



# SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

**CHARLES R. BREHMER**  
PRESIDING JUDGE

**JOHN S. SOMERS**  
ASST. PRESIDING JUDGE

**TERRY McNALLY**  
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  
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(760) 384-5900

The proposed amendments to the Superior Court of California, County of Kern, Local Rules of Court for July 1, 2017 are provided for your review at:

[www.kern.courts.ca.gov](http://www.kern.courts.ca.gov)

1. Rule 6.16 Long Cause Matters
2. Rule 7.11 Purpose and Authority
3. Rule 7.12 General Competency Requirements
4. Rule 7.13.1 Certification of Competency
5. Rule 7.15.1 Training and Educational Requirements - Dependency
6. Rule 7.15.2 Renewal of Certification of Competency - Dependency
7. Rule 7.15.3 Training and Educational Requirements - Delinquency
8. Rule 7.15.4 Renewal of Certificate of Competency - Delinquency

You may submit your comments by email to: [wmadmin@kern.courts.ca.gov](mailto:wmadmin@kern.courts.ca.gov) or mail your comments to:

Terry McNally, CEO  
Superior Court of California  
County of Kern  
1415 Truxtun Avenue  
Bakersfield, CA 93301

All comments must be received by 5:00 p.m. Monday, May 1, 2017.

Very truly yours,

TERRY McNALLY

## Local Rules of Court (Distribution for Public Comment)

Per California Rules of Court 10.6.13, the Superior Court of California, County of Kern, is distributing the following proposed amendments to the Local Rules of Court for public comment for the July 2017 cycle. Public comment can be submitted by either mailing your comments to the Court Executive Officer, County of Kern, 1415 Truxtun Ave. Bakersfield, CA 93301 or submitting them via the following email site [wadmin@kern.courts.ca.gov](mailto:wadmin@kern.courts.ca.gov). All submissions must be received by no later than the close of business on May 1, 2017.

### **METROPOLITAN DIVISION FAMILY LAW PROPOSED CHANGES TO LOCAL RULES**

#### **Rule 6.16 Long Cause Matters (Effective 7/1/17)**

In any case in which the parties agree that a contested hearing will take at least two (2) hours, the Court may specially set a Long Cause hearing at 1:30 p.m.

**Rule 6.16.1** A Long Cause hearing is intended to be the only matter on the Court's 1:30 p.m. calendar. Counsel shall therefore not schedule another Long Cause hearing at the same time.

**Rule 6.16.2** A specially set Long Cause hearing shall be given priority over all other matters (except abandonment, domestic violence and contempt cases). Counsel are expected to be in Court at 1:30 p.m. to begin the hearing.

### **PROPOSED CHANGES TO LOCAL RULES 7.11 THROUGH 7.15.4**

#### **Rule 7.11 Purpose and Authority (Effective 7/1/03, rev. 7/1/17)**

These rules are established to comply with California Rules of Court, rules 5.660 and 5.664. (Effective 7/1/03)

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

- (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. (Effective 7/1/03)
- (b) Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel (Welfare and Institutions Code Section 317.5, California Rules of Court, rule 5.660 (ed)). "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~~ Rules of Court, rule 5.660 ~~(de)†(1)~~) (Effective 7/1/03)

- (c) Every party in a delinquency proceeding who is represented by an attorney is entitled to competent counsel (Welfare and Institutions Code Section 634.3, ~~California~~ 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 the law and practice of juvenile delinquency as defined in this rule. (~~California~~ Rules of Court, rule 5.664(a)) (Effective 7/1/17)

**Rule 7.13 Attorney Screening and Standards of Representation** (Effective 7/1/03)

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

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 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 delinquency matter. (Effective 7/1/17)~~

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

Rule 7.15.1 Training and Educational Requirements - ~~Dependency~~ (Effective 7/1/03, ~~rev. 7/1/17~~)

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) Participated in at least eight (8) hours of training or education in Juvenile Dependency law, which training or education shall have included information on the applicable case law and statutes, the Rules of Court,

Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation and reasonable efforts; or (Effective 7/1/03)

- (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. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules. (Effective 7/1/03)

Rule 7.15.2 Renewal of Certification of Competency - **Dependency** (Effective 7/1/03, **rev. 7/1/17**)

- (a) In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court every three (3) years after initial certification. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency 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 7/1/03)
- (b) The attorney's continuing training or education shall be in the areas set forth in Rule 743.1(a) **5.660 (d)(3)**, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the Rules of Evidence, adoption, practice and parentage issues, the Uniform Child Custody Jurisdiction Enforcement Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and Rules of Civil Procedure. (Effective 7/1/03, **rev. 7/1/17**)

Rule 7.15.3 Training and Educational Requirements – Delinquency (Effective 7/1/17)

Only those attorneys who, during each of the most recent three calendar years, have dedicated at least 50 percent of their practice to juvenile 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 delinquency, may be appointed to represent youth. To obtain a Certification of Competency, counsel shall have completed training in the following areas:

- (a) An overview of delinquency law and related statutes and cases;
- (b) Trial skills, including drafting and filing pretrial motions, introducing evidence at trial, preserving the record for appeal, filing writs, notices of appeal, and posttrial motions;
- (c) Advocacy at the detention and dispositional phases;
- (d) Child and adolescent development, including training on interviewing and working with adolescent clients;
- (e) Competence and mental health issues, including capacity to commit a crime and the effects of trauma, child abuse, and family violence, as well as crossover issues presented by youth involved in the dependency system;
- (f) Police interrogation methods, suggestibility of juveniles, and false confessions;
- (g) Counsel's ethical duties, including racial, ethnic, and cultural understanding and addressing bias;
- (h) Cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual and transgender youth;
- (i) Understanding of the effects of and how to work with victims of human trafficking and commercial sexual exploitation of children and youth;
- (j) Immigration consequences and the requirements of Special Immigrant Juvenile Status;
- (k) General and special education, including information on school discipline;
- (l) Extended foster care;
- (m) Substance abuse;

- (n) How to secure effective rehabilitative resources, including information on available community-based resources;
- (o) Direct and collateral consequences of court involvement;
- (p) Fitness hearing and advocacy in adult court;
- (q) Appellate advocacy
- (r) Advocacy in the postdispositional phase

Rule 7.15.4 Renewal of Certificate of Competency – Delinquency (Effective 7/1/17)

- (a) In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court every three (3) years after initial certification. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight (8) hours 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.
- (b) The attorney's continuing training or education shall be in the areas set forth in Rule 5.664 (b) (2), and must take place annually as follows:
  - ~~a.~~ 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.
  - ~~b.~~ 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.
  - ~~c.~~ 3. The 12 hours total initial training may be applied toward the continuing training requirements for the first compliance period.