

## Extended Foster Care Information Sheet 1

### *How to Modify Delinquency Jurisdiction to Transition Jurisdiction for a Ward More Than 18 Years and Less Than 20 Years of Age*

This information sheet provides guidance regarding the modification of delinquency jurisdiction to transition jurisdiction for a ward 18 or 19 years old but less than 20 years old on or after January 1, 2013, who has met his or her rehabilitative goals and wishes to remain in extended foster care under the transition jurisdiction of the juvenile court.<sup>1</sup>

The probation officer should request a hearing for the court to consider modifying delinquency jurisdiction to transition jurisdiction when an age-eligible ward has met his or her rehabilitative goals and intends to meet one of the five participation criteria to become a nonminor dependent (NMD).<sup>2</sup>

The probation officer should file a report with the court containing the following information:

- That the ward is a nonminor who was subject to an order for foster care placement on the day of the ward's 18th birthday and is within the age eligibility requirements for extended foster care.
- That the ward was removed from the physical custody of his or her parents, adjudged to be a ward of the juvenile court under Welfare & Institutions Code section 725,<sup>3</sup> and ordered into foster care placement as a ward; or that the ward was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under section 725, and was ordered into a foster care placement as a ward.
- That the ward's rehabilitative goals as set forth in the case plan have been met and juvenile court jurisdiction over the ward is no longer required.
- That the ward signed a mutual agreement with the probation department or social service agency for placement in a supervised setting as a nonminor dependent<sup>4</sup>
- That the ward has plans to meet at least one of the following conditions and what efforts the probation officer has made to help the ward meet any of these conditions:
  - Attending high school or program to receive California High School Equivalency Certificate (GED), *or*
  - Enrolled in a college, community college or vocational education program, *or*
  - Participating in a program or activity to help find and keep a job, *or*
  - Has a paid job and works at least 80 hours per month, *or*

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<sup>1</sup> Eighteen-year-old wards who meet the eligibility criteria for the extended foster care program but who have not achieved their rehabilitative goals will remain under the court's delinquency jurisdiction as nonminor dependents.

<sup>2</sup> If the ward does not intend to meet one of the five participation criteria, or does not wish to remain in foster care under transition jurisdiction, the court must hold a hearing under California Rules of Court, rule 5.555 before it terminates jurisdiction.

<sup>3</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated

<sup>4</sup> Section 241.1 requires each county to amend its 241.1 protocol to contain a process for determining which court and agency will supervise a nonminor dependent under the transition jurisdiction of the court.

- Unable to do any of the above due to a verified medical condition, including a mental health condition
- When and how the ward was informed of the benefits of remaining under juvenile court jurisdiction as a nonminor dependent and the probation officer's assessment of the ward's understanding of those benefits.
- When and how the ward was informed that he or she may decline to become a nonminor dependent and have the juvenile court terminate jurisdiction at a hearing under California Rules of Court, rule 5.555
- When and how the ward was informed that if juvenile court jurisdiction is terminated, he or she can file a request to return to foster care and have the court resume jurisdiction over him or her as a nonminor.

### *Findings*

The court has read, considered, and admits into evidence the probation officer's report filed on \_\_/\_\_/\_\_. Based on the report and all other evidence received, the court finds and orders:

1. Notice has been given as provided by law
2. The nonminor comes within the description of Welfare and Institutions Code section 450 in that:
  - a. The ward is a nonminor ward in foster care placement who was a ward subject to an order for foster care placement on the day of his or her 18th birthday and was under the age of 20 as of January 1, 2013.
  - b. The ward was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under section 725 and ordered into foster care placement as a ward, or the ward was removed from the custody of his parents as a dependent of the court with an order for a foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under section 725.
  - c. The ward's rehabilitative goals as set forth in the case plan have been met and juvenile court's delinquency jurisdiction over him or her as a ward is no longer required
3. The ward has been informed that he or she may decline to become a nonminor dependent and have juvenile court jurisdiction terminated at a hearing set under California Rules of Court, rule 5.555.
4. The ward was informed that if juvenile court jurisdiction is terminated, the ward can file a request to return to foster care and may have the court resume jurisdiction over the ward as a nonminor.
5. The benefits of remaining under juvenile court jurisdiction as a nonminor dependent were explained and the ward understands them.
6. The ward has signed a mutual agreement with the probation department for placement in a supervised setting as a nonminor dependent.

7. The ward's Transitional Independent Living Case Plan includes a plan for the ward to satisfy the following conditions of eligibility to remain under juvenile court jurisdiction as a nonminor dependent [state all that apply]:
  - The ward plans to continue attending high school or a high school equivalency certificate (GED) program, *or*
  - The ward has made plans to attend a college, a community college, or a vocational education program, *or*
  - The ward plans to participate in a program or activities to promote employment or overcome barriers to employment *or*
  - The ward has made plans to be employed at least 80 hours per month, *or*
  - The ward may not be able to attend school, college, a vocational program, a program or activities to promote employment or overcome barriers to employment, or to work 80 hours per month due to a medical condition.
8. The ward has had an opportunity to confer with his or her attorney.

*Orders*

1. The nonminor comes within the juvenile court's transition jurisdiction as described in Welf. & Inst. Code section 450.
  - a. The nonminor was originally removed from the physical custody of his or her parents or legal guardians on (*specify date of detention hearing when removal findings were made*): \_\_\_\_\_ and continues to be removed from their custody.
  - b. The removal findings, "continuance in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal," made at that hearing remain in effect.
  - c. The  probation department or  social service agency is responsible for the nonminor's placement and care.
2. The nonminor is adjudged a nonminor dependent under the transition jurisdiction of this court.
3. Delinquency jurisdiction is dismissed.
4. \_\_\_\_\_  continues his/her court appointment  is appointed by the court as the attorney of record for the nonminor dependent.
5. The matter is continued for a status review hearing set under California Rules of Court, rule 5.903 on (*date*) \_\_\_\_\_. This date, stated on the record, is within six months of the nonminor's most recent status review hearing under Welf. & Inst. Code section 727.2 or 727.3.

Date:

Judicial Officer Signature