

# Extended Foster Care (EFC) - Court

(Revised 02/20/26)

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### Related Policies

Additional information can be found in the following policies:

- Case Plans
- Child and Family Team Meetings
- EFC – General
- EFC - Re-Entry
- Foster Youth Credit Reports
- Inter-County Transfers (ICTs)
- Notice for Court Hearings
- Termination of Jurisdiction

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### Forms

The following forms are referenced in this policy:

- [TILP 1](#) Transitional Independent Living Plan and Agreement
- [SOC 161](#) Six Month Certification of Extended Foster Care Participation
- [SOC 162](#) Mutual Agreement for Extended Foster Care
- 04-180 Child and Adolescent Needs and Strengths (CANS) Age 6-21 (CWS/CMS template)
- 04-180sp Child and Adolescent Needs and Strengths (CANS) Age 6-21 (Spanish) (CWS/CMS template)
- [JV 362](#) Review Hearing for youth approaching 18 years of age – information, documents, and services
- [JV 363](#) Review Hearing for youth 18 years of age – Information, documents, and service
- JV 365 Termination of Juvenile Court Jurisdiction – Nonminor (CWS/CMS Court Section)
- [10.5](#) Foster Youth Bill of Rights
- FC 1637 90-Day Transition Plan (CWS/CMS template)

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**Policy**

Nonminor Dependents (NMDs), youth who remain in the foster care system past the age of 18, will continue to have legal representation and court hearings every six months while they are participating in the Extended Foster Care (EFC) program. Due to the NMD being a legal adult, parents are no longer parties to the hearings and will not have counsel, unless the NMD's case is in Family Reunification (FR) status. Hearings may be attended by anyone the NMD invites, including their parent(s). NMDs are encouraged to attend their hearings in person. NMDs may be unable to attend their hearings in person due to their school, work, or other pertinent commitments (i.e. therapy appointments). If they are unable to appear in person, the NMD may request telephonic/virtual appearance by contacting their SW. The communication between the SW and NMD helps ensure that NMDs are involved in the court process.

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**Notice**

Notices are sent out in writing at least 15 days prior to the scheduled hearing date by the Notice Clerk and should effectively communicate the SW's recommendations with the date, time, and location of the court hearing. Parents of the NMD **do not** receive notice unless the permanent plan is FR. See the [In-Progress Family Reunification](#) section.

For every Status Review hearing for an NMD, the SW must notice the following persons:

- The NMD
- The NMD's counsel
- The Tribe, if the NMD consents to the Tribe's participation in their case
- The CASA, if the NMD has signed an agreement to allow the CASA to participate in their case

San Diego County alternates between appearance and nonappearance Status Review hearings for NMDs. For appearance hearings only, notice should include information regarding the NMD's rights to appear and be represented by counsel.

See [Notice for Court Hearings](#) policy for more information.

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**Court Hearings**

Preparation for EFC should begin when a dependent minor is 17 years old. A dependent minor who has an out-of-home placement order on their 18<sup>th</sup> birthday will become an NMD by operation of law. The court then schedules a Status Review hearing every six months for the NMD. On occasion, the court schedules a Special Hearing to address certain issues like the termination of jurisdiction for an NMD before age 21.

The following table outlines the court process for dependent 17-year-olds and NMDs:

If the youth is...	Then...
at their last hearing as a 17-year-old and wants to remain in EFC	Ask the court to maintain jurisdiction and set an appearance hearing in due course on the EFC calendar.

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**Court Hearings  
(cont.)**

If the youth is...	Then...
<p>at their last hearing as a 17-year-old and wants to remain in EFC (cont. from above)</p>	<p>Attach the following to the court report:</p> <ul style="list-style-type: none"> <li>• Signed case plan</li> <li>• Child and Adolescent Needs and Services (<a href="#">CANS</a>)</li> <li>• Transitional Independent Living Plan and Agreement (<a href="#">TILP</a>)</li> <li>• <a href="#">10-5</a> Foster Youth Bill of Rights</li> <li>• <a href="#">JV 362</a> Review Hearing for youth approaching 18 years of age – information, documents, and services</li> </ul>
<p>at their last hearing as a 17-year-old and are unsure if they want to participate in EFC.</p>	<p>Ask the court to maintain jurisdiction and set an appearance hearing in due course on the EFC calendar.</p> <p>Attach the following to the court report:</p> <ul style="list-style-type: none"> <li>• Signed case plan</li> <li>• <a href="#">CANS</a></li> <li>• <a href="#">TILP</a></li> <li>• <a href="#">10-5</a> Foster Youth Bill of Rights</li> <li>• <a href="#">JV 362</a> Review Hearing for youth approaching 18 years of age – information, documents, and services</li> </ul>
<p>an NMD remaining in EFC</p>	<p>Ask the court to maintain EFC jurisdiction and set another review hearing in due course.</p> <p>Attach the following to the court report:</p> <ul style="list-style-type: none"> <li>• Signed case plan</li> <li>• <a href="#">CANS</a></li> <li>• <a href="#">TILP</a></li> <li>• <a href="#">10-5</a> Foster Youth Bill of Rights</li> <li>• <a href="#">JV 363</a> Review Hearing for youth 18 years of age – Information, documents, and service</li> <li>• <a href="#">SOC 161</a> Six Month Certification of Extended Foster Care Participation</li> <li>• <a href="#">SOC 162</a> Mutual Agreement for Extended Foster Care (only needed at the first hearing as an 18-year-old)</li> </ul>

**Court Hearings  
(cont.)**

If the youth is...	Then...
<p>missing from care and their whereabouts are unknown on their 18<sup>th</sup> birthday or at the last hearing before they turn 18</p>	<p>The SW’s report should state that the youth’s whereabouts are unknown and ask the court to confirm the underlying out-of-home placement order and set a hearing on the EFC appearance calendar approximately one month after the youth’s 18<sup>th</sup> birthday. Court should not automatically terminate jurisdiction.</p> <p>At the first hearing after the youth’s 18<sup>th</sup> birthday, the SW can request termination of jurisdiction if reasonable search efforts still have not located the youth.</p> <p>See the <a href="#">Termination of Jurisdiction</a> policy.</p>
<p>choosing to exit foster care on their 18<sup>th</sup> birthday</p>	<p>The SW can request the court to terminate jurisdiction at a hearing that occurs on a youth’s 18<sup>th</sup> birthday if they are certain that they do not want to participate in EFC.</p> <p>Attach the following to the court report:</p> <ul style="list-style-type: none"> <li>• <a href="#">FC 1637</a> 90-day Transition Plan</li> <li>• <a href="#">JV 365</a> Termination of Juvenile Court Jurisdiction – Nonminor</li> </ul> <p>See the <a href="#">Termination of Jurisdiction</a> policy</p>
<p>exiting foster care after age 18 due to non-compliance or their own desire to terminate jurisdiction</p>	<p>Recommend terminating jurisdiction at the NMD’s next appearance review hearing, if less than 60 days away. <b>NOTE:</b> The NMD’s last hearing <b>must</b> be an appearance hearing.</p> <p>Attach the following to the final court report:</p> <ul style="list-style-type: none"> <li>• <a href="#">FC 1637</a> 90-day Transition Plan</li> <li>• <a href="#">JV 365</a> Termination of Juvenile Court Jurisdiction – Nonminor</li> </ul> <p>If the next review hearing (appearance or nonappearance) is more than 60 days away, notify County Counsel (CC) to request a special hearing to terminate jurisdiction earlier.</p> <p>See the <a href="#">Termination of Jurisdiction</a> policy</p>

**Court Hearings  
(cont.)**

If the youth is...	Then...
<p>approaching their 21<sup>st</sup> birthday and final court hearing</p>	<p>Ask the court to maintain EFC jurisdiction over the NMD until their 21<sup>st</sup> birthday.</p> <p>Attach the following to the final court report:</p> <ul style="list-style-type: none"> <li>• <a href="#">FC 1637</a> 90-day Transition Plan</li> <li>• <a href="#">10-5</a> Foster Youth Bill of Rights</li> <li>• Case plan (only if the current case plan will expire before the youth’s 21<sup>st</sup> birthday)</li> <li>• <a href="#">CANS</a></li> <li>• <a href="#">SOC 161</a> Six Month Certification of Extended Foster Care Participation</li> <li>• <a href="#">JV 365</a> Termination of Juvenile Court Jurisdiction – Nonminor</li> <li>• 2 copies of an Ex Parte to allow the court to terminate jurisdiction on the NMD’s 21<sup>st</sup> birthday</li> </ul> <p>If the upcoming appearance hearing is within 60 days of the NMD’s 21<sup>st</sup> birthday, that appearance hearing can serve as the NMD’s last court appearance.</p> <p>If the NMD’s 21<sup>st</sup> birthday is more than 60 days after the next appearance hearing, the court will set a final appearance hearing before the youth turns 21 years old.</p> <p>See the <a href="#">Termination of Jurisdiction</a> policy.</p>

**Court Reports**

SWs will create the court report for NMDs by using the available court reports in the CWS/CMS system. There are four hearing types to choose from:

- 366.31 Pre-NMD Review (Status Review Report)
- 366.32 NMD Review (NMD Status Review Report)
- 388(e) or 388.1 EFC Re-entry report (EFC Re-entry Report)
- Ex Parte Application and Order

The SW will address the following in the court report:

- The youth’s plan to remain in foster care and to meet one of the participation conditions. See [EFC – General](#) policy.
- The SW’s efforts made, and assistance provided so that the youth will be able to meet one of the participation conditions.
- An update on the youth’s progress toward meeting the Transitional Living Plan and Agreement (TILP) goals.

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## Court Reports (cont.)

- Permanent connections for the NMD and if there are none, the SW's ongoing attempts to locate relative/ non-related extended family members (NREFM) and permanent connections for the youth.
- Indicate that the NMD's credit report was ran and any concerns are being addressed (see [Foster Youth Credit Reports](#)), or the attempts made by the SW to encourage the NMD to obtain their credit report, in the 'Independent Living Plan Services' section of the status review report
- Whether referrals to transitional housing have resulted in housing being secured for the NMD, and, if not, what, if any, different or additional referrals or assistance CFWB had provided that are intended to secure housing.
- The duration of the NMD's current housing situation and, if applicable, information including summaries, describing referrals, assistance, or services provided by county departments or agencies other than CFWB that are intended to prevent the youth from becoming homeless if jurisdiction is terminated.
- Notification of the NMD's eligibility to receive CalFresh benefits, financial literacy resources, and information that state agencies may give preference to qualified applicants, up to age 25 who are/ were dependent youth in foster care, homeless or formerly incarcerated, when hiring for internships or student positions.
- Notification of the NMD's eligibility to receive Medi-Cal until the age of 26, in care after age 18, regardless of income and submission of an application.
- Documentation that the [Welfare and Institutions Code \(WIC\) 391](#) regulations have been provided to the NMD at every court hearing.
- Requesting termination of jurisdiction for non-compliance with the EFC program or because the NMD's whereabouts are unknown, SWs should thoroughly document the following in the court report:
  - Attempts to search for the NMD by emailing the NMD at the email on file (if there is one) and by calling and texting every phone number on file, leaving a voicemail if possible.
  - Follow up with the NMD's adult connections (CASAs, mentors, attorneys, relatives) asking about recent interactions and alternative contact information, if any
  - Follow up with the NMD's last placement to see if the youth had contacted anyone and/or gave an updated address.
  - Send a letter to the last known address providing written notification to the NMD that can be forwarded if the post office has a forwarding address.
  - Check for the NMD in local and/or state custody.

In addition, if the NMD resides in a Short-Term Residential Treatment Program (STRTP) placement, the SW will address the following in the court report:

- Why an STRTP is the best placement to meet the needs of the NMD;
  - How this placement will assist the NMD's transition to independent living;
  - The treatment strategies that will be used to prepare the NMD for discharge to a less restrictive or a more family-like setting;
  - A target date for discharge from the group home;
  - Periodic review of the placement to ensure that it remains the best option for the NMD, and progress is being made toward achieving the goal of independent living.
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**Court Reports  
(cont.)**

In addition, if the NMD is receiving FR services, the SW will address the following in their court report:

- the substantial probability that the NMD will be able to safely reside in the parent's home by the next Status Review hearing;
  - the parent's progress, or lack thereof, with the reunification services;
  - whether reunification services remain in the NMD's best interest;
  - attempts to facilitate reunification services for the family;
  - the NMD's wishes and current circumstances.
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**Case Plan**

The CWS/CMS case plan must describe the goals and objectives specific to how the NMD will make progress in their transition to living independently. The case plan must be updated every 6 months. Case plans should be behaviorally specific and driven by the NMD. The SW will develop the case plan with the NMD and may include the ILS SW and support network, at the NMD's request. Developing the case plan can be achieved through the use of solution focused questions, [Child and Family Team Meetings](#) (CFTM), and the CANS, in addition to other Safety Organized Practice (SOP) tools.

WIC 11400 states that the case plan must address the following categories:

- Collaborative efforts between the NMD and SW;
- Supportive services as described in the TILP to ensure participation in the eligibility criteria for EFC;
- The NMD's placement setting;
- The NMD's plan for transition to living independently.

When developing the case plan with the NMD, the SW will also address:

- Efforts to achieve permanence, including developing permanent connections with committed and caring adults (per WIC 16501.1);
- Opportunities to have incremental responsibility to prepare for the transition to independent living; and
- Services that will assist the youth in meeting one of the participation criteria for eligibility.
- Services to educate the NMD about the value of being knowledgeable about his or her own credit report.

See the [Case Plans](#) policy for more information.

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**EFC Re-entry  
Hearing and  
Report**

For former NMDs who have exited EFC and wish to return, a 388(e) hearing (re-entry hearing) will have to take place. The report type used for the re-entry hearing is an Interim Hearing Report.

If the youth re-entering is not a San Diego County former dependent, the re-entry must be resumed by the county of general jurisdiction. When that has occurred, the assigned Out of County SW may request the case be transferred to the county of residence if the NMD makes that request and it is the best interest of the NMD as determined by court.

For more information on re-entry, see [EFC - Re-entry](#).

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**In-progress FR Plan**

Occasionally, a dependent minor will become an NMD while their parent(s) are still receiving court-ordered FR services. In these cases, the court can only order ongoing FR services of all of the following are true:

- The NMD and reunifying parent(s) agree to ongoing FR services.
- Ongoing FR services are in the NMD's best interest.
- There is a substantial probability the NMD will be able to safely reside in the reunifying parent's home by the next Status Review hearing.

If FR services are continued past the age of 18, the NMD remains concurrently eligible for EFC resources, including housing and case management because they should have had a foster care/out of home placement on their 18<sup>th</sup> birthday.

As long as an NMD is in court-ordered reunification with a parent, the SW should notice the parent of the court hearings (time, date, location) and the recommendation to either continue or end reunification services.

**NOTE:** Reunification cases for NMDs are rare. This is the only time the SW should notice the parent of an NMD about a hearing or the recommendations.

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**NMDs in Short Term Residential Therapeutic Program (STRTP)/ Group Home**

Continuing an STRTP/Group Home placement for an NMD is permitted if the placement allows the NMD to complete high school before age 19 and preparation to a less restrictive, more family like setting occurs.

Placement in an STRTP/Group Home is prohibited, unless the NMD meets participation criteria involving a medical condition and an STRTP/Group Home placement is a short-term transition to the appropriate system of care for adults. These specific circumstances must be addressed in the court report, as stated above.

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**Inter County Transfer (ICT)**

An EFC case may be transferred to another county within California using the Inter County Transfer (ICT) process if the NMD has requested the transfer to their county of residence. SWs should consider whether an ICT is in the best interest of the NMD and will support their successful transition to adulthood.

An ICT case may **not** be transferred if:

- the youth is between age 17.5 to 18; or
  - the youth does not want to remain in EFC; or
  - the NMD is in a group home/STRTP; or
  - FR services are in place; or
  - NMD has not resided in the county for 12 consecutive months; or
  - NMD has a plan of adult adoption or NMD Tribal Customary Adoption (TCA); or
  - NMD is not participating in the EFC program; or
  - NMD is not AFDC-FC eligible.
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**Inter County  
Transfer (ICT)  
(cont.)**

There are two hearings that will occur when the ICT process is happening, the Transfer In hearing and the Transfer Out hearing. The Transfer Out hearing occurs when the San Diego County NMD's case is being transferred to another county in California. The Transfer In hearing occurs when another county in California is sending an NMD's case to San Diego County. The court where the Transfer Out hearing takes place will determine if it is in the best interest of the NMD for the case to be transferred.

If the youth is re-entering, the re-entry must be resumed by the county of general jurisdiction. When that has occurred, the SW may request the case to be transferred to the county of residence if the NMD if it is in the best interest of the NMD.

See [Inter-County Transfers \(ICTs\)](#) and [EFC Re-entry](#) for more information.

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**NMDs with  
Siblings in Care**

SB 1099 (2014) allows an NMD to file a 388 petition to request visitation with their siblings. The siblings could be dependents or in the physical custody of a common legal or biological parent. In the 388 petition, the NMD must assert that there is a sibling relationship. SB 1099 allows the court to grant the NMD's request unless it is contrary to the safety and well-being of any of the siblings.

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**Alignment with  
SET**

This policy aligns with SET [Value 1](#) of partnering with the whole family to create long-term safety, ongoing permanency, and well-being and SET [Value 3](#): of ensuring the voice of the child/youth is heard and valuing the need to have ongoing needs assessments including developmental, behavioral, educational, dental and medical.

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