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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 2. CHILDREN [100 - 1500]** ( *Division 2 enacted by Stats. 1937, Ch. 369.* )

**PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT [100 - 1459]** ( *Part 1 enacted by Stats. 1937, Ch. 369.* )

**CHAPTER 2. Juvenile Court Law [200 - 987]** ( *Chapter 2 repealed and added by Stats. 1961, Ch. 1616.* )

**ARTICLE 12. Dependent Children—Modification of Juvenile Court Judgments and Orders [385 - 391]** ( *Article 12 added by Stats. 1976, Ch. 1068.* )

**385.** Any order made by the court in the case of any person subject to its jurisdiction may at any time be changed, modified, or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article.

(*Added by Stats. 1976, Ch. 1068.*)

**386.** No order changing, modifying, or setting aside a previous order of the juvenile court shall be made either in chambers, or otherwise, unless prior notice of the application therefor has been given by the judge or the clerk of the court to the social worker and to the child's counsel of record, or, if there is no counsel of record, to the child and his or her parent or guardian.

(*Amended by Stats. 1998, Ch. 1054, Sec. 43. Effective January 1, 1999.*)

**387.** (a) An order changing or modifying a previous order by removing a child from the physical custody of a parent, guardian, relative, or friend and directing placement in a foster home, or commitment to a private or county institution, shall be made only after noticed hearing upon a supplemental petition.

(b) The supplemental petition shall be filed by the social worker in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the child or, in the case of a placement with a relative, sufficient to show that the placement is not appropriate in view of the criteria in Section 361.3.

(c) Notwithstanding subdivision (a), dependency jurisdiction shall be resumed for a child as to whom dependency jurisdiction has been suspended pursuant to Section 366.5 if the jurisdiction established pursuant to Section 601 or 602 is terminated and if, after the issuance of a joint assessment pursuant to Section 366.5, the court determines that the court's dependency jurisdiction should be resumed.

(d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the social worker shall cause notice thereof to be served upon the persons and in the manner prescribed by Sections 290.1 and 291, except that service under this subdivision may be delivered by electronic service pursuant to Section 212.5.

(e) An order for the detention of the child pending adjudication of the petition may be made only after a hearing is conducted pursuant to Article 7 (commencing with Section 305).

(*Amended by Stats. 2017, Ch. 319, Sec. 135. (AB 976) Effective January 1, 2018.*)

**388.** (a) (1) Any parent or other person having an interest in a child who is a dependent child of the juvenile court or a nonminor dependent as defined in subdivision (v) of Section 11400, or the child or the nonminor dependent through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a dependent child of the juvenile court or in which a guardianship was ordered pursuant to Section 360 for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child or the nonminor dependent, shall state the petitioner's relationship to or interest in the child or the nonminor dependent and shall set forth in concise language any change of circumstance or new evidence that is alleged to require the change of order or termination of jurisdiction.

(2) When any party, including a child who is a dependent of the juvenile court, petitions the court prior to an order terminating parental rights, to modify the order that reunification services were not needed pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, or to modify any orders related to custody or visitation of the subject child, and the court orders a hearing pursuant to subdivision (d), the court shall modify the order that reunification services were not needed pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, or any orders related to the custody or visitation of the child for whom reunification services were not ordered pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, only if the court finds by clear and convincing evidence that the proposed change is in the best interests of the child.

(b) (1) Any person, including a child or a nonminor dependent who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child.

(2) A child or nonminor dependent who is a dependent of the juvenile court may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is in the physical custody of a common legal or biological parent, and may request visitation with the nondependent sibling in parental custody.

(3) Pursuant to subdivision (b) of Section 16002, a request for sibling visitation may be granted unless it is determined by the court that sibling visitation is contrary to the safety and well-being of any of the siblings.

(4) The court may appoint a guardian ad litem to file the petition for a dependent child asserting a sibling relationship pursuant to this subdivision if the court determines that the appointment is necessary for the best interests of the dependent child. The petition shall be verified and shall set forth the following:

(A) Through which parent the dependent child is related to the sibling.

(B) Whether the dependent child is related to the sibling by blood, adoption, or affinity.

(C) The request or order that the petitioner is seeking.

(D) Why that request or order is in the best interest of the dependent child.

(c) (1) Any party, including a child who is a dependent of the juvenile court, may petition the court, prior to the hearing set pursuant to subdivision (f) of Section 366.21 for a child described by subparagraph (A) of paragraph (1) of subdivision (a) of Section 361.5, or prior to the hearing set pursuant to subdivision (e) of Section 366.21 for a child described by subparagraph (B) or (C) of paragraph (1) of subdivision (a) of Section 361.5, to terminate court-ordered reunification services provided under subdivision (a) of Section 361.5 only if one of the following conditions exists:

(A) It appears that a change of circumstance or new evidence exists that satisfies a condition set forth in subdivision (b) or (e) of Section 361.5 justifying termination of court-ordered reunification services.

(B) The action or inaction of the parent or guardian creates a substantial likelihood that reunification will not occur, including, but not limited to, the parent's or guardian's failure to visit the child, or the failure of the parent or guardian to participate regularly and make substantive progress in a court-ordered treatment plan.

(2) In determining whether the parent or guardian has failed to visit the child or participate regularly or make progress in the treatment plan, the court shall consider factors that include, but are not limited to, the parent's or guardian's incarceration, institutionalization, detention by the United States Department of Homeland Security, deportation, or participation in a court-ordered residential substance abuse treatment program.

(3) The court shall terminate reunification services during the above-described time periods only upon a finding by a preponderance of evidence that reasonable services have been offered or provided, and upon a finding of clear and convincing evidence that one of the conditions in subparagraph (A) or (B) of paragraph (1) exists.

(4) Any party, including a nonminor dependent, as defined in subdivision (v) of Section 11400, may petition the court prior to the review hearing set pursuant to subdivision (d) of Section 366.31 to terminate the continuation of court-ordered family reunification services for a nonminor dependent who has attained 18 years of age. The court shall terminate family reunification services to the parent or guardian if the nonminor dependent or parent or guardian are not in agreement that the continued provision of court-ordered family reunification services is in the best interests of the nonminor dependent.

(5) If the court terminates reunification services, it shall order that a hearing pursuant to Section 366.26 be held within 120 days. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent. The

court may order a nonminor dependent who is otherwise eligible for AFDC-FC benefits pursuant to Section 11403 to remain in a planned, permanent living arrangement.

(d) If it appears that the best interests of the child or the nonminor dependent may be promoted by the proposed change of order, modification of reunification services, custody, or visitation orders concerning a child for whom reunification services were not ordered pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, recognition of a sibling relationship, termination of jurisdiction, or clear and convincing evidence supports revocation or termination of court-ordered reunification services, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the persons and in the manner prescribed by Section 386, and, in those instances in which the manner of giving notice is not prescribed by those sections, then in the manner the court prescribes.

(e) (1) (A) A nonminor who attained 18 years of age while subject to an order for foster care placement and who has not attained 21 years of age, or as described in Section 10103.5, for whom the court has dismissed dependency jurisdiction pursuant to Section 391, or delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452, but has retained general jurisdiction under subdivision (b) of Section 303, or the county child welfare services, probation department, or tribal placing agency on behalf of the nonminor, may petition the court in the same action in which the child was found to be a dependent or delinquent child of the juvenile court, for a hearing to resume the dependency jurisdiction over a former dependent or to assume or resume transition jurisdiction over a former delinquent ward pursuant to Section 450. The petition shall be filed within the period that the nonminor is of the age described in this paragraph. If the nonminor has completed the voluntary reentry agreement, as described in subdivision (z) of Section 11400, with the placing agency, the agency shall file the petition on behalf of the nonminor within 15 judicial days of the date the agreement was signed unless the nonminor elects to file the petition at an earlier date.

(B) The petition may be brought notwithstanding a court order vacating or dismissing the underlying adjudication pursuant to Section 236.14 of the Penal Code or Section 782 of this code.

(2) (A) The petition to resume jurisdiction may be filed in the juvenile court that retains general jurisdiction under subdivision (b) of Section 303, or the petition may be submitted to the juvenile court in the county where the youth resides and forwarded to the juvenile court that retained general jurisdiction and filed with that court. The juvenile court having general jurisdiction under Section 303 shall receive the petition from the court where the petition was submitted within five court days of its submission, if the petition is filed in the county of residence. The juvenile court that retained general jurisdiction shall order that a hearing be held within 15 judicial days of the date the petition was filed if there is a prima facie showing that the nonminor satisfies the following criteria:

(i) The nonminor was previously under juvenile court jurisdiction, subject to an order for foster care placement when the nonminor attained 18 years of age, and has not attained 21 years of age.

(ii) The nonminor intends to satisfy at least one of the conditions set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(iii) The nonminor wants assistance either in maintaining or securing appropriate supervised placement, or is in need of immediate placement and agrees to supervised placement pursuant to the voluntary reentry agreement as described in subdivision (z) of Section 11400.

(B) Upon ordering a hearing, the court shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, except that notice to parents or former guardians shall not be provided unless the nonminor requests, in writing on the face of the petition, notice to the parents or former guardians.

(3) The Judicial Council, by January 1, 2012, shall adopt rules of court to allow for telephonic appearances by nonminor former dependents or delinquents in these proceedings, and for telephonic appearances by nonminor dependents in any proceeding in which the nonminor dependent is a party, and the nonminor declines to appear and elects a telephonic appearance.

(4) Prior to the hearing on a petition to resume dependency jurisdiction or to assume or resume transition jurisdiction, the court shall order the county child welfare or probation department to prepare a report for the court addressing whether the nonminor intends to satisfy at least one of the criteria set forth in subdivision (b) of Section 11403. When the recommendation is for the nonminor dependent to be placed in a setting where minor dependents also reside, the results of a background check of the petitioning nonminor conducted pursuant to Section 16504.5 may be used by the placing agency to determine appropriate placement options for the nonminor. The existence of a criminal conviction is not a bar to eligibility for reentry or resumption of dependency jurisdiction or the assumption or resumption of transition jurisdiction over a nonminor.

(5) (A) The court shall resume dependency jurisdiction over a former dependent or assume or resume transition jurisdiction over a former delinquent ward pursuant to Section 450, and order that the nonminor's placement and care be under the responsibility of the county child welfare services department, the probation department, tribe, consortium of tribes, or tribal organization, if the court finds all of the following:

(i) The nonminor was previously under juvenile court jurisdiction, subject to an order for foster care placement when the nonminor attained 18 years of age.

(ii) The nonminor has not attained 21 years of age.

(iii) Reentry and remaining in foster care are in the nonminor's best interests.

(iv) The nonminor intends to satisfy, and agrees to satisfy, at least one of the criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, and demonstrates their agreement to placement in a supervised setting under the placement and care responsibility of the placing agency and to satisfy the criteria by signing the voluntary reentry agreement as described in subdivision (z) of Section 11400.

(B) In no event shall the court grant a continuance that would cause the hearing to resume dependency jurisdiction or to assume or resume transition jurisdiction to be completed more than 120 days after the date the petition was filed.

(C) The agency made responsible for the nonminor's placement and care pursuant to subparagraph (A) shall prepare a new transitional independent living case plan within 60 calendar days from the date the nonminor signed the voluntary reentry agreement as described in subdivision (z) of Section 11400 and submit it to the court for the review hearing under Section 366.31, to be held within 70 days of the resumption of dependency jurisdiction or assumption or resumption of transition jurisdiction. In no event shall the review hearing under Section 366.3 be held more than 170 calendar days from the date the nonminor signed the voluntary reentry agreement.

(f) (1) For any nonminor dependent who attained 18 years of age while subject to an order for foster care placement and who has not attained 21 years of age, and who, prior to attaining 18 years of age, was not eligible for federal financial participation, as defined in Section 11402.1, the county child welfare, probation, or tribal placing agency may, on behalf of, and with the consent of, the nonminor dependent, petition the court to dismiss its dependency or transition jurisdiction and immediately resume dependency or transition jurisdiction in order to establish the nonminor dependent's eligibility for federal financial participation.

(2) A petition filed pursuant to paragraph (1) shall include notice to the nonminor dependent and the nonminor dependent's attorney.

(3) If the court grants a petition filed pursuant to paragraph (1), the court shall, upon terminating its dependency or transition jurisdiction, maintain general jurisdiction over the nonminor dependent pursuant to Section 303 and immediately resume dependency or transition jurisdiction. The court may grant the petition without a hearing.

(4) Sections 391, 452, and 607.2 do not apply to a petition filed pursuant to paragraph (1).

(5) Following the granting of a petition filed pursuant to paragraph (1), a new agreement for extended foster care shall be jointly signed by the agency responsible for the nonminor dependent's placement and care and the nonminor dependent. However, notwithstanding any other law, if the nonminor dependent established a transitional independent living plan prior to the granting of the petition, the agency shall not be required to prepare a new transitional independent living plan as described in subparagraph (C) of paragraph (5) of subdivision (e).

(6) The county child welfare, probation, or tribal placing agency shall ensure that a nonminor dependent does not experience a break in services or supports before, during, or after the filing or granting of a petition described in paragraph (1).

(7) A county child welfare, probation, or tribal placing agency shall not file a petition described in paragraph (1) if either of the following circumstances is present:

(A) The nonminor dependent is categorically ineligible for federal AFDC-FC benefits.

(B) The nonminor dependent is a member of a tribe and would likely become ineligible for services or supports, or have benefits disrupted, if the county sought to establish eligibility for federal financial participation pursuant to paragraph (1).

(8) By September 1, 2022, the Judicial Council shall develop and implement rules, and develop and adopt appropriate forms, as necessary to implement this subdivision.

(9) The director shall, by July 1, 2022, seek any federal approvals necessary for implementation of this subdivision.

*(Amended by Stats. 2024, Ch. 782, Sec. 3. (SB 1161) Effective January 1, 2025.)*

**388.1.** (a) A nonminor who has not attained 21 years of age may petition the court in which he or she was previously found to be a dependent or delinquent child of the juvenile court for a hearing to determine whether to assume dependency jurisdiction over the nonminor, if he or she meets any of the following descriptions:

(1) He or she is a nonminor former dependent, as defined in subdivision (aa) of Section 11400, who received or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid after attaining 18 years of age under Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, or AFDC-FC pursuant to subdivision (e) of Section 11405, and whose former guardian or guardians died after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(2) He or she is a nonminor former dependent, as defined in subdivision (aa) of Section 11400, who received or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid after attaining 18 years of age under Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, or AFDC-FC pursuant to subdivision (e) of Section 11405, and whose former guardian or guardians no longer provide ongoing support to, and no longer receive aid on behalf of, the nonminor after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(3) He or she is a nonminor who received adoption assistance payments after attaining 18 years of age pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 and his or her adoptive parent or parents died after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(4) He or she is a nonminor who received adoption assistance payments after attaining 18 years of age pursuant to Chapter 2.1 (commencing with Section 16115) of Part 4 of Division 9 and his or her adoptive parent or parents no longer provide ongoing support to, and no longer receive benefits on behalf of, the nonminor after the nonminor attained 18 years of age, but before he or she attains 21 years of age.

(b) (1) The petition to assume jurisdiction may be filed in either of the following:

(A) The juvenile court that established the guardianship pursuant to Section 360, Section 366.26, or subdivision (d) of Section 728.

(B) The juvenile court that had jurisdiction over the minor or nonminor dependent when his or her adoption was finalized.

(2) A nonminor described in subdivision (a) may submit a petition to assume dependency jurisdiction to the juvenile court in the county where he or she resides. A petition submitted pursuant to this paragraph shall, within five days of submission, be forwarded to the court that had jurisdiction over the child at the time of the guardianship or adoption. The clerk of the court that had jurisdiction over the child at the time of the guardianship or adoption shall file the petition within one judicial day of receipt.

(c) (1) The juvenile court in which the petition was filed shall order a hearing to be held within 15 judicial days of the date the petition was filed if there is a prima facie showing that the nonminor satisfies all of the following criteria:

(A) He or she was a minor under juvenile court jurisdiction at the time of the establishment of a guardianship pursuant to Section 360, Section 366.26, or subdivision (d) of Section 728, or he or she was a minor or nonminor dependent when his or her adoption was finalized.

(B) (i) His or her guardian or guardians, or adoptive parent or parents, as applicable, died after the nonminor attained 18 years of age, but before he or she attained 21 years of age.

(ii) His or her guardian or guardians, or adoptive parent or parents, as applicable, no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor after the nonminor attained 18 years of age, but before he or she attained 21 years of age, and it may be in the nonminor's best interest for the court to assume dependency jurisdiction.

(C) He or she intends to satisfy at least one of the conditions set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(D) He or she is requesting assistance in maintaining or securing appropriate supervised placement, or needs immediate placement and agrees to supervised placement pursuant to the voluntary reentry agreement described in subdivision (z) of Section 11400.

(2) Upon ordering a hearing, the court shall give prior notice, or cause prior notice to be given, to the nonminor, the appropriate child welfare agency or probation department, and any other person requested by the nonminor in the petition.

(3) Pursuant to applicable rules of court, the juvenile court shall allow for telephonic appearances by the nonminor in these proceedings and in any proceeding in which the nonminor dependent is a party.

(4) Prior to the hearing, the court shall order the county child welfare or probation department to prepare a report for the court that addresses both of the following:

(A) The nonminor's plans to satisfy at least one of the criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(B) The appropriate placement setting for the nonminor. When the recommendation is for the nonminor to be placed in a setting where minor dependents also reside, the results of a background check of the petitioning nonminor conducted pursuant to Section 16504.5 may be used by the placing agency to determine appropriate placement options for him or her.

(5) The court shall assume dependency jurisdiction over a former dependent or ward, and order his or her placement and care be under the responsibility of the county child welfare services department, the probation department, tribe, consortium of tribes, or tribal organization, if the court finds all of the following:

(A) The nonminor was a minor under juvenile court jurisdiction at the time of the establishment of a guardianship pursuant to Section 360, Section 366.26, or subdivision (d) of Section 728, or he or she was a dependent at the time his or her adoption was finalized.

(B) The nonminor's guardian or guardians, or adoptive parent or parents, as applicable, have died, or no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor, and it is in the nonminor's best interests for the court to assume dependency jurisdiction.

(C) The nonminor has not attained 21 years of age.

(D) Reentry and remaining in foster care are in the nonminor's best interests.

(E) The nonminor intends to satisfy, and agrees to satisfy, at least one of the criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, and demonstrates his or her agreement to placement in a supervised setting under the placement and care responsibility of the placing agency by signing the voluntary reentry agreement described in subdivision (z) of Section 11400.

(6) The existence of a criminal conviction is not a bar to eligibility for reentry to foster care or assumption of dependency jurisdiction over a nonminor.

(7) The court shall not grant a continuance that would cause the hearing to be completed more than 120 days after the date the petition is filed.

(d) The agency made responsible for the nonminor's placement and care pursuant to paragraph (5) of subdivision (c) shall prepare a new transitional independent living case plan within 60 calendar days of the date the nonminor signs the voluntary reentry agreement and shall submit the plan to the court for the review hearing specified in Section 366.31, to be held within 70 days of the assumption of dependency jurisdiction. The review hearing under Section 366.31 shall not be held more than 170 calendar days from the date the nonminor signs the voluntary reentry agreement.

(e) (1) A nonminor described in subdivision (a) may enter into a voluntary reentry agreement as defined in subdivision (z) of Section 11400 in order to establish eligibility for foster care benefits under subdivision (e) of Section 11401 before or after filing a petition to assume dependency jurisdiction. If the nonminor enters into a voluntary reentry agreement prior to filing the petition, the nonminor is entitled to placement and supervision pending the court's assumption of jurisdiction.

(2) If the nonminor completes a voluntary reentry agreement with a placing agency, the placing agency shall file the petition to assume dependency jurisdiction on behalf of the nonminor within 15 judicial days of the date the agreement is signed, unless the nonminor elects to file the petition at an earlier date.

*(Amended by Stats. 2018, Ch. 539, Sec. 1. (AB 2337) Effective January 1, 2019.)*

**389.** (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a dependent child of the court, in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 307, or in any case in which a minor is taken before any officer of a law enforcement agency, the person or the county probation officer may, five years or more after the jurisdiction of the juvenile court has terminated as to the person, or, in a case in which no petition is filed, five years or more after the person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 307 or was taken before any officer of a law enforcement agency, or, in any case, at any time after the person has reached the age of 18 years, petition the court for sealing of the records, including records of arrest, relating to the person's case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction or action pursuant to Section 307, as the case may be, he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the

satisfaction of the court, it shall order sealed all records, papers, and exhibits in the person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter, the proceedings in such case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein directing the agency to seal its records and five years thereafter to destroy the sealed records. Each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise, except as provided in subdivision (b), such records shall not be open to inspection.

(b) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

(c) Five years after a juvenile court record has been sealed, the court shall order the destruction of the sealed juvenile court record unless for good cause the court determines that the juvenile court record shall be retained. Any other agency in possession of sealed records shall destroy their records five years after the records were ordered sealed.

*(Amended by Stats. 1980, Ch. 1104, Sec. 1.)*

**390.** A judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require the dismissal, and that the parent or guardian of the minor is not in need of treatment or rehabilitation.

*(Amended by Stats. 1987, Ch. 1485, Sec. 50.)*

**391.** (a) (1) At the first regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 after a dependent child has attained 16 years of age, the county welfare department shall submit a report verifying that the following information, documents, and services have been provided to the child:

(A) Social security card, if provided to the child pursuant to paragraph (2).

(B) Copy of the birth certificate.

(C) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(D) Assistance in obtaining employment, if applicable.

(E) Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable.

(F) Written information notifying the child that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code, or with participating county agencies pursuant to Section 31000.11 of the Government Code, until the child attains 26 years of age.

(G) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

(2) Except as required by subdivision (b), the child's social security card may only be provided temporarily to the dependent child for the following purposes:

(A) To enable the child to obtain employment.

(B) To apply for admission to an institution of postsecondary education or a vocational training program.

(C) To apply for financial aid.

(D) To apply for or access public benefits.

(E) As otherwise determined by the child's caseworker, including, but not limited to, in response to a request from the child.

(3) For purposes of this subdivision, a certified copy of the dependent child's birth certificate shall be provided upon request of the child.

(b) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, the county welfare department shall submit a report verifying that the following information, documents, and services have been provided to the minor or nonminor:

(1) Social security card.

(2) Certified copy of the birth certificate.

(3) Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(4) Medi-Cal Benefits Identification Card.

(5) A letter prepared by the county welfare department that includes the following information:

(A) The minor's or nonminor's name and date of birth.

(B) The dates during which the minor or nonminor was within the jurisdiction of the juvenile court.

(C) A statement that the minor or nonminor was a foster youth in compliance with state and federal financial aid documentation requirements.

(6) If applicable, the death certificate of the parent or parents.

(7) If applicable, proof of the minor's or nonminor's citizenship or legal residence.

(8) An advance health care directive form.

(9) The Judicial Council form that the minor or nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(10) Written information notifying the minor or nonminor that they may be eligible to receive CalFresh benefits, and where the minor or nonminor can apply for CalFresh benefits.

(c) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, the county welfare department shall submit a report describing efforts toward providing the following information, documents, and services to the minor or nonminor:

(1) Assistance in obtaining employment, if applicable.

(2) Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable.

(3) Written information notifying the child that a current or former dependent child who is or has been in foster care is granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code, or with participating county agencies pursuant to Section 31000.11 of the Government Code, until the child attains 26 years of age.

(4) Written information notifying the child that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income, and are not required to submit an application.

(5) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

(6) (A) If applicable, referrals to transitional housing, if available, or assistance in securing other housing.

(B) Whether the referrals or assistance as described in subparagraph (A) have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or assistance the department has provided that are intended to secure housing.

(C) The duration of the housing, if known to the department.



(D) If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if jurisdiction is terminated pursuant to this section.

(E) The information described in subparagraphs (B) to (D), inclusive, is required only for reports submitted at the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age.

(7) Assistance in maintaining relationships with individuals who are important to a minor or nonminor who has been in out-of-home placement for six months or longer from the date the minor or nonminor entered foster care, based on the minor's or nonminor's best interests.

(8) The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.

(d) The dependency court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to this section. At any hearing at which the court is considering terminating jurisdiction over a nonminor, the county welfare department shall do all of the following:

(1) Ensure that the dependent nonminor is present in court, unless the nonminor does not wish to appear in court and elects a telephonic appearance, or document reasonable efforts made by the county welfare department to locate the nonminor when the nonminor is not available.

(2) Submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction, which includes a recommended transitional independent living case plan for the nonminor when the report describes continuing dependency jurisdiction as being in the nonminor's best interest.

(3) If the county welfare department recommends termination of the court's dependency jurisdiction, submit documentation of the reasonable efforts made by the department to provide the nonminor with the assistance needed to meet or maintain eligibility as a nonminor dependent, as defined in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(4) If the nonminor has indicated that they do not want dependency jurisdiction to continue, the report shall address the manner in which the nonminor was advised of their options, including the benefits of remaining in foster care, and of their right to reenter foster care and to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction prior to attaining 21 years of age.

(e) (1) The court shall continue dependency jurisdiction over a nonminor who meets the definition of a nonminor dependent as described in subdivision (v) of Section 11400 unless the court finds either of the following:

(A) That the nonminor does not wish to remain subject to dependency jurisdiction.

(B) That the nonminor is not participating in a reasonable and appropriate transitional independent living case plan.

(2) In making the findings pursuant to paragraph (1), the court shall also find that the nonminor has been informed of their options including the benefits of remaining in foster care and the right to reenter foster care by filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction and by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, and has had an opportunity to confer with their counsel if counsel has been appointed pursuant to Section 317.

(f) The court may terminate its jurisdiction over a nonminor if the court finds after reasonable and documented efforts the nonminor cannot be located.

(g) When terminating dependency jurisdiction, the court shall maintain general jurisdiction over the nonminor to allow for the filing of a petition to resume dependency jurisdiction under subdivision (e) of Section 388 until the nonminor attains 21 years of age, although no review proceedings shall be required. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.

(h) The court shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted pursuant to this section. Jurisdiction shall not be terminated until the department has submitted a report verifying that the information, documents, and services required under subdivisions (a) and (b), as well as the following information, documents, and services, have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

(1) Assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence, and, upon the nonminor's request, assistance in completing a voluntary reentry agreement for care and placement pursuant to subdivision (z) of Section 11400 and in filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(2) Written information concerning the nonminor's dependency case, including, but not limited to, all of the following:

- (A) Any known information regarding the nonminor's Indian heritage or tribal connections.
  - (B) The nonminor's family history and placement history.
  - (C) Any photographs of the nonminor or the family of the nonminor in the possession of the county welfare department, other than forensic photographs.
  - (D) Directions on how to access the documents the nonminor is entitled to inspect under Section 827.
  - (E) The written 90-day transition plan prepared pursuant to Section 16501.1.
  - (F) The date on which the jurisdiction of the juvenile court would be terminated.
- (3) The health and education summary described in subdivision (a) of Section 16010.
- (4) The Judicial Council form that the nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (5) Written verification that the eligible nonminor is enrolled in Medi-Cal and the nonminor's Medi-Cal Benefits Identification Card.
- (6) Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors pursuant to Section 14005.28 or 14005.285.
- (7) Assistance with the following:
- (A) Referrals to transitional housing, if available, or assistance in securing other housing.
  - (B) Obtaining employment or other financial support, if applicable.
- (8) The report described in this subdivision, as it relates to the assistance described in subparagraph (A) of paragraph (7), shall include the following:
- (A) Whether the referral or assistance has resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional assistance the department has provided that is intended to secure housing.
  - (B) The duration of the housing, if known to the department.
  - (C) If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if jurisdiction is terminated pursuant to this section.

*(Amended by Stats. 2021, Ch. 524, Sec. 1.5. (AB 674) Effective January 1, 2022.)*