

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 24, 2012,

effective on July 1, 2012

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24

1 **Rule 5.118. Application for court order Declarations supporting and responding to**  
2 **a request for court order**

3  
4 ~~(a) — No memorandum of points and authorities need be filed with an application for a~~  
5 ~~court order unless required by the court on a case-by-case basis.~~

6  
7 ~~(b) A completed *Income and Expense Declaration* (form FL 150) or *Financial*~~  
8 ~~*Statement (Simplified)* (form FL 155), *Property Declaration* (form FL 160), and~~  
9 ~~*Application for Order and Supporting Declaration* (form FL 310) must be attached~~  
10 ~~to an application for an injunctive or other order when relevant to the relief~~  
11 ~~requested.~~

12  
13 ~~(c) A copy of the *Application for Order and Supporting Declaration* with all~~  
14 ~~attachments and a blank copy of the *Responsive Declaration* (form FL 320) must~~  
15 ~~be served on the person against whom relief is requested. The original application~~  
16 ~~and order must be retained in the court file.~~

17  
18 ~~(d) If relief is sought by an *Order to Show Cause*, a copy of the order endorsed by the~~  
19 ~~clerk must be served.~~

20  
21 ~~(e) Blank copies of the *Income and Expense Declaration* or *Financial Statement*~~  
22 ~~*(Simplified)* and the *Property Declaration* must be served when completed~~  
23 ~~declarations are among the papers required to be served.~~

24  
25 ~~(f) — **Declarations supporting and applications for orders**~~

26  
27 **(a)(1) Length of declarations**

28  
29 A declaration attached to ~~an order to show cause or notice of motion~~ a request for  
30 order and responsive declaration must not exceed 10 pages in length, and a reply  
31 declaration must not exceed 5 pages in length, unless:

32  
33 ~~(1)(A)~~ The declaration is of an expert witness, or

34  
35 ~~(2)(B)~~ The court grants permission to extend the length of a declaration. A  
36 party may apply to the court ex parte with written notice of the application to  
37 the other parties, at least 24 hours before the papers are due, for permission to  
38 file a longer declaration. The application must state reasons why the facts  
39 cannot be set forth within the declaration page limit.

40  
41 *(Subd (a) amended and relettered effective July 1, 2012; adopted as paragraph (1) of subd*  
42 *(f) effective July 1, 2011.)*

1 **(b)(2)Objections to declarations**

2  
3 (1)(A) A declaration must be based on personal knowledge and explain how  
4 the person has acquired that knowledge. The statements in the declaration  
5 must be admissible in evidence.

6  
7 (2)(B) If a party thinks that a declaration does not meet the requirements of  
8 ~~(A)(1)~~, the party must object to the declaration at the time of the hearing, or  
9 any objection will be considered waived, and the declaration may be  
10 considered as evidence.

11  
12 (3)(C) If the court does not specifically rule on the objection raised by a party,  
13 the objection is presumed overruled. If an appeal is filed, any presumed  
14 overrulings can be challenged.

15  
16 *(Subd (b) amended and relettered effective July 1, 2012; adopted as paragraph (2) of subd*  
17 *(f) effective July 1, 2011.)*

18  
19 *Rule 5.118 amended effective July 1, 2012; adopted as rule 1225 effective January 1, 1970;*  
20 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
21 *January 1, 1972, July 1, 1977, January 1, 1980, January 1, 1999, January 1, 2004, January 1,*  
22 *2007, and July 1, 2011.*

23  
24 **Chapter 8. Domestic Violence Cases**

25 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Domestic Violence Cases;*  
26 *adopted effective July 1, 2012.*

27  
28 **Article 1. Domestic Violence Prevention Act Cases**

29 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Domestic Violence Cases—*  
30 *Article 1, Domestic Violence Prevention Act Cases; adopted effective July 1, 2012.*

31  
32  
33 **Rule 5.380. Agreement and judgment of parentage in Domestic Violence Prevention**  
34 **Act cases**

35  
36 \*\*\*

37  
38 **Rule 5.381. Modification of child custody, visitation, and support orders in**  
39 **Domestic Violence Prevention Act cases**

40  
41 \*\*\*

1 **Article 2. Tribal Court Protective Orders**

2 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Domestic Violence Cases—*  
3 *Article 2, Tribal Court Protective Orders; adopted effective July 1, 2012.*

4  
5 **Rule 5.386. Procedures for filing a tribal court protective order**

6  
7 \*\*\*

8  
9 **Rule 5.502. Definitions and use of terms**

10  
11 Definitions (§§ 202(e), 303(b), 319, 361, 361.5(a)(3), 450, 628.1, 636, 726, 727.3(c)(2),  
12 727.4(d), 11400(v), 11400(y), 16501(f)(16)); 20 U.S.C. § 1415; 25 U.S.C. § 1903(2))

13  
14 As used in these rules, unless the context or subject matter otherwise requires:

15  
16 (1)–(15) \*\*\*

17  
18 (16) “General jurisdiction” means the jurisdiction the juvenile court ~~retained~~ maintains  
19 over a nonminor under section 303(b) at the time of the dismissal of dependency  
20 jurisdiction, delinquency jurisdiction, or transition jurisdiction for the purpose of  
21 considering a request to resume its dependency jurisdiction or to assume or resume  
22 its transition jurisdiction over the person as a nonminor dependent.

23  
24 (17)–(41) \*\*\*

25  
26 *Rule 5.502 amended effective July 1, 2012; adopted as rule 1401 effective January 1, 1990;*  
27 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
28 *July 1, 1992, July 1, 1997, January 1, 1998, January 1, 1999, January 1, 2001, July 1, 2002,*  
29 *January 1, 2003, January 1, 2008, July 1, 2010, January 1, 2011, and January 1, 2012.*

30  
31 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**  
32 **nonminor—dependents or wards of the juvenile court in a foster care**  
33 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 452, 607.3,**  
34 **16501.1(f)(16))**

35  
36 **(a) Applicability**

37  
38 (1) This rule applies to any hearing during which the termination of the juvenile  
39 court’s jurisdiction over the following nonminors will be considered:

40  
41 (A) \*\*\*

1 (B) A ward or dependent of the juvenile court who is a nonminor 18 years  
2 of age or older, and subject to an order for a foster care placement.

3  
4 (2) Nothing in the Welfare and Institutions Code or in the California Rules of  
5 Court restricts the ability of the juvenile court to maintain dependency  
6 jurisdiction or delinquency jurisdiction over a person, 18 years of age and or  
7 older, who does not meet the eligibility requirements for status as a nonminor  
8 dependent and to proceed as to that person under the relevant sections of the  
9 Welfare and Institutions Code and California Rules of Court.

10  
11 *(Subd (a) amended effective July 1, 2012.)*

12  
13 **(b) Setting a hearing**

14  
15 (1) A court hearing must be placed on the appearance calendar ~~must be~~ and held  
16 prior to terminating juvenile court jurisdiction.

17  
18 (2)-(3) \*\*\*

19  
20 (4) If juvenile court jurisdiction was resumed after having previously been  
21 terminated ~~with the juvenile court retaining general jurisdiction for the~~  
22 ~~purpose of resuming its jurisdiction, and subsequently jurisdiction was~~  
23 resumed, a hearing under this rule must be held if the nonminor dependent  
24 wants juvenile court jurisdiction terminated again. The social worker or  
25 probation officer is not required to file the 90-day Transition Plan, and the  
26 court need not make the findings ~~included~~ described in (d)(1)(L)(iii) or  
27 (d)(2)(E)(vi).

28  
29 (5) The hearing must be continued for no more than five court days for the  
30 submission of additional information as ordered by the court, if the court  
31 determines that the report, the Transitional Independent Living Plan, the  
32 Transitional Independent Living Case Plan (TILCP) if required, or the 90-day  
33 Transition Plan submitted by the social worker or probation officer does not  
34 provide the information required by (c) and the court is unable to make the  
35 findings and orders required by (d).

36  
37 *(Subd (b) amended effective July 1, 2012.)*

38  
39 **(c) Reports**

40  
41 (1) In addition to complying with all other statutory and rule requirements  
42 applicable to the report prepared by the social worker or probation officer for

1 any hearing during which termination of the court’s jurisdiction will be  
2 considered, the report must include:

- 3
- 4 (A) \*\*\*
- 5
- 6 (B) The specific criteria in section 11403(b) met by the nonminor that  
7 makes him or her eligible to remain under juvenile court jurisdiction as  
8 a nonminor dependent as defined in section 11400(v);
- 9
- 10 (C) For ~~an Indian child~~ a nonminor to whom the Indian Child Welfare Act  
11 applies, when and how the nonminor was provided with information  
12 about the right to continue to be considered an Indian child for the  
13 purposes of the ongoing application of the Indian Child Welfare Act to  
14 him or her as a nonminor;
- 15
- 16 (D) \*\*\*
- 17
- 18 (E) Whether the nonminor has applied for and, if so, the status of any in-  
19 progress application pending for Special Immigrant Juvenile  
20 ~~Immigration~~ Status or other applicable application for legal residency  
21 and whether an active juvenile court case is required for that  
22 application;
- 23
- 24 (F) \*\*\*
- 25
- 26 (G) When and how the nonminor was informed that if juvenile court  
27 jurisdiction is terminated, ~~with~~ the court maintains ~~retaining~~ general  
28 jurisdiction over him or her for the purpose of resuming jurisdiction,  
29 and he or she has the right to file a request to return to foster care and  
30 have the juvenile court resume jurisdiction over him or her as a  
31 nonminor dependent until he or she has attained the age of 21 years or  
32 the age of 20 years if the Legislature does not appropriate funding to  
33 extend the availability of foster care placement to the age of 21 years;
- 34
- 35 (H) When and how the nonminor was informed that if juvenile court  
36 dependency jurisdiction or transition jurisdiction is continued over him  
37 or her, he or she has the right to have ~~juvenile court~~ that jurisdiction  
38 terminated;
- 39
- 40 (I) For a nonminor who is not present for the hearing:
  - 41
  - 42 (i) Documentation of the nonminor’s statement that ~~the~~ he or she did  
43 not wish to appear in court for the scheduled hearing; or

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(ii) \*\*\*

(J) Verification that the nonminor was provided with the information, documents, and services as required under section 391(e)(1)–(8); and

(K) ~~Verification for~~ When and how a nonminor who is under delinquency jurisdiction ~~that was provided with~~ the notices and information required under section 607.5 ~~were provided.~~

(2)–(3) \*\*\*

(4) The social worker’s or probation officer’s report and all documents required by (c)(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 parents, 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 parents.

*(Subd (c) amended effective July 1, 2012.)*

**(d) Findings and orders**

In addition to complying with all other statutory and rule requirements applicable to the hearing, the following judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing:

(1) *Findings*

(A)–(B) \*\*\*

(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 ~~an Indian child~~ 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;

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- (E) \*\*\*
  - (F) Whether the nonminor has an in-progress application pending for Special Immigrant Juvenile Immigration Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;
  - (G) \*\*\*
  - (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 ~~with~~ and that the court will maintain retaining 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 ~~with the court retaining general jurisdiction,~~ 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 or the age of 20 years if the Legislature does not appropriate funding to extend the availability of nonminor foster care placement to the age of 21 years;
  - (J) \*\*\*
  - (K) Whether ~~verification was submitted that the requirements of section 607.5 have been completed for a nonminor who is subject to under~~ delinquency jurisdiction was provided with the notices and information required under section 607.5; and
  - (L)–(M) \*\*\*
- (2) *Orders*
- (A) ~~Order the continuation of juvenile court jurisdiction~~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)–(iii) \*\*\*



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- (B) When juvenile court jurisdiction is continued for the nonminor to remain in placement as a nonminor dependent:
  - (i) \*\*\*
  - (ii) Continue the nonminor’s status as an Indian child for the purposes of the ongoing application of the Indian Child Welfare Act ~~to him or her~~ unless he or she has elected not to have his or her status as an Indian child continued; and
  - (iii) \*\*\*
- (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’s jurisdiction in a foster care placement, the court must set a hearing under section 366.21, 366. 2, 366.25, 366.3, 727.2, or 727.3 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 ~~whose current location is unknown;~~
- (E) For a nonminor (1) 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, (2) who does meet one or more of the eligibility criteria of section 11403(b) but does not wish to remain under the jurisdiction of the juvenile court as a nonminor dependent, or (3) who does meet one or more of the eligibility criteria of section 11403(b) but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan, the court may ~~enter an order for~~ the termination of juvenile court jurisdiction only after entering the following findings and orders:
  - (i)–(iii) \*\*\*
  - (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) \*\*\*

(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) An order retaining general jurisdiction over the nonminor for the purpose of considering a request filed under section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a nonminor dependent must be made when juvenile court jurisdiction is terminated under this rule.~~

*(Subd (d) amended effective July 1, 2012.)*

*Rule 5.555 amended effective July 1, 2012; adopted effective January 1, 2012.*

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

**(a) Reports**

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

(1) \*\*\*

(2) The efforts made by the social worker to help the child meet one or more of the criteria in section 11403(b);

(3) \*\*\*

(4) Whether the child has applied for and, if so, the status of any in-progress application pending for title XVI Supplemental Security Income benefits and, if such an application is pending, whether it will be in the child’s best interest

1 to continue juvenile court jurisdiction until a final decision is issued to ensure  
2 that the child receives continued assistance with the application process;

3  
4 (5) Whether the child has an in-progress application pending for Special  
5 Immigrant Juvenile Immigration Status or other applicable application for  
6 legal residency and whether an active dependency case is required for that  
7 application;

8  
9 (6) The efforts made by the social worker toward providing the child with the  
10 written information, documents, and services described in section 391(e)(1),  
11 and to the extent that the child has not yet been provided with ~~the information~~  
12 them, the barriers to providing ~~that the~~ information, documents, or services  
13 and the steps that will be taken to overcome those barriers by the date the  
14 child attains 18 years of age;

15  
16 ~~(7) The efforts made by the social worker toward completing and providing the~~  
17 ~~child with the documents and services described in section 391(e)(2), and to~~  
18 ~~the extent that the child has not yet been provided with them, the barriers to~~  
19 ~~providing documents and services, and the steps that will be taken to~~  
20 ~~overcome those barriers by the date the child attains 18 years of age;~~

21  
22 ~~(8)(7)~~\*\*\*

23  
24 ~~(9)(8)~~\*\*\*

25  
26 ~~(10)(9)~~ When and how the child was informed that if juvenile court jurisdiction  
27 is terminated after he or she attains 18 years of age, he or she has the right to  
28 file a request to return to foster care and have the juvenile court resume  
29 jurisdiction over him or her as a nonminor dependent.

30  
31 *(Subd (a) amended effective July 1, 2012.)*

32  
33 (b) \*\*\*

34  
35 (c) **Findings**

36  
37 (1) At the last review hearing before the child attains 18 years of age held under  
38 section 366.21, 366.22, 366.25, or 366.3, in addition to complying with all  
39 other statutory and rule requirements applicable to the hearing, the court must  
40 find on the record and in the written, signed orders:

41  
42 (A)–(D) \*\*\*

43

1 (E) Whether the child has an in-progress application pending for Special  
2 Immigrant Juvenile Immigration Status or other applicable application  
3 for legal residency and whether an active dependency case is required  
4 for that application;

5  
6 (F) Whether all the information, documents, and services in sections 391(e)  
7 were provided to the child, and (i) ~~Whether the barriers to providing~~  
8 any missing information, documents, or services can be overcome by  
9 the date the child attains 18 years of age; ~~and~~

10  
11 ~~(ii) Whether juvenile court jurisdiction should be continued to ensure~~  
12 ~~that all information, documents, and services are provided to the~~  
13 ~~child if the barriers cannot be overcome by the date the child~~  
14 ~~attains 18 years of age;~~

15  
16 (G)–(H) \*\*\*

17  
18 (I) Whether the child has been informed that if juvenile court jurisdiction  
19 is terminated after he or she attains 18 years of age, he or she has the  
20 right to file a request to return to foster care and have the juvenile court  
21 resume jurisdiction over him or her as a nonminor dependent.

22  
23 (2) \*\*\*

24  
25 *(Subd (c) amended effective July 1, 2012.)*

26  
27 **(d) Orders**

28  
29 (1) For a child who intends to remain under juvenile court jurisdiction as a  
30 nonminor dependent, as defined in section 11400(v), after attaining 18 years  
31 of age, the court must set a nonminor dependent status review hearing under  
32 rule 5.903 within six months from the date of the current hearing.

33  
34 (2) \*\*\*

35  
36 *(Subd (d) amended effective July 1, 2012.)*

37  
38 *Rule 5.707 amended effective July 1, 2012; adopted effective January 1, 2012.*

39  
40 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**  
41 **child in foster care and for status review hearing for child approaching**  
42 **majority (§§ 450, 451, 727.2(i)–(j), 778)**

1 **(a) Hearings subject to this rule**

2  
3 The following hearings are subject to this rule:

4  
5 (1)–(3) \*\*\*

6  
7 (4) Any hearing to terminate juvenile court jurisdiction over a child less than 18  
8 years of age who is not currently subject to an order for foster care  
9 placement, but was previously removed from the custody of his or her parents  
10 or legal guardian as a dependent of the juvenile court and an order for a foster  
11 care placement as a dependent of the juvenile court was in effect at the time  
12 the juvenile court adjudged the child to be a ward of the juvenile court under  
13 section 725.

14  
15 *(Subd (a) amended effective July 1, 2012.)*

16  
17 **(b) Conduct of the hearing**

18  
19 (1) The hearing must be held before a judicial officer and recorded by a court  
20 reporter.

21  
22 (2) The hearing must be continued for no more than five court days for the  
23 submission of additional information as ordered by the court if the court finds  
24 that the report and, if required, the Transitional Independent Living Case Plan  
25 and Transitional Independent Living Plan submitted by the probation officer  
26 do not provide the information required by (c) and the court is unable to  
27 make all the findings required by (d).

28  
29 *(Subd (b) amended effective July 1, 2012.)*

30  
31 **(c) Reports**

32  
33 (1) In addition to complying with all other statutory and rule requirements  
34 applicable to the report prepared by the probation officer for a hearing  
35 described in (a)(1)–(4), the report must ~~include verification that the~~  
36 ~~requirements of~~ state whether the child was provided with the notices and  
37 information required under section 607.5 have been completed and include a  
38 description of:

39  
40 (A) \*\*\*

41  
42 (B) If reunification services have not been previously terminated, the  
43 progress of each parent or legal guardian toward participating in case

1 plan service activities and meeting the case plan goals developed to  
2 ~~assist in the efforts~~ to resolve his or her issues that were identified and  
3 contributed to the child's removal from his or her custody.  
4

5 (C) \*\*\*  
6

7 (D) For a child previously determined to be a dual status child for whom  
8 juvenile court jurisdiction as a dependent was suspended under section  
9 241.1(e)(5)(A), a joint assessment by the probation department and the  
10 child welfare services agency under section 366.5 regarding the  
11 detriment, if any, to the child of a return to the home of his or her  
12 parents or legal guardian and a recommendation on the resumption of  
13 dependency jurisdiction. The facts in support of the opinions expressed  
14 and the recommendations made must be included in the joint  
15 assessment section of the report. If the probation department and the  
16 child welfare services agency do not agree, the child welfare services  
17 agency must file a separate report with facts in support of its opinions  
18 and recommendations.  
19

20 (E) For a child previously determined to be a dual status child for whom  
21 the probation department was designated the lead agency under section  
22 241.1(e)(5)(B), the detriment, if any, to the child of a return to the  
23 home of his or her parents or legal guardian and the probation officer's  
24 recommendation regarding the modification of the court's jurisdiction  
25 over the child from that of a dual status child to that of a ~~child under the~~  
26 ~~court's jurisdiction as a~~ dependent under section 300 and the facts in  
27 support of the opinion expressed and the recommendation made.  
28

29 (F) \*\*\*  
30

31 (2) For the review hearing held on behalf of a child approaching majority  
32 described in (a)(1) and any hearing described in (a)(2) or (a)(3) held on  
33 behalf of a child more than 17 years, 5 months old and less than 18 years of  
34 age, in addition to complying with all other report requirements set forth in  
35 (c)(1), the report prepared by the probation officer must include:  
36

37 (A) \*\*\*  
38

39 (B) The efforts made by the probation officer to help the child meet one or  
40 more of the criteria in section 11403(b);  
41

42 (C)–(D) \*\*\*  
43

1 (E) Whether the child has an in-progress application pending for Special  
2 Immigrant Juvenile Immigration Status or other applicable application  
3 for legal residency and whether an active juvenile court case is required  
4 for that application;

5  
6 (F) The efforts made by the probation officer toward providing the child  
7 with the written information, documents, and services described in  
8 section 391(e)(1), and, to the extent that the child has not yet been  
9 provided with the information them, the barriers to providing the  
10 information, documents or services and the steps that will be taken to  
11 overcome those barriers by the date the child attains 18 years of age;

12  
13 ~~(G) The efforts made by the probation officer toward completing and~~  
14 ~~providing the child with the items described in section 391(e)(2), and,~~  
15 ~~to the extent that the child has not yet been provided with each of the~~  
16 ~~documents and services, the barriers to providing those items, and the~~  
17 ~~steps that will be taken to overcome those barriers by the date the child~~  
18 ~~attains 18 years of age;~~

19  
20 ~~(H)(G) \*\*\*~~

21  
22 ~~(I)(H) \*\*\*~~

23  
24 ~~(J)(I)~~ When and how the child was informed that if juvenile court jurisdiction  
25 is terminated after he or she attains 18 years of age, he or she has the  
26 right to file a request to return to foster care and have the juvenile court  
27 assume or resume transition jurisdiction over him or her as a nonminor  
28 dependent; and

29  
30 ~~(K)(J)~~ The child's Transitional Independent Living Case Plan and  
31 Transitional Independent Living Plan, which must include:

32  
33 (i)–(ii) \*\*\*

34  
35 *(Subd (c) amended effective July 1, 2012.)*

36  
37 **(d) Findings**

38  
39 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other  
40 statutory and rule requirements applicable to the hearing, the court must find  
41 on the record and in the written, signed orders:

42  
43 (A) \*\*\*

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(B) For a dual status child for whom dependency jurisdiction was suspended under section 241.1(e)(5)(A), whether the return to the home of the parents or legal guardian would be detrimental to the minor. The facts supporting the finding must be stated on the record.

(C) For a child previously determined to be a dual status child for whom the probation department was designated the lead agency under section 241.1(e)(5)(B), whether the return to the home of the parents or legal guardian would be detrimental to the minor. The facts supporting the finding must be stated on the record.

(D) For a child other than a dual status child:

(i) Who was not subject to the court's dependency jurisdiction at the time he or she was adjudged a ward and is currently subject to an order for a foster care placement, whether the child is at risk of abuse or neglect appears to come within the description of section 300 and cannot be returned home safely. The facts supporting the finding must be stated on the record;

(ii) Who was subject to an order for a foster care placement as a dependent of the court at the time he or she was adjudged a ward, whether the child remains within the description of a dependent child under section 300 and whether the return to the home of the parents or legal guardian would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. The facts supporting the findings must be stated on the record;

~~(ii) Whether the return to the home of the parent or legal guardian would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. The facts supporting the finding must be stated on the record~~

(iii)-(v) \*\*\*

(2) At the review hearing held on behalf of a child approaching majority described in (a)(1) and any hearing under (a)(2) or (a)(3) held on behalf of a child more than 17 years, 5 months old and less than 18 years of age, in addition to complying with all other statutory and rule requirements applicable to the hearing, the court must find on the record and in the written, signed orders:



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- (A) Whether the child’s Transitional Independent Living Case Plan, if required, or Transitional Independent Living Plan, includes:
  - (i) \*\*\*
  - (ii) The child’s alternate plan for his or her transition to independence, including, housing, education, employment, and a support system, in the event the child does not remain under juvenile court jurisdiction after attaining 18 years of age.
- (B)–(C) \*\*\*
- (D) Whether the child has an in-progress application pending for Special Immigrant Juvenile Immigration Status or other applicable application for legal residency and whether an active juvenile court case is required for that application;
- (E)–(F) \*\*\*
- (G) Whether the child understands the potential benefits of remaining under juvenile court jurisdiction as a nonminor dependent; ~~and~~
- (H) Whether the child has been informed that if after reaching 18 years of age 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 assume or resume transition jurisdiction over him or her as a nonminor dependent;
- (I) Whether all the information, documents, and services in sections 391(e) were provided to the child, and (i) ~~W~~ whether the barriers to providing any missing information, documents, or services can be overcome by the date the child attains 18 years of age; and
  - (ii) ~~Whether juvenile court jurisdiction should be continued to ensure that all information, documents, and services are provided to the child if the barriers cannot be overcome by the child attains 18 years of ages; and~~
- (J) Whether ~~verification was submitted that~~ the notices and information required under section 607.5 were provided to a child who is or was subject to an order for foster care placement.

1 (Subd (d) amended effective July 1, 2012.)  
2

3 **(e) Orders**  
4

5 (1) For a child previously determined to be a dual status child for whom  
6 dependency jurisdiction was suspended under section 241.1(e)(5)(A),  
7 dependency jurisdiction must be resumed if the court finds that the child's  
8 rehabilitative goals have been achieved and a return to the home of the  
9 parents or legal guardian would be detrimental to the child.  
10

11 (2) For a child previously determined to be a dual status child for whom the  
12 probation department was designated the lead agency under section  
13 241.1(e)(5)(B), the court must terminate dual status, dismiss delinquency  
14 jurisdiction, and continue dependency jurisdiction with the child welfare  
15 services department responsible for the child's placement if the court finds  
16 that the child's rehabilitative goals have been achieved and a return to the  
17 home of the parents or legal guardian would be detrimental to the child.  
18

19 (3) \*\*\*  
20

21 (4) For a child who was not subject to the court's dependency jurisdiction at the  
22 time he or she was adjudged a ward and is currently subject to an order for a  
23 foster care placement, the court must:  
24

25 (A) Order the probation department or the child's attorney to submit an  
26 application, under section 329, to the county child welfare services  
27 department to commence a proceeding to declare the child a dependent  
28 of the court by filing a petition under section 300 if the court finds:  
29

30 (i)-(ii) \*\*\*  
31

32 (iii) The child appears to come within the description of section 300  
33 and a return to the home of the parents or legal guardian may be  
34 detrimental to his or her safety, protection, or physical or  
35 emotional well-being.  
36

37 (B) \*\*\*  
38

39 (C) If the court affirms the decision not to file a petition under section 300  
40 or a petition filed under section 300 is not sustained, the court may:  
41

42 (i) Return the child to the home of the parents or legal guardian and  
43 set a progress report hearing within the next six months;

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(ii) Return the child to the home of the parents or legal guardian and terminate juvenile court jurisdiction over the child; or

(iii) \*\*\*

(5) For a child who was subject to an order for foster care placement as a dependent of the court at the time he or she was adjudged a ward, the court must modify its delinquency jurisdiction over the child by vacating the order terminating jurisdiction over the child as a dependent of the court and resuming dependency jurisdiction over him or her if the court finds that:

(A)–(B) \*\*\*

(C) The child remains within the description of a dependent child under section 300 and a return to the home of a parents or legal guardian would create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being.

(6) At a hearing described in (a)(1) for a child approaching majority or at any hearing described in (a)(2) or (a)(3) held on behalf of a child more than 17 years, 5 months old and less than 18 years ~~old of age~~ old that did not result in modification of jurisdiction over the child from delinquency jurisdiction to dependency jurisdiction or transition jurisdiction, the court must:

(A) Return the child to the home of the parents or legal guardian and set a progress report hearing within the next six months; or

(B) Return the child to the home of the parents or legal guardian and terminate juvenile court jurisdiction over the child; or

(C) Continue the child’s foster care placement and:

(i) For the child who intends to meet the eligibility requirements for status as a nonminor dependent after attaining 18 years of age, ~~the court must~~ set a nonminor dependent status review hearing under rule 5.903 no more than six months from the most recent hearing held under section 727.2; or

(ii) For the child who does not intend to meet the eligibility requirements for nonminor dependent status after attaining 18 years of age, ~~the court must~~:

1 a.-b. \*\*\*

2  
3 (7) At any hearing under (a)(2) or (a)(3) held on behalf of a child 17 years, 5  
4 months old or younger ~~less~~ that did not result in modification of jurisdiction  
5 over the child from delinquency jurisdiction to dependency jurisdiction, the  
6 court must:

7  
8 (A) Return the child to the home of the parents or legal guardian and set a  
9 progress report hearing within the next six months;

10  
11 (B) Return the child to the home of the parents or legal guardian and  
12 terminate juvenile court jurisdiction over the child; or

13  
14 (C) \*\*\*

15  
16 (8) At any hearing under (a)(4) on behalf of a child less than 18 years of age that  
17 did not result in modification of jurisdiction over the child from delinquency  
18 jurisdiction to dependency jurisdiction, the court must:

19  
20 (A) Return the child to the home of the parents or legal guardian and set a  
21 progress report hearing within the next six months;

22  
23 (B) Return the child to the home of the parents or legal guardian and  
24 terminate juvenile court jurisdiction over the child; or

25  
26 (C) \*\*\*

27  
28 *(Subd (e) amended effective July 1, 2012.)*

29  
30 **(f) Modification of jurisdiction—conditions**

31  
32 Whenever the court modifies its jurisdiction over a dependent or ward under  
33 section 241.1, 607.2, or 727.2, the court must ensure that all of the following  
34 conditions are met:

35  
36 (1) \*\*\*

37  
38 (2) The order modifying the court's jurisdiction contains all of the following  
39 provisions:

40  
41 (A) A reference to the original removal findings, the date those findings  
42 were made, and a statement that the finding, "continuation in the home

1 is contrary to the child’s welfare;” and the finding, “reasonable efforts  
2 were made to prevent removal;” made at that hearing remain in effect;

3  
4 (B)–(C) \*\*\*

5  
6 *(Subd (f) amended effective July 1, 2012.)*

7  
8 *Rule 5.812 amended effective July 1, 2012; adopted effective January 1, 2012.*

9  
10 **Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303,**  
11 **366, 366.3, 388, 391, 607(a))**

12  
13 (a)–(e) \*\*\*

14  
15 **Advisory Committee Comment**

16  
17 A nonminor is entitled to be represented by an attorney of his or her choice rather than by a court-  
18 appointed attorney in proceedings under this chapter and under rule 5.555. (See Welf. & Inst.  
19 Code, § 349(b); *In re Akkiko M.* (1985) 163 Cal.App.3d 525.) Any fees for an attorney retained  
20 by the nonminor are the nonminor’s responsibility.

21  
22 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction (§§**  
23 **224.1(b), 303, 388(e))**

24  
25 (a) **Purpose**

26  
27 This rule provides the procedures that must be followed when a nonminor wants to  
28 have juvenile court jurisdiction resumed over him or her as a nonminor dependent  
29 ~~described~~ defined in section 11400(v).

30  
31 *(Subd (a) amended effective July 1, 2012.)*

32  
33 (b) **Contents of the request**

34  
35 (1) \*\*\*

36  
37 (2) The request must be liberally construed in favor of its sufficiency. It must be  
38 verified by the nonminor or if the nonminor is unable to provide verification  
39 due to a medical condition, the nonminor’s ~~designee~~ representative, and to  
40 the extent known to the nonminor or the nonminor’s representative, must  
41 include the following information:

42  
43 (A) \*\*\*

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(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 ~~and retained general jurisdiction for the purpose of considering a request to assume or resume its jurisdiction over him or her as a nonminor dependent;~~

(D) The date the juvenile court entered the order terminating its dependency jurisdiction, delinquency jurisdiction, or transition jurisdiction ~~and retained general jurisdiction over him or her.;~~

(E) \*\*\*

(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 ~~and retained general jurisdiction~~ if the nonminor wants that attorney to be ~~the attorney~~ 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 ~~he or she~~ 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)–(J) \*\*\*

(3) \*\*\*

*(Subd (b) amended effective July 1, 2012.)*

1  
2 (c) **Filing the request**  
3

4 (1) The form JV-466 must be completed and verified by the nonminor or the  
5 nonminor’s representative if the nonminor is unable to provide verification  
6 due to a medical condition, and may be filed by the nonminor or the county  
7 child welfare services, probation department, or Indian tribe (placing agency)  
8 on behalf of the nonminor.  
9

10 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor  
11 wishes to keep his or her contact information confidential, the *Confidential*  
12 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*  
13 *Care* (form JV-468) may be:  
14

15 (A) Filed with the juvenile court that maintained ~~retained~~ general  
16 jurisdiction ~~in the same action in which the nonminor was found to be a~~  
17 ~~dependent or ward of the court;~~; or  
18

19 (B) Submitted to the juvenile court in the county in which the nonminor  
20 currently resides, after which:

21  
22 (i) \*\*\*  
23

24 (ii) To ensure receipt of the original form JV-466 and, if submitted,  
25 the form JV-468; by the court ~~that retained~~ of general jurisdiction  
26 within five court days as required in section 388(e), the court  
27 clerk must forward those originals to the clerk of the court ~~that~~  
28 ~~retained~~ of general jurisdiction within two court days of  
29 submission of the originals by the nonminor.  
30

31 (iii) The court in the county in which the nonminor resides is  
32 responsible for all costs of processing, copying, and forwarding  
33 the form JV-466 and form JV-468 to the clerk of the court ~~that~~  
34 ~~retained~~ of general jurisdiction.  
35

36 (iv) \*\*\*  
37

38 (v) The form JV-466 and, if submitted, the form JV-468 must be  
39 filed immediately upon receipt by the clerk of the juvenile court  
40 ~~that retained~~ of general jurisdiction.  
41

42 (C) For a nonminor living outside the state of California, the form JV-466  
43 and, if the nonminor wishes to keep his or her contact information

1 confidential, the form JV-468 must be filed with the juvenile court ~~that~~  
2 ~~retained~~ of general jurisdiction.

- 3  
4 (3) If form JV-466 is filed by the nonminor, within two court days of its filing  
5 with the clerk of the court in the county ~~that retained~~ of general jurisdiction,  
6 the clerk of that court must notify the placing agency that was supervising the  
7 nonminor when juvenile court jurisdiction was terminated that the nonminor  
8 has filed form JV-466 and provide the placing agency with the nonminor's  
9 contact information. The notification must be by telephone, fax, e-mail, or  
10 other method approved by the presiding juvenile court judge that will ensure  
11 prompt notification and inform the placing agency that a copy of form  
12 JV-466 will be served on the agency and that one is currently available in the  
13 office of the juvenile court clerk.

14  
15 (4)–(5) \*\*\*

16  
17 *(Subd (c) amended effective July 1, 2012.)*

18  
19 **(d) Determination of prima facie showing**

- 20  
21 (1) Within three court days of the filing of form JV-466 with the clerk of the  
22 juvenile court ~~that retained~~ of general jurisdiction, a juvenile court judicial  
23 officer must review the form JV-466 and determine whether a prima facie  
24 showing has been made that the nonminor meets all of the criteria set forth  
25 below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

26  
27 (A) The nonminor was previously under juvenile court jurisdiction subject  
28 to an order for foster care placement ~~when~~ on the date he or she  
29 attained 18 years of age;

30  
31 (B)–(C) \*\*\*

32  
33 (D) The nonminor intends to satisfy at least one of the ~~conditions as~~  
34 ~~described~~ eligibility criteria in section 11403(b), ~~and set forth below:~~

35  
36 (i) ~~Complete secondary education or a program leading to an~~  
37 ~~equivalent credential.~~

38  
39 (ii) ~~Enroll in an institution that provides postsecondary or vocational~~  
40 ~~education.~~

41  
42 (iii) ~~Participate in a program or activity designed to promote or~~  
43 ~~remove barriers to employment.~~



1 (iv) ~~Be employed for at least 80 hours per month.~~

2  
3 (v) ~~Incapable of doing any of the activities described in~~  
4 ~~subparagraphs (i) to (iv), inclusive, due to a medical condition.~~

5  
6 (2) If the court determines that a prima facie showing has not been made, the  
7 court must enter a written order denying the request, listing the issues that  
8 resulted in the denial and informing the nonminor that a new form JV-466  
9 may be filed when those issues are resolved.

10  
11 (A) The court clerk must serve on the nonminor:

12  
13 (i) \*\*\*

14  
15 (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction*  
16 *and Foster Care* (form JV-466) and *Confidential Information—*  
17 *Request to Return to Juvenile Court Jurisdiction and Foster*  
18 *Care* (form JV-466~~8~~);

19  
20 (iii) A copy of *How to Ask ~~the~~ to Return to Juvenile Court*  
21 *Jurisdiction and Foster Care* (form JV-464-INFO); and

22  
23 (iv) \*\*\*

24  
25 (B)–(D) \*\*\*

26  
27 (3) If the judicial officer determines that a prima facie showing has been made,  
28 the judicial officer must issue a written order:

29  
30 (A) \*\*\*

31  
32 (B) Appointing an attorney to represent the nonminor solely for ~~the sole~~  
33 ~~purpose of~~ the hearing on the request.

34  
35 (*Subd (d) amended effective July 1, 2012.*)

36  
37 **(e) Appointment of attorney**

38  
39 (1) If the nonminor included on the form JV-466 a request for the appointment of  
40 the court-appointed attorney who represented the nonminor during the period  
41 of time he or she was a ward or dependent or nonminor dependent, the  
42 judicial officer must appoint that attorney solely for ~~the sole purpose of~~ the

1 hearing on the request, if the attorney is available to accept such an  
2 appointment.

3  
4 (2) If the nonminor did not request the appointment of his or her former court-  
5 appointed attorney, the judicial officer must appoint an attorney to represent  
6 the nonminor solely for ~~the sole purpose of~~ the hearing on the request. The  
7 attorney must be selected from the panel or organization of attorneys  
8 approved by the court to represent children in juvenile court proceedings.

9  
10 (3) In addition to complying with the requirements in (g)(1) for service of notice  
11 of the hearing, the juvenile court clerk must notify the attorney of his or her  
12 appointment as soon as possible, but no later than one court day from the date  
13 the order for his or her appointment was issued under (d)(3). This notification  
14 must be made by telephone, fax, e-mail, or other method approved by the  
15 presiding juvenile court judge that will ensure prompt notification. The notice  
16 must also include the nonminor's contact information and inform the attorney  
17 that a copy of the form JV-466 will be served on him or her and that one is  
18 currently available in the office of the juvenile court clerk.

19  
20 (4)–(6) \*\*\*

21  
22 *(Subd (e) amended effective July 1, 2012.)*

23  
24 **(f) Setting the hearing**

25  
26 (1) Within two court days of the issuance of the order directing the court clerk to  
27 do so, the court clerk must set a hearing on the juvenile court's calendar  
28 within 15 court days from the date the form JV-466 was filed with the court  
29 ~~that retained~~ of general jurisdiction.

30  
31 (2) \*\*\*

32  
33 *(Subd (f) amended effective July 1, 2012.)*

34  
35 **(g) Notice of hearing**

36  
37 (1) The juvenile court clerk must serve notice as soon as possible, but no later  
38 than five court days before the date the hearing is set, as follows:

39  
40 (A) The notice of the date, time, place, and purpose of the hearing and a  
41 copy of the form JV-466 must be served on the nonminor, the  
42 nonminor's attorney, the child welfare services agency, the probation  
43 department, or the Indian tribal agency that was supervising the

1 nonminor when the juvenile court ~~entered the order retaining general~~  
2 terminated its delinquency, dependency, or transition jurisdiction over  
3 the nonminor, and the attorney for the child welfare services agency,  
4 the probation department, or the Indian tribe.

5  
6 (B) The notice of the date, time, place, and purpose of the hearing must be  
7 served on the nonminor's parents only if the nonminor included in the  
8 form JV-466 a request that notice be provided to his or her parents.

9  
10 (C) The notice of the date, time, place, and purpose of the hearing must be  
11 served on the nonminor's tribal representative if the nonminor is an  
12 Indian child and indicated on the form JV-466 his or her choice to have  
13 the Indian Child Welfare Act apply to him or her as a nonminor  
14 dependent.

15  
16 (D) The notice of the date, time, place, and purpose of the hearing must be  
17 served on the local CASA office if the nonminor had a CASA and  
18 included on the form JV-466 a request that notice be provided to his or  
19 her former CASA.

20  
21 (2)–(4) \*\*\*

22  
23 *(Subd (g) amended effective July 1, 2012.)*

24  
25 **(h) Reports**

26  
27 (1) The social worker, probation officer, or Indian tribal agency case worker  
28 (tribal case worker) must submit a report to the court that includes:

29  
30 (A) Confirmation that the nonminor was previously under juvenile court  
31 jurisdiction subject to an order for foster care placement when he or she  
32 attained 18 years of age, ~~that the juvenile court retained general~~  
33 ~~jurisdiction over the nonminor,~~ and that on and after January 1, 2012,  
34 the nonminor will not have not attained 19 years of age; or  
35 commencing January 1, 2013, he or she will not have attained 20 years  
36 of age; or commencing on January 1, 2014, he or she will not have  
37 attained 21 years of age;

38  
39 (B)–(F) \*\*\*

40  
41 (2)–(3) \*\*\*

42  
43 *(Subd (h) amended effective July 1, 2012.)*

1  
2 **(i) Findings and orders**  
3

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

10  
11 (1) *Findings*  
12

13 (A)–(B) \*\*\*

14  
15 ~~(C) Whether the juvenile court retained general jurisdiction over the~~  
16 ~~nonminor;~~

17  
18 ~~(D)~~ (C) Whether on and after January 1, 2012, the nonminor will not  
19 have ~~not~~ attained 19 years of age; or commencing January 1, 2013, he  
20 or she will not have attained 20 years of age; or commencing on  
21 January 1, 2014, he or she will not have attained 21 years of age;

22  
23 ~~(E)~~(D) \*\*\*

24  
25 ~~(F)~~(E) The condition or conditions under section 11403(b) that the  
26 nonminor intends to satisfy ~~under section 11403(b)~~;

27  
28 ~~(G)~~(F) \*\*\*

29  
30 ~~(H)~~(G) \*\*\*

31  
32 ~~(I)~~(H) \*\*\*

33  
34 (2) *Orders*  
35

36 (A) If the court finds that the nonminor comes within the age requirements  
37 under (i)(1)~~(DC)~~, ~~that the juvenile court entered an order retaining~~  
38 ~~general jurisdiction over the nonminor~~, that the nonminor ~~does~~ intends  
39 to satisfy at least one condition under section 11403(b), and that the  
40 nonminor and placing agency have entered into a reentry agreement,  
41 the court must:

42  
43 (i)–(iii) \*\*\*

1  
2 (iv) Set a nonminor dependent status review hearing under rule 5.903  
3 within the next six months; and  
4

5 (v) \*\*\*  
6

7 (B) If the court finds that the nonminor comes within the age requirements  
8 under (i)(1)(~~DC~~)~~and that the juvenile court entered an order retaining~~  
9 ~~general jurisdiction over the nonminor~~, but the nonminor does not  
10 intend to satisfy at least one of the conditions under section 11403(b)  
11 and/or the nonminor and placing agency have not entered into a reentry  
12 agreement, the court must:  
13

14 (i) Enter an order denying the request, listing the reasons for the  
15 denial, and informing the nonminor that a new form JV-466 may  
16 be filed when those circumstances change;  
17

18 (ii)-(iii) \*\*\*  
19

20 (C) If the court finds that the nonminor does not come within the age  
21 requirements under (i)(1)(~~DC~~)~~and/or the juvenile court did not retain~~  
22 ~~general jurisdiction over the nonminor~~, the court must:  
23

24 (i)-(ii) \*\*\*  
25

26 (3) \*\*\*  
27

28 *(Subd (i) amended effective July 1, 2012.)*  
29

30 *Rule 5.906 amended effective July 1, 2012; adopted effective January 1, 2012.*  
31

### 32 **Advisory Committee Comment** 33

34 Assembly Bill 12 (Beall; Stats. 2010, ch. 559), known as the California Fostering Connections to  
35 Success Act, as amended by ~~and~~ Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the  
36 federal Fostering Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351,  
37 which provides funding resources to extend the support of the foster care system to children who  
38 are still in a foster care placement on their 18th birthday. Every effort was made in the  
39 development of the rules and forms to provide an efficient framework for the implementation of  
40 this important and complex legislation.  
41

42 The extension of benefits for nonminors up to ~~18~~ 19 years of age during the first year and for  
43 nonminors up to ~~19~~ 20 years of age during the following year is fully provided for in Assembly

1 Bill 12 and does not require further action by the Legislature; however, extension of those  
2 benefits to nonminors between 20 and 21 years of age is contingent upon an appropriation by the  
3 Legislature. (Welf. & Inst. Code, § 11403(k).)

4  
5 **Rule 8.485 Application**

6  
7 (a) \*\*\*

8  
9 (b) **Writ proceedings not governed**

10  
11 These rules do not apply to petitions for writs of mandate, certiorari, or prohibition  
12 in the appellate division of the superior court under rules 8.930–8.936, petitions for  
13 writs of supersedeas under rule 8.116, petitions for writs of habeas corpus except as  
14 provided in rule 8.384, or petitions for writs of review under rules 8.495–8.498.

15  
16 *(Subd (b) amended effective July 1, 2012.)*

17  
18 *Rule 8.485 amended effective July 1, 2012; adopted effective January 1, 2009.*

19  
20 **Chapter 8. Miscellaneous Writs of Review**

21 *Title 8, Appellate Rules—Division 1, Rules Relating to the Supreme Court and Courts of Appeal—*  
22 *Chapter 8, Miscellaneous Writs of Review; amended effective July 1, 2012; adopted as chapter 7*  
23 *effective January 1, 2007; amended and renumbered effective January 1, 2009.*

24  
25 **Rule 8.497. Review of California Environmental Quality Act cases under Public**  
26 **Resources Code sections 21178–21189.3**

27  
28 (a) **Application**

29  
30 (1) This rule governs actions or proceedings in the Court of Appeal alleging that  
31 a public agency has approved or is undertaking an environmental leadership  
32 development project in violation of the California Environmental Quality  
33 Act. As used in this rule, an “environmental leadership development project”  
34 or “leadership project” means a project certified by the Governor under  
35 Public Resources Code sections 21182–21184.

36  
37 (2) Except as otherwise provided in Public Resources Code sections 21178–  
38 21189.3 and this rule, the provisions of the Public Resources Code and the  
39 CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code  
40 Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to  
41 attack, review, set aside, void, or annul acts or decisions of a public agency  
42 on the grounds of noncompliance with the California Environmental Quality  
43 Act apply in proceedings governed by this rule.

1  
2 **(b) Service**

3  
4 Except as otherwise provided by law, all documents that this rule requires be  
5 served on the parties must be served by personal delivery, electronic service,  
6 express mail, or other means consistent with Code of Civil Procedure sections  
7 1010, 1011, 1012, and 1013 and reasonably calculated to ensure delivery of the  
8 document to the parties not later than the close of the business day after the  
9 document is filed or lodged with the court.

10  
11 **(c) Petition**

12  
13 **(1) Service and filing**

14  
15 A person alleging that a public agency has approved or is undertaking a  
16 leadership project in violation of the California Environmental Quality Act  
17 must serve and file a petition for a writ of mandate in the Court of Appeal  
18 with geographic jurisdiction over the project.

19  
20 **(2) Form and contents**

21  
22 In addition to any other applicable requirements, the petition must:

23  
24 **(A) State that the project at issue was certified by the Governor as a**  
25 **leadership project under Public Resources Code sections 21182–21184**  
26 **and is subject to this rule;**

27  
28 **(B) Provide notice that the person or entity that applied for certification of**  
29 **the project as a leadership project must make the payments required by**  
30 **(h);**

31  
32 **(C) Include any other claims required to be concurrently filed by the**  
33 **petitioner under Public Resources Code section 21185; and**

34  
35 **(D) Be verified.**

36  
37 **(d) Administrative record**

38  
39 **(1) Lodging and service**

40  
41 Within 10 days after the petition is served on the lead public agency, that  
42 agency must lodge the certified final administrative record with the Court of

1 Appeal and serve on the parties a copy of the certified final administrative  
2 record and notice that the record has been lodged with the court.

3  
4 **(2) Form and contents**

5  
6 **(A) Unless otherwise ordered by the Court of Appeal, the lead agency must**  
7 **lodge with the court one copy of the record in electronic format and one**  
8 **copy in paper format and serve on each party one copy of the record in**  
9 **electronic format. The record in electronic format must comply with**  
10 **rules 3.1365 and 3.1367. The record in paper format must comply with**  
11 **rules 3.1365 and 3.1368.**

12  
13 **(B) A party may request the record in paper format and pay the reasonable**  
14 **cost or show good cause for a court order requiring the lead agency to**  
15 **serve the requesting party with one copy of the record in paper format.**

16  
17 **(C) The record must include all of the materials specified in Public**  
18 **Resources Code section 21167.6.**

19  
20 **(3) Motions regarding the record**

21  
22 **(A) Any request to augment or otherwise change the contents of the**  
23 **administrative record must be made by motion in the Court of Appeal.**  
24 **The motion must be served and filed within 25 days after the record is**  
25 **served.**

26  
27 **(B) Any opposition or other response to the motion must be served and**  
28 **filed within 10 days after the motion is filed.**

29  
30 **(C) The Court of Appeal may appoint a special master to hear and decide**  
31 **any motion regarding the record. The order appointing the special**  
32 **master may specify the time within which the special master is required**  
33 **to file a decision.**

34  
35 **(e) Notice of settlement**

36  
37 **The petitioner must immediately notify the court if the case is settled.**

38  
39 **(f) Response to petition**

40  
41 **(1) Within 25 days after service of the administrative record or within the time**  
42 **ordered by the court, the respondent and any real party in interest must serve**  
43 **and file any answer to the petition; any motion challenging the sufficiency of**



1           the petition, including any motion to dismiss the petition; and any other  
2           response to the petition. Any such answer, motion, or other response from the  
3           same party must be filed concurrently.

- 4  
5           (2) Any opposition or other response to a motion challenging the sufficiency of  
6           the petition must be served and filed within 10 days after the motion is filed.

7  
8           **(g) Briefs**

- 9  
10          (1) Service and filing

11  
12           Unless otherwise ordered by the court:

13  
14           (A) The petitioner must serve and file its brief within 40 days after the  
15           administrative record is served.

16  
17           (B) Within 30 days after the petitioner’s brief is filed, the respondent public  
18           agency must—and any real party in interest may—serve and file a  
19           respondent’s brief.

20  
21           (C) Within 20 days after the respondent’s brief is filed, the petitioner may  
22           serve and file a reply brief.

- 23  
24          (2) Form and contents

25  
26           The briefs must comply as nearly as possible with rule 8.204.

27  
28          **(h) Certificate of Interested Entities or Persons**

- 29  
30          (1) Each party other than a public agency must comply with the requirements of  
31          rule 8.208 concerning serving and filing a *Certificate of Interested Entities or*  
32          *Persons*.

- 33  
34          (2) The petitioner’s certificate must be included in the petition. Other parties  
35          must include their certificate in their brief, or if the party files an answer or  
36          other response to the petition, a motion, an application, or an opposition to a  
37          motion or application in the Court of Appeal before filing its brief, the party  
38          must serve and file its certificate at the time it files the first answer, response,  
39          motion, application, or opposition. The certificate must appear after the cover  
40          and before any tables.

- 41  
42          (3) If a party fails to file a certificate as required under (1) and (2), the clerk must  
43          notify the party by mail that the party must file the certificate within 10 days

1 after the clerk's notice is mailed and that failure to comply will result in one  
2 of the following sanctions:

3  
4 (A) If the party is the petitioner, the court will strike the petition; or

5  
6 (B) If the party is the real party in interest, the court will strike the  
7 document.

8  
9 (4) If the party fails to comply with the notice under (3), the court may impose  
10 the sanctions specified in the notice.

11  
12 **(i) Court costs**

13  
14 (1) In fulfillment of the provision in Public Resources Code section 21183  
15 regarding payment of the Court of Appeal's costs:

16  
17 (A) Within 10 days after service of the petition on the real party in interest,  
18 the person who applied for certification of the project as a leadership  
19 project must pay a fee of \$100,000 to the Court of Appeal.

20  
21 (B) If the Court of Appeal incurs any of the following costs, the person  
22 who applied for certification of the project as a leadership project must  
23 also pay, within 10 days of being ordered by the court, the following  
24 costs or estimated costs:

25  
26 (i) The costs of any special master appointed by the Court of Appeal  
27 in the case; and

28  
29 (ii) The costs of any contract personnel retained by the Court of  
30 Appeal to work on the case.

31  
32 (2) If the fee or costs under (1) are not timely paid, the Court of Appeal may  
33 transfer the case to the superior court with geographic jurisdiction over the  
34 project, and the case will proceed under the procedures applicable to projects  
35 that have not been certified as leadership projects.

36  
37 **(i) Extensions of time**

38  
39 The court may order extensions of time only for good cause and in order to  
40 promote the interests of justice.

41  
42 *Rule 8.497 adopted effective July 1, 2012.*

43

1 Advisory Committee Comment

2  
3 Subdivision (b). This provision does not apply to service of the petition on the respondent public  
4 agency or real party in interest because the method of service on these parties is set by Public  
5 Resources Code sections 21167.6 and 21167.6.5.

6  
7 Subdivision (c). Under this provision, a proceeding in the Court of Appeal is initiated by serving  
8 and filing a petition for a writ of mandate as provided in rule 8.25, not by filing a complaint and  
9 serving a summons and the complaint.

10  
11 Subdivision (d)(3)(C). Public Resources Code section 21185 provides that the court may appoint  
12 a master to assist the court in managing and processing cases subject to this rule. Appointment of  
13 a special master to hear and decide motions regarding the record is just one example of when a  
14 court might make such an appointment.

15  
16 Subdivision (f). A party other than the petitioner who files an answer, motion, or other response  
17 to a petition under (e) may be required to pay a filing fee under Government Code section 68926  
18 if the answer, motion, or other response is the first document filed in the proceeding in the  
19 reviewing court by that party. See rule 8.25(c).

20  
21 Subdivision (g). On application of the parties or on its own motion, the court may set different  
22 briefing periods. For example, if a motion to augment or otherwise modify the contents of the  
23 record is filed, the court might order that petitioner’s brief be filed within a specified time after  
24 that motion is decided.

25  
26 **Rule 8.499. Filing, modification, and finality of decision; remittitur**

27  
28 **(a)–(b) \*\*\***

29  
30 **(c) Finality of decision**

31  
32 (1) A court’s denial of a petition for a writ under ~~this chapter~~ rule 8.495, 8.496,  
33 or 8.498 without issuance of a writ of review is final in that court when filed.

34  
35 (2) \*\*\*

36  
37 (3) If necessary to prevent mootness or frustration of the relief granted or to  
38 otherwise promote the interests of justice, the court may order early finality  
39 in that court of a decision granting a petition for a writ under this chapter or,  
40 except as provided in (1), a decision denying such a petition after issuing a  
41 writ of review. The decision may provide for finality in that court on filing or  
42 within a stated period of less than 30 days.  
43

1 (4)–(5) \*\*\*

2

3 *(Subd (c) amended effective July 1, 2012; adopted effective January 1, 2011.)*

4

5 **(d) Remittitur**

6

7 A Court of Appeal must issue a remittitur in a writ proceeding under this chapter  
8 except when the court denies the petition under rule 8.495, 8.496, or 8.498 without  
9 issuing a writ of review. Rule 8.272(b)–(d) governs issuance of a remittitur in writ  
10 proceedings under this chapter.

11

12 *(Subd (d) amended effective July 1, 2012; adopted as unlettered subd; previously lettered*  
13 *and amended effective January 1, 2011)*

14

15 *Rule 8.499 amended effective July 1, 2012; adopted effective January 1, 2008; previously*  
16 *amended effective January 1, 2011.*

17