer the child to the local educational agency for special education and related services and prompt appointment of a surrogate parent. (Welf. & Inst. Code, §§ 361, 726; Ed. Code, § 56156.)
- (6) Ensure that special education, related services, and accommodations to which the child is entitled are provided whenever the child's school placement changes. (See Ed. Code, § 56325.)

(Subd (h) amended effective January 1, 2007; adopted effective January 1, 2001; previously amended effective January 1, 2004.)

Standard 5.40 amended and renumbered effective January 1, 2007; adopted as sec. 24 effective January 1, 1989; previously amended effective July 1, 1992, January 1, 1999; January 1, 2001, and January 1, 2004.

Advisory Committee Comment

Subdivision (a). Considering the constantly evolving changes in the law, as well as the unique nature of the proceedings in juvenile court, the juvenile court judge should be willing to commit to a tenure of three years. Not only does this tenure afford the judge the opportunity to become well acquainted with the total juvenile justice complex, but it also provides continuity to a system that demands it.

Dependency cases under Welfare and Institutions Code section 300 for the most part last 18 months. The juvenile court judge has a responsibility to oversee these cases, and a single judge's involvement over this period of time is important to help ensure positive results. The ultimate goal should be to perfect a system that serves the needs of both recipients and providers. This can only be done over time and with constant application of effective energy.

Subdivision (b)(2). The juvenile court is an integral part of the justice system. It is only through the constant exertion of pressure to maintain resources and the continuous education of court-related personnel and administrators that the historic trend to minimize the juvenile court can be contained.

Subdivision (c)(4). The quality of justice in the juvenile court is in large part dependent on the quality of the attorneys who appear on behalf of the different parties before the court. The presiding judge of the juvenile court plays a significant role in ensuring that a sufficient number of attorneys of high quality are available to the parties appearing in juvenile court.

Juvenile court practice requires attorneys who have both a special interest in and a substantive understanding of the work of the court. Obtaining and retaining qualified attorneys for the juvenile court requires effective recruiting, training, and employment considerations.

The importance of juvenile court work must be stressed to ensure that juvenile court assignments have the same status and career enhancement opportunities as other assignments for public law office attorneys.

The presiding judge of the juvenile court should urge leaders of public law offices serving the juvenile court to assign experienced, interested, and capable attorneys to that court, and to establish hiring and promotional policies that will encourage the development of a division of the office dedicated to working in the juvenile court.

National commentators are in accord with these propositions: "Court-appointed and public attorneys representing children in abuse and neglect cases, as well as judges, should be specially trained or experienced. Juvenile and family courts should not be the 'training ground' for inexperienced attorneys or judges." (Metropolitan Court Judges Committee, National Council of Juvenile and Family Court Judges, *Deprived Children: A Judicial Response-73 Recommendations* (1986) p. 14.)

Fees paid to attorneys appearing in juvenile court are sometimes less than the fees paid attorneys doing other legal work. Such a payment scheme demeans the work of the juvenile court, leading many to believe that such work is less important. It may discourage attorneys from selecting juvenile court practice as a career option. The incarceration of a child in a detention facility or a child's permanent loss of his or her family through a termination of parental rights proceeding is at least as important as any other work in the legal system. Compensation for the legal work in the juvenile court should reflect the importance of this work.

Subdivision (d)(4). Juvenile court law is a specialized area of the law that requires dedication and study. The juvenile court judge has a responsibility to maintain high quality in the practice of law in the juvenile court. The quality of representation in the juvenile court depends in good part on the education of the lawyers who appear there. In order to make certain that all parties receive adequate representation, it is important that attorneys have adequate training before they begin practice in juvenile court and on a continuing basis thereafter. The presiding judge of the juvenile court should mandate such training for all court-appointed attorneys and urge leaders of public law offices to provide at least comparable training for attorneys assigned to juvenile court.

A minimum of six hours of continuing legal education is suggested; more hours are recommended. Education methods can include lectures and tapes that meet the legal education requirements.

In addition to basic legal training in juvenile dependency and delinquency law, evidentiary issues, and effective trial practice techniques, training should also include important related issues, including child development, alternative resources for families, effects and treatment of substance abuse, domestic violence, abuse, neglect, modification and enforcement of all court orders, dependency, delinquency, guardianships, conservatorships, interviewing children, and emancipation. Education may also include observational experience such as site visits to institutions and operations critical to the juvenile court.

A significant barrier to the establishment and maintenance of well-trained attorneys is a lack of educational materials relating to juvenile court practice. Law libraries, law offices, and court systems traditionally do not devote adequate resources to the purchase of such educational materials.

Effective January 1, 1993, guidelines and training material will be available from Judicial Council staff.

Subdivision (e)(11). A superior court judge assigned to the juvenile court occupies a unique position within California's judiciary. In addition to the traditional role of fairly and efficiently resolving disputes before the court, the juvenile court judge is statutorily required to discharge other duties. California law empowers the juvenile court judge not only to order services for children under its jurisdiction, but also to enforce and review the delivery of those services. This oversight function includes the obligation to understand and work with the public and private agencies, including

school systems, that provide services and treatment programs for children and families. As such, the juvenile court assignment requires a dramatic shift in emphasis from judging in the traditional sense.

The legislative directive to juvenile court judges to "improve system performance in a vigorous and ongoing manner" (Welf. & Inst. Code, § 202) poses no conflict with traditional concepts of judicial ethics. Active and public judicial support and encouragement of programs serving children and families at risk are important functions of the juvenile court judge that enhance the overall administration of justice.

The standards in (e) are derived from statutory requirements in the following sections of the Welfare and Institutions Code as well as the supplementary material promulgated by the National Council of Juvenile and Family Court Judges and others: (1) Welfare and Institutions Code, sections 202, 209, 300, 317, 318, 319, 362, 600, 601, 654, 702, 727; (2) California Code of Judicial Conduct, canon 4; (3) Metropolitan Court Judges Committee, National Council of Juvenile and Family Court Judges, *Deprived Children: A Judicial Response-73 Recommendations* (1986), Recommendations 1–7, 14, 35, 40; and (4) National Council of Juvenile and Family Court Judges, Child Welfare League of America, Youth Law Center, and the National Center for Youth Law, *Making Reasonable Efforts: Steps for Keeping Families Together* pp. 43–59