

**AMENDMENT # 1 TO**  
**THE JUVENILE COURT OF THE COUNTY OF GLENN**  
**STATE OF CALIFORNIA**  
**PROTOCOL PURSUANT TO**  
**WELFARE AND INSTITUTIONS CODE SECTION 241.1**

**VIII. Nonminor Dependents (NMD)**

Foster youth approaching the age of majority or whom are already age 18 and under the supervision of Probation may be eligible to continue in the Extended Foster Care (EFC) Program in one of three jurisdictional statuses: transition jurisdiction, dependency jurisdiction (new or resumed), or continued delinquency jurisdiction. Per W&IC section 607.2(a) wards meeting the following criteria are eligible for one of the three jurisdictional statuses for the purpose of participating in the EFC Program.

1. For **minor** wards who:
  - a. Are older than 17 years, five months, but not yet 18 years, **AND**
  - b. Were subject to an order for foster care placement as dependents of the court at the time the court adjudged them a ward who has not previously been subject to the jurisdiction of the court as a result of a petition filed pursuant to W&IC section 325, **OR**
  - c. Were subject to an order for foster care placement as dependents of the court at the time the court adjudged them a ward of the court under W&IC section 725, **OR**
  - d. Were subject to an order for foster care placement as a ward that had not been under court jurisdiction as a result of a petition filed pursuant to W&IC section 325.
  
2. For **non-minor** wards who are:
  - a. Age 18 and older, **AND**
  - b. Were subject to an order for foster care placement as a ward on the day of attaining 18 years of age.

**A. Eligibility for Transition Jurisdiction (W&IC section 450)**

At a hearing in which termination of jurisdiction over a ward is considered, the court may modify its order of jurisdiction and assume transition jurisdiction over the ward pursuant to W&IC section 450 if all of the following criteria are met:

For minors:

- (1) The ward is older than 17 years, five months and younger than 18 years and in foster care placement.
- (2) The ward was removed from the physical custody of his/her parent(s) or legal guardian and was either:

(a) Adjudged a ward under W&IC section 725, and ordered into foster care placement  
**OR**

(b) Removed from parent(s) as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him or her to be a ward of the juvenile court under W&IC section 725:

- Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required,
- Reunification services have been terminated,
- A hearing has not been set for termination of parental rights or the establishment of a guardianship,
- The return of the minor to the parents or legal guardian would create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being, and
- The minor has expressed intent to sign a Mutual Agreement (SOC 162) with the responsible agency for placement in an eligible placement as a NMD and agree to meet one of the five federal participation criteria.

\* These minors are referred to as Transition Dependents and are no longer subject to the terms of their probation. Upon attaining age 18, Transition Dependents are referred to as NMDs and are no longer subject to the terms of their probation.

For non-minors

(1) The ward is in foster care placement and attained age 18 while subject to an order for foster care placement.

(2) The ward was removed from the physical custody of his/her parent(s) or legal guardian and was either:

(a) Adjudged a ward under W&IC section 725, and ordered into foster care placement

**OR**

(b) A dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him/her to be a ward of the juvenile court under W&IC section 725:

- Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required.
- The ward has signed the SOC 162 or the SOC 163, Voluntary Reentry Agreement (VRA), with the responsible agency for placement in an eligible placement as a NMD and meets one of the five federal participation criteria.

### **B. Eligibility for Dependency Jurisdiction (New or Resumed W&IC section 300)**

There is an alternate path for wards that do not meet the criteria for W&IC section 450 and cannot be returned home safely to have delinquency status modified to dependency status under W&IC section 300. Wards eligible for dependency status are those who:

- Met their rehabilitative goals.
- Are younger than age 18 and not eligible for W&IC section 450.
- Come within the description of W&IC section 300 and cannot be returned home safely.

During a hearing to terminate jurisdiction over a ward who meets the above criteria, per W&IC section 607.2(b), the court may either:

a. For minor wards who were never dependents–

Order the probation department or ward’s attorney to submit an application to the child welfare services department to modify the jurisdiction from delinquency to dependency if the ward meets all of the following criteria in addition to criteria described above:

(1) Was not previously subject to the jurisdiction of the court as a result of a petition filed pursuant to W&IC section 325.

(2) Does not come within the description of W&IC section 450. **OR**

b. For minor wards who were prior dependents–

Vacate the previous order terminating dependency jurisdiction over the minor and resume jurisdiction pursuant to W&IC section 300 based on the prior dependency petition if the minor was subject to a foster care placement order and a dependent at the time of being adjudged a ward under W&IC section 725. Delinquency jurisdiction would be terminated.

### C. Maintaining Delinquency Jurisdiction (W&IC section 602)

A ward can also participate in the EFC Program while remaining under delinquency jurisdiction on or after their 18th birthday, provided that:

a. They are in an order for foster care placement that occurred no later than their 18th birthday  
**AND**

b. They are participating in, or there is an agreement, to satisfy one of the five EFC Program participation criteria which must be documented in the Transition Independent Living Plan (TILP) see ACL 11-69.

Those NMDs who continue under delinquency jurisdiction and are still subject to the terms and conditions of probation are not voluntarily remaining in foster care and the Mutual Agreement for EFC (SOC 162) is not required. However, if those wards are meeting participation criteria for the EFC Program, Probation Officers (POs) must ensure the wards understand that changes in EFC eligibility must be reported. Additionally, the Six-Month Certification of EFC Participation (SOC 161) must be completed by the POs and sent to the Eligibility Worker (EW) as this authorizes the AFDC-FC payment. Changes in eligibility are reported to the EW. Once the wards have met their rehabilitative goals, the NMD can choose to voluntarily participate in the EFC Program under juvenile court jurisdiction. At this point it will be required for the NMDs to sign the SOC 162. See ACL 11-61, dated November 4, 2011, for more information on the SOC 161 and 162.

NOTE: If a ward declines to become a NMD (participate in the EFC Program) that does not restrict the authority of the court to retain delinquency jurisdiction pursuant to W&IC section 607.

### Case Management and Supervision of NMDs who are former wards

- NMDs under transition jurisdiction and dependency jurisdiction shall not be subject to any terms or conditions of probation nor are they subject to warrants of protective custody if they leave placement. Their cases shall be managed as dependents of the court rather than as delinquents per W&IC section 451 (b).

- Where a **minor** whose recommendation is for jurisdiction to be modified from delinquency to transition jurisdiction, a 241.1 meeting will be scheduled 30 days prior to delinquency being dismissed to review whether CWS is the appropriate agency to supervise the minor.
- Where a **NMD** whose recommendation is for transition jurisdiction, a 241.1 meeting will be scheduled to review whether CWS is the appropriate agency to supervise the minor.
- NMDs who remain on probation under delinquency jurisdiction will be supervised by Probation and the Delinquency Court.
- Assistance with ReEntry petition under 388(e) for NMDs who are former wards will be the responsibility of the Department that the NMD requests assistance from.
- At the 388 (e) ReEntry hearing, for NMDs who are former wards the Court will set a review hearing within 60 days, and order a 241.1 meeting between Probation and CWS.
- The Probation department may resume supervision over a NMD if it was the agency providing supervision prior to termination of jurisdiction. This will be on a case by case basis, as determined by a 241.1 meeting/hearing and when determined to be in the best interest of the NMD. Otherwise, CWS will supervise the NMD.
- Should a NMD involved in dependency court become subject to adult probation, a 241.1 meeting/hearing will be scheduled to determine which agency will supervise the minor.

APPROVED BY:

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Brandon Thompson  
 Chief Probation Officer  
 Glenn County Probation Department

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 Services Agency

Approved By Deputy Director of Social Services \_\_\_\_\_