

Extended Foster Care Information Sheet 4

Findings and Orders Regarding a Nonminor's Request to Reenter Foster Care

Below are the findings and orders required by California Rules of Court, rule 5.906(i) and Welfare and Institutions Code section 388.1 regarding a *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV- 466).¹

Court Grants Request

The court has read and considered the social worker's/probation officer's report dated _____.

Findings

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

1. Notice was given as required by law;
2. 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;
3. The nonminor is under 21 years of age.
4. The nonminor intends to satisfy a condition or conditions under section 11403(b).
5. The condition or conditions under section 11403(b) that the nonminor intends to satisfy are (*Specify all that apply*):
 - Attending high school or a high school equivalency certificate (GED) program
 - Attending college, a community college, or a vocational educational program
 - Attending a program or participating in an that will promote or help remove a barrier to employment
 - Employed for at least 80 hours per month
 - 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;
6. Continuing in a foster care placement is in the nonminor's best interests;
7. The nonminor and the placing agency have entered into a reentry agreement for placement in a supervised setting under the placement and care responsibility of the placing agency; and
8. *If the nonminor is an Indian child*: The nonminor who is an Indian child chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.

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

1. Notice was given as required by law
2. The nonminor was a minor under juvenile court jurisdiction at the time of the establishment

¹ Unless otherwise noted, all further statutory references are to the Welfare and Institutions Code and all further rule references are to the California Rules of Court.

² This would include nonminors who were in a guardianship with a nonrelative established in any court at any time, nonminors in a guardianship with a relative established at the age of 16 or older, nonminors adopted at age 16 or older, and relative guardianships established at any age, if the child was receiving funding after the age of 18 because of a disability.

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.

3. a. The nonminor's guardian or guardians adoptive parent or parents 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 adoptive parent or parents no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor
4. The nonminor is under 21 years of age.
4. Reentry and remaining in foster care are in the nonminor's best interest
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.

Orders

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

1. The court grants the request to resume jurisdiction, and juvenile court jurisdiction shall resume over the nonminor as a nonminor dependent;
2. Placement and care are vested with the placing agency;
3. The placing agency must develop with the nonminor a new Transitional Independent Living Case Plan and file it with the court within 60 days;
4. For a nonminor who is an Indian child and who chooses to have the Indian Child Welfare Act apply to him or her as a nonminor dependent and who is not under the supervision of a tribal case worker, the social worker or probation officer must consult with the tribal representative regarding a new Transitional Independent Living Case Plan;
5. A nonminor dependent review hearing under rule 5.903 is set for (*specify a date that is within six months of the date the VRA was signed*): ___/___/__. and
6. The prior order appointing for the minor is continued and that attorney is appointed until the jurisdiction of the juvenile court is terminated.

Court denies request

If the court finds that the nonminor comes within the eligible age range, and also finds one of the following:

- The nonminor does not intend to satisfy at least one of the conditions under section 11403(b)
- The nonminor and the placing agency have not entered into a reentry agreement
- 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 following orders are entered:

1. The nonminor's request to return to foster care is denied. The request is denied because *(specify the reasons for denial)*:
2. The nonminor may file a new request when the circumstances change.
3. The order appointing an attorney to represent the nonminor is terminated and the attorney is relieved as of (specify date seven calendar days after the hearing): __/__/__

If the court finds that the nonminor 21 years of age or older, the following orders are entered:

1. The request to have juvenile court jurisdiction resumed is denied; and
2. The order appointing an attorney to represent the nonminor is terminated and the attorney is relieved as of (specify date seven calendar days after the hearing): __/__/__

Findings and orders: Service

The written findings and orders must be served by the juvenile court clerk on all persons who were served with notice of the hearing.

1. Service must be by personal service or first-class mail within three court days of the issuance of the order.
2. Proof of service must be filed.

Date

Signature