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JUVENILE DEPARTMENT

DEPENDENCY AND DELINQUENCY

3.01 FILING OF JUVENILE PETITIONS

The deadline for filing Welfare and Institutions Code section 602 petitions with the clerk's office shall be no later than 2:00 pm on the day prior to the first detention/appearance hearing.

The deadline for filing Welfare and Institutions Code section 601 petitions with the clerk's office shall be no later than 2:00 pm on the Friday prior to Tuesday's hearings.

The deadline for filing Welfare and Institutions Code section 300 jurisdiction and disposition reports with the clerk's office shall be no later than 2:00 pm on the Thursday prior to the hearing.

The deadline for filing Welfare and Institutions Code section 300 petitions with the clerk's office shall be no later than 2:00 pm on the day prior to the first detention hearing.

(Adopted July 1, 2009; Amended January 1, 2011)

3.02 ADDING CASES TO JUVENILE CALENDAR

Any application or memorandum for setting a juvenile matter on calendar shall be submitted to the clerk's office no later than two (2) court days (excluding weekends and holidays) before the requested hearing date. Any exceptions to this rule must be approved by the judge hearing the case.

(Adopted July 1, 2009)

3.03 DESIGNATION OF PRESIDING JUVENILE JUDGES

The Presiding Judge may designate all judges of the superior court as judges of the juvenile court. All business of the juvenile delinquency department shall be conducted by the presiding judge of the juvenile delinquency department. All business of the juvenile dependency department shall be conducted by the presiding judge of the juvenile dependency department. If the presiding judge of either the juvenile delinquency or juvenile dependency department is not available, the presiding judge of the court shall designate another judge to manage the assignments.

(Adopted October 1, 1998; Amended January 1, 2004)

3.04 SESSIONS

A. JUVENILE DELINQUENCY

Juvenile delinquency court sessions are held in the Monterey County Superior Court, Juvenile Division, located at the Probation Department Building, 1422 Natividad Road, Salinas, California 93906.

(Adopted October 1, 1998; Amended July 1, 2002)

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B. JUVENILE DEPENDENCY

Juvenile dependency court sessions are held at the Salinas court annex, 118 W. Gabilan, Salinas, California 93901.

(Adopted October 1, 1998; Amended July 1, 2002; Amended July 1, 2016)

3.05 FILING OF PAPERS

All papers are to be filed electronically as set forth in Rule 1.06.

(Adopted October 1, 1998; Amended July 1, 2016)

DEPENDENCY

3.06 TRIAL BRIEF REQUIREMENT

In all contested juvenile dependency matters, parties must file trial briefs at least one (1) week prior to the hearing or per the briefing schedule set by the court. Any exceptions to this rule must be with prior approval of the court.

(Adopted January 1, 2010)

3.07 NOTIFICATION OF CANCELLED CONTESTED HEARING

In all dependency matters, the moving party must notify the court and all parties if the hearing is not going forward as a contested hearing three (3) court days prior to the hearing.

(Adopted January 1, 2010)

3.08 REPEALED

(Amended July 1, 2002; Calendar - Repealed January 1, 2011)

3.09 REPEALED

(Adopted October 1, 1998; Release of juvenile case information - Repealed January 1, 2011)

3.10 COURT APPOINTED SPECIAL ADVOCATE PROGRAM

The superior court may appoint child advocates to represent and report to the court on the interests of dependent and delinquent children. In order to qualify for appointment the child advocate must be trained by and function under the auspices of a Court Appointed Special Advocate (CASA) program, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association. (Welf. & Inst. Code, §§ 100 – 110; Cal. Rules of Court, rule 5.655.)

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The advocate program shall report regularly to the Presiding Judge of the courts and judges of the juvenile dependency and juvenile delinquency courts with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California state guidelines for child advocates.

(Adopted October 1, 1998; Amended July 1, 1999; Amended January 1, 2000; Amended July 1, 2002; Re-numbered from 3.08 to 3.10 January 1, 2010; Amended January 1, 2011; Amended July 1, 2017)

3.11 CHILD ADVOCATES

A. ADVOCATES' FUNCTIONS

Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

1. To support the child throughout the court proceedings;

2. To establish a relationship with the child to better understand his or her particular needs and desires;

3. To communicate the child's needs and desires to the court in written reports and recommendations;

4. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;

5. To provide continuous attention to the child's situation to ensure that the court's plans for the child are being implemented;

6. To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer/social worker);

7. To the fullest extent possible, to communicate and coordinate efforts with the child's attorneys;

8. To investigate the interests of the child in other judicial or administrative proceedings outside juvenile court; to report to the juvenile court concerning same and, with the approval of the court, offer his/her services on behalf of the child to such other courts or tribunals; and

9. To be present in court for all hearings when the case is present in court.

B. CASA REPORTS

In any case in which the court has ordered the appointment of an advocate, such advocate shall file reports regarding their findings and recommendations for the child with the court at least two (2) days before each of the following hearings: six (6) month review; twelve (12) month review;

eighteen (18) month review; selection and implementation hearing (Welf. & Inst. Code, § 366.26 hearing); post-permanency planning reviews and as otherwise requested by the court. Copies of the report are to be provided by CASA to all parties or their counsel at least two (2) court days before the scheduled hearing. (Cal. Rules of Court, rule 5.655(k)(5).)

C. SWORN OFFICER OF THE COURT

An advocate is an officer of the court and is bound by these rules. Each advocate shall be sworn in by a superior court judge/referee/commissioner before beginning his/her duties and shall subscribe to the written oath set forth in the appendix attached hereto.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.09 to 3.11 January 1, 2010; Amended January 1, 2011; Amended July 1, 2017)

3.12 APPOINTMENT OF ADVOCATE – SPECIFIC DUTIES

The court shall, in its initial order of appointment, and thereafter subsequent order as appropriate, specifically delineate the advocate's duties in each case, which may include independent investigation of the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation right for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the advocate shall discharge his/her obligation to the child and the court in accordance with the general duties set forth in rule 3.11 above.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.10 to 3.12 January 1, 2010; Amended January 1, 2011)

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APPENDIX

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONTEREY

OATH

Monterey County Court Appointed Special Advocate (CASA)

I, _____ do solemnly swear or affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that in serving as an officer of the court, I will follow the Rules of Court and will maintain fairness, impartiality, and integrity; that I am committing to a life-time of preserving the privacy of those for whom I am appointed and will only divulge confidential information to those entitled to receive it; and that I will always act for the best interest of the child(ren) I am assigned to help.

I will truly and faithfully perform the duties of CASA according to the law; I will provide written reports of my findings and recommendations to the court and will appear at all necessary hearings. I will explain court proceedings to the child(ren) and inform the court if services are not available or being used.

I take this obligation freely, without any mental reservation or purpose of evasion.

Date: _____ _____
Monterey County CASA Volunteer

Subscribed and sworn to before me on: _____.

_____
Judge of the Superior Court

_____
Executive Director, CASA of Monterey County

Revised 01/1/11

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3.13 RELEASE OF INFORMATION TO ADVOCATE

A. TO ACCOMPLISH APPOINTMENT

To accomplish the appointment of an advocate, the Judge/Referee/Commissioner making the appointment shall sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.

B. ACCESS TO RECORDS

An advocate shall have the same legal right to records relating to the child he/she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider, or law enforcement agency. The advocate shall present his/her identification as a court-appointed advocate to any such record holder in support of his/her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

C. REPORT OF CHILD ABUSE

An advocate is a mandated child abuse reporter with respect to the case to which he/she is appointed.

D. COMMUNICATION

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents, and any therapist for the child.

(Adopted October 1, 1998; Renumbered from 3.11 to 3.13 January 1, 2010)

3.14 RIGHT TO TIMELY NOTICE

In any motion concerning the child for whom the advocate has been appointed, the moving party shall provide the advocate timely notice.

(Adopted October 1, 1998; Renumbered from 3.12 to 3.14 January 1, 2010)

3.15 CALENDAR PRIORITY

In light of the fact that advocates are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar whenever possible.

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(Adopted October 1, 1998; Renumbered from 3.13 to 3.15 January 1, 2010)

3.16 VISITATION THROUGHOUT DEPENDENCY

An advocate shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until dependency is dismissed.

(Adopted October 1, 1998; Renumbered from 3.14 to 3.16 January 1, 2010)

3.17 FAMILY LAW ADVOCACY

Should the juvenile court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code section 362.4, the advocate's appointment may be continued in the family law proceeding, in which case the juvenile court order shall set forth the nature, extent, and duration of the advocate's duties in the family law proceeding.

(Adopted October 1, 1998; Renumbered from 3.15 to 3.17 January 1, 2010)

3.18 RIGHT TO APPEAR

An advocate shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he/she may be called to testify at some point in the proceedings. An advocate shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

(Adopted October 1, 1998; Amended January 1, 2008; Renumbered from 3.16 to 3.18 January 1, 2010)

3.19 REPRESENTATION IN JUVENILE DEPENDENCY PROCEEDINGS CALIFORNIA RULES OF COURT, RULE 5.660

A. ATTORNEYS FOR CHILDREN

Appointment of counsel is required for a child who is the subject of a petition under Welfare and Institutions Code section 300, and is unrepresented by counsel, unless the court finds the child would not benefit from the appointment of counsel.

1. In order to find that a child would not benefit from the appointment of counsel, the court must find all of the following:

   a. The child understands the nature of the proceedings;

   b. The child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and

   c. Under the circumstances of the case, the child would not gain any benefit by

being represented by counsel.

2. If the court finds that the child would not benefit from representation of counsel, the court must make a finding on the record as to each criteria in (1) and state the reasons for each finding.

3. If the court finds that the child would not benefit from representation by counsel, the court must appoint a Court Appointed Special Advocate for the child, to serve as guardian ad litem as required in Welfare and Institutions Code section 326.5.

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 subdivision (3) of Rule of Court 5.660. These standards of competence 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.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.17 to 3.19 January 1, 2010; Amended January 1, 2011; Amended July 1, 2017)

3.20 SCREENING FOR COMPETENCY

A. Effective July 1, 1996, all attorneys who represent parties in a juvenile court proceeding 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 ten (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 rule 3.21, 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 rule 3.21(B).

C. Any attorney appearing before the court in a dependency case who does not meet the minimum standards of training and/or experience must notify the court to that effect at his/her initial appearance. The clerk of the court must notify the represented party by first-class mail to the party's last known address and the attorney at least ten (10) days before the hearing date of the following: 1) a hearing date, time, and location; 2) that at that hearing the court will consider the issue of whether to relieve counsel for failing to complete the

requisite training and to provide a Certification of Competency; and 3) that failure to appear for the hearing will be deemed a waiver of any objection and acquiescence to the relief of appointed counsel. At that hearing the court must relieve such appointed counsel and must appoint certified counsel for the party whose attorney failed to complete the required training. If the attorney relieved is a member of a public agency, the agency has the right to transfer the case to a certified attorney within that agency. In the case of retained counsel, the court must notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to waive certification or obtain substitute private counsel is solely within the discretion of the party so notified.

D. Upon submission of a Certification of Competency (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 case within the six (6) month period prior to the submission of the certification to the court, that a particular attorney does not meet minimum competency standards. In such case, the court shall proceed as set forth in rule 3.21(D).

E. 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.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.18 to 3.20 January 1, 2010; Amended January 1, 2011)

3.21 MINIMUM STANDARDS OF EDUCATION, TRAINING AND EXPERIENCE

A. Effective July 1, 2001, only those attorneys who have completed a minimum of eight (8) hours of training or education in the area of juvenile dependency, or who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. Each attorney appearing in a dependency matter before the juvenile court shall not seek certification of competency and shall not be certified by the court as competent until the attorney has completed the following minimum requirements:

1. Participated in at least eight (8) hours of training or education in juvenile dependency law which, in addition to a summary of dependency law and related statutes and cases, must include information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation and reasonable efforts; or

2. At least six (6) months of recent experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

B. In order to retain his or her certification to practice before the juvenile court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court on or before June 30th of the third year after the year in which the attorney is

first certified and then every third year thereafter. The attorney shall attach to the renewal Certification of Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization that provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement.

C. The attorney's continuing training or education shall be in the areas set forth in subdivision A.1. of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice, and the rules of civil procedure.

D. When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the attorney that he or she will be decertified. That attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the court shall order, except in cases where a party is represented by retained counsel that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to waive certification or obtain substitute private counsel shall be solely within the discretion of the party so notified.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.19 to 3.21 January 1, 2010; Amended January 1, 2011)

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 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. 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. *(Adopted July 1, 2002)*

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 the child's caretaker. 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.

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.

E. 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 that is consistent with the client's interests, and to comply with the local rules and procedures as well as with statutorily mandated timelines.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.20 to 3.22 January 1, 2010; Amended January 1, 2011)

3.23 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. Each appointed attorney must provide 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 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 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.

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 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.

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, 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 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 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.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.21 to 3.23 January 1, 2010; Amended January 1, 2011)

3.24 COURT APPOINTED SPECIAL ADVOCATE AS GUARDIAN AD LITEM

If the court makes the findings as outlined in rule 3.19(A), and does not appoint an attorney to represent a child, the court must appoint a Court Appointed Special Advocate (CASA) as guardian ad litem for the child.

A. The required training of a CASA volunteer is set forth in California Rules of Court, rule 5.655.

B. The caseload of a CASA volunteer acting as a guardian ad litem must be limited to ten (10) cases. A case may include siblings, absent a conflict.

C. CASA volunteers must not assume the responsibilities of attorneys for children.

D. The appointment of an attorney to represent a child does not prevent the appointment of a CASA volunteer for that child.

(Adopted July 1, 2002; Renumbered from 3.22 to 3.24 January 1, 2010; Amended January 1, 2011)

3.25 PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

A. At any time following the filing of a petition under Welfare and Institutions Code section 300, and until juvenile court jurisdiction is terminated, any interested person may advise the court of information regarding an interest or right of the child that needs to be protected or pursued in other judicial or administrative forums. If the attorney for the child, or a Court Appointed Special Advocate (CASA), acting as a guardian ad litem learns of any such interest or right, the attorney or CASA must notify the court immediately and seek instructions from the court as to any appropriate procedures to follow.

B. Notice to the court may be given by the filing of Judicial Council forms *Juvenile Dependency Petition* (Version One) (JV-100) or *Request to Change Court Order* (JV-180) or by the filing of a declaration. The person giving notice shall set forth the nature of the interest or right that needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

C. If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian *ad litem* may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary. If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.

D. The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.

E. If the court determines that further action on behalf of the child is required to protect or pursue any interests or rights, the court must appoint an attorney for the child if the child is not already represented by counsel, and do one or all of the following:

1. Refer the matter to the appropriate agency for further investigation, and require a report to the court within a reasonable time;

2. Authorize and direct the child’s attorney to initiate and pursue appropriate action;

3. Appoint a guardian *ad litem* for the child, who may be the CASA already appointed as guardian *ad litem* or a person who will act only if required for to initiate and pursue appropriate action; or

4. Take any other action the court may deem necessary or appropriate to protect or pursue the welfare, interests, and rights of the child.

(Adopted October 1, 1998; Amended July 1, 2002; Renumbered from 3.23 to 3.25 January 1, 2010; Amended January 1, 2011)

CHAPTER 3

JUVENILE DEPARTMENT

APPENDIX

For Court Use Only.

/_____

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF MONTEREY
JUVENILE DIVISION

CERTIFICATION OF COMPETENCY OF COUNSEL C.R.C. 5.660

Name: _____
State Bar Number:

_____
Office Address:

_____

Telephone: _____

I am an attorney at law licensed to practice in the State of California. I hereby certify that I meet the minimum standards for practice before a juvenile court as set forth in California Rules of Court, rule 5.660, and Monterey County Superior Court Local Rules, and I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education:
(Attach copies of MCLE certificates or other documentation of attendance.)

Court Title	Date Completed	Hours / Provider

Juvenile Dependency Experience: (Attach additional pages if necessary.)

Case #	# Contested Hearings	Date of Last Appearance	Party Represented

Date: _____

_____
Signature

Revised 1-1-11