

Attachment A

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 until age 19 in 2012, and age 20 in 2013. Beginning in 2014, benefits will extend to youth up to 21 years old subject to a budget appropriation by the state Legislature.

Youth who close their case will have the ability to petition the court requesting to reopen their case. Youth can petition for reentry as many times as necessary until they no longer meet the age eligibility requirement. Thus, since January 1, 2012, once the court terminates jurisdiction, it maintains **general jurisdiction** over youth between the ages 18-20 (or 21) for purposes of reentry.

There are two ways that a youth can initiate reentry: (1) Signing a Voluntary Reentry Agreement ("VRA") with DCFS, which is 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 preferred mechanism is #1 – signing a VRA either before, or concurrently with, the filing of the petition. However, AB 12/212 does give non-minor's the right to file directly with the court.

Guidelines and Protocols for Youth Requesting Reentry

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 non-minor, 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, defined as the county that had jurisdiction over the non-minor immediately prior to the youth exiting foster care. However, a 388(e) can be **submitted** in the county where the non-minor 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:
 - a) Record date/time received of original petition.
 - b) Provide a copy of the petition to the non-minor.
 - c) Clerk also should retain a copy of the documents submitted.
 - d) 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.

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

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 that the non-minor meets all the criteria for reentry eligibility.

- If *prima facie* showing met: Judicial Officer issues a written order directing clerk to set a hearing and appoints an attorney for the non-minor. The clerk must:
 - a) Set a hearing: Within two (2) days of the Judicial Officer Order, the court clerk is to set a hearing within 15 court dates of the original filing of the JV-466.
 - b) 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 and includes the date, time, and purpose of the hearing. Proof of services of notice must be filed by the juvenile court clerk at least two court days prior to the hearing;
 - Notice is *always* served to: Non-minor, Non-minor attorney, DCFS (or the Indian Tribal Agency that was previously supervising the non-minor when the court terminated jurisdiction if non-minor indicated on JV-466 #11).
 - Notice *may* be served to: CASA (only if requested on the JV-466 # 10 that former CASA be noticed) and non-minor'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
 - a) Serve notice to DCFS (or the Indian Tribal Agency that was previously supervising the non-minor when the court terminated jurisdiction if non-minor indicated on JV-466 #11).
 - b) Serve notice to the non-minor. The non-minor must be provided: (a) a copy of the written denial, (b) a blank copy of the JV-466, Jv-468, (c) a copy of JV-464 INFO; and (d) contact information for Children's Law Center of Los Angeles.