

## Termination of Jurisdiction

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### Forms

Definition and Reasons for Termination of Jurisdiction

Termination when child to be returned to custody of parents

Termination when legal guardianship is ordered

Termination when an Adoption is finalized

Terminating Ex Parte

Terminating when Youth are Turning 18

90-day Transition Plan

JV 365

Data Collection for Youth Emancipating Out of Foster Care

CalFresh Application

Child's Right to Have their Records Sealed, Released, or Destroyed

Terminating if a Child is AWOL or Has Been Abducted

Last day of payment

Alignment with SET

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### Forms

The following forms are referenced in this file:

- 04-14 Proof of Dependency/Wardship Letter
- 04-232 Exit Outcomes for Foster Youth (CWS/CMS Template)
- [CF 285](#) Application for CalFresh Benefits
- JV-365 Termination of Juvenile Court Jurisdiction – Nonminor (CWS/CMS Court Section)
- FC 1637 90-Day Transition Plan (CWS/CMS County Specific Templates under “CDSS”)
- -- Advance Health Care Directive (form and directions)  
Health and Education Passport (HEP) [CWS/CMS template]

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### Definition and Reasons for Termination of Jurisdiction

Termination of Jurisdiction refers to ending the Juvenile Court’s jurisdiction/involvement with a child. While in the majority of cases the Agency will also close its case in some situations the case may remain open. The two processes are separate.

Termination of Jurisdiction occurs for the following reasons:

- Child returned to custody of both parents
- Child returned to custody of one parent with custody orders addressing custody and visitation as to the other parent.
- Court orders legal guardianship by a relative
- Court Orders legal guardianship by a non-relative
- Adoption of child/youth finalized
- Youth turns 18 and refuses Extended Foster Care Services
- Youth in EFC but terminated prior to age 21 due to non-compliance
- Youth turns 21 years old and no longer eligible for EFC services

The specific tasks and procedures required for each of these situations are addressed in this file.

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**Termination when child to be returned to custody of parents.**

In order to recommend termination of jurisdiction and return full legal and physical custody to one of both parents the report must outline;

- why the child is now safe in the care of the parent(s)
- and that the factors which brought the matter before the Court have been addressed.

If the parents do not reside together but will both be involved with the child after termination then custody orders should be drawn up prior to termination of jurisdiction. The Juvenile Court will enter the orders and will send a copy of the orders and the Juvenile Court file to the Family Court. The family will have to petition the Family Court if changes are requested in custody or visitation at a later date. See Juvenile Court Custody Orders (Exit Orders)

CWS SWs do not prepare custody orders however, recommendations can be made regarding visitation and whether it should be supervised or unsupervised. Custody orders are normally drawn up by the parents' attorney.

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**Termination when legal guardianship is ordered.**

In the majority of cases the Court terminates jurisdiction once a legal guardianship is ordered.. However, In cases of a relative guardianship the guardianship should **not** be ordered until verification is obtained from Foster Care Eligibility that the relatives are eligible for Kin-GAP funding. See 45-600 Kin-GAP for Kin-GAP Eligibility. There may be cases where the relatives will not be eligible for Kin-GAP and the guardianship should go forward. In a relative guardianship once the Court terminates jurisdiction the Child Welfare case is also closed. .Copies of the Letters of Guardianship and the Termination of Jurisdiction order should both be in the case file prior to closing.

In the case of guardianship by a non-relative guardian the Court usually terminates jurisdiction however, the CWS case remains open in order to provide foster care funding to the guardian as well as services and referrals if needed. See Case Plans for specific Case Plan requirements for guardianship cases. Copies of the Letters of Guardianship and the Termination of Jurisdiction order should be in the case file.

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**Termination of when an Adoption is finalized**

If the adoption is finalized in San Diego County Juvenile Court, the Court Clerk completes an Ex order requesting termination of jurisdiction and vacating the next hearing date.

If the adoption is finalized in another county or state the assigned SW must obtain the Finalization order and attach it to an Application for an Ex Parte order and request that Jurisdiction be terminated and that the next hearing date be vacated (enter the specific date of the hearing). Once jurisdiction is terminated, the SW will close the case.

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**Terminating ex-parte**

Jurisdiction may be terminated ex parte only if it is a finalized adoption/ court has given prior discretion to terminate ex parte, or if the child was legally emancipate prior to turning 18.

**NOTE:** The SW will list the date of finalization/emancipation on the ex parte, and ask that the next hearing (specify date) be vacated. Jurisdiction cannot be terminated ex parte when a youth turns 18. There must be an appearance hearing.

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**Terminating when youth are turning 18**

When a youth turns 18, the youth is automatically considered a nonminor dependent (NMD) and part of extended foster care (EFC). The NMD has to opt out of EFC since the youth is automatically in. For more information on EFC, refer to EFC - General in the Policy Manual.

The youth **must** be present at the court hearing, if the SW is recommending terminating jurisdiction on a youth who is turning 18 years old; unless the youth either does not want to appear in court and elects a telephone appearance, or whereabouts are unknown and the efforts to locate the youth are documented in the court report. Refer to “Terminating if a youth is AWOL” section below for additional info. If the youth is not going to be, or is unable to be present in court, the SW will document the reason in the court report.

**NOTE:** Although the law does not make an attendance exception for children living out-of-county, if it would be a hardship for the youth to travel to San Diego for the hearing, then the SW **must** note the reason(s) in the court report and may excuse the youth from attending. However, if the court believes the youth’s attendance **is** necessary, then the court will continue the case for the youth to be present and the SW will ensure that transportation arrangements are made.

If a review hearing is not scheduled on, or just after, the youth’s 18<sup>th</sup> birthday, then the SW should call County Counsel to discuss setting a **Special Hearing** to recommend terminating jurisdiction. Because of EFC, there is no longer a graduating requirement that must be met.

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**90-Day Transition Plan**

The 90-Day Transition Plan (90-Day Plan which is a CWS/CMS County Specific Template) is to be completed 90 days before the youth exits either dependency or extended foster care.

The 90-Day Transition Plan is to be completed 90 days before the youth exits either dependency (aging out of the system) or EFC and will include all that apply:

- Date of verification that the NMD is enrolled in Medi-Cal
- Name and contact of staff who confirmed enrollment
- Reason the youth has not yet been transferred into the Medi-Cal program for former foster youth
- Anticipated date by which the youth will be transferred into the Medi-Cal program for former foster youth.
- A description of the steps the SW has taken/will take to ensure that the NMD is transitioned into the Medi-Cal program for former foster youth upon closure, with no lapse in coverage and no new application.

The Patient Protection and Affordable Care Act (Public Law 111-148) mandates all foster youth be provided information about a power of attorney for health care during the development of the 90-Day Transition Plan. This requirement is met through an item on the 90-Day Transition Plan (90-Day Plan).

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JV-365 is to be submitted with **all** court reports when recommending the termination of jurisdiction over a youth, who is exiting from either dependency (aging out of the system) or EFC, whichever occurs latest.

When recommending terminating jurisdiction, the SW must complete the JV-365 and the court report must verify that the following have been provided to the youth:

- Written information about dependency case, including family and placement histories and the whereabouts of any siblings **who are under the jurisdiction of the juvenile court** (unless sibling contact is determined by the court to jeopardize the safety/welfare of the sibling)
- Information regarding the youth's Indian heritage or tribal connections, if applicable, and any photographs of the youth or his or her family in the possession of the department, other than forensic photographs
- The date jurisdiction is expected to be terminated
- His/her Medi-Cal Benefits Identification Card (BIC)
- Written verification of enrollment in Medi-Cal
- Continued and uninterrupted enrollment in Medi-Cal
- Assistance in obtaining health insurance (if not already covered by Medi-Cal)
- That the youth may inspect other documents (pursuant to WIC 827 by completing a request form at the business office of the juvenile court the case is/was assigned to)
- A referral to transitional housing or assistance in securing other housing
- Assistance in obtaining employment or other financial support (including applying for SSI)
- Assistance in applying for admission to college or to a vocational training program or other educational institution, and in applying for financial aid, where appropriate
- All that apply: Social Security Card, Certified Birth Certificates, Driver's License and/or DMV identification card, copies of parent(s)' death certificate(s), proof of citizenship/residence status
- A health and education summary (the Health and Education Passport [HEP] suffices for this requirement)
- Complete the Proof of Dependency/Wardship Letter that includes the following information:
  - The youth's name and date of birth
  - The dates during which the youth was within the jurisdiction of the Juvenile Court
  - A statement that the youth was a foster youth in compliance with state and federal financial aid documentation requirements
  - If applicable, a statement that a death certificate for the parent(s) was provided
  - If applicable, a statement that proof of the youth's citizenship or legal residence was provided.
- The Advance Health Care Directive form and directions.

**NOTE:** Although it is important for SWs to explain this information, the SW is not expected to provide legal or health care advice. Foster youth may seek advice from his/her attorney, physician, mentor, trusted adult or CASA.

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**Data collection for youth emancipating out of foster care**

Exit outcome data is collected on all foster youth who are aging out of foster care. The State requires a quarterly report of specific data items regarding youth aging out of foster care. This information is needed for policy and program development and planning.

When closing a case on an eligible youth turning 18, the case carrying SW will complete the Exit Outcomes for Foster Youth (04-232) form which is a CWS/CMS populating template.

Eligible youth include:

- Dependents in foster care, and
- Non-dependents living with a non-related legal guardian.

Follow these procedures when closing a case on youth described above:

Step	Who	Action
1	Case-carrying SW	<ul style="list-style-type: none"><li>• Review the 04-232 form with the youth prior to closing the case. You may use the Exit TDM as a venue to obtain needed information.</li><li>• Complete and e-mail the 04-232 to the Regional QA PSS.</li></ul>
2	QA PSS	<ul style="list-style-type: none"><li>• Enter the 04-232 information into the SOC 405E database.</li><li>• Review the list of aging-out youth received from the PPS Data unit to ensure all 04-232 forms have been received.</li><li>• Contact PSS for any cases without 04-232s.</li></ul>
3	ILS Manager	Pull data from the SOC 405E database and submit final SOC 405E report to CDSS by the 20th calendar day of the month following the report quarter.

**Data collection for  
youth emancipating  
out of foster care  
(cont.)**

It is very important that the SW enter court orders into CWS/CMS when jurisdiction is terminated because termination of jurisdiction starts the clock for some of the ILS outcome measures.

Step	Action
1	Once in the CWS/CMS application, click on the Court (pink) section.
2	Open Existing Hearing notebook and select the hearing that you are entering the findings and orders for.
3	Click on the results tab.
4	In order to enter the findings and orders, you must click on the “+” sign in the upper left hand corner at the top of the page.
5	Click the radio button that applies: <ul style="list-style-type: none"><li>• As recommended</li><li>• As recommended with modifications</li><li>• Contrary to recommendations</li><li>• Continued.</li></ul>
6	Once a radio button is selected, that enables the “findings made” and “orders made” grid.
7	On the “orders made” grid, select the order titled, “Jurisdiction Terminated.”

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**CalFresh Application**

The SW is responsible for ensuring that youth who are aging out of foster care receive assistance and referral information for applying for [CalFresh](#) benefits. The application can be submitted up to 30 days prior to the youth's exit from foster care but the application will not be processed until the CalFresh office has been notified of the date the youth's dependency is terminated.

This table outlines the procedure for assisting the aging out youth with the CalFresh process:

When	Who	Action
The youth is 17½ years old	Secondary ILS SW	Introduce the CalFresh Application form CF 285.
The youth is 18 years old	SW	<ul style="list-style-type: none"><li>• Complete CF 285.</li><li>• Forward to Access Center at M/S: 409</li><li>• Document on JV-365: Check box 7E, "Help obtaining employment or other financial support" and "Including completing enrollment in CalFresh."</li></ul>
Jurisdiction has been terminated on youth	SW	<ul style="list-style-type: none"><li>• Verify termination of jurisdiction</li><li>• E-fax Access Line at (858) 467-9088 or email to <a href="mailto:pubassist.HHSA@sdcounty.ca.gov">pubassist.HHSA@sdcounty.ca.gov</a> and provide the following information:<ul style="list-style-type: none"><li>○ Name</li><li>○ Phone number (if available)</li><li>○ DOB</li><li>○ Termination of jurisdiction date.</li></ul></li></ul> <p><b>NOTE:</b> If emailing, put "CWS Client" in subject line.</p>

**NOTE:** The CalFresh application is based on the county in which the child resides. This will require cooperation and communication between both counties when a San Diego dependent resides in another county. [Click here for a complete list of California CalFresh county offices.](#)

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**Child's right to have their records sealed, released, or destroyed**

Pursuant to WIC 826.6(b), any minor who is the subject of a petition that has been filed in Juvenile Court to adjudge the minor a dependent child of the court shall be given written notice of their rights upon disposition of the petition or the termination of jurisdiction of the Juvenile Court of all of the following:

- The statutory right of any person who has been the subject of juvenile court proceedings to petition for sealing of the case records.
- The statutory provisions regarding the destruction of juvenile court records and records of juvenile court proceedings retained by state or local agencies.
- The statutory right of any person who has been the subject of juvenile court proceedings to have his juvenile court record released to him in lieu of its destruction.

The Juvenile Court will mail out the notice with the minute order that terminates jurisdiction. At the current time, these notices are mailed to the child when they are 14 years old or older.

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**Terminating if a child is AWOL or has been abducted**

Case law prohibits the SW from terminating jurisdiction over an AWOL or abducted dependent unless it can be shown that termination is in the child's best interests and the parents no longer need services. Otherwise, the court **must** keep the matter on calendar and the SW must continue to prepare court reports and Case Plan updates.

Per WIC 391, **when a child has reached the age of majority**, the court may terminate jurisdiction if the Agency has offered the required services, and the child has either refused the services or, after reasonable efforts by the Agency, cannot be located. (The SW is required to document **all** efforts to locate the child in their court report.)

If the child is 18 years of age when they AWOL, do not ask for a pick up and detain. Instead, schedule a special hearing to terminate the child's dependency. In the court report addendum, take special care to document the reasonable efforts taken to locate the child.

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**Last day of payment**

If a court terminates a NMD's case prior to 21st birthday, then the case would be terminated effective the date of the court hearing. However, it is important to note that courts may hold the termination hearing prior to the youth's 21st birthday, but make it effective the date of the NMD's birthday. In that case, the case would be terminated the day before the NMD's birthday.

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**Alignment with SET**

This policy supports the SET [Value 3](#) of valuing the most permanent option for the child/youth including reunification, adoption and guardianship.

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