

**RULE 10 RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS**

**10.1 ABBREVIATIONS**

The following abbreviations are used throughout these rules:

CASA	=	Court Appointed Special Advocate
CRC	=	California Rules of Court
HSD	=	Human Services Department
ICWA	=	Indian Child Welfare Act
IEP	=	Individual Education Plan
W&I	=	Welfare & Institutions Code

**10.2 JUVENILE CALENDARS**

Juvenile calendar matters with regard to Sections 300 et seq. and 600 et seq. of the W&I Code shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained at the Sonoma County Superior Court website at [www.sonomasuperiorcourt.com](http://www.sonomasuperiorcourt.com) or at the courthouse. Dependency and delinquency matters shall be heard by a judicial officer or persons specified by the Presiding Judge.

**10.3 RULES OF PROCEDURE AND STANDING ORDERS**

CRC, rules 5.500 - 5.830 apply to all juvenile proceedings.

**Standing Orders:**

(Standing orders are posted on the court's website at [www.sonomasuperiorcourt.com](http://www.sonomasuperiorcourt.com).)

Release and Sharing of Education Related Records of Juvenile Court Wards and Dependents;  
No. 2004(1); Issued August 16, 2004

Release and Sharing of Confidential Education and Mental Health Records to Assist Probate,  
Guardianship, and Juvenile Court Investigators; No. 2004(2); Issued December 16, 2004  
(Revised 1/1/2007)

**10.4 ATTENDANCE AT HEARINGS (CRC, RULE 5.530) AND OTHER PROCEEDINGS**

Unless excused by the Court, each adult party and attorney shall attend each scheduled Juvenile Court hearing, including settlement conferences and mediation sessions. (Revised 1/1/2007)

**10.5 COUNSEL OF RECORD AND SELF-REPRESENTED PARTIES (Dependency Proceedings)**

Whenever a requirement in these rules, other than the competency requirements set forth in these rules, is imposed on counsel, that requirement is equally applicable to a self-represented party.

**10.6 PRE-HEARING DISCOVERY**

**A. Informal Discovery**

Pre-hearing discovery shall be conducted informally. Except as protected by privilege or statute, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.

**B. Formal Discovery**

Only after all informal means have been exhausted, may a party petition the court for discovery. Any noticed motion shall state the relevance and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.

The date for the hearing shall be obtained from the Juvenile Court. A copy of the motion shall be served on all parties at least five (5) court days before the hearing date. At the time of service, a courtesy copy shall be delivered to the judicial officer before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served and a courtesy copy delivered to the designated judicial officer two (2) court days prior to the hearing.

**C. Experts and Other Witnesses**

The name(s) of any experts to be called by any party and copies of their reports, the names of any witnesses to be called, and copies of any documents to be introduced at the hearing on the merits shall be made available to all parties no later than (2) two court days after the settlement conference in dependency proceedings or pre-trial confirmation in delinquency proceedings, unless otherwise ordered by the court. If no settlement conference is held in a dependency case, disclosure shall be made at least three (3) court days prior to the master calendar.

(Revised 1/1/2007)

**10.7 NOTICED MOTIONS (Dependency Proceedings)**

**A.** No noticed motion shall be accepted by the court unless it is accompanied by a proof of service. Orders shortening time are required to calendar noticed motions if statutory notice times are not complied with.

**B.** The moving party shall prepare and submit to the court an original and one copy of the request and proposed order to place matter on calendar, notice of motion, motion, declaration and proposed order. Prior to submitting the moving papers to the court, the moving party must serve by facsimile copies of the moving papers on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker. The court will issue its order regarding the request for hearing date within five (5) court days of receipt of the request for hearing.

**C.** Upon receipt of the request and executed order placing the matter on calendar, the moving party must serve by facsimile transmission copies of the same on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social

worker no later than ten (10) court days prior to the hearing date. A proof of service shall be filed with the court no later than five (5) court days prior to the hearing date.

- D. Any opposition to the motion shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker no later than five (5) court days prior to the hearing date.
- E. Any reply to the opposition shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker no later than two (2) court days prior the hearing date.
- F. All motions will be decided on the briefs, declarations, and other documentary evidence filed. No testimony will be taken unless specifically authorized by the court. A failure to file declarations will not be grounds for requesting an evidentiary hearing.
- G. In exceptional circumstances, oral motions may be entertained.
- H. 10.5. C., D., and E. do not apply to discovery motions.

(Revised 1/1/2007)

#### **10.8 REQUESTS FOR EX PARTE ORDERS**

Any party requesting an ex parte order must inform the designated judicial officer that notice has been given by completing a “Declaration Re Notice of Ex Parte Application” form. (Form FL016.) The original Declaration and accompanying Application for Order must be submitted to the clerk in the juvenile department where the pending action would normally be heard. (1/1/2007)

#### **10.9 APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS**

- A. Notice that a temporary restraining order is being sought shall be given to the party to be restrained and all attorneys of record and self-represented parties at least twenty-four (24) hours prior to the application if such notice would not endanger the safety of the person(s) sought to be protected. If 24-hour notice has not been given, the declaration must state good cause for the failure to give 24-hour notice.
- B. The party requesting the temporary restraining order shall be responsible for preparing the order on Judicial Council form, Restraining Order - Juvenile (JV-250) and presenting it for signature.
- C. It will be the responsibility of the party seeking the temporary restraining order or any other person designated by the court to serve the temporary restraining order on the person to be restrained and all appropriate law enforcement agencies.
- D. It will be the responsibility of the court, upon receipt of the original temporary restraining order and/or proof of service, to register the documents in the CLETS system.

**10.10 REFERRALS TO OTHER COURTS**

Any juvenile court judicial officer may refer any juvenile case to the supervising judge of the family or criminal division for assignment if the judicial officer determines such a referral is necessary.

**10.11 CONTINUANCES**

- A. Attorneys for parties are required to adhere to the statutory time lines for all hearings.
- B. **Dependency:** Continuances will be granted and time waivers accepted pursuant to W&I section 352 and CRC, rule 5.550. Requests for stipulated continuances shall be presented to the court by noon one (1) court day prior to the hearing.
- C. **Delinquency:** Continuances of jurisdictional hearings will be granted only upon written motion with notice to all attorneys and unrepresented parties filed within two (2) court days of the date set for hearing. All other hearings may be continued by written motion noticed on an ex parte basis if all attorneys and parties agree to the continuance and the new date for hearing.  
(Rev. 1/1/2007)

**10.12 ATTORNEY COMPETENCE (Dependency Proceedings)**

**A. General Competency Requirement**

- 1. Absent a knowing and intelligent waiver by the party represented, all attorneys who represent parties in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules and CRC, rule 5.660.
- 2. Each attorney appearing in a juvenile dependency matter shall complete the minimum training and educational requirements set forth in these rules.
- 3. Each attorney appearing in a dependency matter shall complete and submit to the court, within 30 days of the effective date of these rules or within 10 days following their appearance, whichever is later, a Declaration of Certification of Attorney Competency (Sonoma County local form JC104).
- 4. A retained attorney may not appear on behalf of a party in a dependency proceeding without having submitted to the court a Declaration of Certification of Attorney Competency or a knowing and intelligent waiver by the party of such certification.
- 5. If a retained attorney maintains his or her principal office outside this county, proof of certification of competency by the juvenile dependency court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile dependency proceeding in this county.

**B. Minimum Standards of Education and Training**

- 1. Prior to certification of competency, the attorney shall have either:

- Participated in at least 36 hours of training and education in juvenile dependency law and practice, which training and education shall have included comprehensive information on W&I sections 202, 213.5, 241.1, 300 et seq.; Family Code sections 7900 et seq. (Interstate Compact), and 7600 et seq. (Uniform Parentage Act); Education Code section 5000 et seq. (Special Education Programs); 8 United States Code (USC) section 1101 (Special Immigrant Status for Undocumented Dependent Children), 25 USC section 1901 et seq. (ICWA), 28 USC section 1738 (Parental Kidnapping Prevention Act), and 42 USC sections 620 et seq. and 670 et seq. (Adoption and Safe Families Act); the CRC, local rules of court, the rules of evidence as set forth in the California Evidence Code, and the applicable case law, as well as practical training on Judicial Council forms, motions, writs, mediation, family group conferencing, team decision making, domestic violence, substance abuse, child development, child abuse and neglect, family reunification and preservation, restraining orders, rights of de facto parents, and reasonable efforts,

or

- At least six (6) months of experience within the last twelve (12) months in dependency proceedings in the State of California in which the attorney has had primary responsibility for 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.

2. Education and training may include:
  - a. Observation of dependency proceedings;
  - b. Self- study, including relevant documents, references, audio and video tapes of previously- presented seminars and conferences;
  - c. Attendance at seminars or conferences related to dependency law that are MCLE-certified, provided by professional organizations, or court-sponsored or approved;
  - d. Supervision by appropriately trained and certified attorneys practicing in the area of dependency law.
3. No more than 18 of the 36 hours of required training and education may be self-study or observation of dependency proceedings.

**C. Renewal of Attorney Competency Certification**

Each attorney who practices before the juvenile dependency court shall complete within every one (1) year period at least twelve (12) hours of continuing education related to dependency proceedings.

1. The attorney's continuing training or education shall be in the areas set forth in Sonoma County Local Rules, rule 10.12 B.

2. Evidence of completion of the required number of hours of training or education shall be retained by the attorney and may include a copy of a certificate of attendance issued by a California MCLE provider or a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider. Evidence of attendance at a court sponsored or approved program will also fulfill this requirement.
3. Beginning January 2007, in order to retain his or her certification to practice before the juvenile dependency court, each attorney or his or her supervisor shall file with the dependency court a declaration certifying that counsel has completed the required continuing education. The declaration must be filed on or before January 15 of each year.

**D. Decertification**

The court retains the authority to review the general conduct and performance of an attorney and to decertify such attorney for good cause at any time. The court may order decertification only after the attorney has been given notice of the intended action and an opportunity to be heard.

**E. New Attorneys**

1. Absent a knowing and intelligent waiver by the party represented, an attorney who has never practiced in dependency court must observe and/or assist in each type of dependency hearing from detention through review of a permanent plan prior to representing a party in a dependency case;
2. An attorney should work and consult with a mentor during the first three months of representing parties in dependency court. A mentor is an attorney with no fewer than three years of experience in dependency law. (1/1/2007)

**10.13 STANDARDS OF REPRESENTATION (Dependency Proceedings)**

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

- A. If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person unless it is impracticable. Whenever possible, the child shall be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.
- B. If the client is not the child, the attorney or attorney's agent shall interview the client at least once prior to the jurisdictional hearing unless the client is unavailable. Thereafter, the attorney or the attorney's agent shall contact the client at least once prior to each hearing unless the client is unavailable. (1/1/2007)

**10.14 REPRESENTATION OF PARTIES OTHER THAN MINORS (Dependency Proceedings)**

**A. Detention Hearing or Initial Appearance**

At the detention hearing or initial appearance, parents' counsel shall be prepared to do the following:

1. Advise the court whether the parents have any Native American heritage by completing and filing Judicial Council form Parental Notification of Indian Status (JV-130) with the clerk of the court; and
2. Assist the parents in completing and filing Judicial Council form Notification of Mailing Address (JV-140) with the clerk of the court.

**B. Jurisdictional/Dispositional Hearings**

1. All counsel shall advise the court regarding paternity issues.
2. In all submitted jurisdictional hearings, counsel shall assist the parent in completing Judicial Council form Waiver of Rights (JV-190).

**C. All Hearings**

1. Parents' counsel shall assist the parents in completing and filing with the clerk an updated Judicial Council form Notification of Mailing Address (JV-130) reflecting any changes in address, and proof of service on all parties.
2. Whenever applicable, parents' counsel shall assist the parents in completing Sonoma County local form JC-101, Waiver of Rights. (Rev. 1/1/2007)

**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. (1/1/2007)

**10.16 REQUESTS TO WITHDRAW (Dependency Proceedings)**

- A. Unless otherwise ordered by the court, a request to withdraw as attorney of record shall be in writing on Judicial Council forms MC051 and MC052 and served in compliance with CRC, rule 3.1362. The request must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case, (e.g., child, parent, guardian, de facto parent), the date and type of the next scheduled hearing. The request shall be noticed and calendared, if possible, for the same day and time as the next scheduled hearing.
- B. Counsel shall also submit the order to be relieved on Judicial Council form MC-053. Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court. (Rev. 1/1/2007)

**10.17 RELEASE OF INFORMATION RELATING TO JUVENILES**

In all cases in which a person or agency seeks records held by law enforcement, including police reports regarding children who are the subject of juvenile court proceedings, the person or agency shall file a request utilizing the Police Report Request Form (Judicial Council Form JV-575)

This section does not apply to those persons and agencies designated by W&I Code §827(a).

**A. Juvenile Case Defined**

For the purposes of this rule, a juvenile case file includes the following documents or items in the possession of the Juvenile Court, Probation Department, Department of Human Services or Court Appointed Special Advocates Program:

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1. All documents filed in a juvenile court delinquency or dependency case by any party or the court;
2. Reports to the court in a delinquency or dependency case prepared by probation officers, social workers, and CASAs;
3. Documents not filed with the court, but made available to probation officers, social workers of HSD, and CASAs in preparation of reports to the court for a delinquency or dependency case;
4. Documents relating to a child concerning whom a petition has been filed in a delinquency or dependency case, which are maintained in the office files of probation officers, social workers and CASAs;
5. Transcripts, records, or reports relating to matters prepared or released by the Juvenile Court, Probation Department, or HSD for a delinquency or dependency case; and
6. Documents, video or audiotapes, photographs, and exhibits admitted into evidence at juvenile court hearings for a delinquency or dependency case.

**B. Documents Excluded from the Term “A Juvenile Case File”**

Medical and psychiatric records, including Evidence Code section 730 evaluations and any child abuse reports, are strictly confidential and not available for inspection or copying except from the subject of the record or his/her attorney.

**C. Inspection and Copying**

The following persons may inspect and receive copies of juvenile case files without filing a petition pursuant to W&I section 827:

1. Court personnel and court investigators from any county;
2. Any attorney representing the minor, minor’s parents, minor’s guardians;
3. The minor or minor’s parents or guardians if they are self-represented.

**D. Inspection**

Other persons or entities as listed in W&I section 827 shall be entitled to inspect a juvenile case file but shall not be entitled to copy a juvenile case file.

Pursuant to W&I section 676(d), when a petition has been sustained for an offense listed in W&I section 676(a), the following information contained in the court file shall be available for public inspection: (a) the charging petition, (b) the minutes of the proceeding, and (c) the orders of the adjudication and orders of the disposition of the court.

**E. Discovery of Juvenile Records**

Except as provided above, persons who desire to inspect or copy a juvenile case file shall follow the procedures as outlined in W&I section 827 and CRC, rule 5.552. See Judicial Council Form JV570.

Juvenile case files may not be obtained or inspected by civil or criminal subpoena.

**F. Access by CASA**

A CASA may inspect and copy records pursuant to W&I section 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only pursuant to a court order pursuant to W&I section 105. The CASA shall present his/her identification as a CASA 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 CASA to have access to any records relating to the child.

**G. Duplication Prohibited**

Records received pursuant to these rules shall be kept confidential and shall not be duplicated or disclosed to third parties.

**H. Release of Court Reports to Court-approved Mental Health Evaluators**

Where the Court has ordered a mental health or psychological evaluation of a minor, the court approved evaluator shall be given a copy of the court report relating to the minor, unless the court makes a specific order to the contrary in the referral.

**I. Release of Information Relating to Juveniles by Law Enforcement**

Pursuant to the cases of *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767 and *Westcott v. County of Yuba* (1980) 104 Cal.App.3d 103, this rule applies to all law enforcement agencies and officials in Sonoma County.

**1. Identity of Juvenile**

Arrest reports or other information in regard to the identity of individual juveniles under the age of eighteen (18) years who are the subject of juvenile court proceedings shall not be released to the press or other media or to any persons or public agency until a detention order has been made by the Juvenile Court or as otherwise provided by law.

**2. Information Regarding Incident**

a. Police reports or information in regard to the incident, with exceptions noted, may be released to:

(1) The minor, if self-represented in a juvenile court proceeding, or to his/her attorney pursuant to these rules;

- (2) The District Attorney of Sonoma County;
  - (3) The law enforcement agency of the minor's residence;
- b. Other law enforcement agencies who require it for crime investigation or reporting purposes;
  - c. The Sonoma County Probation Department;
  - d. Court personnel;
  - e. The Sonoma County Department of Human Services, Division of Family and Children's Services;
  - f. The parents or legal guardian of the minor, unless there is a reference to another minor in the reports (In that situation, the request must be approved by the juvenile court.);
  - g. The school attended by the minor;
  - h. Victims of juvenile crime (They may be given the names and addresses of the persons mentioned in the report, without reference to the status of any minor. The release of further information must be approved by the juvenile court.);
  - i. Hospitals, schools, camps, Job Corps or placement agencies which require the information for the placement, treatment or rehabilitation of the minor;
  - j. The persons entitled thereto under Vehicle Code §§20008-20012;
  - k. Any coroner or medical examiner;
  - l. The name of a minor 14 years of age or older taken into custody for the commission of a serious felony as defined by subdivision (c) of Penal Code section 1192.7, and the offenses allegedly committed may be released at the request of any interested party if a hearing has commenced that is based upon a petition that alleges that the minor is a person with the description of Section 602.

**3. Commission of a Felony**

If at disposition the minor was found by the court to have committed a felony, the arresting agency may send the usual information to the CII, FBI or other police agencies within California, but to no other persons or agencies (except as otherwise authorized herein).

**4. Contents of Reports**

This rule does not prohibit release of information by law enforcement agencies about crimes or the contents of arrest reports, except insofar as they disclose the identity of the juvenile who is subject of juvenile court proceedings.

**5. Coroner's Reports**

This rule does not apply to coroner's reports.

**J. Inter-Agency Exchange of Information**

1. This rule addresses the exchange of information between Family Court Services, Probation Department, Department of Human Services, Case Management Council,

and the Court Investigator in juvenile delinquency, juvenile dependency, child custody, conservatorship, guardianship, and criminal proceedings. The disclosure of information concerning children and their parents by any of these agencies is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in certain circumstances will serve the best interests of the child who is before the court. The court hereby finds that the best interests of children and victims appearing in court, the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts and the value of having relevant information gathered by a court agency outweighs the confidentiality interests reflected in Penal Code sections 11167 and 11167.5 and W&I sections 827 and 10850 *et seq.*, Family Code sections 1818, and Probate Code section 1513, and therefore good cause exists for this rule.

2. The representatives of the above-listed agencies who are investigating or supervising cases involving children may orally disclose information to each other as follows:
  - a. Whether the child before the court, his/her parents, guardians, or caretakers are or have been the subject of a child custody, delinquency, dependency criminal or probate investigation, the findings and status of that investigation the recommendations made or anticipated to be made to the court by the agencies listed above, and the progress while under court supervision including compliance with court orders, and any court orders in existence with respect to the child, parents, guardians, or caretakers.
  - b. Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending case.
  - c. Each agency may include this information in court reports and keep such information in their case files.
  - d. All of the above listed agencies may provide written documents to each other. These documents may include but are not limited to relevant portions of investigation notes, progress notes and summaries, and court reports containing information described in (a) and (b) above. However, child abuse and neglect reports described by Penal Code section 11167.5 (Suspected Child Abuse Report form #S-8572), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of HSD or Juvenile Probation Department documents used by the above-listed agencies will not be made available to the public without a court order.
3. Any disclosure authorized by this rule shall be subject to the following conditions: The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above; all information shall be provided orally; if an agency desires written documentation, it shall make written application for a court order releasing that documentation; the information

gathered shall be used exclusively in the investigation being conducted and the subsequent court proceedings, and shall not be repeated to anyone not a party to those proceedings without court order.

4. Nothing in this rule is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other court orders.
5. The release of information by Family Court Services is subject to limitations imposed by state and local rules. (Rev. 1/1/2007)

#### **10.18 LOCAL RULES RELATING TO CHILD ADVOCATES**

##### **A. The CASA Program**

The Juvenile Court may appoint CASAs to represent the interests of dependent or delinquent children. The CASA program must operate under the guidelines set forth in W&I section 100 et seq.; W&I section 356.5; and CRC, rule 5.655.

The CASA program shall report regularly to the Presiding Judge of the Juvenile Court 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.

##### **B. Sworn Officer of the Court**

A CASA is an officer of the court and is bound by these rules. Each CASA shall be sworn in by a Superior Court Judge/Commissioner before beginning his/her duties.

##### **C. Termination of CASA**

The CASA serves at the pleasure of the court, and the appointment of the CASA may be terminated by the court. Any party or the Director of the CASA program may file a motion for termination of the appointment of a CASA. The court will determine whether there shall be a hearing on such a petition.

Any CASA with a grievance concerning termination may petition the court for a hearing. Such petition shall include facts indicating that the CASA has exhausted all remedies available to him or her within the CASA program. The court will determine whether there shall be a hearing on such a petition.

##### **D. CASA's Functions**

In general, a CASA's functions are as follows:

1. To provide independent, factual information to the court regarding the cases to which he or she is appointed;
2. To represent the best interests of the children involved, and consider the best interests of the family in the cases to which he or she is appointed;

3. At the request of the judicial officer, to monitor cases to which he or she has been appointed to assure that the court's orders have been fulfilled.

**E. Specific Duties**

The court shall, in its initial order of appointment, and subsequent orders as appropriate, specifically delineate the CASA's duties in each case, which may include independently investigating the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, considering visitation rights for relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the CASA shall discharge his/her obligation to the child and the court in accordance with the general duties set forth in these rules, W&I section 102, and CRC, rule 5.655.

**F. Procedures in Delinquency Cases**

A request for appointment of a CASA in a delinquency case may be made orally or in writing in open court or ex parte by the probation officer or any party to the case, or by the court on its own motion. If the court grants the request, it shall order that the case be referred to CASA for screening.

1. When the court grants the request for appointment of a CASA, CASA shall prepare and present to the court an order appointing the CASA.
2. Any party to the proceeding may petition the court for a hearing to reconsider the appointment.
3. A CASA may petition the court to set the minor's case for a review hearing.
4. CASA reports shall be submitted to the court three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, District Attorney, Juvenile Probation, and the minor's attorney (or the minor's parents if unrepresented) at least two (2) court days prior to the hearing.

**G. Procedures in Dependency Cases**

1. A request for appointment of a CASA in a dependency case may be made orally or in writing in open court or ex parte by the social worker or any party to the case or by the court on its own motion. Unless there is opposition, the referral shall be forwarded to the CASA office for screening and assignment.
2. When an appropriate CASA has been identified, that person's name shall be submitted to the court for appointment. CASA administration shall prepare and present to the court an order appointing a CASA.
3. Any party to the case may petition the court for a hearing to reconsider the appointment.

4. A CASA report shall be submitted to the court at least three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, County Counsel, HSD and counsel for the parent(s) and minor(s) at least two (2) court days prior to the hearing.

**H. Release of Information to CASA**

Upon referral to CASA or upon appointment of a CASA, the judicial officer shall sign an order presented by CASA administration granting the CASA 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. See also Sonoma County Local Rules, rule 10.17.

**I. Access to Records**

A CASA may inspect and copy records pursuant to W&I section 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only pursuant to a court order pursuant to W&I section 105.

The CASA shall present his/her identification as a CASA to any such record holder in support of his/her request for access to specific records. No consent from the parent(s) or guardians(s) is necessary for the CASA to have access to any records relating to the child. See also Sonoma County local rule 10.17. F.

**J. Report of Child Abuse**

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

**K. Communication**

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the CASA, social worker, child's attorney, attorneys for parents or guardians, foster parents and any therapist for the child.

**L. Right to Timely Notice**

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

**M. Calendar Priority**

In light of the fact that CASAs 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.

**N. Visitation Throughout Dependency**

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

**O. Family Law Advocacy**

Should the Juvenile Court dismiss dependency and create family law orders pursuant to W&I section 362.4, the CASA'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 CASA's duties in the family law proceeding.

**P. Right to Appear**

A CASA 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. (1/1/2007)

**10.19 MEDICAL ISSUES**

**A. Health Assessment, Physical Examination, Laboratory Tests, Venereal Disease, Screening and Furnishing of Contraceptives, Immunizations, Routine Medical Care, Mental Health Evaluation and Services, and Dental Assessment and Treatment of Temporarily Detained Minors**

In order that minors detained in the Sonoma County Probation Department and Department of Human Services temporary holding facilities, i.e. Juvenile Hall, rehabilitation facilities, Valley of the Moon Children's Home, emergency satellite homes, and alternative shelter programs, receive necessary care of their physical and mental health, and do not endanger the health and welfare of other persons in these facilities, the Sonoma County medical clinics are hereby authorized to provide the following services to all such juveniles, which services follow the "Statement of Pediatrics, Health Care for Children and Adolescents in Detention Centers, Jails, Lock-ups, and other Court-Sponsored Residential Facilities":

1. A comprehensive health assessment and physical examination;
2. Any clinical laboratory tests and limited, non-intrusive diagnostic tests such as X-rays and CT scans, the medical provider determines are necessary for the evaluation of the juvenile's health status;
3. Upon consent of the minor and the minor's counsel, screening for venereal disease. Contraceptive devices may be furnished to any minor upon the minor's request;
4. Any standard childhood immunization necessary to bring a minor's immunization up to date, and, if immunization records are unavailable, any immunizations recommended by the American Academy of Pediatrics for that child's age. However, no immunizations shall be administered before: (1) making a reasonable attempt to obtain parental or legal guardian consent; (2) checking the county

immunization registry; (3) contacting the child's physician; and (4) if the child is of school age, contacting the child's school for immunization records. If a parent or legal guardian objects to the child receiving immunizations, then no immunizations shall be administered without a court order. Further, if no parent or legal guardian is available to give consent, no immunization may be given until the above conditions have been met and seven days have elapsed since the child's detention;

5. Any routine medical care required based on the results of the comprehensive health assessment, and any routine medical care required for the care of illnesses and injury, including the use of standard X-rays, stitches for cuts and casts for broken bones. Routine medical care as referred to above includes:
  - a. First aid care for conditions which require immediate assistance from a person trained in basic first aid as defined by the American Red Cross or its equivalent;
  - b. Clinic care for ambulatory juveniles with health care complaints who are evaluated and treated at sick call or by special appointment; and
  - c. Inpatient bed care for illness or injury which requires limited observation and/or management and does not require admission to a licensed hospital. Routine medical care does not include blood transfusions or inpatient care for illness or diagnosis which requires optimal observation and/or management in a licensed hospital;
6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility shall occur absent compliance with W&I sections 319.1, 635.1 and 5150, et seq;
7. A dental assessment, including X-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment;
8. HSD social workers are authorized to sign necessary documentation and consent forms, including school medical consent forms, for the provision of medical services described in this section.

**B. Authorization for Use of Psychotropic Drugs**

1. The administration of psychotropic drugs to minors who are wards or dependent children shall only occur upon the authorization of a duly licensed psychiatrist, the Medical Director of Juvenile Institutions or the Director's designated physician and the court after notice to the minor's attorney, parents/guardian and/or their attorney.
2. In dependency cases, any request for psychotropic drugs must be made on Judicial Council form Application and Order for Authorization to Administer Psychotropic Medication-Juvenile JV-220. Absent an emergency, no request shall be presented to the judicial officer until one (1) business day after the request has been made available by the HSD for review by County Counsel. This requirement is in

addition to the specific requirements governing psychotropic medications in CRC, rule 5.640.

**3. Initiation or Changes in Medication**

The court finds that immediate and special mental health intervention may be necessary for disturbed, psychotic, depressed or suicidal minors who are impacted by the unusual life situations and the stress of institutional placements. Accordingly, the administering psychiatrist shall have the discretion to initiate the use of psychotropic drugs for a 14-day period while attempting to obtain parental or guardian consent or court authorization if after weighting the risks and benefits of such medication, the psychiatrist concludes there is no significant risk of irreversible side effects.

If the administering psychiatrist, probation officer or social worker learns that the parent, guardian or attorney for the child objects to the utilization of such drugs, the matter shall be set for hearing before a Juvenile Court judicial officer on an expedited basis.

**4. Continuation of Previously-Prescribed Medication**

If the minor has already been prescribed psychotropic drugs, the attending physician may continue the use of those previously-prescribed drugs at the physician's discretion. However, there shall be no increases in dosage without authorization pursuant to W&I section 369.5 and CRC, rule 5.640. The parents or guardian do not have the authority to withhold consent for increases/decreases in dosage if the child has been removed from their custody and control.

**5. Continuation of Medication Upon Change in Placement**

Whenever a dependent child or ward of the court, or minor in placement at the Juvenile Hall or Valley of the Moon Children's Home, is moved to a new placement or to a facility pursuant to W&I section 5000, et seq., and the child is prescribed medication, the medical or other supervisor at the new placement may continue to administer that medication under supervision of the medical staff or the child's physician. No further order of the court is required and the child's medication is not to be abruptly discontinued for lack of such an order.

**6. This rule does not override any inherent authority a physician may have to provide treatment and care in emergency situations (Cal. Code Regs. Title 9, section 853)**

- C.** At the time of admission to the temporary holding facility, all reasonable efforts should be made to obtain the consent of the parent(s) or legal guardian for non-routine medical care while the juvenile is temporarily detained or placed out-of-home. In the event signed consent cannot be obtained, the medical clinic shall request a court order for any non-routine health care.

- D.** This rule applies to dependency children in court-ordered placement as well as children who are the subject of a W&I section 300 petition who are temporarily placed with relatives or non-relative extended family members. (1/1/2007)

**10.20 REQUESTS FOR MODIFICATION (Dependency Proceedings)**

Requests for modification will be addressed pursuant to procedures set forth in W&I sections 387, and 388, and CRC, rules 5.560(d), 5.565 and 5.570.

**A. Notice Regarding Change In Placement**

In order to ensure that proper notice is received by parents or guardians, attorneys for parents and minor's counsel of any change in a child's placement after the original dispositional hearing:

**1. Non-emergency situations**

- a.** If the county of placement remains the same, HSD shall give notice at least five (5) business days prior to the change in placement.
- b.** Prior to removal of a child from one county to another, HSD shall provide notice at least ten (10) business days unless emergency circumstances prevent such notice.

**2. Emergency situations**

HSD shall give notice immediately upon determination that a move is necessary.

**3. Notice may be given orally or in writing.**

**B. W&I Code Section 388 Petitions**

This procedure relates to the notification process required before the filing of a JV-180 petition requesting modification, the procedure for approving undisputed JV-180 petitions, and the procedure for the court's consideration of disputed JV-180 petitions. These procedures are as follows:

- 1.** At least one week before the JV-180 is submitted to the court, or upon a showing of good cause, such shorter time as the court may order, the moving party must fax a draft of the proposed JV-180 with supporting documentation to all counsel, parties unrepresented by counsel, and the social worker. (May be mailed if a fax number is unavailable.
- 2.** At least seven (7) calendar days after the draft JV-180 has been served as described above, the moving party may submit the original (and one copy) of the petition to the court. Paragraph 8 must be fully completed, including a clear statement of the date(s) of service of the draft copy. The moving party need not complete Paragraph 10 of the JV-180.

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3. When the original JV-180 is submitted, the moving party will serve all parties with a *complete* copy of the JV-180 being submitted *and* notice of the submission of the JV-180 to the court.
4. If the request is agreed to by all parties, the court may grant the petition without a hearing. (Calif. Rules of Court, rule 5.570(d)) After the court grants the request, the court will file the JV-180 and an endorsed filed copy of the order will be returned to the moving party for service on all other parties. The moving party must subsequently file an appropriate proof of service documenting its service of the order granting the requested modification.
5. If the request is disputed, the court will mark the original as “received”.
  - a. Within two (2) court days of receipt of the petition, the court will make an initial determination whether the petition meets the threshold to warrant a hearing. In order to warrant a hearing, the moving party must show: 1) changed circumstances or new evidence; *and*, 2) that the best interests of the child may be promoted by the proposed modification.
  - b. If the court determines that the petition does not merit a hearing: 1) the court will deny the petition on its face (Calif. Rules of Court, rule 5.570), file the petition, and fax its ruling to the moving party, *and* 2) the moving party will serve the denial on all parties by fax within two (2) court days of receipt and submit an appropriate proof of service to the court. (May be mailed if a fax number is unavailable.)
6. If the court determines the petition appears to merit a hearing:
  - a. The court will set the matter as the last item on the court’s calendar on Wednesday or Thursday afternoon in at least two (2) weeks but not more than three (3) weeks to allow for opposition to the setting;
  - b. The court will serve notice of the hearing on all parties;
  - c. Any party opposing the setting of the petition for hearing will serve by fax and submit its opposition to the court no later than three (3) court days before the initial setting. (May be mailed if a fax number is unavailable.)
  - d. At initial appearance, a short oral argument regarding granting the petition will be entertained by the court. Following argument, the court will either set the matter for trial or deny the petition on the record. The petition and order will be filed at this time.

(1/1/2007)

**10.21 ACCESS TO MINORS IN DEPENDENCY PROCEEDINGS**

After filing of the petition in a dependency proceeding, no party or attorney, other than the social worker, in a dependency proceeding shall:

- A. Interview the minor about the events relating to the allegations in the petition(s) without permission of the minor's attorney or court order;
- B. Cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. (1/1/2007)

**10.22 MEDIATION IN DEPENDENCY PROCEEDINGS**

- A. Dependency cases may be referred to mediation at any stage of the proceedings as deemed appropriate by a judicial officer hearing dependency cases and as resources for mediation are available. The parties are to cooperate with the process if referred.
- B. **Calendaring and Referral**
  - 1. The court will, at the time of calendaring, attempt to identify all the individuals whose participation in mediation may be helpful in resolving the case so that their participation may be either ordered or invited as appropriate.
  - 2. The court will complete Sonoma County local form Family Court Services Mediation Referral Order (JUV 102.1 or JUV 102.2) at the time of calendaring and will identify the participants and issues referred to mediation.
  - 3. The court will make the juvenile dependency file available to Family Court Services or other authorized mediator or mediation program.
  - 4. Dependency mediation in Sonoma County is a confidential and non-recommending process operating in compliance with W&I section 350, CRC, rule 5.518 and Chapter 2, sections 1115 through 1128 of the Evidence Code with the following exceptions to confidentiality: Sonoma County dependency mediators have a duty when confronted with serious threats of violence against reasonably identifiable victims to make reasonable efforts to communicate such threats to the victim or victims and to a law enforcement agency. (1/1/2007)

**10.23 SETTLEMENT CONFERENCES IN DEPENDENCY PROCEEDINGS**

Settlement conferences shall be held prior to every contested dependency hearing unless expressly determined to be unnecessary by the judicial officer setting the contested hearing.

The trial attorneys and all parties other than the minor shall be present at the settlement conference, unless expressly excused by the court. At the settlement conference the parties or their attorneys shall discuss the issues to be tried and any areas of agreement.

**10.24 GUARDIANS AD LITEM (Dependency Proceedings)**

- A. **Appointment of Guardians Ad Litem**
  - 1. The court shall appoint a guardian ad litem to represent any incompetent parent or guardian whose child or ward is before the juvenile court pursuant to a dependency petition (W&I section 300 et seq.). The determination of incompetency may be

made by the court at any time in the proceedings based upon evidence received from any interested party.

2. The parent or guardian must be present and the court must explain the proceedings to the parent or guardian in plain language. If the court finds by a preponderance of the evidence that the parent or guardian does not understand the nature or consequences of the proceeding, or that the parent or guardian cannot assist their attorney in the preparation of their case, the court shall appoint a guardian ad litem.

**B. Notice to Guardians Ad Litem, Access to Records, and Duty to Appear**

1. In all proceedings, the guardian ad litem shall be given the same notice as any party.
2. The guardian ad litem shall have the same access to all records relating to the case as would any party.
3. The guardian ad litem has a duty to appear at all hearings.

(1/1/2007)

**10.25 VISITATION (Dependency Proceedings)**

**A. Between Detention and Disposition**

Visitation for any child taken into temporary custody pursuant to W&I section 300 et seq., will be provided according to the following guidelines:

1. The first visit with his/her parent(s) or guardian(s) shall occur within five (5) calendar days of the date the child was taken into temporary custody. Visitation thereafter shall be as frequent as possible consistent with the best interests of the child.
2. Absent unusual circumstances, the following guidelines shall be considered:
  - a. Newborns to five years old: Six (6) hours of visitation with their parent(s) or guardian(s) per week. No visit shall exceed two (2) hours per day.
  - b. Six year olds to eighteen year olds: Three (3) hours of visitation with their parent(s) or guardian(s) per week.
3. Any request for the court to consider visitation issues shall be made at the detention hearing or with two (2) court days' notice prior to the jurisdiction hearing.

**B. Post-Disposition**

The court will entertain argument regarding visitation at subsequent review hearings only if notice of the visitation issue has been given to all parties at least two (2) court days prior to the review hearing.

(1/1/2007)

**10.26 TRIAL HOME VISITS (Dependency Proceedings)**

- A. HSD shall obtain a court order prior to starting a trial home visit. No later than the time the request is presented to the court and at least three (3) court days before the trial home visit is to begin, HSD shall give notice to all counsel and self-represented parties of the request. The request shall include the date the trial home visit is to begin. Said notice shall not be less than three (3) court days before the trial home visit is to begin.
- B. A trial home visit shall not commence prior to the passage of three (3) court days after notice of the date the visit is scheduled to begin unless agreed to by all parties and approved by the court.
- C. All parties shall have the opportunity during the ensuing three (3) court days to object to the start of the trial home visit. If no objection is received, the court will review the proposed order for approval. With the court's approval, the trial home visit may begin the day following the three (3) court day period.
- D. If any party objects, said objection shall be made orally or in writing ex-parte to the court by 4:00 p.m. of the third court day, with oral notification of the objection to the social worker and all other parties. Upon receipt of any party's objection to the trial home visit, the clerk of the court shall set the matter on the next Master Calendar for setting a hearing. The objecting party shall give oral or written notice of the scheduled hearing to all other parties.
- E. The minor(s) shall remain in the current placement or other appropriate foster care pending the hearing. In no event shall the minor(s) be placed with the party(ies) who are the subject of the trial home visit until the court has ruled on the matter.
- F. If the court has previously approved a trial home visit, the social worker shall obtain a 90 day review date from the juvenile dependency clerk and notify all parties of the commencement of the trial home visit and review hearing date.

(1/1/2007)

**10.27 EXIT CUSTODY ORDERS (Dependency Proceedings)**

- A. At least thirty (30) days prior to a review hearing at which dismissal will be recommended, the social worker shall notify the parents' attorneys, unrepresented parties and counsel for the child that the HSD will be recommending dismissal of the action and that an exit custody order will be required. The worker will provide counsel and self-represented parties with information regarding visitation and case status to assist in formulating a custody order.
- B. At least three (3) weeks prior to the review hearing, counsel for the parents, or the parents where self-represented, and counsel for the child are encouraged to meet and confer to negotiate an exit custody order. It is not necessary that an HSD representative appear at the conference if the minor is represented by counsel. If agreement is reached, it is parents' counsel's joint responsibility to prepare and submit to the court and serve on all parties a proposed order on Judicial Council form Custody Order- Juvenile JV-200 at least three (3) court days prior to the review hearing.

- C. If the terms of the exit custody order are in dispute, counsel and the parents are encouraged to meet in an informal settlement conference and/or mediation prior to the review hearing. A mediation date can be reserved by contacting Family Court Services at (707) 521-6800.
- D. To confirm a mediation date, the parties must submit Sonoma County local form Family Court Services Mediation Referral Order (JUV-102.1 or JUV-102.2) for court approval. The submitting party will serve the order on Family Court Services, HSD, and all counsel and self-represented litigants.
- E. If the parties are not able to reach agreement prior to the review hearing, at the hearing, the matter shall be set on the first available master calendar following the previously reserved mediation date. A settlement conference generally will not be required if there has been a settlement conference or Family Court Services mediation session regarding the exit custody orders.
- F. The parties' willingness and ability to work together for the benefit of the child(ren) will be one factor the court considers in making custody orders following any contested hearing on the issue.

(1/1/2007)

**10.28 15-DAY REPORTS (Dependency Proceedings)**

- A. The 15-day reviews required to be submitted to the court by HSD pursuant to W&I section 367 and CRC, rule 5.695(i) shall be filed on the 15<sup>th</sup> day after disposition. The filed report shall contain a detailed summary of the efforts put forth by the social worker to place the minor. The second report filed with the court on the 30<sup>th</sup> day after disposition shall contain the following:
  - 1. A listing of all prospective placements contacted;
  - 2. The date of submission of each application for admission to the respective placement facilities;
  - 3. The results, if any, of each application and the dates of receipt of notification of said results;
  - 4. The names of any further placements to which applications are contemplated and the prospective date that the application(s) will be made;
  - 5. A report of personal contact with the minor to apprise him or her of the progress of the placement process and the minor's statement regarding the impact of the delay on the minor;
  - 6. Any specific incidents of physical or mental health-related problems or behavioral issues encountered by the minor while awaiting placement.

- B. This pattern shall continue each 15 days. The listed requirements shall be part of the 60-, 90-, 120-day, etc., report documenting activities during the preceding 30-day interval.

(1/1/2007)

**10.29 BONDING STUDY (Dependency Proceedings)**

- A. Any party to a dependency case may request that the court consider the appointment of an expert to prepare a bonding study for the court and/or the requesting party.
- B. A request for a bonding study must be made in writing and must be filed with the court no later than thirty (30) calendar days following the court's order terminating/bypassing reunification services and setting a hearing pursuant to section W&I section 366.26. The request must demonstrate that there is good cause for ordering a bonding study, which shall include at a minimum the following:
  - 1. A declaration by the requesting party setting forth the factual basis of the alleged bond between parent and child(ren), including the specifics of the parent's record regarding visitation over the previous six months; and
  - 2. A declaration by a service provider or professional demonstrating personal knowledge of and stating facts that indicate there is a bond between the parent(s) and the child(ren), as well as the declarant's knowledge of the nature and extent of the contact between the parent and child(ren) during the previous six months. In the alternative, the attorney for the requesting party or the self-represented requesting party may submit a declaration regarding his/her unsuccessful efforts to obtain a declaration from a professional and attach/summarize visitation notes that in the attorney's or party's view demonstrate consistent visitation and the existence of a bond between the parent(s) and child(ren).
- C. If a prima facia showing is made, the matter will be set for a hearing in not less than twenty (20) days, to allow time for the filing of any opposition. Once a court date is assigned, the papers are to be served on all parties by the moving party.
- D. If any party opposes the request for a bonding study or wishes to request an expansion of the study to include an evaluation of the bond between the child(ren) and the current caregiver(s) and/or between the children themselves, responsive pleadings must be filed with the court and served on all parties at least three (3) court days before the date of hearing.

(1/1/2007)

**10.30 PRISONER TRANSPORT ORDERS (Dependency Proceedings)**

It is the responsibility of an incarcerated parent's counsel to be in contact with his or her client at the earliest opportunity prior to each hearing and to advise the parent of his or her rights and prior to each hearing at which the client has a right to appear, 1.) it is the responsibility of the attorney to arrange for the transportation of the client to appear at the hearings and/or 2.) obtain a waiver from the client. For a client who is in custody in the Sonoma County Jail, including the North County

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Detention Facility, counsel shall follow the procedure set forth in the section below. For a client who is in custody out of county, in state prison or declared mentally incompetent as set forth in Penal Code section 2625, counsel shall utilize Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights JV-450 and follow the procedure set forth below.

**A. For Parents in Custody in the Sonoma County Jail**

Five (5) days prior to the scheduled hearing, confirm with the juvenile court clerk that notice has been given to the Sheriff's Department that the parent needs to be transported.

**B. For Parents in Custody Out of County or in State Prison**

1. At least, three (3) weeks prior to the scheduled hearing date, submit to the court Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights (JV-450), and Declaration in Support of the Order (Penal Code §2625, subd. (d)).

The Declaration and Judicial Council form JV-450 shall contain the following:

- a. An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested; and
  - b. A recitation of facts that demonstrate good cause for the attendance of the incarcerated parent-party, unless the hearing is a dispositional hearing or a hearing to terminate parental rights.
2. When counsel obtains the certified copies of the order and the endorsed-filed copy of the declaration, counsel must then present four certified copies of the order to the Criminal Division of the Sonoma County Superior Court, with the request that three (3) certified copies be date/time stamped and placed in the Transport Order box, and that the other copy be date/time stamped and returned to counsel for his/her files. The fifth certified copy shall be served on the facility where the parent is incarcerated.

**C. Orders to Produce Incarcerated Parties in Dependency Cases**

The requesting party shall complete a proof of service indicating delivery of three (3) certified copies of the order to the Criminal Division of the Superior Court (for the Transport Order box), the facility where the parent is incarcerated and all parties, and file the proof of service with the juvenile court.

**D. Waiver of Attendance**

If the parent does not wish to attend the hearing, the proper waiver form must be completed and filed with the court. It is parent's counsel's responsibility to obtain the waiver from the parent and/or facility and file it prior to the hearing.

(1/1/2007)

**10.31 REQUESTS FOR TRANSCRIPTS**

A party requesting a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question.

**10.32 ACCESS TO COURTROOM BY NON-PARTIES**

Unless specifically permitted by statute, juvenile court proceedings are confidential and shall not be open to the general public.

The court encourages interested persons including trainees and students to attend juvenile proceedings in order better to understand the workings of the juvenile court. The court retains the discretion to determine in each case whether any such interested party may attend court sessions.

The court or its agent shall remind each such non-party that the names of parties and/or identifying information from any case are confidential and shall not be repeated to anyone outside the court. Any such person may be required to sign an acknowledgment and agreement relating to their observation of court proceedings.

**10.33 NOTICE AND REQUEST TO ATTEND COURT PROCEEDINGS (Delinquency Proceedings)**

- A. Confidential Proceedings: In all non W&I Code section 676(a) delinquency cases, permission to attend the court proceedings is in the discretion of the judicial officer presiding over the matter. A written request seeking permission to attend confidential proceedings must be filed with the juvenile clerk.
- B. The request must be filed with the juvenile clerk by (a) 10:00 a.m. the day of the hearing for cases that are calendared for the afternoon session; or (b) 4:00 p.m. the business day before the hearing for cases that are calendared for the morning session.

**10.34 REQUEST FOR COMPUTER ACCESS TO JUVENILE CASE MANAGEMENT SYSTEM**

In an effort to maintain confidentiality requirements with regard to juvenile matters, access to juvenile case information via the automated case management system will be limited. Requests for computer access to the Juvenile Case Management System by criminal justice and law enforcement agencies are to be submitted to the juvenile court judicial officer for approval, with a copy submitted to the juvenile court division manager.

**10.35 USE OF CAMERAS OR RECORDING EQUIPMENT (Dependency Proceedings)**

Pursuant to CRC, rule 1.150(e)(6)(B), the judicial officer presiding over any dependency matter shall not have discretion to permit cameras or recording equipment in the dependency courtroom. (Rev. 1/1/2007)

**10.36 FOREIGN CONSULATES (Dependency Proceedings)**

Whenever there is reason to believe that a child appearing before the juvenile court is a foreign national, HSD may orally disclose to the foreign consulate the following information about each

child and parent: address, telephone number, date of birth and the reason the child was brought into protective custody. (Rev. 1/1/2007)

**10.37 APPEARANCE BY TELEPHONE (Dependency Proceedings)**

**A. General Provisions**

A party in a dependency proceeding may request permission to appear by telephone in any hearing or conference. The court shall ensure that the appearance of one or more of the parties by telephone does not result in prejudice to the parties appearing in person. The court will disfavor any request for a parent who is physically able to appear in court and lives within the State of California.

**B. Requests**

A request for appearance by telephone shall be made by letter or other ex parte application at least five (5) court days before the hearing. The request shall be submitted to the court with copies served on all parties.

**C. Opposition**

Opposition to the request for appearance by telephone may be made to the court at least three (3) court days before the hearing with copies served on all parties.

**D. Court Order and Ruling**

The court will rule on the request for telephone appearance at least two (2) court days before the hearing and issue a written order that will be served on all parties.

(Effective 1/1/2007)

**10.38 COURT APPOINTED COUNSEL COMPENSATION (602 and 300)**

Court appointed counsel shall be compensated by the court:

In appropriate cases extraordinary costs and expenses, including expert witness fees and investigation costs, shall be allowed provided that prior approval is obtained from the judicial officer. Ex parte petitions may be made in camera if authorized by law. Normal overhead costs are not considered allowable expenses for reimbursement. These include telephone costs, office copying costs, certified mail, etc.

(Effective 1/1/2007)