

## **CHAPTER 11**

### **JUVENILE COURT RULES**

#### **RULE 11.1 TIMELINESS**

Unless otherwise specifically approved by the Court, accompanied by applicable time waivers, attorneys for parties are required to adhere to the statutory timeliness for all filings and hearings.

*(Rule 10.1 renumbered rule 11.1 effective July 1, 2005; adopted effective July 1, 2001.)*

#### **RULE 11.2 MANDATORY SETTLEMENT CONFERENCE**

In every dependency case in which a Petition for Jurisdiction has been filed, the Court shall set a Mandatory Settlement Conference prior to the date for the Jurisdictional Hearing in order to afford all parties and their counsel the opportunity to attempt to resolve the matter by Stipulation without the necessity of Jurisdictional Hearing.

*(Rule 10.2 renumbered rule 11.2 effective July 1, 2005; adopted effective July 1, 2001.)*

#### **11.3 COMPETENCY OF COUNSEL IN DEPENDENCY PROCEEDINGS**

##### **Section A Purpose and Applicability**

This rule is established to comply with Section 317 of the Welfare and Institutions Code and Rule 1438 of the California Rules of court. On proper application and showing, the requirements of these Rules pertaining to competence of counsel can be waived or modified when necessary to provide counsel in juvenile dependency cases (Court automatically appoints counsel for children for duration of court's jurisdiction over minor child. Counsel will only be relieved upon proper motion and order of the Court.)

##### **Section B General Competency Requirement**

Any party in a dependency proceeding who is represented by an attorney is entitled to competent counsel.

(1) [Definition] "Competent counsel" means (1) 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.

(2) [Evidence of Competence] The court may require evidence of competency of any attorney appointed to represent a party in a dependency proceeding.

(3) [Experience and Education] Only those attorneys who have completed a minimum of eight (8) hours of training or education in the area of juvenile dependency, or who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. Training and education must include information on child development, child abuse, domestic violence, family reunification and preservation. Within every three years attorneys must complete at least eight (8) hours of continuing education related to dependency proceedings.

(4) [Standards of Representation] Attorneys or their agents are expected to meet regularly with clients including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers and other professionals associated with the client's case,

to work with other counsel to resolve disputed aspects of a case without a contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship.

### **Section C Procedures For Reviewing and Resolving Complaints**

(1) Any party to a dependency proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed counsel in that proceeding.

(2) When counsel is appointed the Court shall advise each adult, in general terms, of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. In the case of a minor client the notice shall be given to the current caretaker of the child.

(3) All complaints to the Court shall be in writing and directed to the judge assigned to the proceeding and filed with a court clerk. The Court shall review all complaints received. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or professionally, the Court shall notify the attorney in question of the complaint and shall give the attorney the opportunity to respond in writing within 10 court days, or up to 30 calendar days if good cause shown. The Court shall review the complaint and response and make additional inquiry to determine if the attorney acted incompetently or unprofessional. If the Court so finds, the Court may replace the attorney, impose sanctions as provided by law and/or refer the matter to the State Bar of California for further action. The Court shall notify the attorney and the party in writing of its determination concerning the allegations of the complaint.

### **Section D Time Lines/Procedures**

Attorneys for parties are required to adhere to the statutory time lines (Rules of court, Welfare and Institutions Code) for all hearings.

*(Effective July 1, 2006)*