

Extended Foster Care Information Sheet 3

Findings and Orders Regarding Prima Facie Showing on a Nonminor's Request to Reenter Foster Care

A nonminor can request to reenter foster care and have juvenile court jurisdiction resumed over him or her as a nonminor dependent by completing *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV- 466).

Within three court days of the filing of the form JV-466, a juvenile court judicial officer must review the form and determine whether a prima facie showing has been made that the nonminor meets certain criteria. Below are the findings and orders required under the California Rules of Court, rule 5.906 and section 388.1 for granting or denying the petition.

Findings and orders: Prima facie showing made

After reading and considering the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) filed by _____ (insert name) on _____ (insert date),

For nonminors who were under a foster care placement order at age 18

The court finds that a prima facie showing has been made that:

1. The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age;
2. The nonminor meets the eligible age requirement to reenter juvenile court jurisdiction¹
3. The nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a Voluntary Reentry Agreement; and
4. The nonminor intends to satisfy at least one of the conditions described in section 11403(b) and set forth below:
 - a. Attending high school or a high school equivalency certificate (GED) program
 - b. Attending a college, community college, or a vocational education program
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - d. Employed for at least 80 hours per month
 - e. The nonminor is not able to attend a high school, GED program, a college, a community college, a vocational education program, an employment program or activity, or to work 80 hours per month due to a medical condition.

¹The nonminor has not attained 21 years of age. (Welf. & Inst. Code, §§ 388(e); 388.1(a))

For nonminors who were receiving aid under Kin-GAP after the age of 18 and for nonminors who were receiving adoption assistance payments after the age of 18²

The court finds that a prima facie showing has been made that:

1. The nonminor was a minor under juvenile court jurisdiction at the time of the establishment of a guardianship pursuant to section 360, section 366.26 or section 728(d), or he or she was a minor or nonminor dependent when his or her adoption was finalized.
2. a. The nonminor's guardian or guardians, or adoptive parent or parents, as applicable, died after the nonminor attained 18 years of age, but before he or she attained 21 years of age. OR
b. The nonminor's guardian or guardians, or adoptive parent or parents, as applicable, no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor after the nonminor attained 18 years of age, but before he or she attained 21 years of age, and it may be in the nonminor's best interest for the court to assume dependency jurisdiction.
3. The nonminor intends to satisfy at least one of the conditions described in section 11403(b) and set forth below:
 - a. Attending high school or a high school equivalency certificate (GED) program
 - b. Attending a college, community college, or a vocational education program
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - d. Employed for at least 80 hours per month
 - e. The nonminor is not able to attend a high school, GED program, a college, a community college, a vocational education program, an employment program or activity, or to work 80 hours per month due to a medical condition.
4. The nonminor is requesting assistance in maintaining or securing appropriate supervised placement, or needs immediate placement and agrees to supervised placement pursuant to the voluntary reentry agreement described in section 11400(z).

The court orders:

1. The nonminor's request to return to foster care is set for hearing on (*specify date within 15 days of the date from JV-466 was filed*): ____/____/____
2. An attorney is appointed to represent the nonminor solely for the hearing on the request.

² This would include nonminors who were in a guardianship with a nonrelative established in any court, nonminors in a guardianship with a relative established at age 16 or older, nonminors adopted at age 16 or older, and relative guardianships established at any age if the child had a disability. (Welf & Inst. Code §11403(c))

Findings and Orders: Prima Facie Showing Not Made

The court has read and considered the *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) filed by _____ (insert name) on _____ (insert date)

For nonminors who were under a foster care placement order at age 18

The court finds that a prima facie showing has not been made. The nonminor's request to return to foster care is denied because (*Check all that apply, or specify reason for denial*):

- The nonminor was not previously under juvenile court jurisdiction subject to an order for foster care placement when he or she attained 18 years of age
- The nonminor is 21 years of age or older.
- The nonminor does not want assistance to maintain or secure an appropriate, supervised placement or does not need agree to a supervised placement under a voluntary reentry agreement, or
- The nonminor does not intend to satisfy at least one of the conditions described in section 11403(b) and set forth below:
 - a. Attending high school or a high school equivalency certificate (GED) program
 - b. Attending a college, community college, or a vocational education program
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - d. Employed for at least 80 hours per month
 - e. The nonminor is not able to attend a high school, GED program, a college, a community college, a vocational education program, an employment program or activity, or to work 80 hours per month due to a medical condition.

For nonminors who were receiving aid under Kin-GAP after the age of 18 and for nonminors who were receiving adoption assistance payments after the age of 18

The court finds that a prima facie showing has not been made. The nonminor's request to return to foster care is denied because (*Check all that apply, or specify reason for denial*):

- The nonminor is not eligible to receive aid under Kin-Gap or adoption assistance payments until the age of 21.
- The guardian or adoptive parent is providing support to the nonminor
- The petition is lacking evidence of the death of a guardian or adoptive parent
- The nonminor does not want assistance to maintain or secure an appropriate, supervised placement or does not agree to a supervised placement under a voluntary reentry agreement,
- The nonminor does not intend to satisfy at least one of the conditions described in section 11403(b) and set forth below:
 - a. Attending high school or a high school equivalency certificate (GED) program
 - b. Attending a college, community college, or a vocational education program

- c. Attending a program or participating in an activity that will promote or help remove a barrier to employment
- d. Employed for at least 80 hours per month
- e. The nonminor is not able to attend a high school, GED program, a college, a community college, a vocational education program, an employment program or activity, or to work 80 hours per month due to a medical condition.

The nonminor may file a new request when the issues are resolved.

The court clerk must serve on the nonminor the following documents:

1. A copy of the written order;
2. Blank copies of the *Return to Juvenile Court Jurisdiction and Foster Care* (form JV -466) and *Confidential Information- Request to Return Juvenile Court Jurisdiction and Foster Care* (form JV-468);
3. A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO); and
4. The names and contact information of attorneys approved by the court to represent children in juvenile court proceedings who have agreed to provide a consultation to nonminors whose request are denied due to the failure to make a prima facie showing.