

Attachment II

Guidelines for Edelman Children's Court Clerk When a Re-Entry Youth Requests to File a Re-Entry Petition

The CA Fostering Connections to Success Act (AB 12/ 212) took effect January 1, 2012. AB 12/212 extends jurisdiction for youth in foster care. Beginning in 2014, benefits will extend to youth up to 21 years of age subject to a budget appropriation by the State Legislature. A youth whose case has been closed will have the ability to petition the court and request to reopen their case. Youth can petition for reentry as many times as necessary until they no longer meet the age eligibility requirement.

There are two ways that a youth can initiate reentry:

- (1) Signing a Voluntary Reentry Agreement ("VRA") with DCFS, followed by the filing of a JV-466 (WIC 388e) by either DCFS or the youth; or
- (2) Filing a JV-466 (388 e) directly

For funding purposes, the first method is the preferred (signing a VRA either before, or concurrently with, the filing of the petition). However, AB 12/212 does give nonminor's the right to file directly with the court. The proposed steps/guidelines are suggested when a nonminor enters the clerk's office requesting to reenter foster care:

Court Clerk Responsibilities

STEP 1:

Determine whether the youth has filled out and is prepared to file a JV-466.

- If yes, proceed to Step 2.
- If no, direct youth to DCFS office and provide him/her with "Reentry Packet."

Reentry Packet includes:

- *Youth Reentry Letter*- A Los Angeles County specific "youth friendly" letter explaining the reentry process, their rights as a nonminor, and the available resources to help access reentry.
- *JV-464-INFO*: An informational guide/explanation on how to access reentry
- *JV-466*: The petition requesting the court resume jurisdiction
- *JV-468*: Confidential Information- Request to Return to Juvenile Court Jurisdiction and Foster Care Form

STEP 2:

Determine whether a VRA has been signed – see Question #6 on the JV-466.

- If a VRA has been signed, proceed to Step 3
- If a VRA has not been signed, direct youth to DCFS office and provide him/her with the *Youth Reentry Letter*

If a youth has already met with DCFS and/or indicates s/he would like to file without signing a VRA, proceed to Step 3.

STEP 3:

Determine which county retained general jurisdiction.

A 388(e), JV-466 must be **filed** with the juvenile court that retains general jurisdiction, (the county that had jurisdiction over the nonminor immediately prior to the youth exiting foster care). However, a 388(e) can be **submitted** in the county where the nonminor resides, if it is different than the county that retains general jurisdiction. Thus, it is imperative to determine whether the petition is being filed in the county of general jurisdiction or submitted in the county of residence.

- If Los Angeles County retains general jurisdiction (i.e. case closed in Los Angeles County), proceed to Step 4.
- If Los Angeles County does **not** retain general jurisdiction, but it is the youth's county of residence, the clerk must:
 - Record date/time received of original petition.
 - Provide a copy of the petition to the nonminor.
 - Clerk also should retain a copy of the documents submitted.
 - Forward original to clerk of the court that retained general jurisdiction within two (2) days of originals being submitted. County of general jurisdiction is responsible for costs of copying, processing and forwarding of originals.

Former foster youth from Los Angeles County (county of general jurisdiction) who are living in other counties may submit a petition for reentry in that county of residence. That county will have two days to forward the petition to Los Angeles County. Once received, proceed to Step 4.

However, youth living out of state can only file a petition in Los Angeles County.

STEP 4:

File the Petition

Once the original petition is filed, the Judicial Officer must review within it three (3) days to determine if a *prima facie* showing has been made and that the nonminor meets all the criteria for reentry eligibility.

- If *prima facie* is met: Judicial Officer issues a written order directing clerk to set a hearing and appoints an attorney for the nonminor. The clerk must:
 - Set a hearing within two (2) days of the Judicial Officer Order; the court hearing date must be within 15 court dates of the original filing of the JV-466
 - Serve Notice: Notice should be served as soon as possible, but no later than five (5) court days prior to the date the hearing is set.
 - Notice must include the date, time, and purpose of the hearing.
 - Proof of service must be filed by the juvenile court clerk at least two court days prior to the hearing;

- Notice is *always* served to: Nonminor, Nonminor attorney, DCFS (or the Indian Tribal Agency that was previously supervising the nonminor when the court terminated jurisdiction if nonminor indicated on JV-466 #11).
 - Notice *may* be served to: CASA (only if requested on the JV-466 # 10) and nonminor's parents/legal guardian (only if requested on the JV-466 # 8).
- If *prima facie* showing **not met**: Clerk serves notice (either personal or first class mail) of the denial within two (2) days of denial by judicial officer and files proof of service. The Clerk must:
 - Serve notice to DCFS (or the Indian Tribal Agency that was previously supervising the nonminor when the court terminated jurisdiction if nonminor indicated on JV-466 #11)
 - Serve notice to the nonminor. The nonminor must be provided: (a) a copy of the written denial, (b) a blank copy of the JV-466 and JV-468, (c) a copy of JV-464 INFO; and (d) contact information for Children's Law Center of Los Angeles