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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

**Effective Date:** August 22, 2012  
**Revised:** January 29, 2015

**Number:** J-0104

## **Non-Minor Dependency Court Proceedings**

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**Purpose** To provide guidelines for court proceedings involving foster youth participating in extended foster care (EFC).

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**Approved** This policy was approved by Gary Taylor, Director of CFS, on January 29, 2015. *Signature on file.*

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**Most Recent Revision** The most recent revisions of the Policy and Procedure (P&P):

- Incorporate legislation impacted by Assembly Bill (AB) 1712 (2012)
- Provide guidance regarding family reunification (FR) services for non-minor dependents (NMDs)
- Incorporate new court report documentation guidelines for NMDs
- Clarify the need to convene a WIC § 391 Termination Review hearing for all NMDs exiting EFC
- Clarify parties entitled to notice of NMD Status Review hearings
- Discuss use of NMD Legal Files

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**Background** Per All County Information Notice I-29-13, foster youth who reach 18 years of age while under the jurisdiction of Juvenile Court (Court) are considered non-minor dependents (NMDs). NMDs may:

- Receive family reunification (FR) or permanent placement (PP) services to:

- Prepare for a successful transition to independence
  - Achieve permanence through establishing or maintaining permanent connections with caring, committed adults
  - Up to 21 years of age
- And/or–**
- Until dependency is terminated at a WIC § 391 Termination Review hearing

This P&P addresses a foster youth’s transition to EFC and non-minor dependency proceedings.

**Note:** CFS P&P [Extended Foster Care \(EFC\) \(J-0101\)](#) details eligibility requirements for EFC. Per California Rule of Court 5.900, nothing restricts the ability of Court to maintain dependency jurisdiction over a person, 18 years of age or older, who does not meet eligibility requirements for EFC.

## Definitions

**Non-Minor Dependent (NMD):** Refer to CFS P&P [Extended Foster Care \(EFC\) \(J-0101\)](#) for the definition of a NMD.

**NMD Status Review Hearing:** A review hearing held pursuant to WIC §§ 366.3 or 366.31 for a NMD:

- In long-term foster care (LTFC) under a Planned Permanent Living Arrangement (PPLA)
- Receiving court-ordered family reunification (FR) services
- Residing with a parent under court supervision

For the purposes of this P&P, a WIC § 391 Termination Review hearing is also considered a NMD Status Review hearing.

**General Jurisdiction:** The legal status retained by Juvenile Court over a young adult when dependency jurisdiction is terminated. General jurisdiction is retained until 21 years of age to allow for a petition to be filed pursuant to WIC § 388(e), should the young adult desire to re-enter EFC.

**Indian Child:** An unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, and who is under the jurisdiction of the Juvenile Court.

**Exculpatory Evidence:** Evidence favorable to a party in the case and relevant to the issues of the case.

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## POLICY

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### Preparing for EFC—Six Months Prior to 18th Birthday

A. **Required Advisements:**

Per WIC § 366.31, in preparation for the last Status Review hearing prior to a foster youth's 18th birthday, the assigned Senior Social Worker (SSW) will meet with the youth and caregiver to provide advisements regarding EFC. Refer to *Preparation for Non-Minor Dependency (Procedure and SSW Talking Points) (F063-25-678)*.

Review the *Youth Advisement of Non-Minor Dependency (Extended Foster Care) (F063-25-677)* with the youth and, as appropriate, the caregiver to explain:

- Potential benefits of continued dependency
- Youth's right to remain in EFC
- Youth's right to request termination of dependency at 18 years of age
- Youth's right to request resumption of dependency jurisdiction and re-entry into EFC

**Note:** Refer to the "ICWA" Policy section for additional advisements to be provided to an Indian child.

The assigned SSW will document when/how the above advisements were provided in:

- A CWS/CMS contact

**–And–**

- The court report prepared for the last Status Review hearing prior to the youth's 18<sup>th</sup> birthday (see [Attachment 1—Supplemental Documentation for Court Reports](#))

**Note:** If a Jurisdictional/Dispositional hearing (JD hearing) is pending, advisements regarding EFC will be provided to a foster youth 17 years of age and older, if recommending Court assume dependency jurisdiction. The youth will be informed all rights related to EFC are contingent on the Court assuming dependency jurisdiction over the youth prior to the youth's 18<sup>th</sup> birthday.

B. **Last Status Review Hearing Prior to 18<sup>th</sup> Birthday:**

Per WIC § 366.31 and California Rule of Court 5.707, the assigned SSW will prepare a court report for the last Status Review hearing prior to a foster youth's 18<sup>th</sup> birthday which describes:

- Advisements provided to the youth regarding EFC and non-minor dependency
- Youth's understanding of the potential benefits of continued dependency
- Youth's desires/plans to remain in EFC
- Youth's plan to satisfy at least one EFC participation requirement to remain eligible for EFC
- Efforts made and assistance provided to the youth to meet EFC participation requirements
- Efforts towards providing the information, documents, and services required pursuant to WIC § 391(e)(2)

**Note:** These factors will also be addressed in a Jurisdictional/Dispositional Hearing Report (JD Report) prepared for a foster youth 17 years of age and older, if recommending Court assume dependency jurisdiction.

Refer to [Attachment 1—Supplemental Documentation for Court Reports](#) to incorporate the above referenced information into court reports.

For a list of recommendations available for the last Status Review hearing prior to a foster youth's 18<sup>th</sup> birthday, refer to the [Approaching 18 Years of Age – Recommendation Desk Guide](#) contained on the CFS Intranet ([CFS/Manuals/Autotext](#)).

C. **Case Plan and TILP:**

The assigned SSW will prepare a Case Plan and TILP for the last Status Review hearing prior to a dependent foster youth's 18<sup>th</sup> birthday, per the "Case Plan" and "TILP" Policy sections below.

**Case Plan**

A. **Case Plan Development:**

Refer to *Case Plans for Non-Minor Dependents (F063-25-688)* to develop a Case Plan for a NMD (including foster youth, 17 ½ years of age or older). Per WIC §§ 11400 and 16501.1, the Case Plan will be based on the NMD's developmental needs and include:

1. Goals, objectives, and supportive services, consistent with the NMD's TILP, to assist with:
  - The transition to independent living
  - Assuming incremental responsibilities for adult decision-making
  - Meeting at least one EFC participation requirement
2. The NMD's plan to remain eligible for EFC. Include the **Primary** and **Secondary** EFC participation requirements the NMD intends to meet, as detailed in CFS P&P [Extended Foster Care \(EFC\) \(J-0101\)](#).

**Note:** For foster youth approaching 18 years of age, this plan is required regardless of whether the youth intends to remain in EFC.
3. A description of the anticipated placement while in EFC.

**B. Timeframes:**

Per WIC § 366.31 and All County Letter (ACL) 11-69, the assigned SSW will develop a Case Plan using the guidelines detailed above, in preparation for the last Status Review hearing prior to a foster youth's 18<sup>th</sup> birthday.

Per WIC § 16501.1, the Case Plan will be updated no less frequently than **once every six months:**

- In conjunction with each NMD Status Review hearing, unless recommending termination of dependency

**–And–**

- If the current Case Plan Service Objectives no longer meet the needs of the NMD

**Note:** If a Case Plan needs to be updated before the next scheduled NMD Status Review hearing, consult SSSS and County Counsel regarding submission of a *Request to Change Court Order (JV-180)* or Ex Parte request.

**C. Acknowledgement of Participation in Case Plan Development:**

Per CFS policy, at the time of each Case Plan Update, the assigned SSW will request those involved in case planning sign an *Acknowledgement of Participation in Case Plan Development (F063-28-244)* for submission to Court.

For guidelines regarding use of the *Acknowledgement of Participation in Case Plan Development (F063-28-244)*, refer to CFS P&P [Case Plans \(D-0101\)](#).

D. **Six-Month Certification of EFC Participation:**

Per WIC § 11403 and ACL 11-69, at the time of each Case Plan Update, the assigned SSW will complete a *Six-Month Certification of Extended Foster Care Participation (SOC 161)* for submission to:

- Court
- Foster Care Eligibility

For further guidelines, refer to [CWS/CMS Data Entry Standards—Extended Foster Care \(EFC\)](#) and *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)*.

**Transitional Independent Living Plan (TILP)**

Per WIC § 16501.1 and ACL 11-69, the assigned SSW will update the TILP for EFC purposes:

- In preparation for the last Status Review hearing prior to a foster youth's 18<sup>th</sup> birthday

–And–

- No less frequently than **once every six months** in conjunction with each Case Plan Update

When updating the TILP:

- A. Collaborate with the NMD.
- B. Ensure the TILP includes a primary and backup goal to satisfy at least one EFC participation requirement, regardless of whether the NMD intends to remain in EFC.
- C. Include TILP goals that allow continuous eligibility for EFC during periods the NMD is not able to meet education or employment based EFC participation requirements. For example, establish a backup goal such as, "Removing barriers to employment."

Refer to CFS P&P [Independent Living Program \(ILP\) Services \(D-0504\)](#), for further information regarding development of a TILP.

**General  
Conduct of  
NMD Hearings**

Per WIC § 366.31 and California Rule of Court 5.900, the following guidelines apply to hearings involving a NMD:

- A. The hearings will be conducted in manner which respects the NMD's legal status as an adult.
- B. The hearings will be non-adversarial (unless there is a contested issue of fact or law). Parties will work together with the NMD to achieve the goals of the Case Plan and TILP.
- C. The NMD will have the right to be present and participate in each hearing.
- D. Additional parties may attend if invited by the NMD, however are not considered a party to the case.

**Note:** Per WIC § 317, counsel will not be appointed for the parent of a NMD, unless the parent continues to receive FR services.

- E. Court may arrange for the NMD to make a telephonic appearance. See "Telephonic Appearance at Hearings" Policy section.

**NMD Status  
Review  
Hearing**

- A. **Purpose of Hearing:**  
Per WIC § 366.3 and California Rule of Court 5.903, the status of a NMD will be reviewed by Court **every six months** at a NMD Status Review hearing. The hearing will be conducted in accordance with WIC §§ 366.3, 366.31, and 16503, and will focus on:

- Continued eligibility for EFC
- Appropriateness and extent of compliance with the Case Plan and TILP
- Appropriateness of, and continuing necessity for, placement
- Adequacy of services provided
- Efforts and progress to address the NMD's safety, well-being, and successful transition to independence
- Efforts to achieve permanence for the NMD

- B. **NMD Status Review Report:**  
The assigned SSW will prepare a court report for each NMD Status Review hearing, as applicable:

- [Attachment 2—NMD Status Review Report: LTFC](#)
- [Attachment 3—NMD Status Review Report: FR and FM](#)

The court report will incorporate pertinent, accurate, and objective information, including exculpatory evidence obtained over the current period of review. Information incorporated into the court report will be consistent with information documented in the permanent record. Objectivity and accuracy on behalf of the assigned SSW is paramount. This ensures a factual representation for Court to make a determination regarding the NMD's status, and lends credibility to the assigned SSW's recommendation.

The court report will be written in complete, concise sentences. Documentation of interviews/correspondence with collateral contacts/service providers will include:

- Date on which interview/correspondence was completed
- Method by which interview/correspondence was conducted (e.g., in-person, phone, letter, etc.)
- Notation of language (other than English) or interpreter services used
- Full name, title, and agency affiliation (as applicable)
- Contact information, unless there is a compelling reason to keep the information confidential

**Note:** Attempts to obtain required information not available for inclusion in the court report, or Case Plan Update, will be documented in the court report.

**C. Recommendation Considerations:**

The recommendation at each NMD Status Review hearing will be based on:

- NMD's desires and eligibility to remain in EFC
- And–**
- Appropriateness of continued dependency jurisdiction

For a listing of recommendations applicable to NMDs, refer to the [Status/Interim Review Hearing Recommendation Desk Guide](#) contained on the CFS Intranet ([CFS/Manuals/Autotext](#)).



**Family  
Reunification**

The following applies to a NMD receiving court-ordered FR services at the time of their 18<sup>th</sup> birthday:

A. **Continuation of FR Services:**

Per WIC § 361.6, a recommendation may be made to continue FR services, if each of the following apply:

- The NMD and parent agree to continue FR services
- Continuing FR services is in the best interests of the NMD
- There is a substantial probability the NMD will be able to safely reside in the home of the parent by the next NMD Status Review hearing
- Continuation of FR services will not exceed the time limits for FR services, as set forth in WIC § 361.5

**Note:** Receipt of FR services does not impact eligibility for EFC benefits.

If the NMD will continue to receive FR services, a NMD Status Review hearing will be calendared per WIC § 366.31(d) for Court to consider whether the NMD can safely return home.

B. **Termination of FR Services:**

Per WIC § 361.6, if the conditions required to continue FR services are not met, a recommendation will be made to terminate FR services.

If recommending termination of FR services, consider the appropriateness of:

- The NMD remaining in LTFC under a PPLA
- Terminating dependency jurisdiction at a WIC § 391 Termination Review hearing

**Note:** Do not recommend a WIC § 366.26 Selection and Implementation hearing for a NMD unless Tribal Customary Adoption (TCA) will be recommended (WIC § 366.21).

C. **Return Home:**

Per WIC § 361.31(d), a recommendation may be made to return the NMD to the family home if the NMD can safely reside in the home of the parent.

If recommending return to the family home, consider the appropriateness of:

- Terminating dependency jurisdiction at a WIC § 391 Termination Review hearing
- Maintaining dependency jurisdiction and court supervision

Reunification Reassessment Clearances:

Per CFS Policy, prior to recommending return of the NMD to the family home, the assigned SSW will:

1. Request the parent complete live scan fingerprinting, if the parent agreed to submit to a live scan as part of the FR Case Plan. See CFS PDU Dispatch [Live Scan Services to Assess Reunification \(B-0120-D\)](#).

Refer to CFS P&P [Live Scan Fingerprinting \(B-0115\)](#) for further guidelines.

2. Obtain background clearance information regarding all other adults residing in the home of a parent, using:
  - [California Megan's Law Sex Offender Locator Database](#)
  - Superior Court Criminal and Traffic Case system in the county of residence (e.g., [Orange County Superior Court of California Criminal and Traffic Cases](#))

Request consent from each adult to search CWS/CMS for prior child abuse and neglect records. Notify the parent if:

- The adult refuses to consent to CWS/CMS clearances
- And/or–**
- Clearance information obtained indicates the adult would pose a risk to the safety of the NMD (do not disclose confidential information)

The assigned SSW will consider all background clearance information obtained, when assessing safety and suitability for reunification.

## Terminating Dependency

### A. **WIC § 391 Termination Review Hearing:**

A WIC § 391 Termination Review hearing must be held to terminate dependency of a NMD (*In Re Shannon M.*, 221 Cal. App. 4th 282 [2013]). Per WIC §§ 366.31 and 391, a recommendation will be made to terminate dependency if any of the following apply:

- NMD no longer wishes to remain under dependency jurisdiction
- NMD is not complying with the Case Plan, and/or is unwilling to modify the Case Plan, to meet at least one EFC participation requirement
  - This may include the NMD refusing to live in an approved placement setting
- NMD's whereabouts are unknown and reasonable efforts to locate the NMD have been documented for Court
- NMD resides with a parent, and court supervision is no longer necessary
- NMD has reached 21 years of age

**A WIC § 391 Termination Review hearing may be held in conjunction with a NMD Status Review hearing.**

**Note:** An Ex Parte request may be submitted to calendar a WIC § 391 Termination Review hearing before the next scheduled NMD Status Review hearing.

### B. **Preparing for a WIC § 391 Termination Review Hearing:**

Per WIC § 391 and California Rule of Court 5.555, prior to a hearing to terminate dependency of a NMD, the assigned SSW will:

1. Prepare a court report in accordance with one of the following, as applicable:
  - [Attachment 2—NMD Status Review Report: LTFC](#)
  - [Attachment 3—NMD Status Review Report: FR and FM](#)

The court report will include:

- a. Verification the information, documents, and services required pursuant to WIC § 391(e) have been provided to the NMD.

**Note:** If the NMD's whereabouts are unknown, document efforts to meet WIC § 391(e) requirements. If relevant materials are provided to the NMD's attorney of record, document this in the court report.

If the NMD re-entered EFC through the filing of a WIC § 388(e) petition, review the legal file to ensure all WIC § 391(e) requirements were previously provided to the NMD and documented for Court. Information, documents, and services that were not previously provided, will be the responsibility of the assigned SSW.

- b. Documentation of advisements provided to the NMD regarding:
- Potential benefits of continued dependency
  - NMD's right to remain in EFC
  - NMD's right to request termination of dependency
  - NMD's right to request resumption of dependency jurisdiction and re-entry into EFC

The *Youth Advisement of Non-Minor Dependency (Extended Foster Care) (F063-25-677)* may be used to provide/discuss the above advisements.

Refer to [Attachment 1—Supplemental Documentation for Court Reports](#) for further guidelines.

- c. An assessment of whether it is in the NMD's best interests to remain under dependency jurisdiction.

Document the above in the court report prepared for a WIC § 391 Termination Review hearing, regardless of whether the NMD's whereabouts are known or unknown (*In re Nadia G.*, 216 Cal. App. 4th 1110 [2013]).

2. Provide the NMD with the following documents regarding re-entry into EFC:

- *How to Return to Juvenile Court Jurisdiction and Foster Care (JV-464-INFO)*
  - *Request to Return to Juvenile Court Jurisdiction and Foster Care (JV-466)*
  - *Confidential Information—Request to Return to Juvenile Court Jurisdiction and Foster Care (JV-468)*
3. Prepare a 90-Day Transition Plan for the NMD. Refer to CFS P&P [Independent Living Program \(ILP\) Services \(D-0504\)](#) for further guidelines.

Per ACL 11-69, if a NMD unexpectedly exits EFC, a 90-Day Transition Plan is still required.

**Exception:** A 90-Day Transition Plan is not required when terminating dependency for a NMD who re-entered EFC through the filing of a WIC § 388(e) petition.

4. As detailed in [Attachment 2](#) of CFS P&P [Independent Living Program \(ILP\) Services \(D-0504\)](#), complete the following ILP service activities:
- a. Submit an *ILP Services—WIC 391 Letter Referral (F063-28-333)* to the TPSP SSSS to request completion of a WIC § 391 letter.
  - b. Prepare an *ILP Services—Proof of Wardship Letter (F063-25-617)* to provide to the NMD.
  - c. Complete the *ILP Services—Assessment C (F063-25-616)* on behalf of the NMD.
  - d. Assist the NMD in applying for Food Stamp benefits. See PDU Dispatch [Food Stamp Applications for Transitioning Youth \(D-0512-D\)](#).
5. Complete and sign *Termination of Juvenile Court Jurisdiction—Non-Minor (JV-365)* together with the NMD. Verify items specified on the *JV-365* have been provided to the NMD. Upon completion, provide a copy to the NMD.

**Note:** If the NMD's whereabouts are unknown, the items specified on the *JV-365* may be provided to the NMD's attorney of record.

6. Verify the NMD does not have a pending application for Special Immigrant Juvenile Status (SIJS) or other form of legal residency. Refer to CFS P&P [Undocumented Dependents \(D-0508\)](#).

A recommendation to terminate dependency will not be made until pending application for lawful permanent resident status and/or Special Immigrant Juvenile Status (SIJS) has been granted. Refer to CFS P&P [Undocumented Dependents \(D-0508\)](#).

**Exception:** Termination of dependency will be recommended if the undocumented dependent has been incarcerated or whereabouts have remained unknown for the last 60 calendar days.

7. Update the Case Plan and TILP if a recommendation will be made to continue dependency at the WIC § 391 Termination Review hearing.

C. **NMD's Attendance at WIC § 391 Termination Review Hearing:**

Per WIC § 391, the assigned SSW will make reasonable efforts to ensure the NMD is present for a WIC § 391 Termination Review hearing and will arrange transportation, if necessary.

If the NMD does not wish to appear in Court, a telephonic appearance will be arranged. Refer to Policy section "Telephonic Appearance at Hearings."

If the NMD's whereabouts are unknown, the court report prepared for the WIC § 391 Termination Review hearing must document reasonable efforts to locate the NMD.

**Submission of Court Report Documents**

A. **Timeframes:**

Per California Rules of Court 5.555 and 5.903, the court report prepared for a NMD Status Review hearing will be e-filed with the Juvenile Court no later than **10 calendar days** (excluding judicial holidays) prior to the scheduled hearing date.

Refer to the "Juvenile Court Clerical and Filing Deadlines" guide for **clerical** and **filing** deadlines.

For guidelines regarding e-filing, refer to CFS P&P [Electronic Signing and Filing of Court Reports \(B-0217\)](#).

**B. Additional Documents to be Submitted with Court Report:**

Per WIC § 391, California Rule of Court 5.903, and ACL 11-69, **if recommending dependency be continued**, the assigned social worker will prepare the following for submission to Court:

- Most recent TILP
- Case Plan Update
  - Include *Acknowledgement of Participation in Case Plan Development (F063-28-244)*
- Newly completed *Six-Month Certification of Extended Foster Care Participation (SOC 161)*
  - For guidelines regarding completion, see *Foster Care Eligibility—Required Documents to Transition to Extended Foster Care (F063-25-681)*

Per WIC § 391 and California Rule of Court 5.555, **if recommending termination of dependency**, the assigned social worker will prepare the following for submission to Court:

- 90-Day Transition Plan
  - **Exception:** A 90-Day Transition Plan is not required to terminate dependency for a NMD who re-entered EFC pursuant to a WIC § 388(e) petition
- Most recent TILP
- A completed *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)*

**JV Forms for NMDs**

The Court Typist will prepare the following JV forms to provide to Court in advance of the scheduled hearing:

- **Last Status Review Hearing Prior to 18<sup>th</sup> Birthday.** (**Note:** Provide these forms to Court, along with the stipulation sheet applicable to the hearing.)
  - *Cover Sheet to Orders & Findings for Child Approaching Age of Majority and/or Foster Care Placement—Dependency (F063-25-690)*
  - *Attachment: Additional Findings and Orders for Child Approaching Majority—Dependency (JV-460)*
  - *Stipulation Signature Page (F063-25-689)*

- **NMD Status Review Hearing.** (Note: No additional stipulation sheet is required.)
  - *Findings and Orders After Nonminor Dependent Review Hearing (JV-462)*
  - *Stipulation Signature Page (F063-25-689)*
- **WIC § 391 Termination Review Hearing**
  - *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)*
  - *Findings and Orders After Hearing To Consider Termination of Juvenile Court Jurisdiction Over a Nonminor (JV-367)*
  - *Stipulation Signature Page (F063-25-689)*

To facilitate use of these JV forms, the Court Typist will:

- A. Review the *Notice of Hearing Worksheet (F063-28-04)* to identify the JV form(s) applicable to the hearing.
- B. Generate the JV form(s) in CWS/CMS. Pre-populating information will be reviewed for accuracy. Additional information will be included, as necessary.
- C. Include the JV form(s) in the Legal File forwarded to Court in advance of the scheduled hearing.

**ICWA**

- A. **Advisements:**  
 In accordance with California Rules of Court 5.707 and 5.555, if ICWA applies, the assigned SSW will complete the following in preparation for the last Status Review hearing prior to a youth's 18<sup>th</sup> birthday and prior to a WIC § 391 Termination Review hearing:
  1. Advise the youth/NMD (or Guardian Ad Litem) of the right to continue to be considered an Indian child.
  2. Ask the youth/NMD (or Guardian Ad Litem) whether they want ICWA to continue to apply, should they remain in EFC.

Per ACL 13-91, this decision will not impact tribal enrollment/membership status. Further, ICWA standards may be reapplied at a later date.



The court report will document:

- When/how ICWA advisement was provided
- The decision regarding ongoing application of ICWA

See [Attachment 1—Supplemental Documentation for Court Reports](#) for guidelines.

**B. ICWA Provisions:**

If the youth/NMD (or Guardian Ad Litem) elects for the provisions of ICWA to continue to apply:

1. The ICWA Unit will, per WIC § 224.2, provide notice of each NMD Status Review hearing by registered mail, return receipt requested, to the:
  - Tribe or Bureau of Indian Affairs (BIA) (if Tribal affiliation is unknown)
  - Secretary of the Interior
2. The assigned SSW will consult an Indian tribal representative during case plan development, per California Rule of Court 5.903.
3. A placement plan will be developed which meets ICWA placement preferences, per WIC § 361.31.

**Note:** Court may consider the request of an Indian child of sufficient age, in determining whether good cause exists to deviate from ICWA placement preferences.

Refer to CFS P&P [Indian Child Welfare Act \(G-0309\)](#) for further guidelines regarding application of ICWA.

ICWA compliance will be addressed in the court report prepared for each NMD Status Review hearing.

**Notice of Hearing**

Pursuant to WIC § 295 and California Rule of Court 5.903, notice of a NMD Status Review hearing will be provided:

A. To the following parties, as applicable:

- NMD
  - Parent, only when:
    - The parent continues to receive FR services
- Or–

- The NMD resides with the parent under court supervision and a WIC § 391 Termination Review hearing is calendared
- Any known sibling who is the subject of a dependency proceeding. If the sibling is:
  - 10 years of age or older, notice will be given to the sibling, and the sibling's attorney, and caregiver
  - Under 10 years of age, notice will only be given to the sibling's attorney and caregiver
- Current caregiver
- Attorneys of record

**Note:** If ICWA applies, refer to the "ICWA" Policy section for additional parties entitled to receive notice.

- B. No earlier than 30 calendar days or later than 15 calendar days prior to the hearing.
- C. By first class mail, to the last known address of each party.

**Exception:** ICWA notices will be provided in accordance with the "ICWA" Policy section.

- D. Using the *Notice of Hearing/Dependent Child (F063-28-82)*, which will include:
  - The nature of the hearing
  - Any recommended change in the legal status of the NMD

**Exception:** For caregivers use the *Notice of Hearing and Summary of Recommendation for Disposition (F063-28-89)*, the *Caregiver Information Form (JV-290)*, and the *Instruction Sheet for Caregiver Information Form (JV-290-INFO)*.

Refer to CFS P&P [Notices of Hearing \(G-0507\)](#) for instructions to provide notice.

Verification that notice was provided will be documented by the Court Typist through:

- Signature on the *Certification of Services by Mail (F063-28-82/page two)* (filed with Court)
- Data entry into CWS/CMS (see [CWS/CMS Data Entry Standards—Notice of Hearings](#))

**Provision of Court Report to Involved Parties**

Per California Rules of Court 5.903 and 5.555, the court report prepared for a NMD Status Review hearing will be provided to the following parties by first-class mail (unless otherwise specified), no later than **10 calendar days** in advance of the scheduled hearing:

- NMD
- Parent who continues to receive FR services
- Attorneys of record (by pony mail to Court)
- NMD’s Indian Tribe or tribal representative if ICWA continues to apply

**Note:** Per WIC § 107, a Court Appointed Special Advocate (CASA) is not entitled to a copy of the court report without the written consent of the NMD.

The Court Typist will provide the court report, and the following documents (if completed), as directed on the *Notice of Hearing Worksheet (F063-28-04)*:

- Most recent TILP
- Case Plan Update
- 90-Day Transition Plan
- *Termination of Juvenile Court Jurisdiction – Nonminor (JV-365)*

**Addendum Reports**

Per CFS policy, following submission of the court report prepared for a NMD Status Review hearing, an Addendum Report will be prepared by the assigned SSW if:

- New information pertinent to the case is obtained, which was not previously documented
  - The recommendation changes
  - The Case Plan Update previously submitted, is revised prior to the scheduled hearing
  - The NMD Status Review hearing is continued:
    - A minimum of **seven calendar days**
- And/or–**
- Court requests additional information

Refer to the “Juvenile Court Clerical and Filing Deadlines” guide for **clerical** and **filing** deadlines.

**Other Court Reports**

Per WIC § 365, if a non-statutory review hearing is calendared, the assigned SSW will prepare a court report specific to that hearing (i.e., Interim Report).

Refer to the “Juvenile Court Clerical and Filing Deadlines” guide for **clerical** and **filing** deadlines.

**Court Returns and Fifteen-Day Reviews**

Court Return Detention hearings and Fifteen-Day Review hearings do not apply to NMDs. The assigned SSW will address NMD placement changes (including the reason and efforts to locate an alternative placement) in the court report prepared for the next scheduled NMD Status Review hearing.

Immediate notification of placement changes will be provided to Court based upon the bench officer’s preference.

**NMD Legal Files**

WIC § 362.5 requires Court to open a court file for each NMD, separate from the file as a minor. When this new file is created, CFS will be notified of the NMD’s new legal number via a *Notice of Hearing or Continuance (L1095)*.

Per CFS policy, designated CFS staff will:

- A. Update CWS/CMS with the NMD’s new legal number, per [CWS/CMS Data Entry Standards—Court Numbers for Non-Minor Dependents \(NMD\)](#).

**Note:** One legal number may be active in CWS/CMS at a time.

- B. Use the NMD’s new legal number to create a Legal file for the NMD ("Volume 1"), consistent with the NMD’s court file.

Documents related to NMD court proceedings (e.g., court reports, notices, Minute Orders, etc.) will be filed in the NMD’s Legal file.

For further information regarding the Legal file and Service file for a NMD refer to CFS P&P [Referral and Case Filing \(E-0102\)](#).

**Telephonic Appearance at Hearings**

Per WIC § 388(e), a NMD may request a telephonic appearance at any hearing convened on the NMD’s behalf.

**Note:** Per California Rule of Court 5.900, Court may require a personal appearance if it would not create undue hardship for the NMD.

A. **Advisement:**

Prior to each hearing, the assigned SSW will advise the NMD of the right to a telephonic appearance. Per California Rule of Court 5.903, notice will include advisement of the right to a telephonic appearance and instructions for the NMD to:

- Notify the NMD's attorney and assigned SSW when a telephonic appearance is requested
- Provide the phone number where the NMD can be reached on the date of the scheduled hearing

B. **Arranging A Telephonic Appearance:**

To facilitate a telephonic appearance:

1. **Assigned SSW:**

Document the request for a telephonic appearance, and the phone number where the NMD can be reached, in the "Young Adult's Attendance At Court" section of the court report.

**Note:** If not documented in the court report, notify Court Officer and Court Officer Supervisor at least **two business days** prior to the scheduled hearing.

2. **Court Officer:**

At least **one business day** prior to the scheduled hearing, review the court report to determine if a telephonic appearance has been requested.

If a telephonic appearance has been requested, **immediately** notify the Court Clerk, and provide the phone number where the NMD can be reached.

**Note:** The Court Clerk will make arrangements to facilitate telephonic appearances per courtroom protocol.

**Availability for Court Dates**

The assigned SSW and SSSS will be available to respond to Court for each NMD Status Review hearing or continuance, as follows:

- A. The SSW will immediately return a telephone call received from the courtroom.
- B. The SSW will make an in-person response to Court at the time specified by Court, when the SSW's presence is requested, regardless of their flex day.

- C. Upon receipt of a personal appearance subpoena, the SSW will follow the guidelines detailed in CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#).
- D. The assigned SSSS, or designee, will be available to respond to Court if the SSW is unable to do so.

**Note:** The SSW will inform the assigned SSSS in advance, when unavailable for a scheduled hearing.

**Re-Entry into EFC**

Per WIC §§ 303 and 391, after dependency is terminated for a NMD, Court will retain general jurisdiction over the young adult until 21 years of age, to allow for re-entry into EFC. During the period of general jurisdiction

- Dependency hearings will not be calendared for the young adult
- Compliance contacts will not be required

Refer to CFS P&P [Re-Entry into Extended Foster Care \(EFC\) \(J-0105\)](#) for guidelines to resume dependency jurisdiction when a young adult seeks re-entry into EFC.

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**REFERENCES**

**Attachments and CWS/CMS Data Entry Standards**

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Supplemental Documentation for Court Reports](#)
- [Attachment 2—NMD Status Review Report: LTFC](#)
- [Attachment 3—NMD Status Review Report: FR and FM](#)
- [CWS/CMS Data Entry Standards—Court Numbers for Non-Minor Dependents \(NMD\)](#)
- [CWS/CMS Data Entry Standards—Extended Foster Care \(EFC\)](#)
- [CWS/CMS Data Entry Standards—Notice of Hearing](#)

## Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- CFS P&P [Case Plans \(D-0101\)](#)
- CFS P&P [Referral and Case Filing \(E-0102\)](#)
- CFS P&P [Confidentiality—CFS Client Records \(F-0105\)](#)
- CFS P&P [Electronic Signing and Filing of Court Reports \(B-0217\)](#)
- CFS P&P [Extended Foster Care EFC \(J-0101\)](#)
- CFS P&P [Independent Living Program \(ILP\) Services \(D-0504\)](#)
- CFS P&P [Indian Child Welfare Act \(G-0309\)](#)
- CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
- CFS P&P [Maintaining Connections with Important Persons \(D-0410\)](#)
- CFS P&P [Notices of Hearing \(G-0507\)](#)
- CFS P&P [Re-Entry into Extended Foster Care \(EFC\) \(J-0105\)](#)
- CFS P&P [Undocumented Dependents \(D-0508\)](#)
- PDU Dispatch [Food Stamp Applications for Transitioning Youth \(D-0512-D\)](#)
- PDU Dispatch [Live Scan Services to Assess Reunification \(B-0120-D\)](#)
- [CFS Autotext Court Report Guides](#)

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**Other Sources** Other printed references include the following:

- Juvenile Court Clerical and Filing Deadlines

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## FORMS

**Online Forms** Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

<b>Form Name</b>	<b>Form Number</b>
<a href="#">Acknowledgement of Participation in Case Plan Development</a>	F063-28-244
<a href="#">Acknowledgement of Participation in Case Plan Development (Spanish)</a>	F063-28-244Sp
<a href="#">ILP Services—Assessment C</a>	F063-25-616
<a href="#">ILP Services-Proof of Wardship Letter</a>	F063-25-617

<a href="#">ILP Services—WIC 391 Letter Referral</a>	F063-28-333
<a href="#">Notice of Hearing—Dependent Child</a>	F063-28-82
<a href="#">Notice of Hearing—Dependent Child</a> (Spanish)	F063-28-82Sp
<a href="#">Notice of Hearing Worksheet</a>	F063-28-04
<a href="#">Stipulation Signature Page</a>	F063-25-689
<a href="#">Request to Change Court Order</a>	JV-180

**Hard Copy Forms**

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
None.	

**CWS/CMS Forms**

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
<a href="#">Attachment: Additional Findings and Orders for Child Approaching Majority – Dependency Confidential Information – Request to Return to Juvenile Court Jurisdiction and Foster Care</a>	JV-460
<a href="#">Cover Sheet to Orders &amp; Findings for Child Approaching Age of Majority and/or Foster Care Placement—Dependency</a>	JV-468
<a href="#">Findings and Orders After Hearing To Consider Termination of Juvenile Court Jurisdiction Over a Nonminor</a>	F063-25-690
<a href="#">Findings and Orders After Nonminor Dependent Review Hearing</a>	JV-367
<a href="#">Request to Return to Juvenile Court Jurisdiction and Foster Care</a>	JV-462
<a href="#">Six-Month Certification of Extended Foster Care Participation</a>	JV-466
<a href="#">Termination of Juvenile Court Jurisdiction—Non-Minor</a>	SOC 161
	JV-365

**Brochures**

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
<a href="#">Case Plans for Non-Minor Dependents</a>	F063-25-688
<a href="#">Foster Care Eligibility—Required Documents to Transition to Extended Foster Care</a>	F063-25-681



<a href="#">How to Return to Juvenile Court Jurisdiction and Foster Care</a>	JV-464-INFO
<a href="#">Preparation for Non-Minor Dependency (Procedure and SSW Talking Points)</a>	F063-25-678
<a href="#">Youth Advisement of Non-Minor Dependency (Extended Foster Care)</a>	F063-25-677
<a href="#">Youth Advisement of Non-Minor Dependency (Extended Foster Care) (Spanish)</a>	F063-25-677SP
<a href="#">Youth Advisement of Non-Minor Dependency (Extended Foster Care) (Vietnamese)</a>	F063-25-677VN

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## LEGAL MANDATES

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[Welfare and Institutions Code \(WIC\) section \(§\) 224.1](#) provides a NMD may be considered an “Indian child,” for the purposes of ongoing application of the ICWA.

[WIC §§ 224.2](#) and [295](#) detail notice requirements for NMD Status Review hearings.

[WIC § 303\(a\)](#) provides Court may retain jurisdiction over a dependent until the dependent reaches age 21.

[WIC §§ 303\(b\)](#), [366.32](#), and [391\(d\)](#) provide once dependency jurisdiction is terminated, Court will maintain general jurisdiction over the non-minor until 21 years of age, to allow for a petition to be filed to resume dependency jurisdiction.

[WIC § 303](#) acknowledges the adult legal status of a NMD, details the rights of a NMD, and describes the responsibilities of the child welfare agency, towards a NMD.

[WIC § 361.3](#) outlines the factors that must be assessed in consideration of relative placement, and the need to document consideration of these factors for Court.

[WIC § 362.5](#) requires Court to create a separate court file for each NMD, and restricts access of this file to specified parties.

[WIC § 366.31\(a-b\)](#), and [California Rules of Court, Rule 5.707](#) detail findings and court report requirements that must be addressed at the last Status Review hearing prior to a foster youth’s 18<sup>th</sup> birthday.

[WIC § 366.31\(b-f\)](#) and [California Rule of Court, Rule 5.903](#) detail the conduct of NMD Status Review hearings and applicable Court findings/orders.

[WIC § 366.32](#) provides that for NMDs in LTFC, a PPLA be developed consistent with the NMD’s Case Plan.

[WIC § 391](#) and [California Rules of Court, Rule 5.555](#) detail termination of dependency jurisdiction over a NMD, the conduct of the WIC § 391 Termination Review hearing, and the information and services that must be provided to a NMD prior that hearing.

[WIC §§ 11400](#) and [16501.1](#) define a Transitional Independent Living Case Plan (i.e., Case Plan).

[WIC § 16002](#) details efforts and exceptions to facilitating sibling placement and/or visitation.

[WIC § 16503](#) provides a Status Review hearing be conducted on behalf of a NMD no less frequently than once every six months.

[WIC §§ 16507 and 16508](#) detail a NMD's eligibility to receive FR and PP services.

[WIC § 388\(e\)\(3\)](#) and [California Rules of Court, Rule 5.900\(e\)](#) allow for NMDs to make telephonic appearances at hearings.

[California Department of Social Services \(CDSS\) Division 31 Regulations Chapter 200](#) details development and content of the Transitional Independent Living Plan (TILP).

[California Rules of Court, Rule 5.651\(c\)](#) provides at each Status Review hearing, information regarding the educational, physical, mental health, and developmental needs of a NMD be addressed.

[California Rules of Court, Rule 5.900](#) defines the purpose of non-minor dependency, the legal status of NMDs, and the general conduct of hearings involving NMDs.

[California Rules of Court, Rule 5.903\(d\)](#) and [Rule 5.555\(c\)](#) detail the timeframe within which a court report prepared for a NMD Status Review hearing will be provided to applicable parties.

*In re Nadia G.*, 216 Cal. App. 4th 1110 (2013) finds regardless of AWOL status, the child welfare agency submit a court report to document whether the information, documents, and services required pursuant to WIC § 391(e) have been provided to a NMD, prior to Court terminating dependency jurisdiction.

*In Re Shannon M.*, 221 Cal. App. 4th 282 (2013) finds with limited exception, the provisions of WIC § 391 apply to all NMDs, including those not under an order of foster care placement.

[All County Letter \(ACL\) 11-69](#) provides an overview of EFC and court-related processes.

[ACL 13-91](#) details application of the ICWA to NMDs.

[All County Information Notice I-29-13](#) clarifies statutory changes to EFC and NMD court processes, via the passage of AB 1712.

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