

LOCAL RULES by COUNTY:

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

ALAMEDA COUNTY

Local Rules For Superior Court Of California County Of Alameda

Title 5. Citation and effect of rules

Division 2. Juvenile Rules

Chapter 1. General Provisions

As amended through January 1, 2010

Rule 5.540. Procedure for complaints concerning dependency attorneys

The provisions of this rule apply to complaints concerning an attorney who has been appointed to represent a child or a parent under the court's dependency contracts. Such an attorney is referred to as an appointed dependency attorney in this rule.

(a) Lodging a complaint

Any party who has a complaint about the performance of an appointed dependency attorney may lodge a written complaint with the judge hearing the matter. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker a caretaker, a relative, a foster parent, or a child advocate.

(b) Notification of attorney

Within ten days of receipt of the written complaint, the court will notify the attorney in writing, enclosing a copy of the complaint. The judge will also inform the client in writing that the complaint has been received and that the attorney will be contacting the client to discuss resolution of the complaint. In addition, the judge will notify the Public Defender's Office if the complaint involves the performance of a deputy public defender, or

the Alameda County Bar Association's Court Appointed Attorney's Program if the complaint involves the performance of a court appointed panel attorney.

(c) Contact by attorney required

Within ten days of the court's notification, the attorney shall contact the complainant and attempt to obtain an informal resolution of the matter with the client before responding to the complaint. If the matter is resolved, the attorney shall notify the judge in writing within 20 days of the judge's notification, and shall send a copy of such notice to the client.

(d) Procedure if complaint not resolved informally

If the matter is not resolved informally, the judge will request the attorney to move to withdraw or to submit a written response to the client's complaint within five days and thereafter determine whether the attorney acted contrary to the local rules or practice guidelines or whether the attorney acted incompetently. If the judge determines the attorney acted improperly or incompetently, the judge may reprove the attorney privately or on the record in chambers or otherwise outside the presence of others and may take any other action that the judge deems appropriate.

History. Rule 5.540 amended and renumbered effective January 1, 2008; adopted as rule 10.2.21 effective January 1, 2004.

AMADOR COUNTY

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RULE 14.01 F. Procedures for Reviewing and Resolving Complaints.

1. Any party to a juvenile court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding.
2. At the time of appointment of counsel by the Court, the Court shall advise each adult, in general terms, of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney, and that complaint forms for that purpose are available at the office of the Court clerk. **In the case of a minor client, the notice shall be given by the Court to the current caretaker of the child. If the minor is 12 years of age or older, the notice shall also be given by the Court to the minor.**
3. The Court shall review all complaints received. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently, the Court shall notify the attorney in question of the complaint and shall give the attorney an opportunity to respond in writing to the complaint.
4. The Court shall review the complaint and the response, if any, to determine whether the attorney acted incompetently. The Court may obtain additional information prior to making a determination on the complaint.
5. If the Court finds that the attorney acted incompetently, the Court may replace the attorney, impose sanctions in a manner provided by law, or refer the matter to the State Bar of California for further action.
6. The Court shall notify the attorney and the complaining party in writing of its determination concerning the allegations of the complaint.

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BUTTE COUNTY

Rule 17.9. JUVENILE COURT-APPOINTED ATTORNEY COMPLAINT PROCESS

(A) Complaints concerning the Court-Appointed Juvenile Attorneys shall be dealt with as follows:

1. Any party to a juvenile court proceeding may lodge a written complaint with the Presiding Judge of the Juvenile Court concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.
2. Upon receipt of a written complaint, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney fifteen (15) days from the date of the notice to respond to the complaint in writing.
3. After response has been filed by the attorney or the time for the submission of a response has passed, the Court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or policies or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.
4. If, after reviewing the complaint, the response, and any additional information, the Court, either in writing or at oral hearing, finds that the attorney acted contrary to the rules or policies of the Court or incompetently, the Court shall take appropriate action.
5. The Court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination of the complaint. The Court's determination will be final.

History. Effective 7-1-96, as amended 1-1-02, as amended 1-1-10

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CALAVERAS COUNTY

Rule 5.50. APPOINTMENT OF COUNSEL IN JUVENILE DEPENDENCY PROCEEDINGS

Rule (f) Procedures for Reviewing and Resolving Complaints:

- (1) Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, or a foster parent.
- (2) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice shall be given to the client within 10 days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the court within 10 days of a request therefore from the court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice shall be provided to the minor.
- (3) The court shall review a complaint within 10 days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local

rules, the court shall notify the attorney in question of the complaint and shall give the attorney 20 days from the date of the notice to respond to the complaint in writing.

(4) After a response has been filed by the attorney or the time for submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to law, these rules or has otherwise acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(5) If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to the law or these rules of the court, the court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of his or her duties, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

(6) If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in a specific area of study. In cases in which the attorney's conduct caused actual harm to his or her client, the court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the court's discretion, refer the matter to the State Bar of California for further action.

(7) The court shall notify the attorney and the complaining party in writing of its determination of the complaint. The complaining party or the attorney shall have ten days after the date of the notice to request a review by another judge concerning the court's proposed action. If the complaining party or attorney does not request a review within that period of time, the court's determination shall become final.

(8) If a review is requested, it shall be completed as soon as practicable after the request therefore, but in no case shall it be completed more than 30 days after it has been requested, except by stipulation of the parties. The review shall not be open to the public.

(9) Within ten days after the review, the reviewing judge shall issue a written determination upholding, reversing, or amending the court's original determination. A copy of the review decision shall be provided to both the complainant and the attorney. The determination after review shall be final.

COLUSA COUNTY

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Rule 16.06. CLIENT COMPLAINTS

Complaints or questions by a party regarding representation shall be addressed as follows:

(A) Complaints or questions shall initially be referred to any agency or law firm appointed to represent the client.

(B) If the issue remains unresolved, or if there is no designated agency or law firm, the party may submit the complaint to the court in writing. The court may follow one of the following procedures:

(1) Conduct its own review of the complaint or question and take appropriate action if required, or;

(2) Appoint a panel of attorneys not associated with the particular case to review and comment on the complaint or question and report its findings and recommendations to the court. The court may accept or reject the

recommendations of the panel or may conduct its own review, thereafter taking appropriate action as determined by the court to be necessary.

CONTRA COSTA COUNTY

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Rule 11.00.00. JUVENILE PROCEEDINGS

As amended through January 1, 2010

Rule 11.00.12. APPOINTMENT OF PRIVATE ATTORNEYS

B. Procedures for Reviewing and Resolving Complaints

(1) Any party to a juvenile court proceeding may lodge a written complaint with the Court concerning the performance of the client's appointed counsel in the proceeding. **Where the complaint concerns the performance of counsel appointed to represent a minor, the Complaint may be lodged on behalf of the child by the social worker, a caretaker relative, or a foster parent.**

(2) Promptly after appointment, each appointed attorney shall have an affirmative obligation to advise his or her client of the right to lodge a written complaint with the court concerning the performance of the appointed attorney. If the client is a minor, the caretaker of the child shall be advised of the right to lodge a written complaint; if the minor is twelve years of age or older, the minor shall be so advised as well.

(3) The Court shall review a complaint within ten days of receipt. If the Court determines that the Complaint presents reasonable cause to believe that the attorney may have failed to act competently or may have violated local rules, the Court shall notify the attorney of the Complaint, shall provide a copy of the Complaint to him or her, and shall give the attorney 20 days from the date of the notice to respond to the Complaint in writing.

(4) After a response has been filed by the attorney or the time for submission of a response has passed, the Court shall review the complaint and any response thereto and determine whether the attorney has acted incompetently or has violated local rules. The Court may seek additional information from the complainant or the attorney prior to making its determination.

(5) If the Court determines that the attorney has violated Local Rules of Court, the attorney may be sanctioned as provided in Local Rule 7.12.12.

If the Court determines that the attorney has acted incompetently, the Court may order that the attorney practice under the supervision of a mentor attorney for a period to be determined by the Court in its discretion; that the attorney complete a specified number of hours of continuing education or training in the area in which the attorney was found to be incompetent; or a combination of the two.

If the Court finds that the attorney's incompetence has resulted in actual harm to the client, the Court shall remove the attorney and substitute other counsel. The matter may be referred to the State Bar of California in the Court's discretion.

(6) The Court shall notify the attorney and the complaining party in writing of its determination. If the Court makes a finding pursuant to subsection 11.00.12F(5), the attorney shall have 10 days from the date of the notice to request a hearing before the Court concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.

(7) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the request has been made, but in no case shall it be held more than 30 days after the date of the request, except upon stipulation of the attorney and the complainant.

The attorney and the complainant shall be given at least 10 days notice of the hearing. The hearing may be held in chambers, and shall not be open to the public. The Court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(8) At the hearing, each party shall have the right to present arguments to the Hearing Officer concerning the Court's determination. The arguments shall be based on the evidence before the Court at the time the determination was made. No new evidence may be presented unless the proponent of that evidence can demonstrate to the Hearing Officer that it was not reasonably available to the party at the time that the Court made its determination.

Within 10 days after the hearing, the Court or the Hearing Officer shall issue a written determination upholding, reversing, or modifying the original determination. This written determination shall be the final determination of the Court on the matter. A copy of the determination shall be provided to both the complainant and the attorney.

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GLENN COUNTY

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HUMBOLDT COUNTY

Chapter 7. JUVENILE COURT

As amended through January 1, 2007

Rule 7.13. Representation of Parties: Complaints

(a) Any party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney in a Juvenile Court proceeding as follows:

(1) Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.

(2) If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending. The Court shall within ten (10) days conduct its own review of the complaint or question. That review may include a hearing in chambers. The Court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

(b) In the case of a complaint concerning the performance of an attorney appointed to represent a child, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

IMPERIAL COUNTY

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Chapter 6. Juvenile Dependency Proceedings

As amended through January 1, 2010

Rule 6.13. Procedures for Reviewing and Resolving Complaints Against Attorneys

(a) Any party to a juvenile court proceeding may lodge a written complaint with the juvenile presiding judge concerning the performance of his or her appointed attorney in a juvenile court proceeding. **In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.**

(b) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of giving notice. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.

(c) The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for a submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(e) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acts contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

(f) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the required standards of representation, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

(g) The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. The attorney shall have ten (10) days after the date of the notice to request a hearing before the Court

concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.

(h) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested, except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(i) At hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court determination. Such arguments shall be based on evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

INYO COUNTY

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Article IX. Juvenile and Dependency

As amended through January 1, 2007

Rule 9. 6. Procedures for Reviewing and Resolving Complaints in Dependency Proceedings

(a) Any party to a dependency action may lodge a written complaint with the Presiding Judge concerning the performance of his or her appointed attorney in a dependency court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the Child Protective Services Worker, a relative, foster parent, or caretaker.

(b) As mandated by California Rules of Court, Rule 1438(d) each appointed attorney in a dependency action shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of appointed counsel. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent that client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of a request therefore from the Court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.

(c) The Presiding Judge shall review a complaint within ten (10) days of receipt. If the Presiding Judge determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated state or local rules, the Presiding Judge shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for submission of a response has passed, the Presiding Judge shall review the complaint and response, and take such action as the Presiding Judge deems just and appropriate. The Presiding Judge may request additional information from the complainant and/or the attorney prior to making a determination on the complaint, and the Presiding Judge may order a Marsden or other type of hearing to be held before making a determination on the complaint. The Presiding Judge may designate another judge, commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer and to report to the Presiding Judge. Any such hearing shall be reported, and shall not be open to the public.

(e) The Presiding Judge shall notify the complainant and the attorney in writing of his or her determination. If the Presiding Judge determines that the attorney has acted contrary to state or local rules of court, or finds that the attorney acted incompetently, the Presiding Judge may remove the attorney from representing party affected and appoint other counsel, privately or publicly reprove the attorney, require the attorney to successfully complete a specific program of continuing education, impose reasonable monetary sanctions against the attorney as the Presiding Judge may deem appropriate, refer the matter to the California State Bar for further action, and/or notify the Court's Executive Officer and/or County Administrator responsible for contracting for public defender/attorney services in dependency cases of the Court's findings and determinations.

(f) Whether or not an initial hearing was held, if the Court makes a finding that an attorney has violated a state or local rule or otherwise acted incompetently, the attorney may request a review hearing. Said request for a review hearing shall be made in writing to the Presiding Judge within fifteen (15) days of the Presiding Judge issuing his or her written determination. If the attorney requests a review hearing, the attorney shall serve a copy of the request on the complaining party. The review hearing shall be held as soon as practicable after the attorney's request therefore, except the complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The review hearing shall be held before the Presiding Judge or another judge of this Court as the Presiding Judge may designate. The review hearing shall be reported and shall not be open to the public. At the review hearing, each party shall have the right to present arguments with respect to the Presiding Judge's determination. Such arguments shall be based on the information or evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Presiding Judge made his or her initial determination with respect to the complaint. The attorney may however present additional evidence with respect to the appropriateness of discipline imposed, and/or action taken with respect to the attorney. If the attorney does offer additional evidence with respect to the discipline imposed or action taken, the complainant may then also offer evidence related to said discipline and/or action. Within ten (10) days after the review hearing, the Presiding Judge or Judge conducting the review hearing, shall issue a written determination upholding, reversing, or amending the original determination. The review hearing decision shall be the final determination of the Court with respect to the matter. A copy of the review hearing decision shall be provided to both the complainant and the attorney.

KERN COUNTY

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Chapter 7. Juvenile Matters

Section 4. Competency Standards

Rule 7.17. Procedures for Reviewing and Resolving Complaints and Requests for Appointment of New Counsel

As amended through January 1, 2007

Rule 7.17.1. Notice of Complaint Procedures.

Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the Attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the court within ten (10) days of a request therefore from the court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent to the minor.

Rule 7.17.2. Written Complaint.

Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a relative caretaker or a foster parent.

Rule 7.17.3. Court Response to Complaint.

A copy of the complaint shall be provided to the attorney complained of within ten (10) days of receipt by the court. The court shall review the complaint to determine if the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules. The court may either schedule a hearing on the complaint, in which case the party and the attorney shall be notified of their right to be present, or the court may seek a written response from the attorney and rule on the complaint in writing. Any hearing or written ruling shall occur within thirty (30) days of the date the complaint is received by the court

KINGS COUNTY

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Chapter 6. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 615. Procedures for Reviewing and Resolving Complaints

A. Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed counsel in a Juvenile Court proceeding. In the case of a complaint concerning the performance of counsel appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent. Any complaints shall be lodged separately in the Juvenile Court file in a sealed envelope.

B. Counsel shall be provided with a copy of the complaint. The Court shall review any complaint within ten days of receipt and may determine based upon that complaint that a prima facie case does not exist to believe that counsel has failed to act competently or has violated these rules. In that event, no further action is required by the Court, however, the Court shall notify the party and counsel in writing of its decision. This shall constitute a final decision on the matter.

C. If the Court determines that the complaint presents a prima facie case that the attorney may have failed to act competently or has violated local rules, the Court may request an informal response from counsel or may conduct a hearing in order to make a determination on the issue. If ordered, a hearing shall be held as soon as

practicable. The complainant and counsel shall each be given at least five days notice of the hearing. The hearing shall not be open to the public or other parties to the Juvenile Court proceeding. The Presiding Judge of the Juvenile Court may designate a commissioner, referee or judge pro tempore, or any qualified member of the Bar to act as hearing officer. The hearing officer may conduct the hearing with that degree of formality he or she deems appropriate.

D. Any complaints, written responses to the complaints, or written notification of the Court's determination rendered pursuant to this rule shall be subject to the confidentiality requirements established under Welfare and Institutions Code Section 827 and the Juvenile Court "Standing Minute Order Re: Juvenile Court Confidentiality Policy" promulgated on November 13, 1995, or subsequent amendments thereto.

LAKE COUNTY

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Rule 4. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 4.5. STANDARDS OF REPRESENTATION

F. Procedures for Reviewing and Resolving Complaints Concerning Attorneys.

1. Lodging of Complaints. Any party to a juvenile dependency proceeding may lodge a written complaint with the Court concerning the performance of his or her attorney. **A complaint concerning the performance of an attorney appointed to represent a minor may be lodged on the child's behalf by the social worker, Court Appointed Special Advocate (CASA), guardian *ad litem*, a caretaker relative, or a foster parent.**

2. Court Review and Resolution. The Court shall review the complaint and, if it appears that the attorney may have failed to act competently, shall provide a copy of the complaint to the attorney and allow a reasonable opportunity for the attorney to respond in writing. The Court shall consider the complaint and the response, if any, and issue such orders as it deems appropriate, on a case by case basis. Should the Court determine that an attorney has acted incompetently, the Court shall order that the attorney be discharged and that competent counsel be substituted. Notice of substitution of counsel shall be served on counsel for all parties of record.

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)

c. Standards of Representation

(2). Complaints about Court-Appointed Attorneys

(a) Any Party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney as follows:

i. Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.

ii. If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending on Complaint Form JVMC-2 (Appendix, Form 2). The Court shall conduct a prompt review of the complaint or question. That review may include a hearing in-chambers. The Court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

(b) In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

MERCED COUNTY

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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 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 C Procedures For Reviewing and Resolving Complaints

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

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

(3) All complaints to the Court shall be in writing and directed to the judge assigned to the proceeding and filed with a court clerk. The Court shall review all complaints received. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or professionally, the

Court shall notify the attorney in question of the complaint and shall give the attorney the opportunity to respond in writing within 10 court days, or up to 30 calendar days if good cause shown. The Court shall review the complaint and response and make additional inquiry to determine if the attorney acted incompetently or unprofessional. If the Court so finds, the Court may replace the attorney, impose sanctions as provided by law and/or refer the matter to the State Bar of California for further action. The Court shall notify the attorney and the party in writing of its determination concerning the allegations of the complaint.

MONTEREY COUNTY

Chapter 3. JUVENILE DEPARTMENT

As amended through January 1, 2010

Rule 3.23. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. **In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.**

Each appointed attorney must inform by written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. The notice shall be given to the client within 10 days of the attorney's appointment to represent that client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within 10 days of a request therefore from the Court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice shall also be sent or given to the minor.

The Court shall review a complaint within 10 days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint and shall give the attorney twenty days from the date of the notice to respond to the complaint in writing.

After a response has been filed by the attorney or the time for submission of a response has passed, the Court shall review the complaint and the response if any to determine whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted improperly or contrary to the rules or policies of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted incompetently, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have been incompetent, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be

substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the Court makes a finding under subdivisions (e) or (f), the attorney shall have 10 days after the date of the notice to request a hearing before the Court concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.

If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than 30 days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least 10 days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The Court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments shall be based on the evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within 10 days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

NAPA COUNTY

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Rule 10. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 10.6. Procedures for Reviewing and Resolving Complaints

A. Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding. **In the case of a complaint concerning the performance of an attorney appointed to represent a child, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, or a foster parent.**

B. Each appointed attorney shall give written notice to his or her adult clients of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent that client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the court within ten (10) days of a request therefore from the court. In the case of a child client, the notice shall be mailed or given to the current caretaker of the child. If the child is 12 years of age or older, a copy of the notice shall also be sent or given to the minor.

C. The court shall review a complaint within ten (10) days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated Local Rules, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of

the complaint, and shall give the attorney 20 days from the date of the notice to respond to the complaint in writing.

D. After a response has been filed by the attorney or the time for submission of a response has passed, the court shall review the complaint and the response if any to determine whether the attorney acted contrary to Local Rules or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

E. If, after reviewing the complaint, the response and any additional information, the court finds that the attorney acted contrary to the rules of the court, the court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of Local Rules, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

F. If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, or that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have been incompetent, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the court shall order that competent counsel be substituted for the attorney found to have been incompetent, and may, in the court's discretion, refer the matter to the State Bar of California for further action.

G. The court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivisions E or F, the attorney shall have ten (10) days after the date of the notice to request a hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination shall become final.

H. If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than 30 days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days' notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

I. At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments shall be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the court or hearing officer shall issue a written determination upholding, reversing, or amending the court's original determination. The hearing decision shall be the final determination of the court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

NEVADA COUNTY

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Chapter 6.

Juvenile Rules

Rule 6.01. Juvenile Dependency Proceedings

As amended through January 1, 2009

Rule 6.01.6. Procedures for Reviewing and Resolving Complaints

A. Any party to a juvenile court dependency proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding. **In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker, relative or a foster parent.** A complaint may include a request for a determination that the attorney should be disqualified for excessive caseload.

B. Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent the client, and evidence that a copy of said notice was given or mailed to the client shall be provided to the court within ten (10) days of the court's request. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice shall also be sent or given to the minor. The notice shall be in the form attached hereto as Appendix II.

C. Any written complaint shall be submitted to the court in which the matter is pending. Upon receipt of a written complaint, the court shall within ten (10) days conduct its own review of the complaint or question to determine if the appointed attorney has acted improperly or contrary to the rules or policies of the court. That review may include a hearing in chambers. The court may take any appropriate action required, including no action, relieving counsel and appointing new counsel, holding a formal hearing on the matter, and/or revoking an attorney's Certification of Competency for a period of up to six (6) months, and requiring the attorney to provide proof of additional training before recertification may be obtained.

D. The court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the court relieves counsel, or revokes the attorney's Certification of Competency, the attorney shall have ten (10) days after the date of the notice of determination to request a further hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination shall become final.

E. If the court determines that no action shall be taken, the notice of determination shall contain an appropriate warning to the complaining party that the complaining party may wish to seek the advise of an attorney concerning their right to pursue a civil action against the attorney, or to request state bar disciplinary proceeding.

ORANGE COUNTY

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Rule 907. Attorneys Representing Parties in Dependency Proceedings

E. Procedures for Reviewing and Resolving Complaints

1. Any party to a dependency proceeding may lodge a written complaint with the presiding judge of the juvenile court concerning appointed counsel in a dependency proceeding. **In the case of such a complaint concerning an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.**

2. Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints. The notice shall be given to the client within 10 days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the presiding judge of the juvenile court within 10 days of a request therefore from the juvenile court. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice shall also be sent or given to the minor.
3. If the complaint is lodged during or within 10 days prior to any pending hearing, the presiding judge of the juvenile court, or designee, shall hear the complaint at the hearing in which the complaint is lodged or at the first hearing after the complaint is lodged.
4. If the complaint is lodged more than 10 days prior to any pending hearing, the presiding judge of the juvenile court, or designee, shall, within 10 days of its receipt, determine whether the complaint presents reasonable cause to believe the attorney failed to act competently or has violated local court rules. If the presiding judge of the juvenile court, or designee, finds reasonable cause exists, the court shall set the matter for hearing within a reasonable time. Notice of the hearing shall be served by the clerk of the court at least 10 days prior to the time appointed for the hearing. In cases where service of the notice of hearing is by mail, service shall be governed by the provisions of sections 1013 and 1013 (a) of the Code of Civil Procedure.
5. In all cases, the court shall provide counsel a copy of the complaint as soon as practicable after its receipt. Counsel may submit a written response to any complaint filed. And in any case, the parties to a complaint shall be permitted to present evidence or argument at any hearing provided under this subsection.
6. If, after the hearing, the court finds the attorney violated local court rules, the presiding judge, or designee, may reprove the attorney, either privately or publicly, and may, in case of willful or egregious violations of the local rules, issue such reasonable sanctions against the attorney as the court may deem appropriate.
7. If, after the hearing, the court finds that the attorney acted incompetently, the presiding judge, or designee, may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have been incompetent, or both. In cases in which the attorney's incompetence caused actual harm to his or her client, the presiding judge, or designee, shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the discretion of the presiding judge, refer the matter to the State Bar of California for further action.
8. A hearing under this subsection may be continued by the court upon a showing of good cause.

PLACER COUNTY

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Rule 50.00. JUVENILE COURT RULES

As amended through January 1, 2010

Rule 50.7. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

A. Any party to a Juvenile Court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. **In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.**

B. The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

C. After a response has been filed by the attorney of the time for a submission of a response has passed, the Court shall review the complaint and the response if any to determine whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

D. If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

E. If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted incompetently, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

F. The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the Court makes a finding under subdivisions (e) or (f), the attorney shall have ten (10) days after the date of the notice to request a hearing before the Court concerning the Court's determination shall become final.

G. If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The Court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

H. At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court's determination. Such arguments shall be based on the evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

PLUMAS COUNTY

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Rule 7.6. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. **In the case of a complaint**

concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

(b) Upon receipt of a written complaint, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney 15 days from the date of the notice to respond to the complaint in writing.

(c) After response has been filed by the attorney, or the time for the submission of a response has passed, the Court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to rules or policies or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(d) If, after reviewing the complaint, the response, and any additional information, the Court finds that the attorney acted contrary to the rules or policies of the Court or incompetently, the Court shall take appropriate action.

(e) The Court shall notify the attorney and complaining party, either in writing or by oral ruling at a closed hearing, of its determination of the complaint. The Courts determination will be final.

RIVERSIDE COUNTY

SACRAMENTO COUNTY

Chapter 17. JUVENILE DEPENDENCY COURT

As amended through January 1, 2010

Rule 17.28. Procedures For Reviewing And Resolving Complaints Regarding Performance Of Counsel

(A) Any party to a juvenile court proceeding may lodge a complaint with the court concerning the performance of his or her appointed counsel in a juvenile court proceeding. The person filing the complaint shall use form number JC/E-003 and shall file the complaint at the dependency filing counter in a sealed envelope. In the case of a complaint concerning the performance of a counsel appointed to represent a minor, the complaint may be lodged on the minor's behalf by any interested person.

(Amended effective 1/1/06)

(B) The court shall review a complaint, and if it determines that the counsel may have failed to act competently, provide the counsel with a copy of the complaint and give the counsel a reasonable chance to respond in writing within 30 days.

(C) Thereafter, the court shall review the complaint and the response and take appropriate action which may include, but is not limited to, conducting a hearing on the complaint.

SAN BENITO COUNTY

Chapter 13. JUVENILE DEPENDENCY RULES

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As amended through January 1, 2009

Rule 13.7. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Parties Allowed to Lodge a Complaint: Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by a social worker, a caretaker relative, or a foster parent.

(b) Notice of Procedures: Each appointed attorney must give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice must be given to the client within 10 court days of the attorneys appointment to represent the client. Evidence that a copy of the notice was given or mailed to the client must be provided to the court within 10 court days of a request therefor from the court. In the case of a minor client, the notice must be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice must also be sent or given to the minor.

(c) Review of Complaint: The court must review a complaint within 10 court days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the court must notify the attorney in question of the complaint, provide the attorney with a copy of the complaint, and give the attorney 20 court days from the date of the notice to respond to the complaint in writing.

(d) Review of Response: After the attorney has filed a response or the time for a submission of a response has passed, the court must review the complaint and the response, if any, to determine whether the attorney failed to act competently or violated local rules. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(e) Finding that Court Rules Were Violated: If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to the rules of the court, the court may reprove the attorney, either privately or publicly. In cases of willful or egregious violations of local rules, that court may issue reasonable monetary sanctions against the attorney.

(f) Finding that Attorney Acted Incompetently: If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order (i) that the attorney must practice under the supervision of a mentor attorney for a period of at least six months, (ii) that the attorney must complete a specified number of hours of training or education in the area in which the attorneys conduct was incompetent, or (iii) both. In cases in which the attorneys conduct caused actual harm to his or her client, the court must order that competent counsel be substituted for the attorney found to have been incompetent and may, in the courts discretion, refer the matter to the State Bar of California for further action.

(g) Notice of Determination: The court must notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivision (e) or (f), the attorney will have 10 court days after the date of the notice to request a hearing before the court concerning the courts proposed action. If the attorney does not request a hearing within that period of time, the courts determination will become final.

(h) Appeal: If the attorney requests a hearing, the attorney must serve a copy of the request on the complaining party. The hearing will be held as soon as practicable after the attorneys request therefor, but in no case will it be held more than 30 calendar days after it has been requested except by stipulation of the parties. The complainant and the attorney will each be given at least 10 court days notice of the hearing. The hearing may be

held in chambers. The hearing will not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(i) Hearing and Final Determination: At the hearing, each party has the right to present arguments to the hearing officer with respect to the court's determination. Such arguments must be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within 10 court days after the hearing, the court or hearing officer must issue a written determination upholding, reversing or amending the court's original determination. The hearing decision is the final determination of the court with respect to the matter. A copy of the hearing decision must be provided to both the complainant and the attorney.

SAN BERNADINO COUNTY

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SAN DIEGO COUNTY

Division VI. JUVENILE

Chapter 4. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

As amended through January 1, 2010

Rule 6.4.1. Reviewing and Resolving Complaints

A. Written notice of the procedure for resolving complaints will be provided in each courtroom at the adult client's first appearance. **The child's attorney must provide written notice of the procedure to a child 10 years of age or older or to the caregiver of a child under 10 years of age.** Information regarding the procedure will be available in the clerk's office.

B. **Any participant who has a complaint about the performance of a juvenile court attorney may lodge a written complaint with the court hearing the matter (hereinafter, the court).**

C. Upon receipt of a written complaint, the court will notify the attorney in question and his or her supervisor, if any, provide the attorney with a copy of the complaint and give the attorney 20 days from the date of the notice to respond to the complaint in writing. The attorney should attempt to obtain an informal resolution of the matter before responding to the complaint.

D. After the attorney has responded to the complaint or the time for submission of a response has passed, the court will review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or policies of the court or has acted incompetently. The court may ask the complainant or the attorney for additional information before making a determination on the complaint.

E. If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to the rules or policies of the court, the court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules or policies, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

F. If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor

attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have acted incompetently, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the court may order additional hearings to determine whether that attorney should be relieved. The court may refer the matter to the State Bar of California for further action.

G. The court will notify the attorney at the attorney's address of record and the complaining party in writing of its determination of the complaint. If the court makes a finding of improper conduct, incompetence, or harm to the client under subdivision E. or F., the attorney may request a hearing in writing concerning the court's proposed action. If the attorney does not request a hearing within 10 days from the date the notice was sent, the court's determination will become final.

H. If the attorney requests a hearing, the hearing will be held as soon as practicable after the attorney's request therefor, but in no case will it be held more than 30 days after it has been requested except by stipulation of the parties. The complainant and the attorney will each be given at least 10 days' notice of the hearing. The hearing may be held in chambers. The hearing will not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or other member of the Bar to act as hearing officer.

I. At the hearing, each party will have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments must be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within 10 days after the hearing, the court or hearing officer will issue a written determination upholding, reversing, or amending the court's original determination. The hearing decision will be the final determination of the court with respect to the matter. A copy of the hearing decision will be provided to both the complainant and the attorney.

J. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law.

SAN FRANCISCO COUNTY

SAN JOAQUIN COUNTY

SAN LUIS OBISPO COUNTY

SAN MATEO COUNTY

SANTA BARBARA COUNTY

SANTA CLARA COUNTY

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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)

(2) COMPLAINTS

a. Any party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney in a Juvenile Court proceeding as follows:

i. Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.

ii. If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending. The Court shall within 10 days conduct its own review of the complaint or question. That review may include a hearing in chambers. The Court may take any appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

b. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child's advocate.

SANTA CRUZ COUNTY

SHASTA COUNTY

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§ 16. JUVENILE COURT RULES.

As amended through January 1, 2010

Rule 16.08. COMPLAINTS AGAINST ATTORNEYS FOR PARTIES IN DEPENDENCY PROCEEDINGS

All counsel appointed to represent a party in a dependency action shall advise his or her client, age 12 years or older, that they have the right to submit a written complaint concerning the performance of the attorney. Written complaints shall be lodged with the court, stamped "RECEIVED" and shall be copied to the attorney in question. The attorney may, if he or she so chooses, or shall if directed so by the court, file a written response to the complaint. The presiding judge of the juvenile dependency court shall review the complaint and any response of the attorney and shall take appropriate action including, but not limited to, permitting a hearing on the written complaint at the next scheduled court appearance. A party may also advise the attorney at the time of any hearing that he or she wishes to have the court consider appointment of a different attorney. The attorney shall then advise the court of the party's request.

SIERRA COUNTY

7.6 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Any party to a Juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

(b) Upon receipt of a written complaint, the Court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney 15 days from the date of the notice to respond to the complaint in writing.

(c) After response has been filed by the attorney, or the time for the submission of a response has passed, the Court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to rules or policies or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(d) If, after reviewing the complaint, the response, and any additional information, the Court finds that the attorney acted contrary to the rules or policies of the Court or incompetently, the Court shall take appropriate action.

(e) The Court shall notify the attorney and complaining party, either in writing or by oral ruling at a closed hearing, of its determination of the complaint. The Court's determination will be final. (*Eff. 01/01/09*)

SISKIYOU COUNTY

SOLANO COUNTY

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Local Rules For Superior Court Of California County Of Solano

Rule 6. Juvenile Proceedings

Part TWO. Juvenile Dependency

As amended through January 1, 2010

Rule 6.32. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS REGARDING REPRESENTATION IN DEPENDENCY PROCEEDINGS

a. WHO MAY LODGE A COMPLAINT

Any party to a Juvenile Court dependency proceeding may lodge a written complaint with the court concerning the performance of the party's appointed attorney in that proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged either by the minor or on the minor's behalf by the social worker, a caretaker relative or a foster parent.

b. PROCEDURE

(1) Upon receipt of a written complaint, the court shall notify the attorney in question of the complaint, shall provide the attorney with a copy of the complaint, and shall give the attorney fifteen days from the date of the notice to respond to the complaint in writing.

(2) After a response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(3) If, after reviewing the complaint, the response, and any additional information, the court, either in writing or at oral hearing, finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action.

(4) The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination of the complaint. The court's determination will be final.

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Rule 10. RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS

As amended through January 1, 2010

Rule 10.15. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS (Dependency Proceedings)

A. Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding as follows:

1. Complaints or questions shall initially be referred to that attorney's supervisor within the agency or law firm appointed to represent the client. If the issue remains unresolved or if there is no designated agency or law firm, the party may submit the written complaint directly to the court.

2. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, a foster parent, or CASA.

B. Within ten (10) days of the receipt of a written complaint, the court shall notify the attorney and/or the attorney's supervisor in writing of the complaint, shall provide the attorney and attorney's supervisor with a copy of the complaint, and shall give the attorney fifteen (15) days from the date of the notice to respond to the complaint in writing. The judicial officer will also inform the client or other person lodging the complaint, in writing, that the complaint has been received and that the attorney will be contacting the client or other person lodging the complaint to discuss resolution of the complaint.

C. After response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney has acted contrary to state or local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

D. The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination on the complaint. The court's determination will be final.

E. If the court finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action.

STANISLAUS COUNTY

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5.05 Procedures for Reviewing and Resolving Complaints

A. Any party to a Juvenile Court proceeding may complain about the performance of his or her appointed attorney in a Juvenile Court proceeding. This complaint may be made orally at a court proceeding or by filing a written complaint with the Juvenile Court Clerk's Office. In the case of a complaint concerning the performance

of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the CASA, the social worker, a caretaker relative or foster parent. (07/01/09)

B. The Juvenile Court shall conduct a hearing to review the complaint as soon as possible, prior to any further substantive hearings on the matter, and no later than ten (10) days from receipt of the complaint. The Attorney will be given the opportunity to respond. (07/01/09)

C. If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney may have acted contrary to the local rules or incompetently the Court may appoint a panel of attorneys not associated with the particular case to review and comment on the complaint or question and report its findings and recommendations to the Court. The Court may accept or reject the recommendations of the panel or may conduct its own review, thereafter taking appropriate action as determined by the Court to be necessary. (1/1/05)

SUTTER COUNTY

TEHAMA COUNTY

TRINITY COUNTY

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Chapter 4. JUVENILE COURT RULES

As amended through January 1, 2007

Rule 4.3. COMPLAINTS AGAINST ATTORNEYS

(a) All attorneys appointed to represent parties in dependency proceedings shall advise their clients, ages 12 years or older, that the client has the right to state in open court any complaints or questions the party has concerning the performance of the attorney. All attorneys shall also inform such clients that the clients have the right to submit to the court written complaints or questions regarding the performance of the attorney.

(b) All written complaints received shall be stamped "received", lodged in the file, and copied to the attorney. The juvenile court judge shall review the complaint and any response of the attorney and take appropriate action. Such action may include an in camera hearing on the subjects raised in the complaint.

TULARE COUNTY

TUOLUMNE COUNTY

8.06 Procedure for Reviewing and Resolving Complaints:

a. Any party to a juvenile Court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed counsel in a juvenile court proceeding, pursuant to California Rules of Court 5.660(e). In the case of a complaint concerning the performance of counsel appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker, relative, or a foster parent. Any complaint shall be lodged separately in the juvenile court file in a sealed envelope.

b. Counsel shall be provided with a copy of the complaint. The Court shall review any complaint within ten (10) days of receipt and may determine, based upon that complaint, that a prima facie case does not exist, to believe that counsel has failed to act competently or has violated these rules. In that event, no further action is

required by the Court; however, the Court shall lodge its decision in the file. This shall constitute a final decision on the matter.

c. If the Court determines that the complaint does present a prima facie case that counsel may have failed to act competently or has violated Local Rules, the Court shall either request an informal response from counsel or conduct a hearing in order to make a determination on the issue. If ordered, the hearing shall be held as soon as is practical. The complainant and counsel shall each be given at least five (5) days notice of the hearing. The hearing shall not be open to the public or the parties to the Juvenile Court proceeding. The Presiding Judge of the Juvenile Court may designate a Commissioner, Referee, or Judge Pro Tem, or any qualified member of the Bar to act as a Hearing Officer to review and comment on the complaint and question and report its findings and recommendations to the Presiding Judge of the Juvenile Court. Based on the findings of any such hearing, the Presiding Judge of the Juvenile Court may take appropriate action as determined by the Court to be necessary.

d. Any complaints, written responses to the complaints or written notification of the Court's determination, or any comments or findings pursuant to a review hearing, as set forth in this Rule, shall be subject to the confidentiality requirements established under Welfare & Institutions Code Section 827.

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Chapter 5. JUVENILE RULES

Rule 23. APPOINTMENT OF COUNSEL IN DEPENDENCY CASES

As amended through January 1, 2010

Rule 23.2. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

(a) Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a child, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, the child's CASA, or a foster parent.

(b) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice shall be given to the client within 10 days of the attorney's appointment to represent that client. Evidence that a copy of the notice was given or mailed to the client shall be provided to the court within 10 days of a request therefore from the court. In the case of a child client, the notice shall be mailed or given to the current caretaker of the child. If the child is 10 years of age or older, a copy of the notice shall also be sent or given to the child.

(c) The court shall review a complaint within ten (10) days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the court shall notify the attorney in question of the complaint, provide the attorney with a copy of the complaint, and give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for submission of a response has passed, the court shall review the complaint and the response if any to determine whether the attorney acted contrary to local

rules or incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(e) If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to these rules, the court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of these rules, issue such reasonable monetary sanctions against the attorney as the court may deem appropriate.

(f) If, after reviewing the complaint, the response and any additional information, the court finds that the attorney acted incompetently, the court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six (6) months, or that the attorney complete a specified number of hours of training or education in the area in which the attorney was found to have been incompetent, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the court's discretion, refer the matter to the State Bar of California for further action.

(g) The court shall notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivisions (e) or (f), the attorney shall have ten (10) days after the date of the notice to request a hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination shall become final.

(h) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request, but in no case shall it be held more than thirty (30) days after it has been requested except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner or any qualified member of the bar to act as hearing officer.

(i) At the hearing, each party shall have the right to present arguments to the hearing officer with respect to the court's determination. Such arguments shall be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the court or hearing officer shall issue a written determination upholding, reversing, or amending the court's original determination. The hearing decision shall be the final determination of the court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

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Chapter 7. JUVENILE LAW DEPARTMENT

As amended through January 1, 2010

Rule 7.2. COMPETENCY OF COUNSEL, CRC, RULE 5.660

E. PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

1. Any party to a juvenile dependency proceeding may lodge a written complaint with the Court concerning the performance of his or her attorney in the juvenile dependency proceeding. **In the case of a complaint concerning**

the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by a caretaker relative, or a foster parent.

2. The Court shall review the complaint, and if it is determined that the attorney may have failed to act competently, provide the attorney with a copy of the complaint and give the attorney a reasonable chance to respond in writing.

3. Thereafter, the Court shall review the complaint and the response, and issue orders as appropriate, on a case-by-case basis. However, if the Court determines the attorney has acted incompetently, the Court may order that competent counsel be substituted for the attorney and give notice of the substitution to the parties of record.

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