



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

JUDITH K. DULCICH
PRESIDING JUDGE

CHARLES R. BREHMER
ASST. PRESIDING JUDGE

TAMARAH HARBER-PICKENS
COURT EXECUTIVE OFFICER &
CLERK OF THE COURT

Metropolitan Division
1415 Truxtun Ave., Rm. 212
Bakersfield, CA 93301
(661) 868-4934

Metropolitan Division – Justice
Center
1215 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-2450

Metropolitan Division -
Juvenile Justice Center
2100 College Avenue
Bakersfield, CA 93305
(661) 868-5393

Metropolitan Division - Traffic
Department
3131 Arrow Street
Bakersfield, CA 93308
(661) 335-7100

Delano/McFarland Branch
1122 Jefferson Street
Delano, CA 93215
(661) 720-5800

Shafter Branch
325 Central Valley Highway
Shafter, CA 93263
(661) 746-7500

Arvin/Lamont Branch
12022 Main Street
Lamont, CA 93241
(661) 868-5800

Taft/Maricopa Branch
311 North Lincoln Street
Taft, CA 93268
(661) 763-8531

Mojave Branch
1773 Highway 58
Mojave, CA 93501
(661) 824-7100

Ridgecrest Branch
132 East Coso Avenue
Ridgecrest, CA 93555
(760) 384-5900

September 9, 2019

The proposed amendments to the Superior Court of California, County of Kern, Local Rules of Court, for January 1, 2020, have been posted for comment at www.kern.courts.ca.gov. A hard copy of the proposal is available on request.

1. Chapter I, General Rules
2. Chapter III, Civil Rules and Civil Case Management
3. Chapter IV, Traffic Rules
4. Chapter V, Criminal Rules
5. Chapter VI, Family Law Rules
6. Chapter VII, Juvenile Court Matters
7. Chapter VII, Probate Matters; and
8. Chapter IX, Court Communication Protocol for Domestic Violence and Child Custody Orders

You may submit comments by email to WMdmin@kern.courts.ca.gov or by mail to the following address:

Tamarah Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received no later than 5:00 p.m. on Friday, October 25, 2019.

Respectfully,

Tamarah Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern

THP/co

Enclosure

GENERAL RULES - PROPOSED CHANGES

Rule 1.7.5 Metropolitan Division Venues. The following matters must be filed in the Metropolitan Division (Effective 7/1/08; rev. 1/1/11; rev. 7/1/11; rev. 1/1/13; rev. 7/1/15; rev. 1/1/17; rev. 1/1/18; rev. 7/1/18; **rev. 1/1/20**)

(a) Venue for Appeals. Appeals for all **case types, excluding Small Claims, misdemeanor, civil and traffic cases shall** **may be filed in the Metropolitan Division, Appeals Department, or may** be filed in the Division of original jurisdiction in accordance with the zip codes as set forth in Appendix A. **Appeals Traffic, Misdemeanor, Unlawful Detainer and Limited Civil Appellate cases** will be heard in the Metropolitan Division. (Effective 7/1/08; **rev. 1/1/20**)

(d) Venue for Criminal Cases.

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6. All predisposition and post disposition filings submitted in Bakersfield cases with a felony prefix (i.e. BF, DF, SF etc.), whereby the felony charges have been reduced to misdemeanors, are to be noticed and heard in the Metropolitan Division, Misdemeanor Department. (Effective 1/1/20)

67. Generally unless otherwise set forth in these rules, the Probation Department must file Post Release Supervision Violations with the Metropolitan Division, Felony Department. (Effective 1/1/13; **renum. 1/1/20**)

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(m) Venue for Probate and Guardianship Cases. Venue for Probate and Guardianship cases, except for those in 1.7.5:(i), shall be in the Metropolitan Division, **Metro Justice Building**. (Effective 7/1/08; rev. 1/1/13; **rev. 1/1/20**)

Rule 1.8.1 Additional Court Fees (Effective 7/1/14; **rev. 1/1/20**)

The Superior Court of California, County of Kern will charge the following fees:

- Off-site retrieval of files \$20.00 **per file**
- Copy requests on compact discs (CD provided by Court) *for copies of 30 pages or more:*

Number of pages total	Total Cost
1-50 pages -	\$12.00 13.00
51-75 pages -	\$16.00 17.00
76-100 pages -	\$20.00 21.00

101-125 pages -	\$24.00 26.00
126-150 pages -	\$28.00 30.00
151-200 pages -	\$36.00 38.00

- Postage for CD ~~\$2.75~~ 3.95
- Fees in addition to copy fees, search, and offsite record retrieval fees (if applicable), include but may not be limited to:

Postage/Shipping (envelope provided by Court) - Hardcopies:	
1-15 pages -	\$1.52 1.88
16-30 pages -	\$1.92 2.33
31-45 pages -	\$2.52 2.78
46-60 pages -	\$2.92 3.08
61-75 pages -	\$3.32 3.38
76-90 pages -	\$5.05
<u>Postage for CD</u>	\$2.75 3.95

The Court reserves the right to increase the fees above when the U.S. Postal Service increases the cost of postage. A summary of the calculation of the Superior Court, County of Kern, additional fees is on file with the Accounting Division and can be obtained by writing: (Effective 7/1/14 rev. 1/1/20)

Superior Court of California, County of Kern
Accounting Division
1415 Truxtun Ave.
Bakersfield, CA 93301

CIVIL RULES AND CIVIL CASE MANAGEMENT – PROPOSED CHANGES

Rule 3.4 Ex Parte Applications and Orders (Effective 7/1/03; rev. 1/1/20)

- (a) All ex parte applications/~~petitions that~~ ~~which~~ require notice will be noticed in the Civil Division or Direct Calendar Court for a ruling. All ex parte matters must be pre-cleared **with the Clerk’s Office**. Copies of all papers to be presented at the hearing ~~must~~ ~~shall~~ be filed with the Court no later than 12:00 ~~p.m.~~ ~~noon~~ the **court day prior to** ~~before~~ the scheduled hearing ~~time~~. (Effective 7/1/03; rev. 1/1/20)
- (b) Notice ~~must~~ ~~shall~~ be provided to all parties no later than 10:00 a.m. on the **court day prior to the scheduled hearing**, in accordance with California Rule of Court, rule 3.1203(a)-(b), and all **applications/petitions and supporting paperwork must** ~~shall~~ be **filed with the Court** ~~submitted~~ no later than 12:00 ~~p.m.~~ ~~noon~~ the **court day prior to** ~~before~~ the scheduled hearing. (Effective 7/1/03; rev. 1/1/20)

- (c) The Presiding or Direct Calendar Judge shall be available for the signing of ex parte orders or shall designate a judge or judges who will be available for such signing. (Effective 7/1/03; **renum. 1/1/20**)
- (d) Attorneys shall not seek to have ex parte orders signed by judges other than those assigned by the Presiding Judge. (Effective 7/1/03; **renum. 1/1/20**)
- (e) Requests for ex parte orders shall be based solely on the moving papers without oral argument or comment by counsel, but the judge may, in his or her own discretion, exempt matters from this provision. (Effective 7/1/03; **renum. 1/1/20**)

Rule 3.11 Differential Case Management (Effective 7/1/03; renum. 1/1/13; **rev. 1/1/20**)

Pursuant to California Rule of Court, rule ~~3.714(b)~~~~209.1(e)~~, all general civil cases are ~~presumed to be Plan One (1) cases~~ subject to disposition within twelve (12) ~~months~~ **to twenty-four (24) months** from date of filing of complaint. (Effective 7/1/03; **rev. 1/1/20**)

TRAFFIC RULES – PROPOSED CHANGES

Chapter IV. Traffic Rules

Rule 4.1 Traffic Court Rules (Effective 7/1/03; **rev. 1/1/20**)

The Traffic Division is responsible for all infractions, traffic and non-traffic, including: Moving violations, parking violation appeals, Business and Professions Code violations, Weights and Measures citations, Alarm System citations, Health Department citations, Animal Control Department citations, Municipal Code violations, County Ordinance citations, Park and Recreation citations, and Fish and Game citations. (Effective 7/1/03; **rev. 1/1/20**)

Rule 4.2 Infraction Alternate Procedures (Effective 7/1/03; **rev. 1/1/20**)

Any person who has received a written notice to appear for an infraction may, prior to the appearance date, declare an intention to plead not guilty before a clerk of the court or in writing. **For those electing to enter their plea at arraignment, no deposit of bail is required unless ordered by the court consistent with California Rules of Court, rule 4.105(c)(3).** ~~Upon the posting of bail, the clerk shall set an arraignment and trial on the same date, no earlier than~~ **thirty (30) days** ~~four (4) weeks~~ or later than **forty-five (45) days, five (5) weeks** from the date of receipt of the declaration, **unless a time waiver is obtained.** (Effective 7/1/03; **rev. 1/1/20**)

CRIMINAL RULES – PROPOSED CHANGES

Rule 5.1.2 Motions (Effective 7/1/03; rev. 1/1/06; rev. 1/1/15; **rev. 1/1/20**)

All criminal matters filed for Law and Motion hearings shall comply with all applicable laws and Rules of Court, **including the notice requirement that mandates notice be provided to all opposing counsel, co-counsel and counsel for all codefendants.** If a motion is to be abandoned, notice shall be given to the court as soon as reasonably possible. Business hours for the filing of any paper and court calendars concerning misdemeanor proceedings can be found on the Kern County Superior Court website at www.kern.courts.ca.gov. (Effective 7/1/03; rev. 1/1/06; rev. 1/1/15; **rev. 1/1/20**)

Rule 5.2.1.3 Motions - Generally (Effective 7/1/03; rev. 7/1/12; rev. 1/1/15; **rev. 1/1/20**)

Motions are either evidentiary (requiring the presentation of evidence other than declarations or a transcript) or non-evidentiary and are heard pursuant to the Kern County Superior Court website at www.kern.courts.ca.gov. Except as otherwise provided by law or order shortening or lengthening time, motions must be filed and served no later than ten (10) court days before the hearing on the motion. **Service is required on all opposing counsel, co-counsel and counsel for all codefendants.** (Effective 7/1/03; rev. 7/1/12; rev. 1/1/15; **rev. 1/1/20**)

FAMILY LAW RULES – PROPOSED CHANGES

Rule 6.1 Propria Persona Pleadings Filed by Self-Represented Litigants - Pleading Prepared by Third Parties (Effective 7/1/03; rev. 1/1/17; **1/1/20**)

Parties who retain the services of **non-attorney** third parties (e.g.: typing services or paralegals) to prepare their pleadings must submit a declaration to the court with the following information: (Effective 7/1/03; **rev. 1/1/20**)

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Rule 6.1.1 Forms of Documents Presented for Filing (Effective 1/1/10; rev. 1/1/17; **rev. 1/1/20**)

(a) All pleadings shall comply with **California Rules of Court, rules 2.100, et. seq.-2.119 and 3.1110, et. seq.** ~~of the California Rules of Court.~~ All documents and/or pleadings submitted in which a matter is set for hearing must specify the **division** ~~department number~~, hearing date, and time underneath the title of the document and/or pleading. (Effective 1/1/10; rev. 1/1/17; **rev. 1/1/20**)

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(c) Except those received via facsimile filing or electronic filing, all documents containing attachments, schedules, or exhibits shall be indexed and tabbed at

the bottom. Where there is a single attachment or exhibit, the index requirement is inapplicable. All documents received via facsimile filing or electronic filing shall contain a titled cover sheet between attachments, schedules, and/or exhibits. (Effective 1/1/10; rev. 1/1/17)

- (d) Evidentiary attachments to pleadings shall not exceed twenty (20) pages in length, except orders to show cause re contempt or applications for wage assignments. However, a party may apply to the court ex parte, with written notice of the application to the other parties, for permission to attach additional documents. The application must state reasons why the additional attachments are relevant and necessary. Parties should not attach copies of pleadings already contained in the Court file to any new pleading. (Effective 1/1/20)
- (ed) The Court shall endorse and/or conform up to three (3) copies of all submitted documents for filing. (Effective 1/1/10; rev. 1/1/17; renum. 1/1/20)

Rule 6.1.3 Qualified Domestic Relations Orders (QDROs) (Effective 1/1/20)

- (a) No Qualified Domestic Relations Order (QDRO) may be submitted for approval unless the order includes a signature by a plan representative approving it, or there is documentation that the plan has approved the order.

Rule 6.10 Child Custody and Visitation (Effective 7/1/03; rev. 1/1/13; rev. 7/1/18; rev. 1/1/20)

- (a) In all original and subsequent proceedings where child custody, visitation, or both, are issues, the parties must attach a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) form. A party has a continuing duty to file an updated UCCJEA form and have it served on the other party if he or she obtains additional information. (Effective 7/1/03; rev. 1/1/20)

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- (c) The mediation session is private and confidential. Statements made during mediation by the mediator, or by any party, are inadmissible in future hearings. Use of an audio or visual recording device of any type is not permitted during a mediation session. ~~Only the parent or the parties involved in the action may be present in the mediation session. Children over eight (8) years of age must attend the mediation session and be interviewed by the mediator.~~ (Effective 7/1/03; rev. 1/1/20)
- (d) No party or attorney for a party shall initiate contact with a mediator, orally or in writing, to discuss the merits of the case without notice to the other party and an opportunity to be present or to receive a copy of a written communication. (Effective 1/1/20)

- (e) Nothing in this rule restricts any person from reporting or serving as a witness where a crime has been committed, or is alleged to have been committed, in his or her presence. (Effective 1/1/20)
- (f) Nothing in this rule restricts Family Court Services staff from complying with any law requiring reporting of child abuse and the fact that such a report was made or exists shall not be deemed confidential. (Effective 1/1/20)
- ~~(e)~~(g) Nothing in this rule restricts Family Court Services staff from complying with any law requiring the disclosure of information if a mediation participant presents a danger to him/herself or to another person. (Effective 1/1/20)
- ~~(g)~~(h) ~~Only the parent or the parties involved in the action may be present in the mediation session.~~ Children over eight (8) years of age must attend the mediation session and be interviewed by the mediator. **In addition to the child(ren), only the parent or the parties named in the action may be present in the mediation session.** (Effective 7/1/03; rev. 1/1/20)
- ~~(d)~~(i) In the event mediation does not result in an agreement, the mediator shall make no recommendation to the court about custody and visitation. The mediator may not be called as a witness. (Effective 7/1/03; rev. 7/1/18; renum. 1/1/20)

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JUVENILE COURT MATTERS – PROPOSED CHANGES

Chapter VII. Juvenile **Court Matters**

Preamble

Both dependency and juvenile justice cases are heard at the Juvenile Justice Center (“JJC”). These rules do not include juvenile traffic hearings or traffic hearing appeals. (Effective 1/1/20)

Section One – **General Provisions Parties**

Rule 7.0 **Jurisdiction**

- (a) Welfare and Institutions Code section 304 gives the juvenile court jurisdiction during the pendency of a juvenile dependency matter over all issues in

proceedings under the family law and probate codes that affect the custody of children. Therefore, there should be a determination at the earliest possible time whether a related family law or probate case is pending in another court. (Effective 1/1/20)

- (b) Consistent with Welfare and Institutions Code section 204, and the California Rules of Court, rules 5.440 and 5.445, it is the policy of the court to identify related cases that involve the same minor children, as such is in the best interest of children and victims appearing before the juvenile, family, criminal and probate courts and the public interest, to eliminate barriers to the exchange of essential information and data about the children and families they serve, and to avoid substantial duplication of resources by the family, courts as well as by the investigative and supervisory agencies serving the juvenile, family, criminal and probate courts. (Effective 1/1/20)

Rule 7.0.13 Ex Parte Orders (Effective 1/1/20)

- (a) Before submitting ex parte orders to the judge or referee for approval, the applicant must give notice of, and a copy of the application for ex parte orders, to all counsel, or explain the reason notice has not been given. (Effective 1/1/20)
- (b) An opposing party must present any written opposition to a request for ex parte orders to the courtroom clerk within 48 hours of receipt of notice or may have their opposition noted on the ex parte application form. Unless the court is advised there is no objection, the ex parte request will be heard or decided no sooner than 48 hours after its submission. The Court may render its decision on the ex parte application or set the matter for hearing, unless an opposition is filed in which case the matter will be set for a hearing. The applicant shall notify all persons entitled to notice of any hearing date set by the court. (Effective 1/1/20)
- (c) Notice may be dispensed with, if following a good faith attempt, notice is not possible, or if the opposing parties do not object to the requested ex parte orders. (Effective 1/1/20)

Section Two – Parties

Rule 7.1 Independent Investigation (Effective 7/1/03)

Rule 7.1.1 Access to Children in Dependency Proceedings –(Effective 7/1/03; rev. 1/1/20)

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- (b) No party or attorney in a dependency proceeding shall cause the child **who is in out of home care** to undergo a physical, medical or mental health examination or evaluation without court approval. This rule does not apply to the assigned **Department of Human Services (“DHS”)** social worker or other authorized DHS personnel. (Effective 7/1/03; rev. 1/1/20)

Rule 7.1.2 Interviewing Children Who are Alleged Victims of Child Abuse (Effective 7/1/03; rev. 1/1/20)

All **investigators in the Probation Department and DHS, and all** attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews ~~they take~~ of the child relating to the events surrounding the alleged abuse. To this end, anyone wishing to learn facts about the alleged incident shall first review any interviews taken or reports made by the investigating officer(s). (Effective 7/1/03; rev. 1/1/20)

Rule 7.1.3 **Attendance at Hearings (California Rules of Court, rule 5.530)** (Effective 7/1/03; rev. 1/1/20)

- (a) **Presence of Child ~~in Court~~ in Dependency Proceedings (Welfare and Institutions Code section 349)** (Effective 7/1/03; rev. 1/1/20)

(1) This rule governs the attendance of children at court hearings unless the child is present by subpoena, desires to be present, or by other order of the court. All children are entitled and encouraged to attend court hearings. The minor, if the minor so desires, may address the court and participate in the hearing. (Effective 7/1/03; rev. 1/1/20)

(2) Children under four (4) years of age are excused from attending court. Children four (4) years of age or older must attend if directed to attend by the court, requested to attend by a party or their counsel, if the court finds that attending would not be detrimental to the child. (Effective 1/1/20)

(3) Every child ~~ten (10) years~~ or older shall be told of his / her right to attend court hearings, and shall be given notice by the investigating ~~or older~~ shall be told of his or her right to attend court hearings and all children over the age of ten (10) shall be given notice by the investigating ~~or~~ supervising

social worker. If the minor was not notified or if he / she wished to be present and was not given an opportunity to be present, the court shall continue the hearing to allow the minor to be present unless the court finds that it is in the best interest of the minor not to continue the hearing. All children over the age of ten (10) shall attend court hearings unless excused by the court, ~~for one of the listed reasons:~~ (Effective 7/3/03; rev. 1/1/20).

~~———tThe child’s attorney waives the child’s appearance, — (Effective 7/1/03; rev. 1/1/20)~~

~~———tThe child chooses not to attend, — (Effective 7/1/03; rev. 1/1/20)~~

1. ~~——— The child is excused by the court. (Effective 7/1/03)~~

~~———tThe child is disabled, physically ill, or hospitalized, physically unable to attend, or other good cause. (Effective 7/1/03; rev. and renum. 1/1/20).~~

2. ~~———(4)~~

~~(b)——No child shall be brought to court solely for the child to confer with his or her attorney or to visit with a parent, relative or friend; nor~~ for the purpose of providing the social worker with the opportunity to make a mandated face-to-face contact with the child in order to satisfy DHS regulations or regulations of the Department of Social Services. (Effective 7/1/03; rev. and renum. 1/1/20)

(b) Minor’s Presence in Juvenile Justice Proceedings (Effective 1/1/20)

Minors shall attend all juvenile justice hearings unless specifically excused by the court. A waiver of appearance shall be only for good cause. If a request is made to excuse the minor’s presence on the ground that it shall inconvenience the minor, the court will make every effort to continue the case to a time when the minor can appear without the inconvenience. If a minor is in foster care out of county or out of state, the physical presence of the minor can be excused, only if authorized by the court. (Effective 1/1/20)

Rule 7.1.4 Disclosure of Minor’s Name (Effective 1/1/20)

Notwithstanding any other provision of law, the name of a minor may be disclosed to the public if the minor is 14 years of age or older and found by the juvenile court to be a person described in Section 602 as a result of a sustained petition for the

commission of any of the offenses listed in section 667.5 of the Penal Code, or in subdivision (c) of section 1192.7 of the Penal Code. (Welfare and Institutions Code, section 204.5) (Effective 1/1/20)

Rule 7.2 Guardian Ad Litem (Effective 7/1/03; rev. 1/1/20)

Rule 7.2.1 Children (California Rules of Court, rule 5.660 (b)) (Effective 7/1/03; rev. 1/1/20)

Upon a filing of a petition, the court shall appoint counsel for the child as provided in Welfare and Institutions Code, section 317, and California Rules of Court, rule 5.660. For the purposes of the Child Abuse Prevention and Treatment Act (Public Law 93-247), in all cases in which a dependency petition has been filed and counsel has been appointed for the child, the attorney for the child shall function as the guardian ad litem for the child in the dependency proceedings unless the court appoints another adult to serve as the child's guardian ad litem. ~~If no counsel is appointed for the child, or~~ If at any time the court determines a conflict exists between the role and responsibilities of the child's attorney and that of a guardian ad litem, or if the court determines it is best for the child to appoint a separate guardian ad litem, the court shall appoint another adult as the guardian ad litem for the child. The guardian ad litem for the child may be an attorney, a CASA, or a responsible adult who is not the child's parent or social worker. Appointed counsel and/or CASA must continue to represent the child at all subsequent proceedings unless properly relieved by the court. If a CASA is appointed as guardian ad litem, that person shall seek instructions from the court as to the proper reports to be filed pursuant to Rule 7.4.11. (Effective 7/1/03; rev. 1/1/20)

Rule 7.2.2 Adult Parties (Effective 7/1/03; rev. 1/1/20)

The court shall appoint ~~any person whom the court deems qualified as~~ a guardian ad litem to represent any **mentally** incompetent parent or guardian whose child is before the ~~Juvenile c~~ Court pursuant to a petition under Welfare and Institutions Code, section 300 **where the court finds by a preponderance of the evidence that the parent or guardian does not understand the nature of the consequences of the proceeding, or that the parent or guardian cannot assist their attorney in the preparation of their case.** (Effective 7/1/03; rev. 1/1/20)

No such appointment shall be made until the parent or guardian has notice of the proposed appointment, **has had the purpose of a guardian ad litem explained and why the attorney believes one should be appointed.** Further, the parent or guardian shall have an ~~and an~~ opportunity to be heard on the issue **before appointment.** The court retains the right to exclude all other parties to the action from the courtroom

during the hearing. The court may provide for a guardian ad litem on its own motion at any time in the proceeding based upon evidence received from any interested party. (Effective 7/1/03; rev. 1/1/20)

Rule 7.3 **Access to Courtroom by Non-Parties** (Welfare and Institutions Code sections 345, 346, 676) (Effective 7/1/03; rev. and renum. 1/1/20)

Unless specifically provided by statute, proceedings in the Juvenile Justice Center are confidential and shall not be open to the general public. (Effective 1/1/20)

The court encourages interested persons including trainees and students to attend juvenile proceedings in order to understand the workings of the Juvenile Justice Center. The court retains the discretion to determine in each case whether any such interested party shall remain in the courtroom. The court or its agent shall remind each such nonparty that the names of parties and identifying information from any case are confidential and shall not be repeated to anyone outside court. Any such person may be required by the court to sign an acknowledgment and agreement relating to his/her observation of court proceedings. (Effective 1/1/20)

Rule 7.3.1 **Child’s caregiver** (Effective 7/1/03; rev. and renum. 1/1/20).

A child’s caregiver shall be allowed to be present at the hearing, and if given permission by the court, may address the court. Participation in the court process is as described in California Rules of Court, rule 5.534(j). The child care provider has a right to be heard in each proceeding noted in rule 5.534(j)(1), but is not prohibited from addressing the court at other hearings. Written information about the child may be submitted by using Judicial Council form JV-290 (“Caregiver Information Form”) or in the form of a letter to the court. (Effective 7/1/03; rev. and renum. 1/1/20)

Rule 7.3.2 **Relatives / Non-relative extended family members** (Effective and renum. 1/1/20)

The court may permit relatives and any non-relative extended family members of the child(ren) to be present at the juvenile court hearing and address the court if his or her presence would not disrupt the orderly court process and would be consistent with the best interests of the child. A relative’s participation in the court process is as described in California Rules of Court, rule 5.534(b). A relative of the child has the right to submit information about the child to the court at any time. Written

statements should be submitted on Judicial Council form JV-285 (“Relative Information Form”) or a letter to the court. (Effective and renum. 1/1/20)

DHS and the parties shall make an effort to engage family members as early as possible in each case in an effort to facilitate placement of children removed from their parents with relatives/family members. (Effective and renum. 1/1/20)

Rule 7.3 ~~Care Providers/De Facto Parents/Relatives (Effective 7/1/03)~~

~~A child’s care provider shall be allowed to be present at the hearing and address the court.~~

Rule 7.3.3 De Facto Parents (Effective and renum. 1/1/20)

A de facto parent is defined in California Rules of Court, rule 5.502(10).

Upon a sufficient showing the Court may recognize the child’s present or previous custodians as de facto parents and grant standing to appear and participate as parties in dispositional hearings and any hearings thereafter at which the status of the dependent child is at issue. The person seeking de facto parent status shall file a noticed request / motion before the Court setting out the reasons in support of the motion utilizing Judicial Council Form JV-295-297; JV-510). (Effective and renum. 1/1/20)

At the hearing for a request for de facto parent status, the court will consider the contents of the dependency file, any report filed by the social worker or the CASA for the child, oppositions to such application and any other relevant and admissible evidence presented by the parties. Before granting de facto parent status, the court must find, by a preponderance of the evidence, that the moving party meets the criteria set forth in this rule. (Effective and renum. 1/1/20)

No person shall be granted de facto parent status who has inflicted or allowed to be inflicted serious harm on the child, including but not limited to physical, sexual, or emotional harm. (Effective and renum. 1/1/20)

The de facto parent has standing as a party to the proceedings to the degree that the proceedings directly affect the de facto parent's legally recognizable interest in the child. The de facto parent may be present at the hearing, and present evidence and shall have the rights outlined in California Rules of Court, rule 5.534(a). (Effective and renum. 1/1/20)

De facto parent status will continue only so long as the psychological bond continues to exist between the de facto parent and child. De facto parent status automatically terminates upon the termination of dependency jurisdiction or when the child reaches 18 years of age. (Effective and renum. 1/1/20)

Rule 7.4 Court Appointed Special Advocate (CASA) (Welfare and Institutions Code sections 102, 104; California Rules of Court, rule 5.655) (Effective 7/1/03; rev. 1/1/20)

~~CASA of Kern County volunteers are appointed on behalf of children and only in dependency proceedings. CASAs serve at the pleasure of the court having jurisdiction over the proceeding in which the CASA has been appointed.~~

In an action pursuant to the Welfare and Institutions Code sections 300 and 602 et seq., the court may, in an appropriate case appoint a CASA of Kern County volunteer to represent the best interests of the child. CASAs serve at the pleasure of the court having jurisdiction over the proceeding in which the CASA has been appointed and that appointment may continue after the child attains his or her age of majority, with the consent of the nonminor dependent. (Effective 7/1/03; rev. 1/1/20)

~~If the court determines that a child would not benefit from the appointment of counsel pursuant to Welfare and Institutions Code, section 317 and California Rules of Court, rule 5.660, the court must appoint a CASA for the child to serve as guardian ad litem, as required by Welfare and Institutions Code, section 326.5. The CASA has the same duties and responsibilities as a guardian ad litem and must meet the requirements set forth in California Rules of Court, rule 5.660, subdivision (e). (Effective 7/1/03)~~

In general, a CASA's functions and duties are as follows: (Effective 7/1/03; rev. and renum. 1/1/20)

- (a) To help define the best interest of children and nonminors involved under the jurisdiction of the juvenile court. (Effective 1/1/20)
- (b) Interview and observe the child. Explain the court proceedings to

the child. Establish a relationship with the child to better understand the child's needs and desires. Support the child throughout the court proceedings. (Effective 7/1/03; rev. and renum. 1/1/20)

(c) Conduct an independent investigation for the juvenile court regarding the case by review of available appropriate relevant records regarding the child and the child's family. Such shall include review of records from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, or other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic, etc. CASA's independent investigation shall also include interview of the child(ren), parties, and other persons having significant information. This may include, but is not limited to, parents, caretakers, social workers, and teachers. (Effective 7/1/03; rev. and renum. 1/1/20)

~~(a)~~(d) Determine the interests of the child, taking into account the child's age, maturity, culture, and ethnicity, and maintain the confidences of the child to the fullest extent possible consistent with the law and the best interest of the child. (Effective 1/1/20)

....

~~(d) Review available records regarding the child's family history, school behavior, medical or mental health history, et cetera. (Effective 7/1/03)~~

~~(g)~~
(g) Provide the court with a written report ~~Communicate the~~ of the results of his or her investigation, providing independent, factual information, and if ordered to do so, provide the court with any other information the court specifically requests. ~~child's needs to the court through written reports to the court and~~ The written report shall include an evaluation and assessment of the issues, a discussion of the child's needs and the child's expressed wishes (if any), as well as ~~make recommendations to the court~~ on what placement, permanent plan, and services / treatment are best for the child, as well as whether an evaluation or assessment of the child is recommended. (Effective 7/1/03; rev. and renum. 1/1/20)

....

~~(i)~~
(i) ~~Ensure that the court approved plans for the child are being implemented. (Effective 7/1/03)~~ Monitor implementation of court orders and case plans to determine whether the court's orders have

been fulfilled and that services are actually provided in a timely manner and are accomplishing the desired goals. (Effective 7/1/03; rev. 1/1/20)

- (j) In advance of each hearing, consult with the child's social worker and counsel to review recommendations and participate in negotiations, as requested and appropriate, to seek cooperative resolutions to the child's situation within the scope of the child's interest and welfare. (Effective 1/1/20)
- (k) Attend court hearings and participate as necessary. (Effective 7/1/03; rev. and renum. 1/1/20)
- (l) Investigate the interests of the child in judicial or administrative proceedings outside of Juvenile Court, Juvenile Court report to the juvenile court concerning the same; and, with the approval of the court, offer his/her services on behalf of the child or nonminor to such other courts or tribunals. (Effective 7/1/03; rev. and renum. 1/1/20)

~~In any action pursuant to Welfare and Institutions Code, sections 300 et seq., the court may, in an appropriate case and in addition to any counsel appointed for a child, appoint a CASA to represent the best interests of the child who is the subject of the proceedings. If the court determines that a child would not benefit from the appointment of counsel pursuant to Welfare and Institutions Code, section 317 and California Rules of Court, rule 5.660, the court must appoint a CASA for the child to serve as guardian ad litem, as required by Welfare and Institutions Code, section 326.5. The CASA has the same duties and responsibilities as a guardian ad litem and must meet the requirements set forth in California Rules of Court, rule 5.660, subdivision (e). (Effective 7/1/03)~~

Rule 7.4.1 Sworn Officer of the Court / Under the Supervision of the Kern County CASA Program (Effective 7/1/03; rev. and renum. 1/1/20)

- (a) A CASA is an officer of the court and is bound by all court rules under California Rules of Court, rule 103(e). At the completion of training, and before assignment to any child's or nonminor's case, the CASA volunteer must take a court-administered oath. ~~Each CASA shall be sworn in by a Superior Court judge before beginning his or her duties.~~ (Effective 7/1/03; rev. 1/1/20)
- (a)(b) A CASA volunteer shall serve under the guidance, training, and supervision of the Kern County CASA program staff and is expected to comply

with operational policies and procedures approved by the program's Board of Directors, sections 100 through 109 of the Welfare and Institutions Code, Rule 5.655 of the California Rules of Court, and any and all Judicial Council guidelines, Local Rules of Court, and the provisions of any agreement entered into by the Kern County CASA program with the Juvenile Court. (Effective 7/1/03; **rev. and renum. 1/1/20**)

~~Rule 7.4.2 Specific Duties (Effective 7/1/03)~~

~~(a) ————— The court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the CASA's duties in each case. Typically, a CASA is expected to conduct an independent investigation of the circumstances surrounding the case; to interview and observe the child and other appropriate individuals (that is, the parties involved in the case as well as other persons having significant information about the child); and to review appropriate reports and records, including relevant records pertaining to the child from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, or other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic. The extent of a CASA's investigative authority is the same as any other officer of the court appointed to investigate proceedings on behalf of the court. A CASA is required to report the results of his or her investigation to the court and, if ordered to do so, provide the court with any other information the court specifically requests. (Effective 7/1/03)~~

~~(b) ————— If no specific duties are outlined by court order, the CASA shall discharge his or her obligation to the child and court in accordance with the general duties set forth above. (Effective 7/1/03)~~

~~(c) — A CASA volunteer shall serve under the guidance and supervision of the Kern County CASA program staff and is expected to comply with operational policies and procedures approved by the program's Board of Directors, sections 100 through 109 of the Welfare and Institutions Code, Rule 5.655 of the California Rules of Court, and any and all Judicial Council guidelines, Local Rules of Court, and the provisions of any agreement entered into by the Kern County CASA program with the Juvenile Court. (Effective 7/1/03)~~

Rule 7.4.2 Prohibited Activities (California Rule of Court, rule 5.655(i).) (Effective 1/1/20)

Prohibited activities of CASA volunteers include, but are not limited to, disclosing the child(ren)'s confidential case information, taking a child or nonminor to the CASA volunteer's home, giving legal advice or therapeutic counseling, giving money or expensive gifts to the child, nonminor, or family of the child or nonminor, being related to any of the parties in the case or employed in a position or by an agency that might result in a conflict of interest, and any other activities prohibited by the juvenile court. (Effective 1/1/20)

Rule 7.4.33 Appeal and Grievance Procedures (Effective 7/1/03; rev. 1/1/20)

- (a) A CASA volunteer serves at the pleasure of the court; the appointment is a privilege and not a right. The ~~Supervising~~ Presiding Juvenile Court Judge or his or her designee has the sole authority and power to appoint and/or remove a CASA to or from a case. There is no appeal process from the court's decision. (Effective 7/1/03; rev. 1/1/20)

....

Rule 7.4.4 Case Referral and Appointment (Effective 7/1/03; rev. 1/1/20)

- (a) A child's ~~dependency~~ case may be referred by the court to the CASA program for appointment at any point in the proceeding. (Effective 7/1/03; rev. 1/1/20)

....

Rule 7.4.5 Criteria for Referral to CASA Program (Effective 7/1/03; rev. and renum. 1/1/20)

Criteria for referral to the CASA program may include, but is not limited to:

....

- (d) Children ~~ten (10) years and under~~ who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification. (Effective 7/1/03; rev. 1/1/20)

- (e) Children ~~age newborn to five (5) years old in foster care,~~ where a CASA volunteer might expedite the case toward family reunification or adoption, if reunification is not appropriate. (Effective 7/1/03; rev. 1/1/20)

....

- (g) Children ~~age newborn to eighteen (18) years~~ who have experienced three or more separate placements during any consecutive twelve-month period or who

have been detained at A. Miriam Jamison Center or some other residential care institution (excluding group homes) for thirty (30) days or more and who have been diagnosed as having or have a history of any of the following: (Effective 7/1/03; rev. 1/1/20) ~~(Effective 7/1/03)~~

....

- (h) Children in prolonged out of home care where there is a need to identify and locate relatives and other important committed adults to care and serve as life-long connections. (Effective 1/1/20)
- (i) Any ~~dependent~~ child or nonminor whose particular circumstances warrant or otherwise support the appointment of a CASA. (Effective 7/1/03; rev. and renum. 1/1/20)

Rule 7.4.6 Release of Information to a CASA / Investigative Authority / Authority to Interview (Welfare and Institutions Code section 103(h).) (Effective 7/1/03; rev. and renum. 1/1/20)

- (a) The extent of a CASA's investigation authority is the same as any other officer of the court appointed to investigate proceedings on behalf of the court. (Effective 1/1/20)
- (b) A CASA shall have the authority to interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer of the court appointed to investigate proceedings on behalf of the court. (Effective 1/1/20; renum. 1/1/20)

....

Rule 7.4.7 Report of Child Abuse (Effective 7/1/03; rev. 1/1/20)

A CASA is a mandated child abuse reporter with respect to the case to which he or she is appointed. As such, a CASA is required to report any reasonable suspicion that the child is a victim of child abuse or serious neglect as described by Penal Code ~~s~~Section 273 that has not already been reported. (Effective 7/1/03; rev. 1/1/20)

Rule 7.4.8 Communication and Visitation (Effective 7/1/03; rev. 1/1/20)

The CASA shall have the right to regular unsupervised contact with the child /

nonminor. An advocate shall visit the child regularly until the child / nonminor is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until the juvenile court matter is dismissed. (Effective 1/1/20)

There shall be ongoing, regular communication concerning the child's /nonminor's best interests, current status, and significant case developments maintained among the CASA, the social worker and/or probation officer, the child's attorney, attorneys for parents, relatives (to the extent permitted by law), caregivers foster parents (to the extent permitted by law), and any therapist for the child (to the extent permitted by law). (Effective 7/1/03; rev. 1/1/20)

Rule 7.4.9 Right to Timely Notice and Right to Appear; Calendar Priority for Advocates (Effective 7/1/03; rev. 1/1/20)

....

(c) The CASA shall have the right to participate in any chambers conferences which are held in the proceedings to which the CASA has been appointed, if deemed appropriate by the court. If the child is allowed to testify in chambers or to otherwise participate in any chambers conference, the CASA shall have the right to accompany the child. (Effective 7/1/03; rev. 1/1/20)

(d) In light of the fact that CASAs are rendering a voluntary service to the children, nonminors and the court, matters on which they appear should be granted priority on the court's calendar, whenever possible. (Effective 7/1/03; rev. 1/1/20)

Rule 7.4.10 Disclosure of Case Information by CASA, Confidentiality of Child's Case File, Confidentiality of CASA Volunteer's Personnel File Access to Records—(Effective 7/1/03; rev. 1/1/20)

(a) All information concerning children, nonminors, and families -in the juvenile court process is confidential. A CASA shall not give case information to anyone other than the court, the parties, their attorneys, and CASA staff. Any request for access to these records must be made to the Presiding Juvenile Court Judge through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code Section 827 (Form JV-570). (Effective 7/1/03; rev. 1/1/20)

....

Rule 7.4.11 Filing and Distribution of CASA Court Reports (Effective 7/1/03; rev. 1/1/20)

- (a) In any case in which a CASA has been appointed by the court and is now serving on that case, the CASA must file and serve written reports to the court and on the parties and/or their counsel at least ~~five~~ ~~ten~~ **(5+10)** calendar days before each of the following hearings: those dispositional hearings that have been continued pursuant to Welfare and Institutions Code ~~s~~**Section 358 (a)(2) and (3);**; subdivision (a); six-month review; twelve-month review (permanency hearing); eighteen-month review (permanency review hearing); selection and implementation hearing (**Welfare and Institutions Code section 366.26** hearing); and post-permanency planning reviews. **The court may excuse compliance with the above for good cause.** (Effective 7/1/03; rev. 1/1/20)

~~—The CASA may also submit reports for any special hearings noticed to CASA of Kern County and if submitted, those written CASA reports must be filed and served on the parties and/or their counsel at least five (5) calendar days before the hearing. (Effective 7/1/03)~~

If the CASA is appointed before jurisdiction is established ~~under Welfare and Institutions Code section 300,~~ the CASA may submit a written report to the court for consideration by the court at the jurisdictional hearing; any such report must be filed and served on the parties and/or their counsel at least two (2) court days before the jurisdictional hearing. (Effective 7/1/03; rev. 1/1/20)

Further, if the CASA is appointed before disposition, for those dispositional hearings in which the matter is continued pursuant to Welfare and Institutions Code section 358 (a)(1), where the child(ren) are detained, and the social worker is not alleging that subdivision (b) of section 361.5 is applicable, the CASA may submit a written report to the court for consideration by the court at the dispositional hearing; any such report must be filed and served on the parties and/or their counsel at least two (2) court days before the dispositional hearing. (Effective 1/1/20)

The CASA may also submit reports for any special hearings for which they have been noticed, and if submitted, those written CASA reports shall be filed and served on the parties and/or their counsel at least two (2) court days before the hearing, unless the court excuses such for good cause. (Effective 7/1/03; rev. 1/1/20)

Special hearings are defined as any hearing not already indicated in this section, as well as any hearing / continued hearing at which the court requests additional information. (Effective 1/1/20)

....

Section Two - Proceedings

Rule 7.5 Pre-Hearing Discovery - Dependency Cases (California Rules of Court, rule 5.546) (Effective 7/1/03; rev. 1/1/20)

Rule 7.5.1 Pretrial Discovery in Proceedings under Welfare and Institutions Code, section 300 - Dependency Cases (California Rules of Court, rule 5.546(a)) (Effective 7/1/03; rev. 1/1/20)

Pretrial discovery shall be reciprocal and shall be conducted on an informal basis. Except as protected by statute, claim of privilege, or other good cause, all relevant material shall be disclosed in a timely fashion to all parties to the litigation and/or made available to the parties upon request. (Effective 7/1/03; rev. 1/1/20)

Rule 7.5.2 Formal Discovery (California Rules of Court, rule 5.546) (Effective 7/1/03; rev. 1/1/20)

(a) Formal Discovery. Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion shall ~~state~~ specifically, and clearly designate the items sought, the relevancy and materiality of the information ~~sought~~, and shall state that a timely informal request has been made for the items at least five (5) court days before the motion was filed, and that the other party has not provided or refused to provide them, and the reasons why informal discovery was not adequate to secure that information. The motion, with supporting declaration(s) and a memorandum of points and authorities, shall be served on all parties at least five (5) ~~court~~judicial days before the hearing date. The date for the hearing shall be obtained from the ~~Clerk of the Court~~ Clerk, Juvenile Division. A copy shall be served on the court before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served two (2) ~~court~~judicial days prior to the hearing. (Effective 7/1/03; rev. 1/1/20)

(b) Civil Discovery. In order to coordinate the logistics of discovery in dependency cases, there shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of the court ~~a judge of the Juvenile Court~~ upon a noticed motion ~~as provided in Subsection (a)~~. (Effective 7/1/03; rev. 1/1/20)

Rule 7.5.3 Presentation of Evidence (Welfare and Institutions Code, sections 280, 281; California Rules of Court, rule 5.690 (Effective 7/1/03; rev. 1/1/20)

(a) Social Study Reports prepared by the Department of Human Services shall be made available to all counsel **and to any CASA volunteer** before the hearing in accordance with the following time limitations unless otherwise ordered by the court: (Effective 7/1/03; **rev. 1/1/20**)

(1) **The Jurisdictional and/or Dispositional Report shall be admissible as provided in Welfare and Institutions Code section 355, s- is are due within a reasonable time before the hearing, but at least three (3) court days before the hearing or prior to any scheduled Meet and Confer or Mediation.** (Effective 7/1/03; **rev. 1/1/20**)

(2) **The Dispositional report / social study is due at least 48 hours before the disposition hearing is set. (California Rules of Court, rule 5.690) (Effective 1/1/20)**

~~(2)~~(3) **Review of Dependency Status and Status Review Reports are due at least ~~ten (10)~~ calendar days before the hearing. (Effective 7/1/03; **renum. 1/1/20**)**

~~(3)~~(4) **All other reports shall be due a reasonable number of days before the hearing. (Effective 7/1/03; **renum. 1/1/20**)**

.....

(c) ~~(e)~~**The names of any experts to be called by any party and copies of their reports, if not part of a Social Study Report prepared by DHS, shall be provided to all counsel at least ~~ten (10)~~ **calendar** days before the hearing. (Effective 7/1/03; **rev. 1/1/20**)**

(d) **Offers of Proof. The party presenting evidence may utilize an offer of proof with regard to any witness. Other parties shall have an opportunity to examine the witness after any offer of proof is made. (Effective 1/1/20)**

Rule 7.6 Juvenile Court Dependency Mediation (Welfare and Institutions Code, section 350; Judicial Administration Standards Section 24.6) (Effective 7/1/03; **rev. 1/1/20)**

Rule 7.6.1 Process and Purpose of Juvenile Dependency Mediation ~~–~~(Effective 7/1/03; **rev. 1/1/20**)

At the discretion of the court, a case may be referred to confidential mediation in an attempt to resolve jurisdictional and/or dispositional issues in dispute or case

related problems, and to develop a related plan that is in the best interests of the child. Juvenile dependency mediation is a **problem-solving forum** ~~process~~ in which a neutral person assists the parties **in identifying and discussing the issues in an attempt to reach a full or partial agreement.** ~~in reaching an agreement resolving their dispute.~~ The mediator is not a judge and has no authority to decide the case. The goal of juvenile dependency mediation is to find a negotiated resolution acceptable to all parties. Juvenile dependency mediation provides the parties an opportunity to re-frame their relationship from that of adversaries to cooperative partners. (Effective 7/1/03; **rev. 1/1/20**)

The mediator will meet with the parents or guardians, with the Department of Human Services' Social Worker and/or supervisor, and with counsel for all the parties including the child(ren) to discuss their issues and concerns. No agreement will be made without the input of the interested parties and their concurrence. Children may attend juvenile dependency mediation sessions with their attorney's consent. CASA representatives may attend sessions of the children **for whom they are appointed** ~~they represent~~. Support persons may also be included in juvenile dependency mediation provided child's counsel waives the child's right to confidentiality, the parents agree to the support person's participation and the support person is a relative, a non-relative extended family member, a counselor or member of the clergy. The mediator may meet with each party separately or may work with everyone together in the same room. (Effective 7/1/03; **rev. 1/1/20**)

Rule 7.6.2 Referral to Dependency Mediation (Effective 7/1/03; **rev. 1/1/20**)

A case may be referred to juvenile dependency mediation at several points during the juvenile court's dependency process: before **the** jurisdictional hearing, at jurisdiction, at disposition, at any review hearing, or for exit orders. (Effective 7/1/03; **rev. 1/1/20**)

Cases are referred to juvenile dependency mediation by a court order. Any party may request juvenile dependency mediation during the dependency process. The judge may also order juvenile dependency mediation. The parties involved in juvenile dependency mediation will determine the issues to be mediated through consultation with each other, the mediator, and the court. (Effective 7/1/03)

Rule 7.6.3 **Mediation** Confidentiality (Effective 7/1/03; **rev. 1/1/20**)

Juvenile dependency mediation is a confidential process. Each party, including any support person, will sign a confidentiality statement which explains that the

information learned as a result of juvenile dependency mediation cannot be disclosed in the proceedings by any of the parties with the following exceptions: Reasonable suspicions of child abuse not previously reported, threats of harm to self or others, and the written report outlining the resolved and contested issues. All parties and CASA representatives are relieved of confidentiality restrictions while participating in juvenile dependency mediation. (Effective 7/1/03)

Juvenile dependency mediators ~~Kern County Dependency Mediators~~ have a duty when confronted with serious threats of violence against reasonably identifiable victims not previously reported, to make reasonable efforts to communicate such threats to the victim or victims and to a law enforcement agency. (*Tarasoff v. Regents of University of California* (1976) 17 Cal.3d 425, 431, 438) (Effective 1/1/20)

Rule 7.6.4 Reports to the Court (Effective 7/1/03; rev. 1/1/20)

~~Upon completion of mediation, When the parties are able to agree on certain issues,~~ the juvenile dependency mediator will report to the court what areas of agreement have been reached and what issues remain in dispute. ~~A copy of the juvenile dependency mediator’s report will be provided to each of the attorneys involved in the case, to County Counsel, to DHS, and to the Clerk of the Juvenile Court.~~ The juvenile dependency mediator will not discuss the case with any party outside the juvenile dependency mediation session or with the court at any time. (Effective 7/1/03; rev. 1/1/20)

~~A copy of the juvenile dependency mediator’s report will be provided to each of the attorneys involved in the case, to County Counsel, to the Department of Human Services, and to the Clerk of the Juvenile Court for review prior to the hearing. In cases where the parties are in full agreement about jurisdictional and dispositional issues, the agreement may be presented to the court upon completion of mediation. The mediator will notify the court to determine if the case can proceed to an immediate hearing. (Effective 7/1/03)~~

....

Rule 7.6.7 Non-Compliance (Effective 7/1/03; rev. 1/1/20)

Failure of any person, including attorneys, to comply with any court order described in this section, including attendance at a mediation conference and timely submission of social studies reports, may result in the imposition of sanctions pursuant to Code of Civil Procedure, section 177.5. (Effective 7/1/03)

~~A parent who has been given proper notice of a mediation conference and who willfully fails to appear for the mediation may be prohibited from presenting evidence at the contested hearing on the issues that were referred to mediation. (Effective 7/1/03)~~

.....

~~**Rule 7.7 — Meet and Confer Conferences** (Effective 7/1/03; Rev. 1/1/20)~~

~~(a) — Meet and Confer conferences may be calendared by a judicial officer for the purpose of attempting to resolve or narrow the disputed issues. The court need not follow the procedures outlines in this rule where there is clear evidence that a settlement conference / meet and confer will not resolve the matter. Counsel and all parties shall be ordered to appear at the date and the time set for the conference. Counsel should anticipate keeping their calendars clear of possible conflicts with scheduled meet and confer conferences. Before the meet and confer, each attorney must conduct a comprehensive interview with his or her client, and make any further investigations that he or she deems necessary to ascertain the facts.~~

~~———— (Effective 7/1/03; Rev. 1/1/20)~~

~~(b) — At the appointed date and time, all counsel, social workers and CASA, if appointed to the case, shall meet and confer outside the courtroom. The DHS social workers or their supervisors may be on telephone stand by for the settlement conference. Counsel shall advise their clients of any proposed settlement. A Joint Pretrial Statement shall be submitted to the court immediately after the conclusion of the negotiations. (Effective 7/1/03; Rev. 1/1/20)~~

~~**Rule 7.7.1 — Joint Pretrial Statement** (Effective 7/1/03)~~

~~In every contested Welfare and Institutions Code Section 300 et seq. matter for which a meet and confer conference is calendared, counsel for the parties must sign and file a Joint Pretrial Statement no later than one (1) court day after the Meet and Confer. A copy must be provided to each party including CASA and the social worker. The statement must be signed by all counsel and be the product of a good-faith meet and confer conference. The statement shall be in pleading form. Failure to file a legible Joint Pretrial Statement will be considered a violation of these orders. The following must be included in the pretrial statement: (Effective 7/1/03; Rev. 1/1/20)~~

~~(h) — Names of the attorneys and who each represents. (Effective 7/1/03)~~

~~(i) Identification of the type of hearing by reference to the appropriate statute and subdivision, and the date, time and place of the setting. (Effective 7/1/03)~~

~~(j) Identification of any party requiring the assistance of an interpreter, language and dialect. (Effective 7/1/03)~~

~~(k) A stipulated Statement of Facts for which no evidence at trial will be necessary. (Effective 7/1/03)~~

~~(l) A list of the specific issues to be determined at the hearing. (Effective 7/1/03)~~

~~(m) A list of each witness each party intends to call in his or her case in chief, including an offer of proof as to each witnesses' anticipated testimony. (Effective 7/1/03)~~

~~(n) A list identifying all documentary and physical evidence each party intends to introduce at trial. After each exhibit, it is to be plainly indicated whether counsel stipulate to its admissibility without the need for discussion or testimony at trial. (Effective 7/1/03)~~

~~_____ A time estimate for the entire hearing, including rebuttal. (Effective 7/1/03)~~

~~_____ (i) A written request for judicial notice (Evid. Code, Section 450 et. seq.)~~

~~(o) _____ (Effective 1/1/20)~~

~~Rule 7.7.2 Sanctions (Effective 7/1/03)~~

~~Failure of counsel or a party to attend the Meet and Confer and sign and file a timely Joint Pretrial Statement will result in sanctions against the offending party. Failure of one counsel or party to comply with this rule does not excuse any other counsel or party from compliance. (Effective 7/1/03)~~

~~Failure of the parties to appear at the Meet and Confer Conference may result in the parties or their counsel being precluded from presenting evidence at the contested hearing. Children need not be present at the Meet and Confer Conference unless they are specifically ordered to appear. (Effective 7/1/03)~~

~~Rule 7.7.3 — Time for Filing Report (Effective 7/1/03)~~

~~When a Meet and Confer Conference is calendared, the Department of Human Services shall prepare a report for use by counsel and parties at the Meet and Confer Conference. The report shall be submitted to the parties no later than three (3) court days prior to the Meet and Confer Conference, or as directed by the court. (Effective 7/1/03)~~

~~The Meet and Confer conferences shall be scheduled on Wednesday afternoons in the County Counsel's Office, or as otherwise ordered by the court. The Meet and Confer conferences shall be scheduled each hour commencing at 1:00 p.m. (Effective 7/1/03)~~

~~Rule 7.7.4 — No Hearing to Exceed Time Limit (Effective 7/1/03; rev. 1/1/07)~~

~~No contested hearing shall exceed a good faith time estimate as agreed to in the Joint Pretrial Statement without good cause. A failure to comply with Section 7.7.1 is not grounds for a continuance. (Effective 7/1/03; rev. 1/1/07)~~

Section Three - Motions and Orders

Rule 7.89 Notice to CASA re: Continuance (Effective 7/1/03; **rev. and renum. 1/1/20**)

When a Motion for Continuance is made pursuant to written stipulation of the parties, the CASA volunteer need not sign the stipulation to obtain the continuance; however, the CASA office must be notified of any continuance dates **including Meet and Confer and Mediation dates.** (Effective 7/1/03; **rev. and renum. 1/1/20**)

Section Four – Juvenile Justice Proceedings

Rule 7.10 Welfare and Institutions Code section 709 Protocol (Effective 1/1/20)

In all Juvenile Justice proceedings where a doubt as to the competency of the minor has been declared under Welfare and Institutions Code section 709, the protocol adopted by this juvenile court pursuant to Welfare and Institutions Code section 709(h)(5)(A)(i) must be followed by all parties. The protocol is on file with the clerk's office at the Juvenile Justice Center. (Effective 1/1/20)

Section Five – Attorney Competency Standards

Rule 7.12 General Competency Requirements - (Effective 7/1/03, rev. 7/1/17, rev. 1/1/20)

- (a) All attorneys appearing in juvenile ~~dependency and delinquency~~ proceedings must meet minimum standards of competence as set forth in these rules. These rules are applicable to attorneys employed by public agencies and attorneys appointed by the court to represent any party ~~in a juvenile dependency proceeding~~, as well as attorneys who are privately retained to represent a party. (Effective 7/1/03; rev. 1/1/20)
- (b) Every party in a **juvenile** dependency proceeding who is represented by an attorney is entitled to competent counsel (~~{Welfare and Institutions Code sSection 317.5, California- Rules of Court, rule 5.660 (d)}~~). “Competent counsel” means an attorney who is a member in good standing of the State Bar of California, who has participated in training in the law of juvenile dependency, and who demonstrates adequate forensic skills, knowledge and comprehension of the statutory scheme, the purposes and goals of dependency proceedings, the specific statutes, rules of court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs. (**California** ~~{Cal. Rules of Court, rule 5.660 (d)(1)}~~) (Effective 7/1/03; rev. 1/1/20)
- (c) Every party in a **juvenile justice** ~~delinquency~~ proceeding who is represented by an attorney is entitled to competent counsel (Welfare and Institutions Code ~~sSection 634.3, Cal. Rules of Court, rule 5.664~~). “Competent counsel” means an attorney who is a member, in good standing, of the State Bar of California, who provides representation in accordance with Welfare and Institutions Code section 634.3(a)-(1)-(3), and who has participated in training **in** the law and practice of juvenile **justice**~~delinquency~~ as defined in this rule. (**California** : Rules of Court, rule 5.664(a)) (Effective 7/1/17; rev. 1/1/20)

Rule 7.13 Attorney Screening and Standards of Representation (Effective 7/1/03; rev. 1/1/20)

Rule 7.13.1 Certification of Competency –(Effective 7/1/03, rev. 7/1/17; rev. 1/1/20)

All Public Defenders, County Counsel and appointed attorneys who represent parties in Juvenile Court proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Any appointed attorney, Public Defender or County Counsel appearing in a dependency matter for the first time shall complete and submit a Certification of Competency to the court within ten ~~(10)~~ days of his or her first appearance in a dependency matter. Any appointed attorney or Public Defender appearing in a **juvenile justice delinquency** matter for the first time shall complete and submit a Certification of Competency or Declaration of Eligibility for Appointment (Judicial Council form JV-700) to the court within ten ~~(10)~~ days of his or her first appearance in a **juvenile justice delinquency** matter. (Effective 7/1/17; **rev. 1/1/20**)

Rule 7.14 Determining Appropriate Caseloads for Appointed Children’s Counsel (Effective 7/1/03; **rev. 1/1/20**)

The attorney for the child must have a caseload that allows the attorney to perform the full range of duties required by Welfare and Institutions Code ~~s~~Section 317 (e), California Rules of Court, rule 5.660, the rules of the California State Bar Standards of Professional Conduct, and these rules, and to otherwise adequately counsel and represent the child. To enhance the quality of representation afforded to children, attorneys appointed under Welfare and Institutions Code ~~s~~Section 317 (~~ee~~) must not maintain a maximum full-time caseload that is greater than that which allows them to meet requirements set forth in relevant statutes, California Rules of Court, **rules 5.660 (d)(3) (Experience and education), (d)(4) (Standards of representation and (d)(5) (Attorney contact information)** and these local rules of court, particularly those requirements that relate to experience and education and standards of representation. (Effective 7/1/03; **rev. 1/1/20**)

Rule 7.15 **Minimum Standards of Education and Training** (Effective 7/1/03; **rev. 1/1/20**)

Rule 7.15.1 Training and Educational Requirements – Dependency —(Effective 7/1/03, rev. 7/1/17; **rev. 1/1/20**)

Each attorney appointed to appear in a dependency matter before the Juvenile Court shall not seek certification of competency and shall not be certified by the court as competent until the attorney has completed the following minimum training and educational requirements. To obtain a Certification of Competency, counsel shall have: (Effective 7/1/03)

(a) Completed a minimum of ~~Participated in at least~~ **eight (8) hours of training or**

education in ~~juvenile dependency law~~. ~~Which~~ training or education shall ~~have~~ include ~~an overview of dependency law and related information on the applicable case law and statutes, the Rules of Court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, parentage, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation and reasonable efforts;~~ ~~or~~ (Effective 7/1/03; rev. 1/1/20)

- (b) At least six (6) months experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. ~~To qualify for certification under this paragraph, the attorney must have made a substantial number of appearances and handled a variety of dependency hearings, including contested hearings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney has demonstrated knowledge and understanding of the topics listed in paragraph (a) of this subdivision's performance has substantially complied with the requirements of these rules.~~ (Effective 7/1/03; rev.1/1/20)
- (c) For any attorney appointed to represent a child, instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, transgender and questioning youth in out-of-home placement. (Effective 1/1/20)

Rule 7.15.3 ~~Attorney-Client~~ Obligations for Attorneys Representing Dependent Children

(Effective 7/1/03; rev. 1/1/06; rev. and renum. 1/1/20)

Counsel for the child or the counsel's agents are expected to: (Effective 7/1/03; rev. and renum. 1/1/20)

(a) ~~Advocate for the protection, safety and physical and emotional well-being of the child or nonminor dependent.~~ (Effective 1/1/20)

~~(a)~~(b) Meet regularly with the child, and to ~~h~~Have sufficient personal contact with the child to establish and maintain an adequate and professional attorney-client relationship. The child's or attorney's agent must have personal contact with the child prior to the jurisdictional hearing and, thereafter, as often as competent representation requires. In no event shall such subsequent personal contact occur less than once every six (6) months after assumption of jurisdiction. The attorney or attorney's agent shall interview all children four (4) years or older in person. Whenever possible, the child shall be interviewed at the child's placement. (Effective 7/1/03; rev. and renum.1/1/20)

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(d) ~~Contact social workers and other professionals associated with the child's case; to~~ ~~to~~ work with other counsel and the court to resolve disputed aspects

of a case without contested hearing, if possible; and to adhere to the mandated timelines. (Effective 1/1/20)

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(g) Maintain a caseload that allows the attorney to perform the duties required by Welfare and Institution Code sSection 317(e) and California Rules of Court, rule 5.660, and to otherwise adequately counsel and represent the child/~~nonminor dependent youth~~. (Effective 7/1/03; rev. and renum. 1/1/20)

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Rule 7.15.4 Conflict of interest guidelines for attorneys representing siblings (California Rules of Court, rule 5.660 (c)) (Effective 1/1/20)

(a) The court may appoint a single attorney to represent a group of siblings involved in the same dependency proceeding. An attorney must decline to represent one or more siblings in a dependency proceeding, and the court must appoint a separate attorney to represent the sibling or siblings, if, at the outset of the proceedings an actual conflict of interest exists among those siblings or circumstances specific to the case present a reasonable likelihood that an actual conflict of interest will arise among those siblings. (Effective 1/1/20)

(b) The following circumstances, standing alone, do not necessarily demonstrate an actual conflict of interest or a reasonable likelihood that an actual conflict of interest will arise: There is a purely theoretical or abstract conflict of interest among the siblings, some of the siblings appear more likely than others to be adoptable; the siblings may have different permanent plans, the siblings express conflicting desires, but the issues involved are not material to the case, or the siblings give different or contradictory accounts of the events, but the issues involved are not material to the case. Conflicting reports regarding abuse from siblings, however may represent an actual conflict of interest. (Effective 1/1/20)

(c) An attorney representing children has an ongoing duty to evaluate the interests of each child and assess whether there is an actual conflict of interest. If an attorney believes that an actual conflict has developed during representation, he or she must take any action necessary to ensure that the siblings' interests are not prejudiced, including notifying the court of the conflict and requesting to withdraw from representation of some or all of the siblings. (Effective 1/1/20)

Rule 7.15.5 **Training and Educational Requirements – Juvenile Justice**~~Delinquency~~ (Effective 7/1/17; rev. and renum. 1/1/20).

Only those attorneys who, during each of the most recent three calendar years, have dedicated at least 50 percent of their practice to juvenile ~~justice delinquency~~ and demonstrated competence or who have completed a minimum of 12 hours of training or education during the most recent 12-month period in the area of juvenile ~~justice delinquency~~, may be appointed to represent youth. To obtain a Certification of Competency, counsel shall have completed training in the following areas (Effective 7/1/17, rev. and renum. 1/1/20):

(a) An overview of ~~juvenile justice delinquency~~ laws and related statutes and cases (Effective 7/1/17; rev. 1/1/20);

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(h) Cultural competency and sensitivity relating to, and best practices for, —providing adequate care to lesbian, gay, bisexual, ~~and~~ transgender ~~and questioning~~ youth; (Effective 7/1/17; rev. 1/1/20)

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(p) ~~Transfer of jurisdiction to criminal court hearings and advocacy in adult court;~~ (Effective 7/1/17; rev. 1/1/20) ~~Fitness hearing and advocacy in adult court;~~

Rule 7.15.64 Renewal of Certificate of Competency – ~~Juvenile Justice Delinquency~~ (California Rules of Court, rule 5.663 (c)) ~~(Effective 7/1/17; rev. and renum. 1/1/20)~~

(a) ~~(a)~~ In order to retain his or her certification to practice before the ~~Juvenile Court in juvenile justice matters~~, each attorney who has been previously certified by the court shall ~~complete at least eight (8) hours per calendar year of continuing education, for a total of 24 hours, during each MCLE compliance period.~~ (Effective 7/1/17; rev. and renum. 1/1/20)

(b) ~~Counsel shall submit a new~~ ~~The attorney shall attach the renewal~~ Certificate of Competency to the court every three (3) years after initial certification. ~~The attorney shall attach the renewal~~ Certificate of Competency as evidence that he or she has completed at least eight (8) hours per year of continuing training or education directly related to delinquency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certification of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider, a

copy of the training or education program schedule, together with evidence of attendance of such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement. (Effective 7/1/17; **rev. and renum. 1/1/20**)

~~(b)~~

(c) The attorney's continuing **annual** training or education shall be in the areas set forth in **California Rules of Court, r**Rule 5.664 (b)(2) **, and must take place annually as follows:** (Effective 7/1/17; **rev. and renum. 1/1/20**)

(d) An attorney who is eligible to represent youth in juvenile justice matters for only a portion of the corresponding MCLE compliance period must complete training hours in proportion to the amount of time the attorney was eligible. An attorney who is eligible to represent youth in juvenile justice proceedings for only a portion of a calendar year must complete two (2) hours of training for every three (3) months of eligibility. The 12 hours total initial training may be applied toward the continuing training requirements for the first compliance period. (Effective 7/1/17; **rev. and renum. 1/1/20**)

~~1. Attorney must complete at least eight (8) hours per calendar year of continuing education, for a total of 24 hours, during each MCLE compliance period.~~

~~2. An attorney who is eligible to represent delinquent youth for only a portion of the corresponding MCLE compliance period must complete training hours in proportion to the amount of time the attorney was eligible. An attorney who is eligible to represent delinquent youth for only a portion of a calendar year must complete two hours of training for every three months of eligibility.~~

~~3. The 12 hours total initial training may be applied toward the continuing training requirements for the first compliance period.~~

Rule 7.16 — Attorney-Client Obligations for Attorneys Representing Dependent Children

~~(Effective 7/1/03; rev. 1/1/06; rev. and renum. 1/1/20)~~

~~Counsel for the child or the counsel's agents are expected to: (Effective 7/1/03)~~

~~—— Advocate for the protection, safety and physical and emotional well being of the child or nonminor dependent. (Effective 1/1/20)~~

~~A. —— Meet regularly with the child, and to hHave sufficient personal contact with the child to establish and maintain an adequate and professional attorney-client relationship. The child's attorney or attorney's agent must have personal contact with the child prior to the jurisdictional hearing and, thereafter, as often as competent representation requires. In no event shall such subsequent personal contact occur less than once every six (6) months after assumption of jurisdiction. The attorney or attorney's agent shall interview all children four (4) years or older in person. Whenever possible, the child shall be interviewed at the child's placement. (Effective 7/1/03; rev. and renum.1/1/20)~~

~~B. —— Explain fully, consistent with the child's ability to understand, the nature and consequences of the court proceedings. (Effective 7/1/03; renum. 1/1/20)~~

~~—— Contact social workers and other professionals associated with the child's case, to work with other counsel and the court to resolve disputed aspects of a case without contested hearing, if possible, and to adhere to the mandated timelines. (Effective 1/1/20)~~

~~C. —— Have sufficient contact with the child's care giver, CASA, if any, and/or therapist, if any, to assess accurately the child's well being and needs. (Effective 7/1/03; renum. 1/1/20)~~

~~D. —— Monitor the child's development throughout the course of the proceedings and advocate for services that will provide a safe, healthy, and nurturing environment for the child. (Effective 7/1/03; renum. 1/1/20)~~

~~—— Maintain a caseload that allows the attorney to perform the duties required by Welfare and Institution Code, sSection 317(e) and California Rules of Court, rule 5.660, and to otherwise adequately counsel and represent eachthe child/youth. (Effective 7/1/03; renum. 1/1/20)~~

~~E. —— All efforts must be made to support attorneys who provide legal representation to children and nonminor dependents in dependency court and to~~

~~keep caseloads manageable. ; and (Effective 7/1/03; rev. 1/1/06; rev. and renum. 1/1/20)~~

~~—Immediately inform the court of any interest or right of the child which may need to be protected or pursued in other judicial or administrative forums beyond the scope of the dependency proceeding and seek instructions from the court as to the appropriate procedure to follow. (Effective 7/1/03; rev. and renum. 1/1/20)~~

Rule 7.167 Procedures for Reviewing and Resolving Complaints and Requests for Appointment of New Counsel (Effective 7/1/03; rev. and renum. 1/1/20)

Rule 7.167.3 Court Response to Complaint (Effective 7/1/03; rev. and renum. 1/1/20)

- (a) ~~Upon receipt of a written complaint, a~~ copy of the complaint shall be provided to the attorney in question and his or her supervisor, if any, ~~complained of~~ within ten (10) days of receipt by the court. The attorney shall have 20 days from the date of the notice to respond to the complaint in writing. The attorney should attempt to obtain an informal resolution of the matter before responding to the complaint. (Effective 7/1/03; rev. and renum. 1/1/20)
- (b) The court shall review the complaint to determine if the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules. ~~The court may ask the complainant or the attorney for additional information before making a determination on the complaint.~~ (Effective 7/1/03; rev. and renum. 1/1/20)
- (c) If the court finds that the attorney acted contrary to the rules or policies of the court, the court may: reprove the attorney, either privately or publically, order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, or order that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have acted incompetently. In egregious cases, the court may refer the matter to the State Bar for further action. (Effective 1/1/20)
- (d) The court may ~~also either~~ schedule a hearing on the complaint, in which case the party and the attorney shall be notified of their right to be present. ~~Any hearing or written ruling shall occur within 30 days of the date the complaint is received by the court.~~ (Effective 7/1/03; rev. and renum. 1/1/20)
- (e) ~~T, or~~ the court may ~~seek a written response from the attorney and~~ rule on the complaint in writing. ~~The court will notify the attorney at the attorney's address~~

of record and the complaining party in writing of its determination of the complaint. (Effective 7/1/03; rev. and renum. 1/1/20)

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Rule 7.167.5 Notification ~~to~~of Attorney and Complaining Party (Effective 7/1/03; rev. and renum. 1/1/20)

In the event of a hearing, the court may take the matter under submission, or the court may render an oral ruling at the conclusion of the hearing. Absent such an oral ruling, the court shall send its written ruling on the complaint to the attorney and the complaining party within ~~twenty-four (24)~~ hours of issuing the written ruling.

If no hearing was held, the attorney shall have ~~ten (10)~~ days after the date of the written ruling to request a hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination shall become final. (Effective 7/1/03; rev. and renum. 1/1/20)

Rule 7.167.6 Attorney Request for Hearing —(Effective 7/1/03; rev. 1/1/07; rev. and renum. 1/1/20)

If the attorney requests a hearing ~~pursuant to Rule 7.17.6~~, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefor, but in no case shall it be held more than ~~thirty (30)~~ days after it has been requested, except by stipulation of the parties, **or other good cause**. -The complainant and the attorney shall each be given at least ~~ten (10)~~ days' notice of the hearing. - ~~The hearing may be held in chambers.~~ -The hearing shall not be open to the public. (Effective 7/1/03; rev. 1/1/07; renum. 1/1/20)

Rule 7.167.7 Conduct of Hearing —(Effective 7/1/03; rev. and renum. 1/1/20)

At the hearing, the complainant and the attorney shall have the right to present arguments with respect to the court's determination. Such arguments shall be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial

determination with respect to the complaint. Within ten (10) days after the hearing, the court shall issue a written determination upholding, reversing or amending the court's original determination. This decision shall be the final determination of the court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney, as well as the Indigent Defense Program administrator if the attorney has been appointed to the case as a member of the IDP, **the County Counsel if the attorney is a Deputy County Counsel**, or to the Public Defender if the attorney is a Deputy Public Defender. (Effective 7/1/03; **rev. and renum. 1/1/20**)

Rule 7.167.8 **Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law. (Effective 1/1/20)**

Rule 7.167.9 **Oral Request for a New Attorney (Effective 7/1/03; rev. and renum. 1/1/20)**

During any hearing in a ~~juvenile dependency~~ proceeding, a party may make an oral request for his or her attorney to be relieved and for new counsel to be appointed. When such a request is made, the court shall suspend the ~~proceedings~~**hearing** and conduct a ~~closed-in-camera~~ hearing **where only the court, necessary courtroom personnel, the party requesting that his / her attorney be relieved, and that attorney, will be present.** After hearing the basis for the request to substitute appointed counsel, and hearing from the defense attorney, ~~if~~ the court determines there is good cause to relieve the attorney, the attorney shall be relieved and a new attorney appointed. The ~~juvenile dependency~~ proceeding shall then be continued to permit the new attorney to become familiar with the case. If the court determines there is not good cause to relieve the attorney, the dependency hearing shall resume with the attorney continuing to represent the party. **The transcript of the proceeding will be sealed.** (Effective 7/1/03; **rev. and renum. 1/1/20**)

Rule 7.1788 **Procedures for Informing the Court of the Interests of a Dependent Child (Effective 7/1/03; renum. 1/1/20)**

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~~1.~~**(b)** Notice to the court may be given by the filing of Judicial Council Form JV-180 **(Request to Change Court Order)** or by the filing of a declaration, **or, in the case of an individual who is not a party to the action, by sending a signed letter addressed to the court.** In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there, **and any case number or other**

identifying information regarding the proceeding. (Effective 7/1/03; rev. and renum. 1/1/20)

- (c) A copy of the notice must be served on the child’s social worker and on the child’s attorney and/or CASA before the notice is filed with the court. Such service may be effected by personal service, first-class mail, or the equivalent, and must be indicated on a proof of service filed with the notice. In the case of an individual who is not a party to the action who files a letter with the court, the clerk of the court will serve a copy of the letter on the child’s social worker and on the child’s attorney and/or CASA. (Effective 1/1/20)

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- (e) If the court determines that further action is required, the court may do one or more of the following: (Effective 1/1/20)
 - 1. Authorize an attorney to pursue the matter on the child’s behalf in the other forum on a pro bono or contingency basis.
 - 2. Appoint a guardian ad litem for the child to make decisions on the child’s behalf related to the potential civil proceedings. Upon the filing of an action in another forum, the court may reappoint the guardian ad litem appointed by the juvenile court or appoint a different person as guardian ad litem for the child pursuant to Code of Civil Procedure section 372.
 - 3. Notice a joinder hearing pursuant to Welfare and Institutions Code section 362, subdivision (b), compelling a responsible agency to report to the court as to whether it has fulfilled its legal obligation to provide services to the child.
 - 4. Take such other action the court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

~~2.~~(f)

The child’s attorney shall inform the court in writing at least every six (6) months of the status of any non-dependency –related litigation or potential litigation involving a child / nondependent minor. (Effective 7/1/03; rev. and renum. 1/1/20)

PROBATE MATTERS – PROPOSED CHANGES

Rule 8.10 **Guardianships** (Effective 7/1/03, rev. and renum. 7/1/18; rev. 1/1/19; rev. 1/1/20)

Rule 8.10.3 **Guardianship Questionnaires and Investigations** (Effective 1/1/20)

- A. A Guardianship Questionnaire (Form 8524) shall be completed, signed

under penalty of perjury, and filed with all petitions for probate guardianship. Each proposed guardian shall complete, sign, and file a separate Guardianship Questionnaire, even if they are married and/or living in the same household. The form contains a Release of Information, which must be signed to enable court investigators to access the information required under Probate Code Section 1513.

- B. All other adults who live in the proposed guardian's home, must complete and sign the background information page of the Guardianship Questionnaire (Form 8524). This page must be completed under penalty of perjury and include the individual's consent to a background check to enable court investigators to access the information required under Probate Code Section 1513. In cases with multiple proposed guardians, only one background information page is required for each other adult.
- C. A Guardianship Objection/Termination Questionnaire (Form 8525) shall be completed, signed under penalty of perjury, and filed with:
 - 1. all petitions to terminate probate guardianship; and
 - 2. all objections to probate guardianship.

Each person opposing the probate guardianship shall complete a separate Guardianship Objection/Termination Questionnaire (Form 8525), even if they are married and/or living in the same household. The questionnaire contains a Release of Information, which must be signed to enable court investigators to access the information required under Probate Code Section 1513.

- D. All other adults who live in the home of the person opposing the probate guardianship, must complete and sign the background information page of the Guardianship Objection/Termination Questionnaire (Form 8525). This page must be completed under penalty of perjury and include the individual's consent to a background check to enable court investigators to access the information required under Probate Code Section 1513. In cases with multiple parties opposing the guardianship, only one background information page is required for each other adult.
- E. Although pertinent information provided on the Guardianship Questionnaire (Form 8524) and the Guardianship Objection/Termination Questionnaire (Form 8525) may be shared with other parties during the investigation, the forms themselves contain personal identifiers and are confidential. The forms will not become part of the public record. The forms shall not be released to any party or their attorney without a court order. The clerk must maintain these forms in a manner that will protect and preserve their confidentiality.

Rule 8.10.4 Confidential Information From the California Law Enforcement Telecommunications System (Effective 1/1/20)

Confidential information from the California Law Enforcement Telecommunications System (CLETS) is obtained by the Court in the form of a CLETS report. The CLETS report shall be used by Family Court Services to complete the investigation required by Probate Code Section 1513, and an individual's CLETS results will be included in the investigative report. However, the CLETS report itself is available only to the person who is the subject of the report, or his/her attorney, upon request to the Manager of Family Court Services.

COURT COMMUNICATION PROTOCOL FOR DOMESTIC VIOLENCE AND CHILD CUSTODY ORDERS – PROPOSED CHANGES

Chapter IX. Court Communication Protocol for Domestic Violence and Child Custody Orders:

This rule provides for a protocol that is adopted in conformity with California Rules of Court, rule ~~5.450~~**5.445** and Penal Code, section 136.2. For the purposes of this rule, the following definitions apply: (Effective 1/1/06; **rev. 1/1/20**)

(a) "Criminal court protective order" (hereafter CPO) means any court order issued under California Penal Code, section 136.2 arising from a complaint, an information, or an indictment in which the victim or witness and the defendant have a relationship as defined in California **Family Code section 6211**~~Penal Code, section 13700~~. (Effective 1/1/06; **rev. 1/1/20**)

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(e)**(e)** Protect the rights of all parties and enhance the ability of law enforcement to enforce orders.

(f)**(f)** Encourage courts to establish regional communication systems with courts in neighboring counties regarding the existence of and terms of criminal court protective orders.

(g)**(g)** This rule is not intended to change the procedures, provided in Family Code section 6380, for the electronic entry of domestic violence restraining orders into the Domestic Violence Restraining Order System.

Rule 9.5 Requirements of Penal Code Section 136.2~~(fj)~~**(1) and (2)** (Effective 1/1/06; **rev. 1/1/20**)