

LOCAL RULES by COUNTY:

Alameda	Marin	San Luis Obispo
Amador	Mariposa	San Mateo
Butte	Mendocino	Santa Barbara
Calaveras	Merced	Santa Clara
Colusa	Modoc	Santa Cruz
Contra Costa	Mono	Shasta
Del Norte	Monterey	Sierra
El Dorado	Napa	Siskiyou
Fresno	Nevada	Solano
Glenn	Orange	Sonoma
Humboldt	Placer	Stanislaus
Imperial	Plumas	Sutter
Inyo	Riverside	Tehama
Kern	Sacramento	Trinity
Kings	San Benito	Tulare
Lake	San Bernardino	Tuolumne
Lassen	San Diego	Ventura
Los Angeles	San Francisco	Yolo
Madera	San Joaquin	Yuba

ALAMEDA COUNTY

Rule 5.536. Attorney Competency Requirement

(a) General standard for attorneys in juvenile proceedings

All court-appointed attorneys appearing in juvenile proceedings must be members in good standing of the State Bar of California and must meet the minimum standards of competency set forth in the following subsections of this rule.

(b) Minimum standard for client communications

Attorneys representing children and parents in dependency cases must make all reasonable efforts to meet face-to-face or by telephone with their clients at least once during each six-month review period. A conference with the client at a scheduled court appearance shall not count as the required minimum meeting.

AMADOR COUNTY

Rule 14.01. Appointment of Counsel in Juvenile Dependency Proceedings

E. Standards of Representation.

All attorneys appearing in dependency proceedings shall meet the following standards of representation:

1. The standards set forth in California Rule of Court 5.660 shall be the minimum standards of representation of clients in dependency proceedings.
2. Attorneys representing children are strongly encouraged to visit such children who are the subjects of dependency proceedings, whether placed in their own homes or in out-of-home placements, in the children's placement environment as an integral part of preparation for upcoming disposition or review hearings. It is important for the child to meet with the attorney outside of the courthouse setting. Further, the attorney should

make an independent assessment of how the child is being cared for on a day-to-day basis. In the event that the attorney receives any information that the child is at risk in his/her placement, the attorney or his or her representative shall visit the child wherever the child may be placed and, if substantiated, take the appropriate action.

BUTTE COUNTY

Rule 17.3. GENERAL COMPETENCY REQUIREMENTS

(c) Attorneys are expected to meet regularly with clients, including children, contact social workers and other professionals associated with the client's case, work with other counsel and the court to resolve disputed issues without hearing, and adhere to mandated timelines. The child's attorney is not, however, required to assume the responsibilities of a social worker, or to perform services for the child unrelated to legal representation. (CRC 5.660(b)(4)).

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CALAVERAS COUNTY

Rule 5.50. APPOINTMENT OF COUNSEL IN JUVENILE DEPENDENCY PROCEEDINGS

(b) General Competency Requirement. All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence as set forth in California Rules of Court, Rule 5.660(d). This rule is applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in juvenile dependency proceeding, and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

(c) Screening for Competency:

(1) All attorneys who represent parties in juvenile court proceedings shall meet the minimum standards of training and/or experience as set forth above. Any attorney appearing in a dependency matter for the first time shall complete and submit a Certificate of Competence to the court within 10 days of his or her first appearance in a dependency matter.

(2) Attorneys who meet the minimum standards of training and/or experience as set forth above, as demonstrated by the information contained in the Certificate of Competence submitted to the court, shall be deemed competent to practice before the Juvenile Court in dependency cases except as provided in subdivision 3.

(3) Notwithstanding the submission of a Certificate of Competence which demonstrates that the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency proceeding, that a particular attorney does not meet minimum competency standards. In such case, the court shall proceed as set forth in section F of this rule.

(4) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

(e) Standards of Representation. All attorneys appearing in dependency proceedings shall meet the minimum standards of representation as set forth in California Rules of Court, Rule 5.660.

COLUSA COUNTY

Rule 16.07. ATTORNEY FOR THE CHILD

Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceedings within or outside the juvenile court system.

(A) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four (4) years or older so the attorney may effectively represent to the court how the child's wishes and interests may best be addressed.

(B) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(1) Judicial Council forms Juvenile Dependency Petition(JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the court and request direction from the court.

(2) Upon receipt of the request by counsel for instructions from the court, the court shall do one or all of the following:

(a) Refer the matter to the appropriate agency for further investigation, and require a report to the court and counsel within a reasonable time;

(b) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(c) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action;

(d) Take any other action to protect the interests and rights of child.

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CONTRA COSTA

Rule 10 N. Screening for Competency

3. Standards of Representation

All court-appointed attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

a) Attorneys are expected to meet regularly with clients, including clients who are children, to contact social workers and other professionals associated with the client's case, to work with other counsel and the Court to resolve disputed aspects of a case without hearing, and to adhere to the mandated time lines.

b) If the client is a child, the attorney or the attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person, if possible. Whenever possible, the child shall be interviewed or seen at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.

DEL NORTE COUNTY

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EL DORADO COUNTY

Rule 11.00.00. JUVENILE PROCEEDINGS

As amended through January 1, 2010

Rule 11.00.12. APPOINTMENT OF PRIVATE ATTORNEYS

B. General Competency Requirement. All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence as set forth in these rules. These rules are applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

C. Screening for Competency.

(1) All attorneys who represent parties in juvenile court proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Any attorney appearing in a dependency matter for the first time shall complete and submit a Certification of Competency to the Court within 10 days of his or her first appearance in a dependency matter.

(4) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California County in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

E. Standards of Representation. All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

(1) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the Petition or other moving papers and the filed court reports supporting those allegations. The attorney shall conduct a comprehensive interview with the client to ascertain the client's knowledge or involvement in the matters alleged or reported; shall contact social workers and other professionals associated with the case to ascertain whether the allegations and reports are supported by accurate facts and reliable information; shall consult with experts, and, if necessary, seek to have the expert(s) appointed by the court, in order to advise the attorney or the court on matters which are beyond the expertise of the attorney or the Court; and shall obtain any other facts, evidence, or information necessary to effectively present the client's position to the Court.

(1) The attorney shall determine the client's interests and the position the client wishes to take in the proceeding. Except in those cases in which the whereabouts of the client is unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed outside of the home, in addition to interviewing the child the attorney shall interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the child at the child's placement prior to the jurisdiction hearing. Thereafter, the

attorney or the attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

(3) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

(4) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. Representation shall include the duty to work cooperatively with other counsel and the court; to explore alternative methods of resolving disputes without the necessity for a hearing if possible to do so consistent with the client's interests; and to comply with local rules and procedures as well as with statutorily mandated time lines.

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FRESNO COUNTY

Rule 6.2.2. Duties of Counsel for the Minor

Anyone who appears as attorney for a minor in a dependency proceeding shall comply with the provisions of Welfare & Institutions Code § 317(e), including interviewing each child who is four (4) years old or older.

GLENN COUNTY

HUMBOLDT COUNTY

Chapter 7. JUVENILE COURT

As amended through January 1, 2007

Rule 7.12. Representation of Parties: Standards of Representation

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the social worker's reports. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to matters which are beyond the expertise of the attorney and/or the court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the court.

(b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client.

(c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.

(d) The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

Rule 7.14. Representation of Minors: Duties of Counsel for Children

Counsel for the child in a dependency proceeding is charged with representing the child's best interests. At all times the attorney shall give primary consideration to the safety and protection of the child. In order to accomplish this, it is essential that child's attorney develop and maintain a relationship with the child.

(a) A full-time attorney shall represent no more than 100 individual clients at a time, which includes clients at various stages of cases and clients who may be part of the same sibling group.

(b) The child's attorney shall have face to face contact with the child at the initial detention hearing if the child is brought to court, or if the child is not brought to court, then as soon as practical thereafter. If the child is less than four years of age, then the initial contact shall be with the child's caretaker. Thereafter, counsel shall maintain at least monthly telephone contact with the child who is four years or older and with the child's caretaker. Children who are age appropriate shall be provided with the attorney's telephone number and address and reminded of those during each telephone contact. The attorney will attempt to conduct interviews in an atmosphere where the child feels comfortable and privacy is insured. Irrespective of the child's age, the child's attorney should visit with the child at the child's home or placement, before each court hearing and when informed of emergencies or significant events impacting the child.

(c) At the initial interview, the attorney shall inform the child in language that the child can comprehend, of the nature of the proceedings, the role of a lawyer and the court, the child's rights, including the right to file a complaint against the attorney, and the right to file a section 388 petition.

(d) Children 10 years of age and older have a right to receive copies of petitions and reports. However, counsel for the child shall determine if it is in the child's best interest to receive such copies, or, in the alternative, whether a discussion summarizing the contents of the petition, report, or case plan would be in the child's best interest.

(e) When an attorney is appointed to represent more than one child within a family unit, then each child is to be interviewed and contacted separately. The children's attorney has an ongoing obligation to consider whether there is a conflict in representing more than one child.

(f) The child's attorney shall participate actively in the detention hearing and shall explore with the child all appropriate placement resources in the event the child must be detained. Prevention of trauma to the child through needless separation from his family shall be a goal of the child's attorney where appropriate.

(g) The child's attorney is to conduct an investigation for the jurisdiction and disposition hearings, including interviewing witnesses and making recommendations to the court concerning the child's welfare. In addition, counsel shall investigate the interests of the child beyond the scope of the juvenile proceedings and report to the

court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings per local rule.

(h) The child's attorney shall communicate to the court the child's wishes in addition to the attorney's view of the child's best interests. The attorney representing a child who is able to express his or her view must make the child's desires and the reasons behind them clear to the court.

(i) The child's attorney shall investigate what services were offered to the family to maintain the child in the home or prevent removal of the child from the home or to reunify the child with the family.

(j) When placement is an issue, the attorney shall be aware of issues related to placement, including: the impact of removal and placement on the child; the importance of placing siblings together where appropriate; the appropriateness of the recommended placement; the efforts made to ensure a smooth, timely and appropriate transition to a new placement; the effect of the placement on visitation of parents, siblings and other relatives; the effect of placement on the service needs of the child; the transracial, transcultural and language aspects of placement.

(k) The child's attorney shall explore and argue for appropriate visitation orders between the child, parents, siblings, and other relatives or significant persons. When appropriate, the attorney shall seek an order allowing the child to have an after-court visit with siblings, relatives, and parents who have come to court.

(l) The child's attorney shall oppose any requests for continuances that are contrary to the child's interests.

(m) The child's attorney shall check on the timely implementation of orders for visitation, counseling, or other orders of the court, which pertain to the child.

(n) The child's attorney shall determine prior to each hearing whether the child wishes to attend the hearing and convey that information to the court.

(o) The child's attorney will remain on the case for as long as the child is subject to the court's jurisdiction to insure continuity of representation, unless properly relieved by the court.

(p) The child's attorney shall review relevant records and reports such as school records, medication records, court ordered evaluations and therapeutic records as soon as possible and alert the court if interim orders need to be made in between scheduled hearings. The child's attorney shall advocate for the child's educational rights including the appointment of an educational surrogate, if necessary.

(q) If the child is required to testify, the child's attorney shall, whenever appropriate, request that the testimony be taken in chambers. Further, the attorney shall assist and attempt to protect the child in his or her role as a witness.

(r) The child's attorney shall attempt to identify a more permanent plan for a child who is in long term foster care. If the child is not living with relatives, counsel has an ongoing obligation to consider possible relative resources. Whenever a child has been removed from an individual foster home and placed in a therapeutic setting or group home, counsel for the child shall contact the former caretakers when appropriate to investigate replacement of the child or extended visits.

(s) An attorney for a child shall not take any position on a recommendation that a child be released to a parent or have more liberal visits with a parent without first consulting with the child no more than two weeks before the hearing date.

(t) If a child's attorney feels that a court's determination is contrary to the child's best interests, appropriate appellate review should be sought in a timely manner.

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IMPERIAL COUNTY

Chapter 6. Juvenile Dependency Proceedings

As amended through January 1, 2010

Rule 6.6. Standards of Representation

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported, contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information, consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court, and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

(b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the home. Thereafter, the attorney or attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

(c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

(d) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interest, and to comply with local rules and procedures as well as with statutorily mandated timelines.

INYO COUNTY

Article IX. Juvenile and Dependency

As amended through January 1, 2007

Rule 9. 5. Standards of Dependency Representation

(a) All attorneys appearing in dependency proceedings shall thoroughly investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence, or information as may be necessary to effectively present the client's position to the Court. To the extent reasonably possible, the attorney shall determine the client's interests and the positions the client wishes to take in the matter. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity of a hearing, and of the necessity for adhering to court and/or statutorily mandated time limits.

(b) Counsel for the child in a dependency proceeding is charged with representation of the child's interests, and as provided below, said representation may include causes of action and other interests to be advanced or protected by administrative or judicial proceedings outside, as well as inside the juvenile court system.

1. Absent exceptional circumstances, the attorney for the child shall have reasonable personal contact with the child regardless of age, and shall interview any child four years or older so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed. If the child is placed out of the home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.

2. The attorney for the child shall conduct reasonable investigation of any causes of action or interests of the child beyond the scope of the dependency proceeding, and shall immediately advise the juvenile court in writing of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums, recommending what action, if any, should be taken by counsel on behalf of the child (including possible joinder of public agencies in the dependency action) , and requesting authorization and/or direction from the Court.

3. Upon receipt of the information, recommendation, and request by counsel, the Court shall do one or all of the following:

(A) Refer the matter to the appropriate agency for further investigation, and require a report to the Court and counsel within a reasonable time;

(B) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(C) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action; and,

(D) Take any other action the Court deems reasonable and necessary to protect the interests and rights of the child.

(c) The Presiding Judge in consultation with the Presiding Judge of the Juvenile Court will regularly review the caseload of counsel appointed by the Court to represent parties in dependency cases. Prior to accepting any appointment to represent a party in a dependency action, Counsel shall disclose to the Court any concern Counsel might have with respect to the effect, if any, accepting such appointment might have on Counsel's

ability to provide effective and competent representation to his or her clients, and/or the party to the dependency action to whom Counsel is about to be appointed.

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KERN COUNTY

Chapter 7. Juvenile Matters

Section 4. Competency Standards

As amended through January 1, 2007

Rule 7.16. Attorney-Client Obligations for Attorney's Representing Dependent Children.

Counsel for the child or the counsel's agents are expected to:

- (a) Have 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.
- (b) Explain fully, consistent with the child's ability to understand, the nature and consequences of the court proceedings.
- (c) Have sufficient contact with the child's care-giver, CASA, if any, and/or therapist, if any, to assess accurately the child's wellbeing and needs.
- (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.
- (e) Maintain a caseload that allows the attorney to perform the duties required by Welfare and Institution Code Section 317(e) and California Rules of Court 1438, and to otherwise adequately counsel and represent the child; and
- (f) 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 and seek instructions from the court as to the appropriate procedure to follow.

KINGS COUNTY

Chapter 6. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 614. Standards of Representation

A. All counsel appearing in dependency proceedings shall meet the requirements for competent counsel set forth in Rule 5.660(d) of the California Rules of Court. In any case where a client's whereabouts is unknown, an

attorney should immediately inform the Court. Upon such showing of good cause, the Court may excuse an attorney from the requirement of regular client meetings set forth in Rule 5.660(d)(4) of the California Rules of Court.

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LAKE COUNTY

LASSEN COUNTY

Rule 3. JUVENILE DEPENDENCY

2. GENERAL COMPETENCY REQUIREMENT OF COUNSEL WHO APPEAR IN JUVENILE DEPENDENCY PROCEEDINGS.

All attorneys who appear in juvenile dependency proceedings must meet the minimum standards of competence set forth in this Rule of Court. These rules apply to attorneys who represent public agencies, attorneys employed by public agencies, and attorneys appointed by the court to represent any party in a juvenile dependency proceeding.

3. PROCEDURES TO SCREEN, TRAIN, AND APPOINT ATTORNEYS REPRESENTING PARTIES.

A. Each attorney who represents parties in juvenile dependency proceedings shall meet the minimum standards of training and/or experience set forth in these rules. An attorney who appears in a dependency matter for the first time shall complete and submit a Certificate of Competency in a form as attached to this rule as Exhibit A to the court within 10 days of his or her first appearance in a dependency matter.

B. Attorneys who meet the minimum standards of training and/or experience as set forth in these rules, as demonstrated by the information contained in the Certification of Competency submitted to the court, shall be deemed competent to practice before the juvenile court in dependency cases except as provided in subdivision 3 of this rule.

LOS ANGELES COUNTY

Chapter 7. JUVENILE DIVISION RULES

APPOINTMENT OF COUNSEL AND SPECIAL ADVOCATE

7.17. LEGAL REPRESENTATION

New and effective July 1, 2011

Rule 7.17 (b) Appointment of Counsel for Children

(1) At the arraignment and detention hearing, or as soon thereafter as possible, the court will appoint for each child who is the subject of any dependency petition an attorney who shall also serve in the capacity of a Child Abuse Prevention and Treatment Act (“CAPTA”) guardian *ad litem* for the child, unless the court finds on the record that the child would not benefit from the appointment of an attorney for any purpose. California Rules of Court, rule 5.660.

(2) If the court does not appoint an attorney for the child, the court will make a referral for the appointment of a Court-Appointed Special Advocate (“CASA”) for the child to act in the capacity of a guardian *ad litem* (“GAL”).

(3) If the court does appoint an attorney for a child, that representation shall occur through the Children’s Law Center of Los Angeles (“CLC”).

(4) No child may be represented by the County Counsel, or any other attorney representing DCFS.

Rule 7.17(d) Eligibility for Appointment as Counsel for Children.

In addition to meeting the eligibility requirements for appointment as counsel for adults as provided in subdivision (c) above, an attorney seeking appointment as counsel to a child must be familiar with the following:

(1) Child development stages including a child’s cognitive, emotional, and social growth stages, language development, and patterns of child growth related to neglect and non-organic failure to thrive;

(2) Interviewing techniques for children, including techniques that are age-appropriate and take into consideration the type of abuse the child is alleged to have suffered;

(3) Child development as it relates to children as witnesses and the impact of the court process on a child;

(4) The types of placements available to children, and issues related to placement including, but not limited to (i) a working knowledge of licensing requirements for foster care and relative placements, (ii) the impact of multiple placements on the child, and the importance of maintaining sibling groups versus the best interests of each child in the sibling group, and (iii) the effect placement will have on visitation issues and on the delivery of services to children in placement;

(5) The educational, medical, mental health, dental, and other resources available for children in the dependency court system, the funding therefor, and the means of identifying the need for and the accessing of such resources;

(6) The emancipation laws, and the resources available to assist the dependent child to emancipate, including, but not limited to, DCFS’s Independent Living Program, the requirements for and the availability of transitional housing, and the availability of funding to assist emancipating children in living independently; and

(7) The court’s policy regarding joint reports for Welfare and Institutions Code section 300/602 children pursuant to Welfare and Institutions Code section 241.1, and all other policies and protocols regarding dependent children contained in this chapter.

Rule 7.17(e) General Practice for Court-Appointed Attorneys in Dependency Court.

(1) The court-appointed attorney should make inquiries necessary to determine at the outset of the proceedings whether a conflict exists in the representation of a party.

(2) At a party’s first appearance, the attorney should verify with the client, to the extent the information is known, the names, addresses, telephone numbers, and relationships of all persons entitled to receive notice of the proceedings, including the birth dates of each party and child. The attorney should also inquire as to the

name, address, telephone number, and relationship of all known relatives and/or non-relative family members for possible placement of any detained child. If any relative and/or non-relative family member is identified, then the dependency court form entitled "Relative Information Sheet" must be completed and filed with the court.

(3) At a mother and/or father's first appearance, the attorney should make inquiry of the client as to the applicability of ICWA, and so inform the court.

(4) At a mother and/or father's first appearance, the attorney should make inquiry of the client as to paternity issues. The dependency court paternity questionnaire form must be completed by the mother and father in all cases and filed with the court in all cases. The "Paternity — Waiver of Rights" form (Judicial Council form JV-505) must be completed by any person claiming paternity status or non-paternity, which shall also be filed with the court.

(5) The attorney should have a complete familiarity with the facts of the case by reviewing the court file, especially when appointed to represent a party during the pendency of a case, and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise conducting an independent investigation.

(6) The attorney should make all reasonable efforts to ensure that the client understands the court processes, proceedings, and the potential and actual consequences of the proceedings. Special efforts should be taken to ensure that a client understands these matters if the client demonstrates any evidence of being developmentally delayed, or exhibits signs that he/she is suffering from any cognitive or emotional problems which would affect the client's ability to comprehend any aspect of the dependency proceedings.

(7) The attorney must maintain a current business address and working telephone number and promptly notify a client of any change of address or telephone number. The attorney should provide the client with his or her business card.

(8) The attorney must show courtesy and respect to judicial officers, DCFS social workers, CASA, DCFS court officers, courtroom personnel, witnesses and all counsel.

(9) The attorney must be aware of children present in the courtroom, so that discussions of sensitive case issues, whether pertaining to a particular child or other children, are not overheard by the children or made in an insensitive manner.

(10) Settlement should be considered as soon as enough information is known about the case to make settlement discussions meaningful. In every case, the attorney should consider whether the client's interests could best be served and whether the case could be more appropriately resolved by mediation or other settlement discussions. The attorney must be familiar with the juvenile court's mediation program.

Rule 7.17 (f) Practice Guidelines for Representing Children in Dependency Court.

In addition to the general practice, attorneys representing children have the following additional duties and responsibilities:

(1) The attorney must be familiar with the requirements of Welfare and Institutions Code section 317(e) for the representation of children, California Rules of Court, rule 5.660, regarding standards of representation, and 5.660, regarding caseload size;

(2) The attorney or his/her staff should separately interview each child four years of age or older, and should interview a younger child if it is determined that the child has sufficient language skills to communicate. The attorney should ascertain the child's wishes, needs, and background. Interviews should be done in an atmosphere where the child feels comfortable and privacy is ensured;

(3) At the initial interview, where possible, the attorney should inform the child, in language the child can comprehend, the nature of dependency proceedings, the role of a lawyer, the child's rights, including the right to confidentiality, and the nature of the subject matter of any petition and the contents of any related report; and

(4) The attorney should be actively involved in, and vigorously advocate at, every stage of the proceedings involving a child client and take any necessary legal steps that would promote and advance a child's right to receive all appropriate reunification and permanent placement services and all other services and resources to meet the child's educational, dental, medical, and mental health needs.

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MADERA COUNTY

Division 5. DOMESTIC RELATIONS AND JUVENILE MATTERS

Chapter 2. Juvenile Dependency Cases -Appointment of Counsel

As amended through January 1, 2010

Rule 5.2.7. Attorney for the Child

Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceeding.

(a) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four years or older so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed.

(b) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile Court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(c) Upon receipt of the request by counsel for instructions from the Court, the Court shall do one or all of the following:

A. Refer the matter to the appropriate agency for further investigation, and require a report to the Court and counsel within a reasonable time;

B. Authorize and direct the child's attorney to initiate and pursue appropriate action;

C. Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action;

D. Take any other action to protect the interests and rights of child.

Rule 5.2.2. Experience, Training, Education, Standards of Representation

Every party in a dependency hearing who is represented by an attorney shall be entitled to competent counsel as defined in California Rule of Court 5.660(b). The law firm designated by the Court for appointment as counsel in dependency proceedings shall be responsible for the following:

- (a) The establishment of written procedures for screening applicants seeking to represent parties, including but not limited to (1) instructions as to whom application shall be made, (2) the information required for application, and (3) the process for reviewing applications and interviewing applicants.
- (b) The establishment of written requirements and procedures for qualification of attorneys to be included in the list of those to be appointed to represent parties, including but not limited to those requirements described in CRC 5.660(d). For example: (1) demonstrated familiarity with relevant statutes and rules of court; (2) knowledge of court procedures and forms, including restraining and custody orders, transfers out, Welfare & Inst. Code 388 motions, placement, requirements, de facto parents, and participation by interested persons, including relatives and confidentiality.
- (c) The establishment of written minimum standards of representation including, but not limited to, those described in CRC 5.660(d)(4). For example: (1) requirements for frequency and extent of client contact, (2) duties to assist with resolution of the case, e.g., mediation, settlement, conferences, etc., (3) duties after disposition and on-going representation, and (4) filing of Notices of Appeal, Notices of Intent to File Writ Petition, and Writ Petitions.
- (d) The establishment of minimum and maximum caseloads for attorneys representing parties in dependency proceedings.
- (e) Copies of the procedures and standards described in rule 5.2.2 shall be lodged with the Court and made available to all juvenile and court judicial officers.

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MARIN COUNTY

Rule 4. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 4.2. GENERAL COMPETENCY REQUIREMENT

A. Right to Competent Counsel. Every party in a dependency hearing shall have a right to competent counsel as defined in CRC 5.660(d).

B. Minimum Standards Applicable to All Counsel. All attorneys appearing in juvenile dependency proceedings, including attorneys representing public agencies, attorneys appointed by the Court, and privately retained attorneys, must meet the minimum standards of competence set forth in these rules.

Rule 4.3. SCREENING FOR COMPETENCY

A. Requirements for Court Appointments for Dependency Representation. All attorneys who represent parties in juvenile dependency proceedings shall meet the minimum standards of training and/or experience set

forth in these rules. Pursuant to an agreement between the Court and the Administrative Office of the Courts (AOC), the AOC is responsible for contracting with court appointed counsel in dependency matters. From time to time the AOC engages in a competitive procurement process for attorneys interested in representing parties in dependency cases. Certification and verification that attorneys have met the minimum standards of competency are required as part of that procurement process. The AOC has also established procedures to determine the appropriate caseloads and compensation for attorneys representing parties in dependency cases.

B. Admission for Private Counsel to Practice Before the Juvenile Court. Any attorney appearing in a dependency matter for the first time who was retained privately by a party to a dependency case shall complete and submit an Application for Membership to the Court within 10 days of his or her appearance.

Attorneys who meet the minimum standards of training and/or experience as set forth in MCR Juv. 4.4, as demonstrated by the information contained in the Application for Membership submitted to the Court, shall be deemed admitted to practice before the Court in juvenile dependency cases except as provided in subdivision C of this rule.

C. Court's Discretion. Notwithstanding compliance with the standards enunciated in Rule 4.4, the Court may refuse to allow an attorney to practice dependency law before the Court if, in the opinion of the presiding judicial officer, the attorney has demonstrated actual incompetence in handling dependency cases.

D. Out of County Attorneys. If an attorney maintains his or her principal office outside of Marin County, proof of certification by the Juvenile Court of the county in which the attorney maintains an office shall be sufficient evidence of compliance to appear in a juvenile proceeding in this county.

Rule 4.5. STANDARDS OF REPRESENTATION

A. Investigation. Attorneys in dependency proceedings are expected to thoroughly investigate the allegations of the petition or other moving papers and the reports filed in support thereof; conduct comprehensive interviews of their clients to ascertain their knowledge of and/or involvement in the matters alleged and reported; contact social workers and other professionals associated with the case to determine whether or not the allegations and/or reports are supported by competent evidence; consult with and, if necessary, seek appointment of experts to advise the attorney or the Court on matters which are beyond the expertise of the attorney or the Court; and secure such other evidence or information as is available and may be necessary effectively to present the client's position to the Court.

B. Interests of Client. Attorneys shall ascertain their clients' interests and wishes. If a client is a minor child who is placed out of home, the attorney shall interview the child's caretaker. Minors' counsel (or his or her agent) shall make at least one visit to each child at the child's placement prior to the jurisdiction hearing. Thereafter, the attorney (or the attorney's agent) should make at least one visit to the child at the child's placement prior to each review hearing.

C. Advising the Client. Attorneys shall advise their clients of the possible courses of action and of the risks and benefits of each. This shall include the risks and benefits of resolving disputes without hearing and of the necessity of adhering to Court mandated actions, efforts and time limits.

D. Cooperation. Attorneys shall represent their clients within applicable legal and ethical boundaries and shall work cooperatively with the other attorneys and the Court, explore ways to resolve disputed issues without hearing if it is possible to do so without compromising their clients' interests, and observe state and local rules and mandated timelines.

E. Duty to Continue Representation Unless Relieved by the Court. Counsel appointed to represent a parent, guardian or child in a juvenile dependency proceeding *shall* continue to represent that party unless relieved by the Court. Any request to withdraw or to be relieved shall be by noticed motion and served on all interested parties.

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MARIPOSA COUNTY

MENDOCINO COUNTY

Chapter 16. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 16.17. Representation of Parties (Welfare and Institutions Code section 317-318, CRC 5.660, 5.663)

a. General Competency Requirement

All court-appointed attorneys appearing in juvenile court must meet the minimum standards of competence set forth in California Rules of Court 5.660. Each attorney who wishes to accept appointments in juvenile court shall submit a summary of his or her qualifications to practice in juvenile court on competency form JVMC-1 (Appendix, Form 1). The Presiding Judge of the Juvenile Court shall review the competency form prior to appointing an attorney to represent a party in Juvenile Court.

c. Standards of Representation

(1). Attorneys 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, probation officers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without 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. The attorney for the child is not required to assume the responsibilities of a social worker or probation officer and is not expected to perform services for the child that are unrelated to the child's legal representation.

(c) Special duties of Children's Attorneys

1. Unless otherwise specified by the judicial officer hearing a juvenile matter, an attorney appointed to represent a child shall serve as the Child Abuse Prevention and Treatment Act ("CAPTA") guardian ad litem for the child. (W & I 326.5).

2. Independent Investigation. An attorney for a child in a dependency proceeding shall make an independent investigation pursuant to Welfare and Institutions Code section 317(e). If the minor is four years or older, the independent investigation shall include an interview with the minor. If the results of said investigation vary from the information in the Social Worker's report the attorney shall file a report or declaration prior to the scheduled court hearing summarizing the result of his or her investigation.

3. Access to Children in Welfare and Institutions section 300, Proceedings

(a). No party or attorney in a dependency proceeding shall interview the child about the events relating to the allegations in the petition(s) on file without permission of the child's attorney or court order.

(b). No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. Each party shall have the right to notice and to be heard on the person to be selected to perform medical or mental health evaluations other than medical examinations per Welfare and Institutions Code section 324.5.

(c.) This rule does not apply to the investigating probation officer or investigating social worker.

(d.) **Caseloads for Children's Attorneys**

Court appointed attorneys for children shall notify the Presiding Judge of the Juvenile Court when their caseload exceeds 140 cases (sibling groups shall constitute 1 "case" for the purpose of this rule). Upon receiving such notification, the Presiding Judge of the Juvenile Court shall take steps to assure that the attorney is able to meet minimum standards of attorney performance.

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MERCED COUNTY

MODOC COUNTY

Rule 4. Juvenile Matters

4.2 The Modoc County Superior Court's local rule relating to attorneys for parties adopts the provisions of CRC 1438 [New Rule 5.660] in their entirety.

MONO COUNTY

Chapter 11. JUVENILE COURT RULES

As amended through January 1, 2007

Rule 11.3. COMPETENCY OF COUNSEL IN DEPENDENCY PROCEEDINGS

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 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.

(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.

MONTEREY COUNTY

Chapter 3. JUVENILE DEPARTMENT

As amended through January 1, 2010

Rule 3.19. REPRESENTATION IN JUVENILE DEPENDENCY PROCEEDINGS CALIFORNIA RULES OF COURT, RULE 1438(a)

B. GENERAL COMPETENCY REQUIREMENT

Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel. "Competent counsel" means an attorney who is a member of 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.

All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the Court to represent any party in a juvenile dependency proceeding and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

Rule 3.22. STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings shall meet the following minimum standard of representation:

- a) 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 and the court to resolve disputed aspects of a case without 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. The attorney for the child is not required to assume the responsibilities of a social worker and is not expected to perform services for the child that are unrelated to the child's legal representation.
- b) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the Court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate evidence and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

c) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview with the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the child at the child's placement prior to the jurisdiction hearing. Thereafter, the attorney or the attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

d) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.

The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

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NAPA COUNTY

Rule 10. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 10.2. Competency Requirements for Counsel

A. All attorneys who represent parties in juvenile court proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Each attorney of record for a party to a dependency matter who has not been previously certified under these rules, and who believes that he or she meets the minimum standards of competency, shall, within 10 days of his or her first appearance in a dependency matter, complete and submit to the Court Executive Officer of the court a memorandum certifying that he or she meets the standards of competence as set forth in California Rules of Court, rule 5.660(d).

Rule 10.4. Standards of Representation

All attorneys appearing in dependency proceedings must comply with the following minimum standard of representation:

A. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to matters which are beyond the expertise of the attorney and/or the court; and obtaining such other facts, evidence, or information as may be necessary to effectively present the client's position to the court.

B. The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive

interview with the client. If the client is a child, in addition to interviewing the child, the attorney shall also interview the child's caretaker. If the caretaker is a parent, the child's attorney must obtain the consent of the parent's attorney before the parent may be interviewed. If the child is placed out-of-home, the attorney or the attorney's agent shall make at least one (1) visit to the child at the child's placement prior to the jurisdiction hearing. Thereafter, the attorney or the attorney's agent should make at least one (1) visit to the child at the child's placement prior to each review hearing or more frequently if necessary to establish and maintain an adequate and professional attorney-client relationship.

C. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court-mandated time limits.

D. The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel, CASA, and the court to comply with Local Rules and procedures, as well as with statutorily mandated timeline and to explore ways to resolve disputed matters without hearing if it is possible to do so in a way that is consistent with the client's interests.

Rule 10.5. Caseload Standards

Every attorney appointed to represent children must take care to ensure that he or she can adequately and competently represent all of the attorney's clients in a manner consistent with the requirements of Welfare and Institutions Code section 317(c), California Rules of Court, rule 5.660, and these rules. Any attorney who is unable to meet these requirements because of the size of the attorney's caseload or the demands of a particular case or cases, must notify the juvenile court judge that the attorney is unable to accept any new cases. Further, said attorney must move to be relieved as attorney of record in any existing case in which the attorney cannot provide adequate and competent representation. Upon an adequate showing, the court must appoint substitute counsel for the child.

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NEVADA COUNTY

Chapter 6.

Juvenile Rules

Rule 6.01. Juvenile Dependency Proceedings

As amended through January 1, 2009

Rule 6.01.2. General Competency Requirement

All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence as set forth in these rules. These rules are applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

Rule 6.01.5. Standards of Representation

All attorneys appearing in dependency proceedings shall meet the following minimum standard of representation:

- A. Unless excused by the court, said attorney shall promptly attend each scheduled juvenile court hearing.
- B. Unless excused by the court, said attorney shall promptly attend each scheduled juvenile court staffing session.
- C. Attorneys shall comply with the standards of representation set forth in CRC 5.660(d)(4). Without limiting the generality of the foregoing, the attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to matters which are beyond the expertise of the attorney and/or the court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the court.
- D. The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out-of-home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.
- E. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.
- F. The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

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ORANGE COUNTY

Division 9. Juvenile Court

As amended through January 1, 2010

Rule 907. Attorneys Representing Parties in Dependency Proceedings

A. General Competency Requirement

All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies and attorneys appointed by the juvenile court to represent any party in a juvenile dependency proceeding.

D. Standards of Representation

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

1. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client, if four years of age or older, to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the juvenile court with respect to matters which are beyond the expertise of the attorney and/or the juvenile court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the juvenile court.
2. The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, or where the client is a child under the age of four years, this shall include a comprehensive interview with the client. If the client is a minor child who is placed locally out of the home, in addition to interviewing the child, the attorney shall also interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the child at the child's placement prior to the jurisdiction hearing. Thereafter, the attorney or the attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.
3. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to juvenile court mandated time limits.
4. The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the juvenile court, to explore ways to resolve disputed matters without contested hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

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PLACER COUNTY

Rule 50.00. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 50.3. GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence set forth in these rules. These rules are applicable to attorneys employed by public agencies, attorneys appointed by the Court to represent any party in juvenile dependency proceeding and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

Rule 50.6. STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings shall meet the following minimum standard of representation:

A. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence or information, as may be necessary to effectively present the client's position to the Court.

B. The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker.

C. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.

D. The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

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PLUMAS COUNTY

Rule 7. JUVENILE LAW

DEPENDENCY PROCEEDINGS

As amended through July 1, 2008 Session

Rule 7.1. ADOPTION OF COMPETENCY STANDARD

This rule, Rule 7 of the Local Rules of Plumas County Superior Court, is adopted to comply with Division 3 of the California Rules of Court.

History. As Amended, Eff. 7/01/08, Previously Amended, Eff. 1/1/05

Rule 7.2. GENERAL COMPETENCY REQUIREMENT

(a) All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies and attorneys appointed by the Court to represent any party in a juvenile dependency proceeding.

(b) Every party in a dependency proceeding who is represented by counsel is entitled to competent counsel. [CRC § 5.660(b)] Competent counsel means a state bar member in good standing who is trained in the juvenile dependency law, and who demonstrates adequate forensic skills, knowledge and comprehension of the substantive law of juvenile dependency, the purposes and goals of dependency proceedings, and the procedures for filing extraordinary writ petitions. [CRC § 5.660(b)(1)]

(c) Attorneys are expected to meet regularly with clients, including children; contact social workers and other professionals associated with the clients case; work with other counsel and the Court to resolve disputed issues without hearing; and adhere to mandated timelines. The child's attorney is not, however, required to assume the responsibilities of a social worker or to perform services for the child unrelated to legal representation. [CRC § 5.660(b)(4)]

(d) All attorneys retained, assigned or appointed are required to adhere to the timelines and the procedures stated elsewhere in these rules or as provided by Statute of California Court Rules of Court for settlements, discovery, protocols and other issues related to contested matters.

Rule 7.5. STANDARDS OF REPRESENTATION

Attorneys appearing in juvenile dependency proceedings shall meet the following minimum standards of representation:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the Court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of, and/or involvement in, the matters alleged or reported. The attorney shall contact social workers and other professionals associated with the case to ascertain that allegations and/or reports are supported by accurate facts and reliable information.

(b) The attorney is not required to meet, either directly or through an agent (*e.g.* an investigator), with a client who is incarcerated or committed out of Plumas County. If the attorney believes, however, that such contact is essential to representing the interests of the client, application may be made to the Court. The attorney shall advise the client of the possible course of action and the risks and benefits of each. This shall include advising the client of the risk and benefits of resolving disputed matters without the necessity of a hearing and of the necessity for adhering to Court-mandated timelines.

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RIVERSIDE COUNTY

Title 12. JUVENILE COURT

As amended through January 1, 2010

Rule 12.0070. STANDARDS FOR COUNSEL

Attorneys for parties subject to Juvenile Court shall comply with requirements set forth in CRC, Rule 5.660. Each attorney office shall keep verification on file and provide same upon demand.

SACRAMENTO COUNTY

Chapter 17. JUVENILE DEPENDENCY COURT

As amended through January 1, 2010

Rule 17.24. Attorney Competency Certification

(A) All appointed counsel appearing in juvenile dependency proceedings shall meet the minimum standards of competency set forth in these rules. Each appointed counsel appearing in dependency matters before the court on the effective date of these rules, who believes that he or she meets the minimum standards for competency, shall complete and submit to the court, within 30 days of the effective date of these rules, form number JC/E-005, Certification of Attorney Competency. After the effective date of these rules, any appointed counsel appearing in a dependency matter for the first time shall complete and submit a Certification of Attorney Competency to the court within ten (10) days of his or her first appearance in a dependency matter. The Certification of Competency shall be filed at the dependency filing counter.

(B) Upon submission of a Certification of Attorney Competency which demonstrates that the appointed counsel has met the minimum standards set forth in Local Rule 17.25, the appointed counsel shall be deemed competent to practice before the juvenile court in dependency cases unless the Presiding Judge of the Juvenile Court determines that a particular appointed counsel does not meet minimum competency standards. In such case, the court shall proceed as set forth in Local Rule 17.26 hereinafter.

(C) In the case of an appointed counsel who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the appointed counsel maintains an office shall not excuse appointed counsel from complying with Local Rule 17.24.

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SAN BENITO COUNTY

Chapter 13. JUVENILE DEPENDENCY RULES

As amended through January 1, 2009

Rule 13.3. GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence as set forth in these local rules. These local rules are applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party to a juvenile dependency proceeding.

Rule 13.6. STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings must meet the following minimum standard of representation:

(a) Investigation: The attorney must thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. The investigation must include (i) conducting a comprehensive interview with the client to ascertain his or her knowledge or involvement in the matters alleged or reported; (ii) contacting social workers and other professionals associated with the case to ascertain if the allegations or reports are supported by accurate facts and reliable information; (iii) consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to

matter which are beyond the expertise of the attorney or the court; and (iv) obtaining any other facts, evidence or information as may be necessary to effectively present the clients position to the court.

(b) Clients Interest: The attorney must determine the clients interest and the position the client wishes to take in the matter. Except in those cases in which the clients whereabouts is unknown, the attorney must complete a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney must also interview the childs caretaker. The attorney or the attorneys agent must make at least one visit to the child at the childs placement prior to the jurisdiction hearing. Thereafter, the attorney or attorneys agent should make at least one visit to the child at the childs placement prior to each review hearing.

(c) Advice: The attorney must advise the client of the possible courses of action and of the risks and benefits of each. This includes advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

(d) Vigorous Representation: The attorney must vigorously represent the child within applicable legal and ethical boundaries. This includes the duty to work cooperatively with other counsel and the court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the clients interest, and to comply with local rules and procedures and statutorily-mandated timelines.

(e) Caseload: Attorney caseload must be in accordance with CRC 5.660(d)(6) allowing the attorney to perform the required duties.

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SAN BERNADINO COUNTY

Chapter 16. JUVENILE RULES

As amended through January 1, 2010

Rule 1692. COMPETENCY OF ATTORNEYS REPRESENTING PARTIES IN JUVENILE DEPENDENCY AND DELINQUENCY MATTERS

Effective July 1, 1996, only attorneys who meet the minimum standards of competency set forth in Rules 1692.4 through 1692.6, infra, shall represent parties in juvenile matters. Attorneys who believe they meet these minimum standards shall submit to the juvenile Court a Certification of Competency. This rule shall not apply to privately retained counsel.

Attorneys who meet the minimum standards of competency as demonstrated by the information contained in the Certification of Competency shall be deemed competent to represent parties in juvenile matters; provided, however, that the juvenile Court may determine an attorney is not competent based on the performance of the attorney in a juvenile case within the six-month period prior to the attorney's submission of the certification. In the event the juvenile Court determines an attorney is not competent, the Court shall give notice of its decision to the attorney and provide the attorney an opportunity for hearing on that issue.

Rule 1692.4. Minimum standards of competency

Any attorney representing parties in juvenile matters shall not seek certification of competency and shall not be certified by the Court as competent until the attorney has met minimum standards of competency. An attorney meets the minimum standards where the attorney has either:

- (a) Represented parties for at least six months in juvenile matters; or
- b) Participated in at least eight hours of training or education in juvenile law. The training or education must have addressed Juvenile case law and statutes, the Rules of Court, Judicial Council forms, motions, trial techniques and skills, and writs and appeals. If the attorney seeks certification to represent parties in juvenile dependency matters, the training or education must also have addressed child development, child abuse and neglect, family reunification and preservation, and reasonable efforts.

Rule 1692.8. Maximum Caseload

The attorney for a child must limit his caseload to the number of cases that allows him to competently perform the duties required by Welfare & Institutions Code section 317e) and otherwise provide adequate representation for the child.

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SAN DIEGO COUNTY

Division VI. JUVENILE

Chapter 3. ATTORNEY SCREENING AND STANDARDS OF REPRESENTATION

As amended through January 1, 2010

Rule 6.3.1. General Competency Requirement

Absent a knowing and intelligent waiver by the party represented, all attorneys appearing in juvenile dependency proceedings must be members in good standing of the State Bar of California and must meet the minimum standards of competence set forth in these rules. These rules apply to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the court to represent any party in a dependency proceeding, and attorneys who are privately retained to represent a party in a dependency proceeding.

Rule 6.3.4. Standards of Representation

A. Basic Attorney-Client Obligations. All attorneys appearing in dependency proceedings must advise their clients of the legal and factual aspects of the client's case and must represent their clients' interests vigorously within applicable legal and ethical boundaries.

In performing these duties, each attorney is expected to:

1. Thoroughly and completely investigate the accuracy of the allegations, explore any possible defenses, and consider alternatives to court action;
2. Meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally;

3. Advise the client of the risks and benefits of the possible courses of action, including the taking of writs and appeals;
4. Determine the client's desires and interests;
5. Advocate the client's desires and interests to the court and other parties;
6. Contact social workers and other professionals associated with the client's case;
7. Work with other counsel and the court to resolve disputed aspects of a case without contested hearings;
8. Adhere to mandated timelines;
9. Inform the client of the procedure for lodging a complaint against the attorney;
10. Be familiar with relevant constitutional, statutory, and case law; and
11. Possess fundamental legal skills and a rudimentary understanding of relevant interdisciplinary topics.

In addition to the duties listed above, counsel for the child or counsel's agents are expected to:

12. Have sufficient direct, personal contact with the child to establish and maintain an adequate and professional attorney-client relationship;
13. Explain fully, consistent with the child's ability to understand, the nature and consequences of the court proceedings;
14. Have sufficient contact with the child's caregiver, CASA, if any, and/or therapist, if any, to accurately assess the child's well-being and needs;
15. 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;
16. Maintain a caseload that allows the attorney to perform the duties required by Welfare & Institutions Code section 317, subdivision (e), and California Rules of Court, rule 5.660, and to otherwise adequately counsel and represent the child; and
17. 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 and seek instructions from the court as to appropriate procedures to follow.

B. Relevant Laws and Programs. All attorneys practicing in dependency proceedings must have a working knowledge of the following statutes and rules, as well as the cases interpreting and applying them:

1. Welfare & Institutions Code sections 200-399, 825-830, 900-903.5, 10850, 11400 et seq. [AFDC-FC], and 16000 et seq.;
2. California Rules of Court, rules 5.501-5.740, 8.400-8.474;

3. Code of Civil Procedure sections 128, 170, 170.6, 917.7, and 1209;
4. Education Code sections 56000 et seq. and Government Code section 7579.5 [educational rights of children];
5. Evidence Code;
6. Family Code sections 3400 et seq. [Uniform Child Custody Jurisdiction and Enforcement Act], 7500 et seq. [Parental Rights; Paternity Presumptions, Blood Testing, and Voluntary Declarations], 7600 et seq. [Uniform Parentage Act], 7800 et seq. [Freedom from Parental Custody and Control], 7900 et seq. [Interstate Compact on Placement of Children], and 7950 et seq. [Foster Care Placement Considerations];
7. Penal Code sections 11165 et seq. [Child Abuse and Neglect Reporting Act];
8. Title 25, United States Code, sections 1901-1963 [Indian Child Welfare Act] and Indian Child Custody Guidelines published at 44 Federal Register 67,584 (1979);
9. San Diego Superior Court Rules, Division VI-Juvenile.

The following areas of the law and local programs are critical in many dependency cases, and counsel must develop a working knowledge of them as they become applicable to individual cases.

10. The Substance Abuse Recovery Management System ("SARMS") and Dependency Drug Court;
11. Special immigrant juvenile status under Title 8, United States Code section 1101;
12. Title 28, United States Code section 1738A [Parental Kidnapping Prevention Act];
13. Criminal law, juvenile delinquency law, and the San Diego Juvenile Court protocol regarding dual jurisdiction cases;
14. Mental health law (Welfare & Institutions Code sections 4500 et seq. [Lanterman Developmental Disabilities Services Act], 5000 et seq. [Lanterman-Petris-Short Act], 5850 et seq. [Children's Mental Health Services Act], and 6000 et seq. [Admissions and Judicial Commitments]);
15. Family Code sections 6200 et seq. [Domestic Violence Prevention Act];
16. San Diego County Child Victim-Witness Protocol;
17. Other relevant portions of federal and California law relating to the abuse or neglect of children and to children's mental and physical welfare.

C. Legal Skills. In addition to basic legal knowledge, counsel must have and continue to develop the following basic legal skills:

1. Basic trial skills (e.g., proper and succinct direct and cross-examination, proper objections);
2. Basic advocacy skills (e.g., client interviewing and counseling, case investigation, settlement negotiation, witness preparation, use of experts);

3. Relevant motion practice (e.g., motions pursuant to Welfare & Institutions Code sections 350, 388, 390);
4. Sufficient understanding of writ and appellate practice to advise a client whether and how to seek such remedies and to arrange for a specialist to pursue them when necessary.

D. Relevant Interdisciplinary Skills. The dependency system is complex in that it frequently involves issues arising from a variety of disparate and highly specialized areas. A collaborative problem-solving approach usually improves outcomes for children and families. Attorneys appearing in dependency court cannot effectively represent their clients without a fundamental understanding of the interdisciplinary issues listed below and the ability to obtain more detailed insight as the demands of individual cases require. Attorneys should have a general familiarity with and receive ongoing training in the following areas:

1. Dynamics of child abuse and neglect
2. Child development
 - a. Interviewing children
 - b. Children as witnesses
 - c. Developmental milestones as they relate to the identification and consequences of child abuse and neglect
3. Risk assessment
4. Substance abuse - the addiction and recovery process
5. Mental health issues
 - a. Purposes and uses of psychological and psychiatric evaluations
 - b. Purposes and expectations of various modalities of therapy
 - c. Psychotropic medications
6. Medical issues
 - a. Traumatic injuries
 - b. Nutritional deficits
 - c. Drug toxicity in children
7. Government payment issues
 - a. AFDC-Foster Care
 - b. CalWORKS and TANF
 - c. Medi-Cal

- d. County Treasury funds
- e. Supplemental Security Income (SSI)
- f. Social Security Administration (SSA)
- g. Adoption Assistance Program (AAP)
- h. Kin-GAP funds
- 8. Cultural issues
- 9. Poverty issues
- 10. Education issues
- 11. Domestic violence
- 12. Family reunification and preservation
- 13. Reasonable efforts
- 14. Immigration issues

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SAN FRANCISCO COUNTY

Rule 12 . DEPENDENCY

12.9 Standards of Representation and Practice. All attorneys receiving appointments by the Superior Court to represent parents, children, de facto parents, or guardians are governed by the Practice Guidelines for Attorneys Practicing in the Dependency Court, [Standing Order #225](#).

12.10 Standards of Representation and Practice. All attorneys receiving appointments by the Superior Court to represent parents, children, de facto parents or guardians shall be governed by the Practice Guidelines for Attorneys Practicing in the Dependency Court issued November 1992. All attorneys must abide by said Practice Guidelines.

12.11 Sanctions for Failure to Abide by Local Rules and Practice Guidelines. Failure to abide by the Local Rules for Dependency Departments and /or the Practice Guidelines for Attorneys Practicing in the Dependency Court can result in probation, suspension, or removal from the BASF Dependency Conflicts Panel and / or other sanctions or appropriate action by the supervising judge of the Unified Family Court.

SAN JOAQUIN COUNTY

Rule 5. JUVENILE

As amended through January 1, 2010

Rule 5-401. PRACTICE GUIDELINES

Practice guidelines will be developed and submitted by the San Joaquin County Bar Association to the Juvenile Court Judge for approval. These practice guidelines will be given to the Juvenile Dependency Court Judge, each member of the San Joaquin County Superior Court Juvenile Dependency Lawyer Referral Service Panel, the San Joaquin County Public Defender's Office and Child Protective Services County Counsel. A copy of these practice guidelines may be obtained from either the Juvenile Court or the San Joaquin County Bar Association. Each attorney practicing in the dependency court is expected to be familiar with these practice guidelines.

Rule 5-403. REPRESENTATION OF MINORS

A. Non-public agency attorneys who wish to be appointed to represent minors must comply with additional minimum requirements as promulgated by the San Joaquin County Bar Association and approved by the Juvenile Dependency Court Judge.

B. Non-public agency attorneys who wish to be appointed to represent minors must so inform the San Joaquin County Bar Association and the Juvenile Dependency Court Judge.

C. Non-public attorneys who do not wish to be appointed to represent minors need not comply with these additional requirements.

SAN LUIS OBISPO COUNTY

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SAN MATEO COUNTY

Division VI. OTHER SPECIAL DEPARTMENTS AND CALENDARS

Chapter 2. JUVENILE DEPARTMENT

As amended through January 1, 2010

Rule 6.3. Attorneys for Parties in Dependency Proceedings

(a) **[Timelines]** Attorneys for parties are expected to adhere to the statutory timelines for all hearings. Time waivers will be accepted and continuances granted only on a showing of exceptional circumstances.

(b) **[Experience, training, education; standards of representation]** Every party in a dependency proceeding who is represented by an attorney shall be entitled to competent counsel, as defined in California Rule of Court 1438(b). The San Mateo County Private Defender Program shall be responsible for the establishment of procedures for qualification of attorneys for inclusion on the panel designated to represent parties. Minimum standards of experience, training and education shall conform to CRC 5.660 and shall be included in the qualification requirements. Standards of representation shall conform at a minimum to those set forth in CRC 5.660. A copy of the procedures and standards established by the Private Defender Program shall be lodged with the court and made available to juvenile court judicial officers.

(e) **[Attorney for the child (W & IC 317)]** Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceedings within or outside of the juvenile court system.

(1) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of the age of the child, and shall interview any child four years or older so the attorney can better represent to the court how the child's wishes and interests may best be addressed.

(2) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(A) Judicial Council forms Juvenile dependency Petition (JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the court and request direction from the court.

(B) Upon receipt of the request by counsel for instructions from the court, the court shall do one or all of the following:

(i) Refer the matter to the appropriate agency for further investigation and require a report to the court and counsel within a reasonable time;

(ii) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(iii) Appoint a guardian ad litem for the child if one is required to initiate appropriate action; or

(iv) Take any other action to protect the interests and rights of the child.

(3) If the court receives information from a person other than the attorney for the child regarding an interest or right of the child, the court shall appoint an attorney for the child if the child is unrepresented, inform that attorney or the attorney of record for the child, of the information, and request the attorney to investigate the matter. After investigation, the attorney shall proceed according to subsection (e)(2).

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SANTA BARBARA COUNTY

Rule 2009 COURT-APPOINTED COUNSEL IN DEPENDENCY CASES

In all juvenile court proceedings filed pursuant to W&I Code section 300 the appointment and substitution or relief of counsel for the parties shall be governed by CRC 5.660 and by these local rules.

(a) Competency of Appointed Counsel

1. Attorneys appointed to represent parties in dependency cases are required to meet the standards of training and competency prescribed in CRC 5.660. The juvenile court judicial officers may require proof that counsel have successfully completed the continuing education and training required by Rule 5.660.

2. Counsel failing to complete required continuing education, or otherwise demonstrating a lack of such professional skill, learning, and ability as is required to fulfill competently the responsibilities of appointed counsel for parties in dependency cases, will be prohibited by the court from further appointment, until these requirements are met.

3. These standards do not apply to privately retained counsel.

4. The assignment to appear in a dependency case on behalf of a party represented by a public office, including the Attorney General, District Attorney, Public Defender and County Counsel, constitutes an implied certification to the court that in the opinion of the head of the agency, the assigned deputy possesses the skill,

learning, experience, and training required by these rules and appropriate to the representation undertaken. No other or further certification is required in the absence of particular evidence of a lack of qualifications required by Rule 5.660.

SANTA CLARA COUNTY

Rule 2. RULES RELATING TO DEPENDENCY

As amended through January 1, 2010

Rule D. REPRESENTATION OF PARTIES(W & IC Code Sections 317, 317.6, CRC 5.660)

c. STANDARDS OF REPRESENTATION.

All court-appointed attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

- i.** Attorneys are expected to meet regularly with clients, including clients who are children, to contact social workers and other professionals associated with the client's case, to work with other counsel and the Court to resolve disputed aspects of a case without hearing, and to adhere to the mandated time lines.
- ii.** If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children 4 years of age or older in person unless it is impracticable. Whenever possible, the child shall be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under 4 years of age.
- iii.** If the client is not the child, the attorney or attorney's agent shall interview the client at least once prior to the jurisdictional hearing unless that client is unavailable. Thereafter, the attorney or the attorney's agent shall contact the client at least once prior to each hearing unless that client is unavailable.

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SANTA CRUZ COUNTY

Rule 6.2 DEPENDENCY MATTERS

Rule 6.2.06 Appointment of Attorneys: Screening and Training (W & I Code 317.6; Cal. Rules of Court, Rule 5.660)

Attorneys who are appointed to represent parties in dependency matters must have completed at least eight hours of training or education in the area of juvenile dependency. The Judge of the Dependency Court shall screen attorneys before they are appointed and make a determination of competency based upon the minimum standard for training and experience as outlined herein.

Rule 6.2.07 All Attorneys: Qualifications and Continuing Education (W & I 317.5, CRC 5.660)

(a) Every attorney who represents a party in dependency matters must have completed at least eight hours of training or education in the area of juvenile dependency. An attorney who has practiced dependency law on a regular basis for at least three years, shall have one year from the day of appointment to complete the required

initial education requirements. Retained Counsel who has not practiced in dependency law must complete the required initial education within ninety days of their first appearance in a case and complete a Declaration of Eligibility for Representation in Dependency Court form provided by the Santa Cruz Superior Court and submit it to the Dependency Court Judge.

SHASTA COUNTY

§ 16. JUVENILE COURT RULES.

As amended through January 1, 2010

Rule 16.05. ATTORNEYS FOR PARTIES

(A) General Competency Requirement. All attorneys appearing in juvenile dependency proceedings shall, at a minimum, comply with the standards of competence required by California Rules of Court, Rule 5.660. In addition, all attorneys appearing in juvenile proceedings shall comply with the minimum standards of training and experience set forth in these rules.

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SIERRA COUNTY

7.2 GENERAL COMPETENCY REQUIREMENT

(a) All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies and attorneys appointed by the Court to represent any party in a juvenile dependency proceeding.

(b) Every party in a dependency proceeding who is represented by counsel is entitled to competent counsel. [CRC 1438(b)] “Competent counsel” means a state bar member in good standing who is trained in the juvenile dependency law, and who demonstrates adequate forensic skills, knowledge and comprehension of the substantive law of juvenile dependency, the purposes and goals of dependency proceedings, and the procedures for filing extraordinary writ petitions. [CRC 1438(b)(1)]

(c) Attorneys are expected to meet regularly with clients, including children; contact social workers and other professionals associated with the client’s case; work with other counsel and the Court to resolve disputed issues without hearing; and adhere to mandated timelines. The child’s attorney is not, however, required to assume the responsibilities of a social worker or to perform services for the child unrelated to legal representation. [CRC 1438(b)(4)]

(d) All attorneys retained, assigned or appointed are required to adhere to the timelines and the procedures stated elsewhere in these rules or as provided by Statute of California Court Rules of Court for settlements, discovery, protocols and other issues related to contested matters. (*Eff. 01/01/09*)

7.5 STANDARDS OF REPRESENTATION

Attorneys appearing in juvenile dependency proceedings shall meet the following minimum standards of representation:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the Court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of, and/or involvement in, the matters alleged or reported. The attorney shall contact social workers and other professionals associated with the case to ascertain that allegations and/or reports are supported by accurate facts and reliable information.

(b) The attorney is not required to meet, either directly or through an agent (e.g. an investigator), with a client who is incarcerated or committed out of Sierra County. If the attorney believes, however, that such contact is essential to representing the interests of the client, application may be made to the Court. The attorney shall advise the client of the possible course of action and the risks and benefits of each. This shall include advising the client of the risk and benefits of resolving disputed matters without the necessity of a hearing and of the necessity for adhering to Court-mandated timelines. (*Eff. 01/01/09*)

SISKIYOU COUNTY

Chapter 16. JUVENILE DEPENDENCY RULES

As amended through January 1, 2007

Rule 16.03. ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY PROCEEDINGS

B. Competency Of Counsel; Required Experience And Education; Standards Of Representation; And Caseload Guidelines

(1) Competency Of Counsel. Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel as defined by Rule 5.660(c)(1) of the California Rules of Court.

(2) Experience And Education Of Counsel. An attorney seeking appointment as counsel for a party or parties in dependency proceedings must meet the experience and education standards set forth by Rule 5.660(c)(3) of the California Rules of Court.

(3) Standards Of Representation. An attorney representing a party or parties in dependency proceedings, and the agents of that attorney, are expected to meet the standards of representation set forth in Rule 5.660(c)(4) of the California Rules of Court.

(4) Caseload Guidelines. Pursuant to Rule 5.660(c)(5) of the California Rules of Court, the attorney for a child in a dependency matter must adopt caseload management practices that allow for effective performance of the duties required by CRC Rules 5.660(c)(3) and 5.660(c)(4), referenced above.

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SOLANO COUNTY

Rule 6. Juvenile Proceedings

Part TWO. Juvenile Dependency

As amended through January 1, 2010

Rule 6.30. APPOINTED COUNSEL IN DEPENDENCY PROCEEDINGS

a. MINIMUM STANDARDS OF COMPETENCE

All attorneys seeking appointment in juvenile dependency proceedings must meet the minimum standards of competence set forth in California Rules of Court, rule 5.660(d).

b. INITIAL APPLICATION TO PRACTICE IN THE JUVENILE COURT

An attorney seeking to practice before the Juvenile Court in dependency matters shall submit an Application to Practice (Solano County Local Form no. 6000) to the Presiding Judge of the Juvenile Court.

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SONOMA COUNTY

Rule 10. RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS

As amended through January 1, 2010

Rule 10.12. ATTORNEY COMPETENCE (Dependency Proceedings)

A. General Competency Requirement

1. Absent a knowing and intelligent waiver by the party represented, all attorneys who represent parties in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules and CRC, rule 5.660.

2. Each attorney appearing in a juvenile dependency matter shall complete the minimum training and educational requirements set forth in these rules.

3. Each attorney appearing in a dependency matter shall complete and submit to the court, within 30 days of the effective date of these rules or within 10 days following their appearance, whichever is later, a Declaration of Certification of Attorney Competency (Sonoma County local form JC104).

4. A retained attorney may not appear on behalf of a party in a dependency proceeding without having submitted to the court a Declaration of Certification of Attorney Competency or a knowing and intelligent waiver by the party of such certification.

5. If a retained attorney maintains his or her principal office outside this county, proof of certification of competency by the juvenile dependency court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile dependency proceeding in this county.

Rule 10.13. STANDARDS OF REPRESENTATION (Dependency Proceedings)

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation in addition to those set forth in CRC 5.660:

A. If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person unless it is impracticable. Whenever possible, the child shall be interviewed at the child's placement. The

attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.

B. If the client is not the child, the attorney or attorney's agent shall interview the client at least once prior to the jurisdictional hearing unless the client is unavailable. Thereafter, the attorney or the attorney's agent shall contact the client at least once prior to each hearing unless the client is unavailable.

STANISLAUS COUNTY

5.00 General Competency Requirement

All attorneys appearing in juvenile dependency proceedings, and who are compensated with public funds, must meet the minimum standards of competence set forth in these rules. These rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the Court to represent any party in a juvenile dependency proceeding. (7/1/99)

5.03 Standards of Representation

All attorneys appearing in a dependency proceeding shall meet the following minimum standards of representation:

A. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the Court reports filed in support thereof. This shall include conducting a comprehensive interview with the client, contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

B. If the client is a minor child who is placed out of home, in addition to interviewing the child, absent exceptional circumstances, the attorney shall also interview with the child's caretaker.

C. The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as the statutorily mandated time lines. This shall include the duty to work cooperatively with other counsel, CASA and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interests, and to comply with local rules and procedures as well as the statutorily mandated time lines. (1/1/05)

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SUTTER COUNTY

TEHEMA COUNTY

Rule 9.00. [Effective January 1, 2010] Attorneys Representing Parties In Dependency Proceedings (Welfare and Institutions Code Section 317.6 and California Rule of Court 5.660)

b) **[Experience, training, education; standards of representation]** Every party in a dependency hearing who is represented by an attorney shall be entitled to competent counsel as defined in California Rule of Court 5.660,

or as determined by the Presiding Superior Court Judge or Presiding Juvenile Court Judge. (Eff. 7-1-96; As amended, eff. 1-1-10)

(1) The attorneys and law firms designated by the Court for appointment as counsel in dependency proceedings, or the Court shall be responsible for the following:

(A) Knowledge of Court procedures and forms, including restraining and custody orders, transfers out, W & IC 388 motions, placement, requirements, de facto parents, participation by interested persons, including relatives and confidentiality;

(B) The establishment of minimum standards of representation including, but not limited to, those described in CRC 5.660 (For example: (1) requirements for frequency and extent of client contract, (2) duties to assist with resolution of the case, e.g., mediation, settlement, conferences, etc., (3) duties after disposition and on-going representation, and (4) filing of Notices of Appeal, Notices of Intent to File Writ Petition, and Writ Petitions).

(2) Copies of any written procedures and standards described in section (1) shall be lodged with the Court and made available to all juvenile and Court judicial officers.

(g) **[Attorney for the child]** Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceedings within or outside the juvenile court system. (Eff. 7-1-96)

(1) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four years or older or any child capable of adequately communicating with his/her attorney so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed.

(2) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(A) Judicial Council forms Juvenile Dependency Petition (JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the Court and request direction from the Court.

(B) Upon receipt of the request by counsel for instructions from the Court, the Court shall do one or all of the following:

(I) Refer the matter to the appropriate agency for further investigation, and require a report to the Court and counsel within a reasonable time;

(II) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(III) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action;

(IV) Take any other action to protect the interests and rights of the child.

(V) In its discretion, decline to take any action by informing counsel of the minor of such decision and an indication of the reasons therefor.

TRINITY COUNTY

Chapter 4. JUVENILE COURT RULES

As amended through January 1, 2007

Rule 4.1. ATTORNEYS FOR PARTIES

(a) All attorneys appearing in juvenile dependency proceedings shall meet the standards of competence required by California Rule of Court 1438 and any further standards that are imposed by these rules. [Rule 1438 (d)(2) and (d)(3)]

History. Eff. 7/1/06

Rule 4.2. CERTIFICATION OF COMPETENCY

(a) Each attorney appearing in dependency proceedings shall, within 30 days of the effective date of these rules, submit to the Court Executive Officer, a Certification of Competency.

(b) Any attorney of record in a dependency proceeding who does not meet the minimum standards of training and experience shall have until October 31, 2006, to fulfill said requirements.

TULARE COUNTY

Chapter 11. JUVENILE COURT<RU

As amended through January 1, 2010

Rule 1120. Representation of Parties Relating to Dependency (a) Experience, Training, and Education of Attorneys

(a) Experience, Training, and Education of Attorneys

(1) General Competency Requirement - All court-appointed attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence herein set forth.

(3) Standards of Representation

(A) To resolve disputed aspects of a case without a hearing, attorneys are expected to meet regularly with clients, including clients who are children, as well as to contact social workers (within the ethical confines of contact with a represented party) and other professionals associated with the client's case, and to work with other counsel.

(B) An attorney representing a child must have contact with the client prior to each hearing. The attorney, or attorney's agent, must interview all children four years of age or older in person unless it is impracticable. Whenever possible, the child must be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker (unless said caretaker is a party represented by counsel), particularly

when the child is under four years of age. If the child's attorney becomes aware of an interest or right of the child to be protected or pursued in other judicial or administrative forums, counsel must notify the court immediately and seek instructions from the court. This includes, but is not limited to, pursuit of any tort claims available to the child (Cal. Rules of Court, rule 5.660).

(C) Attorneys representing any party other than a child must interview the client at least once prior to the day of the jurisdictional hearing unless the client is unavailable. Thereafter, the attorney or the attorney's agent must contact the client at least once prior to the day of each hearing unless that client is unavailable.

TUOLUMNE COUNTY

8.04 Standards of Representation: All counsel appearing in a dependency proceeding shall meet the minimum standards of representation as stated in California Rules of Court 5.660. All counsel shall comply with their professional duties as required by statute, regulation, and State and Local Rules. All Court appointed counsel for parties in juvenile dependency proceedings must meet minimum standards of competence as set forth in these rules.

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VENTURA COUNTY

Chapter 12. JUVENILE CALENDAR PROCEDURES

As amended through January 1, 2010

Rule 12.02. JUVENILE DEPENDENCY

C. GENERAL COMPETENCY REQUIREMENT OF COUNSEL WHO APPEAR IN JUVENILE DEPENDENCY PROCEEDINGS

All public agency and court appointed attorneys who appear in juvenile dependency proceedings, including counsel that represent children, must meet the minimum standards of competence set forth in the California Rules of Court. Attorneys who are privately retained by parents shall provide information to the court as requested regarding her/his competency to represent clients in dependency cases.

F. STANDARDS OF REPRESENTATION

1. 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 and the court to resolve disputed aspects of a case without a contested hearing, and to adhere to the mandated timelines.
2. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship.
3. The attorney for the child is not required to assume responsibilities of a social worker and is not expected to perform services for the child that are unrelated to the child's legal representation.

I. CASELOADS FOR CHILDREN'S ATTORNEYS

The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317(e) and this rule and to otherwise adequately counsel and represent the child. To enhance the quality of representation afforded to children, attorneys appointed under this rule must not maintain a maximum full-time case load that is greater than that which allows them to meet requirements set forth in D and E.

YOLO COUNTY

Rule 23. APPOINTMENT OF COUNSEL IN DEPENDENCY CASES

As amended through January 1, 2010

Rule 23.1. APPOINTMENT OF COUNSEL FOR THE CHILD

The court shall appoint counsel for the child in accordance with the provisions of Rule 5.660 of the California Rules of Court.

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YUBA COUNTY

Chapter 7. JUVENILE LAW DEPARTMENT

As amended through January 1, 2010

Rule 7.2. COMPETENCY OF COUNSEL, CRC, RULE 5.660

A. GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these Rules. These Rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the Court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party in a juvenile dependency proceeding.

D. STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings shall meet the following minimum standards for representation:

1. The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

2. Attorneys or their agents will 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 and the court to resolve disputed aspects of a case, and adhere to mandated timelines. Attorney(s) who represent children must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. Attorney(s) who represent children are not required to assume the responsibilities of a social worker and are not expected to perform services for the child that are unrelated to the child's legal representation.

3. The attorney shall determine the client's interests and the position the client wishes to take in the matter. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney should also interview with the child's caretaker.

4. The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity of a hearing and of the necessity for adhering to court-mandated time limits.

5. The attorney shall represent the client within applicable legal and ethical boundaries. This shall include the duty to work cooperatively with other counsel and the Court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way, which is consistent with the client's interests, and to comply with local rules and procedures and statutorily mandated time lines.

6. Counsel appointed to represent a parent, guardian or child in a juvenile dependence proceeding **shall** continue to represent that party unless relieved by the Court. Any request to withdraw or to be relieved shall be noticed for hearing and served on all interested parties.

7. The Court will review on an ongoing basis its contract(s) with attorney for the representation of minors to ensure that the caseload thereunder will permit the attorney(s) to perform the duties required by W & I § 317(e) and CRC, Rule 5.660.

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