

**DIVISION V: JUVENILE
CHAPTER 10 - GENERAL**

RULE 10.0.1 INTRODUCTION AND PURPOSE OF RULES

A. These rules are intended to supplement state statutes principally found in the Welfare and Institutions Code (“WIC”). In addition, they supplement the California Rules of Court (“CRC”) relating to Juvenile Court matters (see CRC Title 5 – Family and Juvenile Rules). These rules cover juvenile court policy and procedure, but not juvenile traffic hearings or traffic hearing appeals. It is recommended that persons using these rules have readily available a copy of the Welfare and Institutions Code and a copy of the California Rules of Court.

B. There are three sections to these rules. The first sets forth general provisions that apply to all juvenile court matters. The second section applies solely to dependency proceedings instituted pursuant to WIC §300, et. seq. The final section applies solely to delinquency proceedings instituted pursuant to WIC §601, et. seq.

C. To the extent that any of these rules conflict with either state statute or rule of court, the local rule is of no legal effect. The rules of construction and severability referenced in CRC, Rules 5.501(c) and 5.501(d) apply throughout.

(Revised effective 1/1/04; Amended 1/1/07)

SECTION ONE - GENERAL PROVISIONS

RULE 10.1.1 JUDICIAL ADMINISTRATION

A. There shall be one Presiding Judge of the Juvenile Court, who shall be selected annually by the Presiding Judge of the Superior Court.

B. Whenever a Commissioner of the Superior Court presides over a juvenile court hearing, that commissioner shall have the same authority as a juvenile court referee pursuant to the Welfare and Institutions Code and California Rules of Court. However, unless otherwise expressly specified, the commissioner, without further order of the court, shall act as a temporary judge with respect to any and all dependency actions, causes or proceedings. Referees are authorized to hear any matter that falls under the jurisdiction of the juvenile court other than requests for rehearing of their own decisions made pursuant to WIC §§252-254. Referees may conduct any hearing of a juvenile matter, including contested jurisdictional hearings, as a judge pro tempore if the parties have so stipulated. The parties must stipulate that a referee may hear the case as a judge pro tempore in order for that referee to conduct a contested 602 jurisdictional hearing. All petitions that would constitute a misdemeanor in adult criminal court shall be heard by a referee as time permits if the parties will so stipulate.

C. The Presiding Judge of the Juvenile Court may issue Standing Orders for the administration of the juvenile court as he or she deems appropriate. Any such Standing Orders shall be attached as an appendix to these rules or shall be made available to the public by the Clerk of the Juvenile Court located at 400 Broadway, Oakland, CA. Any Standing Orders issued pursuant to this Rule shall expire on December 31 of the year of the Order’s issuance.

D. With the prior approval of the Presiding Judge, the Presiding Judge of the Juvenile Court may authorize and establish such informal committees related to juvenile court work and activities as the Presiding Judge deems appropriate.

E. The Clerk of the Juvenile Court shall keep and provide to the general public copies of these local rules and any appendices. A reasonable charge may be made for providing a copy. Also, local rules are available on the Superior Court's website at <http://www.alameda.courts.ca.gov/courts/rules/index.shtml>.

(Revised effective 1/1/04; Amended 1/1/06 and 1/1/07)

RULE 10.1.2 FILING OF PAPERS – IN GENERAL

A. All reports prepared by county agencies, and all moving and responding papers filed by counsel, may be filed in any of the Juvenile Court Clerk offices designated below. Parties are advised that they will better ensure timely receipt of their papers if they are filed in the court clerk's office in the city where the matter is pending. The addresses of the Juvenile Court Clerk's offices are as follows:

OAKLAND: 400 Broadway, Basement

SAN LEANDRO: 2200 Fairmont Drive, Second Floor, Room 206B

HAYWARD: 24405 Amador Street, First Floor

B. All papers must be accompanied by a proof of service, if applicable, and (i) must be filed on any applicable Judicial Council form or local court form, and (ii) must be two-hole punched at the top of each page, including any attachments.

C. All reports and pleadings prepared by child welfare workers, probation officers, attorneys, parties, or others must be timely filed and served as required by law or these rules. A party's failure to file a report or a pleading in a timely fashion may be grounds for contempt or other permissible sanctions. Detention reports and uncontested jurisdictional hearing reports will be considered timely if filed on the day of such hearing.

D. Whenever any report, pleading, or other paper is filed in connection with a hearing scheduled for two or fewer days from the date of filing, the party must file the original and a judge's copy of the document in the department where the matter is scheduled to be heard.

(Revised effective 1/1/04)

RULE 10.1.3 CALENDARING AND CONTINUANCES

A. Subject to the approval of the Presiding Judge, each juvenile department has sole responsibility for the management of its daily calendar, and no matter may be set for a certain date without the prior approval of that department, other than those matters that are calendared intra-departmentally.

B. Attorneys for parties are expected to adhere to the statutory timelines for all hearings. Continuances will be granted only on a showing of good cause, as required by WIC §§ 352 and 682, and CRC, Rule 5.550.

C. Any request for continuance may be submitted on the approved local form, which is attached as Appendix A to these rules. This form may be obtained from the Juvenile Court Clerk's office, or from the Probation Department or the Social Services Agency. The Court will strictly construe WIC §§352 and 682 and CRC, Rule 5.550 in ruling on requests for continuances. All requests for continuances must be filed and served at least two (2) court days prior to the date set for hearing. Each request must state good cause for the continuance, and must demonstrate that granting the continuance is not contrary to the best interest of the child. Mere submission of a

request for continuance does not waive the scheduled appearance. The matter will not be continued until the request is granted by the reviewing court.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.4 REQUIRED ATTENDANCE AT HEARINGS

Unless excused by the Court or as otherwise provided by law, these rules, or standing orders, all parties and attorneys shall attend each scheduled hearing. Parties and attorneys are excused from attending placement reviews, aftercare furlough reviews, and dismissals, unless the Court expressly directs such party or attorney to appear. No department shall accept “phone-in” submissions by any attorney. *(Revised effective 1/1/04)*

RULE 10.1.5 DISCOVERY

A. Except as provided by these rules, pre-hearing discovery in juvenile matters is governed by CRC, Rule 5.546. All discoverable material specified in CRC, Rule 5,546(d) shall automatically be disclosed to all parties, without the need for an informal request therefore, no later than five (5) court days before any contested hearing.

B. Attorneys must meet and confer and attempt to resolve all discovery disputes informally. Only after all informal means have been exhausted may a party file a discovery motion. Any noticed discovery motion shall state the relevancy of the information sought and the reasons why informal discussions have been unsuccessful in securing the information. The motion shall be served on all parties no less than five (5) court days before the date set for hearing the discovery motion. The hearing date shall have been previously approved and reserved by the department where the matter is to be heard. Responsive papers shall be filed and served no less than two (2) court days prior to the hearing.

C. In all contested dependency proceedings, the name, address and curriculum vitae of any experts to be called by any party and written copies of their reports shall be served upon all parties at least ten (10) court days prior to the hearing, or such other time as the court may direct in the interests of justice.

D. Any request for a reporter’s transcript at court expense shall be made in writing directed to the Presiding Judge of the Juvenile Court.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.6 EX PARTE REQUESTS FOR ORDERS OTHER THAN FOR PSYCHOTROPIC MEDICATIONS OR MEDICAL CARE

A. Before submitting a request for an ex parte order to the court for consideration, the applicant must give prior notice of the request to all counsel, parties, child welfare workers, and probation officers. The Social Services Agency shall continue to use its standard ex parte forms. Notice shall be given at least 24 hours before the application is submitted to the court. The Court may waive notice only upon a showing of good cause that is set forth by clear facts in a supporting declaration. An ex parte application lacking a statement explaining whether the parties were notified will be summarily denied.

B. The applicant must complete a “*Declaration Re: Notice of Ex Parte Application*”, Juvenile Court Local Form Number 002. A copy of this form is found in the section entitled “Juvenile Court Local Forms” at the end of this chapter.

- C. Generally, ex parte requests shall include the following information:
1. A description of the efforts made to obtain the consent of and/or give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;
 2. An indication of whether the minor, the parents or legal guardians of the minor, or their attorneys refused to agree to the proposal which is the subject of the ex parte request including the ground for the person's refusal, if known; and,
 3. A full disclosure of any prior requests and the Court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.
- D. All ex parte applications and proposed orders must be delivered during regular business hours to the Juvenile Court Clerk's office in the city where the matter is pending. The Juvenile Court Clerk's office will forward the matter to the appropriate judicial officer.
- E. The following ex parte requests will be handled only in the department of the Presiding Judge of the Juvenile Court: (1) Termination of life support/do not resuscitate requests; and (2) requests for permission to perform surgical or other medical procedures over the religious objections of the parents. Please refer to Rule 10.1.7 for rules governing the submission of ex parte requests for psychotropic medications.
- F. An opposing party must present any written opposition to the court within twenty-four (24) hours of receipt of notice of the ex parte application. The Court's initial review of the application will be treated as a non-appearance-non-calendar matter. Upon receipt of the ex parte application and any opposition, as provided above, the Court may render its decision on the application or set the matter for hearing, at the Court's discretion. The applicant is responsible for serving notice of the Court's order on the application, whether granted or denied. If the matter is set for hearing, the applicant shall also give notice of such hearing to all parties and counsel, unless ordered otherwise by the Court. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.
- G. Exceptions to ex parte notice rules. Ex parte requests for (1) orders for temporary removal of prisoners or wards and production as a party, (2) preservation of dispatch transmissions ("CAD purges"), or (3) copies of booking photographs, may be submitted to the court without any prior notice to other parties.

(Revised effective 1/1/04)

RULE 10.1.7 EX PARTE REQUESTS FOR PSYCHOTROPIC MEDICATIONS

- A. The administration of psychotropic drugs to minors who are wards or dependent children of the Juvenile Court and who have been removed from the custody of the parent or guardian shall occur only upon the authorization of a duly licensed psychiatrist or physician having primary responsibility of the minor's care, and the Juvenile Court, pursuant to WIC §369.5 or WIC §739, and CRC, Rule 5.640.
- B. All ex parte requests for authority to administer psychotropic medications will be decided in one of the following departments:
NORTH COUNTY: Department 150, 400 Broadway, Oakland
SOUTH COUNTY: Department 503, 24405 Amador Street, Hayward
- C. Before submitting an ex parte request for authority to administer psychotropic medications to the court, an applicant other than the Social Services Agency must complete a "*Declaration Re: Notice of Ex Parte Application*", Juvenile Court Local Form Number 002. A copy of this form is

found in the section entitled “Juvenile Court Local Forms” at the end of this chapter. The Social Services Agency shall submit its standard ex parte coversheet.

D. The procedures described in CRC, Rule 5.640 otherwise govern the manner in which an order to administer psychotropic medications may be obtained.

E. If the matter is set for hearing and the minor has already been prescribed psychotropic drugs, the attending psychiatrist or physician may continue the administration of those drugs at his or her discretion. However, there shall be no increase in the previously authorized dosage without approval from the Juvenile Court.

F. Whenever a dependent child or ward of the court, or minor in placement at the Juvenile Hall or the Social Services Assessment Center, or other juvenile facility is moved to a new placement or to a facility pursuant to WIC §5000 et seq., and the child is receiving 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.

G. This local rule does not abrogate any inherent authority a physician may have to provide treatment and care in emergency situations. (WIC §§369, 369.5, 739, Cal.Code Regs., Title 9, Section 853)

H. All orders authorizing the administration of psychotropic drugs must be submitted to the court for renewal no later than six (6) months from the date of initial issuance, pursuant to the ex parte procedure set forth above.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.8 EX PARTE REQUESTS FOR MEDICAL AUTHORIZATIONS

A. When a social worker or probation officer seeks permission to authorize a specific course of medical treatment such as surgery, the request must be supported by a completed and legible “*Certification and Recommendation of Physician for Medical, Surgical, Dental or Other Remedial Care*”, Juvenile Court Local Form Number 003. A copy of this form is found in the section entitled “Juvenile Court Local Forms” at the end of this chapter.

B. No part of this rule shall prohibit an applicant from obtaining emergency medical treatment in accordance with WIC §§ 369 or 739.

(Revised effective 1/1/04)

RULE 10.1.9 MEDICAL, DENTAL AND MENTAL HEALTH ISSUES

Juveniles confined in the Alameda County Probation Department’s detention facilities, including any Probation Department Assessment Center, or retained in any Alameda County Social Services Agency shelter care facility, including any Social Services Agency Assessment Center, may undergo a health assessment at the first possible opportunity after the initial admission to the facility. This comprehensive health assessment, which may be conducted by the Alameda County Health Care Agency’s designee, may consist of:

1. A complete history and physical examination.
2. A mental health status evaluation. In the event that the juvenile needs an extensive mental health evaluation by a psychiatrist or psychologist, the Attorney of Record for the minor will be notified.
3. A social and emotional development assessment.
4. A dental assessment.

5. Any clinical laboratory tests the physician determines are necessary for the evaluation of the juvenile's health and/or mental health status.
6. Any immunizations necessary to bring the juvenile's immunization status up to date following the guidelines of the American Academy of Pediatrics.
7. An assessment of the appropriateness of continuing or discontinuing the prescription of any medicines (including psychotropics) the minor may be presently taking.
8. Evaluation and continuing care of acute or chronic medical problems.
9. Authority to request or release medical records to appropriate persons or organizations.
10. Any outside medical consultation deemed appropriate by Juvenile Justice Health Services medical staff.
11. At the time of the detention hearing, an attempt should be made to obtain the consent of the parent for ongoing medical care while the juvenile is in a detention, shelter care, or residential treatment facility. In the event that parental consent cannot be obtained (e.g. parents not available to give consent), the Social Services Agency or the Probation Department may authorize any licensed physician to provide any emergency or routine physical or mental health care which will protect the minor's physical and mental health status.

(Revised effective 1/1/04)

RULE 10.1.10 COURT APPOINTED SPECIAL ADVOCATES (CASA)

- A.** The Alameda County Juvenile Court utilizes the services of a Court Appointed Special Advocate (CASA) program. See WIC §365.5 and CRC, Rule 5.655 for the guidelines which govern the program. In any dependency or delinquency action, the Court, in addition to appointing counsel for the child, may appoint a CASA to represent the best interests of the child.
- B.** In light of the fact that advocates are serving as volunteers, matters on which they appear will be granted priority on the court's calendar whenever possible.
- C.** In the event the Juvenile Court dismisses a dependency case and issues family law orders pursuant to WIC § 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.
- D.** A CASA may submit a report to the court for any of the following hearings: six-month review; twelve-month review; eighteen-month review; selection and implementation hearing (366.26 hearing); and post-permanency planning reviews. Any such report must be submitted at least two court days before the hearing. If the CASA was appointed before the establishment of jurisdiction, the CASA may submit a report to the court at least two court days before the jurisdiction/disposition hearing. The content of any report submitted for the jurisdiction/disposition hearing must be limited to the current condition of the child and needed services; jurisdictional issues must not be addressed (see CRC, Rule 5.655(k)(2)). Only parties and their counsel are entitled to receive copies of CASA reports. Relatives, de facto parents, foster parents, and service providers are not entitled to receive copies of CASA reports. CASA reports shall be copied and distributed by the CASA program office staff.
- E.** A CASA volunteer's personnel file is confidential under provisions of CRC, Rule 5.655(m)(4). No one shall have access to the file or any of its contents, except the volunteer, the CASA Program Director and the Presiding Judge of the Juvenile Court. A volunteer's personnel records, however, are subject to the Court's subpoena power. All subpoenas are to be served in the Child Advocates Office.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.11 COORDINATION WITH FAMILY, CRIMINAL AND PROBATE COURTS

A. It is the policy of the Superior Court to identify and coordinate proceedings involving the same minor which may be scheduled in multiple legal settings. It is further the policy of the Superior Court to coordinate the efforts of the different court divisions so that the minor's needs are served and the resources of the family and the court are not wasted. To these ends, the Superior Court and the agencies serving the court shall establish policies and procedures for the Social Services Agency's Department of Children & Family Services ("DCFS"), the Adult Protective Services ("APS"), Families and Children's Bureau mediators, facilitators, case managers and evaluators appointed under Evid.C §730 ("FCB"), the Probate Court investigators ("PCI"), and Court Appointed Special Advocates ("CASA") to exchange information and to determine the most appropriate forum for the resolution of the issues relating to the minor. All recipients of such information shall respect its confidentiality and not disclose it to unauthorized third parties or use it for any purpose other than to determine the most appropriate forum or services for the minor and the minor's family. This protocol shall be read to be consistent with WIC §827, Pen. C. §11167.5, and all other statutes governing confidentiality of information relating to reports of child abuse or neglect. In the event of any conflict over the interpretation of this protocol, the interpretation most consistent with the policy reflected in those statutory provisions shall prevail.

B. Information Sharing Protocol Between And Among the Court and FCB, PCI, JPO, and DCFS and APS staff. Each agency staff person may orally disclose to each of the other respective agency staff, the following information:

1. Whether a child or his/her parents or caretaker(s) are or have been the subject of a child abuse, neglect, probate, criminal or delinquency investigation, the findings and status of that investigation, the recommendations made or anticipated to be made by the respective agency, the progress while under court supervision including compliance with court orders, and a copy of any court order in existence as well as probation conditions with respect to the child, parent(s) or caretaker(s).
2. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon on the issue of the best interest of that child, or a sibling or half-sibling living with or visiting with that child, who is involved in a pending Family, or Probate Court matter. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon the issue of the child's dependency or delinquency or any disposition in the dependency or delinquency proceedings.
3. FCB may include this information in the confidential portion of their court reports and keep such information in their case files.
4. The respective agencies may provide written documents to each other. The 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 identify of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of DCFS, APS or JPO

documents, used by FCB, or PCI shall not be attached to their respective court reports and shall not be made available to the public without a court order.

5. FCB and PCI will designate an appropriate staff person to maintain a current list of court mediators, evaluators, and facilitators and probate investigators, and periodically distribute this list to DCFS and JPO.

C. If, during the pendency of a family law or a criminal proceeding, a child abuse allegation against a parent or caregiver comes to the attention of a mandated reporter as defined in Penal Code sec. 11167.5, that person shall determine whether the allegation is such that a report to a Child Protective Services is mandated by Penal Code Section 11166. If such a report would be required by one of the mandated reporters in Penal Code Section 11166, then that person shall make a report of the allegation to Child Protective Services.

D. If a petition pursuant to WIC § 300 is filed in the Juvenile Court, all custody and visitation proceedings in the Family Court, and all guardianship proceedings in the Probate Court, are suspended. Thereafter, consistent with WIC §304, custody and visitation shall be determined by the Juvenile Court until the juvenile case is dismissed. The Child Welfare Worker shall advise the Juvenile Court of the pendency of any Family Court matter, including docket number and department, and the Juvenile Court shall advise the Family Court and the Probate Court of the suspension of its jurisdiction by issuing a notice in a form agreed upon by those courts.

E. Any restraining order, stay away order or no contact order issued by any non-juvenile division of the Superior Court, other than a criminal court, against a parent or caregiver with respect to a child under the jurisdiction of the Juvenile Court, may be temporarily modified by the Juvenile Court if the Juvenile Court finds such contact to be in the best interests of the child. Permanent modification of the order may occur after all parties have been noticed and provided an opportunity to be heard. Notice of any temporary or permanent modification shall be given by the Juvenile Court to the court originally issuing the order by copy of the minute order.

F. Any orders of the Juvenile Court determining custody, visitation or restraining contact over a child who is a dependent or a ward of the court shall be filed in any existing family law, probate or criminal proceeding involving the child and his/her parent or caregiver. If no such file exists in the family law division, then upon the dismissal of dependency or termination of wardship, the Juvenile Court order shall be the basis to open a file. No filing fee shall be required for opening this file.

G. Subsequent to the dismissal of dependency or termination of wardship over a minor, juvenile court orders establishing custody, visitation, or restraining orders may be modified by petition to the Family Court. Proceedings to modify or terminate guardianship established through Juvenile Court shall be heard in the Juvenile Court, as required by WIC §366.3(b).

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.12 CONFIDENTIALITY OF JUVENILE COURT PROCEEDINGS

A. Unless specifically permitted by statute, Juvenile Court proceedings are confidential and shall not be open to the public, except as specifically provided by WIC §335 and CRC, Rule 5.530. Professional trainees and law students may attend juvenile court proceedings with prior approval of the Court. The Court retains the sole discretion to determine in each case whether any such interested party shall remain in the courtroom. The Court or its agent shall admonish any non-party in attendance that the names of the parties and any actual or potential identifying information from any case is confidential and shall not be disclosed outside the courtroom. The

Court may require a non-party in attendance at Juvenile Court to sign a written agreement or declare under oath that he/she will maintain the confidentiality of all parties to the proceedings.

B. Upon approval of the court, a minor may bring a support person such as a friend or mentor to any hearing. This support person may be allowed to sit in the courtroom with the minor to observe the minor's court proceeding.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.13 DISCLOSURE OF JUVENILE COURT RECORDS TO PERSONS AND AGENCIES NOT DESIGNATED IN WIC §827 - PETITION FOR DISCLOSURE OF JUVENILE COURT RECORDS (FORM JV-570) REQUIRED

A. Except as otherwise provided in Rule 10.1.14 of these rules, a person or agency not designated in WIC §827 who seeks access to Juvenile Court records, including documents and information maintained by the Juvenile Court, the Probation Department, or the Social Services Agency, shall file a *Petition for Disclosure of Juvenile Court Records* on Judicial Council form JV-570. The petition shall be filed with the Clerk of the Juvenile Court located at 400 Broadway in Oakland. If the request seeks files and records alleged to be relevant to a pending action, a copy of the civil or criminal complaint or criminal information or indictment in the underlying action must be attached to the Petition for Disclosure.

B. Petitioner shall give notice as required by CRC, Rule 5.530(d). In addition, if the records are sought for use in a pending action which is not a dependency proceeding, petitioner shall also give notice by personal service or first-class mail to all parties in that action. If the petition is granted, the Court will issue a protective order specifying the records to be disclosed and the procedure for providing access and/or photocopying. Persons or agencies obtaining records under such authorization must abide by the terms of the protective order. Any unauthorized disclosure or failure to comply with the terms of the order may cause the order to be vacated and/or may be punishable as contempt of court. (See WIC §213.)

C. Any person seeking access to copies of records shall be responsible for the cost of copying.

D. This rule is not intended to replace, nullify, or conflict with existing laws (including Pen. Code §11167(d)) or the policies of the Social Services Agency, the Probation Department, or any other public or private agency. This rule does not prohibit the release of general information on juvenile court policies and procedures.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.1.14 DISCLOSURE OF JUVENILE COURT RECORDS TO PERSONS AND AGENCIES NOT DESIGNATED IN WIC §827 – APPLICATION FOR ACCESS TO JUVENILE RECORDS

A. Inspection and Copying. In addition to the persons and agencies designated in WIC §827, the following persons and agencies may have access to Juvenile Court records and/or obtain photocopies of records without a prior court order, subject to the conditions specified, on the basis that (1) disclosure will be in the best interest of the child whose records are sought and (2) the information contained in those records is necessary and relevant to:

- a juvenile dependency or delinquency proceeding;
- a civil or criminal investigation or proceeding;
- a proceeding involving child custody or visitation;

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- a proceeding involving adoption, guardianship, or emancipation of a minor;
 - a proceeding involving probate or conservatorship; or
 - a proceeding involving domestic violence.
1. County Counsel, for the purpose of representing the Social Services Agency in a dependency case or civil action.
 2. Alameda County Juvenile Probation Officers, when the child who is the subject of the records is also the subject of juvenile court proceedings under WIC §§601 or 602.
 3. CASAs, as provided under WIC §§105 and 107.
 4. An Indian child's tribe, as provided under Title 25, United States Code chapter 21 [Indian Child Welfare Act].
 5. Employees or agents of Alameda County Superior Court Families and Children's Bureau.
 6. Employees or agents of Alameda County Mental Health Services agencies.
 7. Any licensed psychiatrist, psychologist, or other mental health professional ordered by the Alameda County Superior Court's Family Law Division to examine or treat the child or the child's family.
 8. Any hospital providing inpatient psychiatric treatment to the child, for purposes of treatment or discharge planning.
 9. The Alameda County Victim-Witness Assistance Program and the State Board of Control Victims of Crime Program, for the purpose of providing services to a victim of or a witness to a crime.
 10. The Parole Services Division of the California Department of Corrections.
 11. The California Board of Prison Terms, as provided under Penal Code §11167.5(b)(9).
 12. Investigators employed by attorneys who represent parties in dependency proceedings, when seeking records that may be released to the attorney without a court order under WIC §827.
 13. The U.S. Social Security Administration, for the purpose of determining a child's eligibility for benefits.
 14. The Alameda County Regional Center for the Developmentally Disabled.
 15. The Alameda County Probation Department, when performing its duty under Penal Code §1203.097 to certify treatment programs for domestic violence offenders, for purposes of documenting a treatment program's failure to adhere to certification standards and identifying serious practice problems in such treatment programs, provided that in any proceeding for the suspension or revocation of a treatment provider's certification or in any document related thereto, the Probation Department shall not disclose any child's name.

Persons seeking access to and/or photocopies of documents under this rule shall complete an "*Application For Access to Juvenile Records*", Juvenile Court Local Form Number 004. A copy of this form is found in the section entitled "Juvenile Court Local Forms" at the end of this chapter. The completed form shall be kept in the file that is the subject of the Application For Access. If copies are requested, the requesting party shall pay the cost of any copying. The applicant must submit the completed form to one of the Juvenile Court Clerk's offices set forth below:

OAKLAND: 400 Broadway, Basement

SAN LEANDRO: 2200 Fairmont Drive, Second Floor, Room 206B

HAYWARD: 24405 Amador Street, First Floor

B. Inspection or Verbal Information But No Photocopies. In addition to the persons and agencies designated in WIC §827, the following may inspect or receive verbal or written

information regarding the contents of Juvenile Court records without a prior court order (but must file a *Petition for Disclosure* (JV-570) to obtain photocopies), subject to the conditions specified, on the basis that (1) disclosure will be in the best interest of the child whose records are sought and (2) the information contained in those records is necessary and relevant to the proceeding or purpose for which the records are sought:

1. U.S. Department of Justice prosecutors or their agents.
2. U.S. military prosecutors or their agents.
3. Federal Bureau of Investigation agents.
4. California Attorney General's Office prosecutors.
5. Any other agency or office authorized to investigate or prosecute criminal or juvenile cases under state or federal law.

Persons seeking access to and/or photocopies of records under this subdivision shall present a photo I.D. and proof that they are entitled to access and/or photocopies (e.g., law enforcement badge or Bar card).

C. Persons or agencies obtaining records under this rule shall not disclose such records to another person or agency unless authorized to do so by the Juvenile Court. Any unauthorized disclosure may be punishable as provided by applicable laws.

D. This rule does not prohibit the release of general information on Juvenile Court policies and procedures.

(Revised effective 1/1/04)

RULE 10.1.15 DISCLOSURE OF LAW ENFORCEMENT REPORTS REGARDING JUVENILES TO PERSONS AND AGENCIES NOT DESIGNATED IN WIC §828

If a person or agency not designated in WIC §828 seeks access to unsealed records held by a law enforcement agency, including reports regarding children who are the subject of dependency proceedings, that person or agency shall file a *Petition to Obtain Report of Law Enforcement Agency/Juvenile* (Judicial Council form JV-575) with the Juvenile Court Clerk's office (located at 400 Broadway, Oakland). The petition shall set forth with specificity the reasons for the request, the information sought, and its relevancy to the proceeding or purpose for which petitioner seeks the information. *(Revised effective 1/1/04)*

SECTION TWO - RULES RELATING TO DEPENDENCY CASES

RULE 10.2.1 EXPEDITIOUS AND NON-ADVERSARIAL PROCESSING OF DEPENDENCY CASES

A. It is the policy of the Juvenile Court to handle dependency cases in an expeditious fashion. All counsel and parties in dependency cases must be prepared to adhere strictly to statutory deadlines for holding jurisdictional and disposition hearings, as well as six-month review hearings. Continuances will be granted only upon a showing of good cause, consistent with the mandates of WIC §352 and CRC, Rule 5.550.

B. It is also the policy of the Juvenile Court to resolve dependency matters in the least adversarial manner that is possible. Attorneys are expected to provide effective and professional assistance of counsel while at the same time avoiding an escalation of any animosities that might exist. Counsel will be expected to treat parents, witnesses, children, colleagues, social workers, and court staff with dignity and respect.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.2.2 TIMELY FILING OF REPORTS FROM THE SOCIAL SERVICES AGENCY

All reports shall be filed with the Court and provided to all parties and counsel in a timely fashion, as required by statute or these local rules. The agency's failure to file timely reports may subject the agency to monetary or other sanctions. *(Revised effective 1/1/04)*

RULE 10.2.3 INVESTIGATION AND EVALUATION

All parties, including investigators and law enforcement officers, shall attempt to minimize the number of times a minor is interviewed regarding the alleged abuse. Agencies and attorneys shall attempt to cooperate in the sharing of interview information, including CALICO tapes and transcripts to avoid unnecessary and duplicative questioning of the minor. *(Revised effective 1/1/04)*

RULE 10.2.4 CHILD'S COURT APPEARANCE

A. All children are entitled to attend court proceedings. Every child four (4) years of age or older shall be told of his/her right to attend court hearings by the Child Welfare Worker. All children shall attend court hearings unless excused as follows: (1) Minor's attorney waives the minor's appearance; (2) minor declines to attend; (3) the Court excuses the minor; or (4) the minor is physically or mentally disabled and such disability prevents the minor from appearing.

B. Counsel for each child age twelve (12) or older who is in foster care shall make all reasonable efforts to give the child verbal notice of the child's right to attend review hearings, and to ascertain if the child wishes to attend such hearings. Such verbal notice shall be provided to the child at least ten (10) court days before each regularly scheduled review hearing. If the child expresses a desire to attend the review hearing, counsel shall immediately advise the Child Welfare Worker of the child's wishes and request that the Child Welfare Worker make arrangements for the child's appearance. At the review hearing, counsel for the child, and the court officer, on behalf of the Child Welfare Worker, shall be prepared to advise the court whether the child desired to attend the hearing, and if so, what efforts were made to have the child transported to court.

C. Any party or attorney requesting that the child be produced as a witness in the child's case or a sibling's case, shall give notice to the Child Welfare Worker and all other parties or counsel no less than ten (10) court days prior to the hearing date for which the child's presence is requested, or on such shorter notice as ordered by the court.

D. No child shall be transported to the Court solely for the child to confer with his or her attorney or solely for purposes of a visit with a parent, relative, or friend.

(Revised effective 1/1/04)

RULE 10.2.5 PARENTAL VISITATION BEFORE DETENTION HEARING

A. A child taken into temporary custody shall have supervised visitation with one or both parents or guardians before the detention hearing, unless the Child Welfare Worker has a reasonable belief that the child or the temporary caregiver would be endangered by such contact. The address of the child and the temporary caregiver may remain confidential notwithstanding this rule.

B. If the child has not received regular phone contact or supervised visits with his/her parents or guardians, the Child Welfare Worker shall state the reasons therefor in the detention report.

(Revised effective 1/1/04)

RULE 10.2.6 DETENTION/INITIAL HEARINGS

Detention/initial hearings shall be conducted in accordance with WIC §§315 - 319, and CRC, Rules 5.534, 5.635, and 5.667-5.580. The first hearing on the petition shall be referred to as the “detention hearing” when the minor has been taken into temporary custody, and as the “initial hearing” when the minor has not been detained. *(Revised effective 1/1/04; 1/1/07)*

RULE 10.2.7 AMENDMENTS TO A DEPENDENCY PETITION

A. Petitioner may amend the petition once without leave of court, either (1) before a plea is entered or an objection is filed, or (2) after a denial is entered but before the trial on the issue of jurisdiction, by filing the amended petition and serving a copy on all parties at the uncontested jurisdictional hearing.

B. The Court may, in furtherance of justice, and on such terms as may be proper, allow petitioner to amend the petition or any allegation in the petition by adding or striking the name of any party or by correcting statistical information, clerical mistakes, or typographical errors. (CRC, Rule 5.560(f)).

C. The Court may, in furtherance of justice, upon its own motion, after notice to all parties, amend the petition.

D. The Court may, upon a finding that the variance is not material, amend the petition to conform to the evidence received by the Court at the jurisdictional hearing.

E. Except as otherwise provided by law, the Court may not amend the petition over the objection of petitioner.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.2.8 OBJECTION IN THE NATURE OF A GENERAL DEMURRER TO THE PETITION

A. A motion to challenge the legal sufficiency of the petition may be made orally or in writing at the initial/detention hearing, or at the jurisdictional hearing. A party may object on the ground that the petition alleges facts which, even if determined to be true, either are not sufficient to state a cause of action, or are not stated with sufficient clarity and precision to enable the party to determine what must be defended against. The Court may entertain the objection by oral argument when made, or may set it for further hearing. No objection in the nature of a special demurrer to particular allegations shall lie to challenge only certain paragraphs under a particular subdivision of WIC §300 (*i.e.*, a party must challenge all allegations under WIC §300(b), not merely certain allegations).

B. If the Court sets a hearing on the objection, counsel for the moving party may file a supporting memorandum of points and authorities. To be considered timely, the memorandum must be filed at least 48 hours before the hearing in the department where the hearing is scheduled. Petitioner may file a memorandum of points and authorities in opposition to the objection. To be considered timely, the memorandum in opposition must be filed by 9 a.m. on the day of the hearing, in the department where the matter is set for hearing. All memoranda of

points and authorities, whether in support of or in opposition to the objection, must be served on all other counsel and the petitioner via facsimile.

C. Petitioner may not amend the petition without leave of court once a written objection to the sufficiency of the petition has been filed.

D. When an objection to the sufficiency of a petition is overruled and no plea has been entered, the Court shall allow the plea to be entered at the conclusion of the hearing, or upon such terms as may be just.

E. If the Court sustains the objection to the sufficiency of a petition, the Court may grant leave to amend the petition upon any terms as may be just and shall fix the time within which the amended petition shall be filed. During the time that the petition is being amended, the minor may continue to be detained if the Court finds that a prima facie case for detention exists.

(Revised effective 1/1/04)

RULE 10.2.9 UNCONTESTED JURISDICTION HEARING/SETTLEMENT CONFERENCE

A. All cases in which the minor has been detained shall be set for an uncontested jurisdictional hearing within ten (10) court days of the initial or detention hearing. In cases in which the minor has not been detained, the uncontested jurisdictional hearing shall be set within twenty (20) calendar days of the initial or detention hearing.

B. The uncontested jurisdictional hearing shall serve the same purposes as a settlement conference. Unless excused by the Court or as otherwise provided in these rules, all parties and counsel are required to appear at the uncontested jurisdictional hearing. At the uncontested jurisdictional hearing the parties shall meet and confer and attempt to resolve the case or to narrow the issues to be addressed at any subsequent contested jurisdictional hearing. If the parties are unable to resolve the matter, they shall complete a “*Joint Contested Hearing Statement*”, Juvenile Local Form Number 005. A copy of this form is found in the section entitled “Juvenile Local Forms” at the end of this chapter.

(Revised effective 1/1/04)

RULE 10.2.10 PROCEDURES GOVERNING VIDEOTAPES PRODUCED BY CALICO (CHILD ABUSE LISTENING, INTERVIEWING, AND COORDINATION CENTER)

A. No individual copy of a CALICO videotape will be provided to any party or attorney involved in a dependency case.

B. Counsel representing parties in dependency proceedings may view the tape, by appointment, on the premises of the CALICO center.

C. Due to confidentiality issues, private parties may not come to the CALICO Center to view CALICO tapes.

D. Upon issuance of a Court order, the CALICO Center will provide a copy of the tape to the Court for viewing by the parties. At the conclusion of the viewing, the Court will notify the CALICO Center and an employee of the Center will retrieve the tape, unless the parties plan to introduce the tape into evidence at a hearing.

E. If a CALICO tape is introduced into evidence, it shall remain in the custody of the Court. The Court shall not permit any copying of the tape.

F. Upon final disposition of the case, all but one copy of the CALICO tape will be destroyed. The single remaining copy of the tape will be maintained at the CALICO Center for a period of not less than five years after the date it was made, after which time it may be subject to destruction.

(Revised effective 1/1/04)

RULE 10.2.11 DE FACTO PARENTS

A. For purposes of this rule, a de facto parent is a person who has been found by the court to have assumed, on a day-to-day basis, the role of a parent to the child, fulfilling both the child's physical and psychological needs for care and affection, and who has assumed that role for a substantial period of time. No person shall be granted de facto parent status who has inflicted or allowed to be inflicted serious harm on the child, including but not limited to physical, sexual, or emotional harm. (*See In re Kieshia E.* (1993) 6 Cal.4th 68, 78-80, 23 Cal.Rptr.2d 775; *In re Leticia S.* (2002) 92 Cal.App.4th 378, 382, 111 Cal.Rptr.2d 810.

B. De facto parent status shall be granted by the court only upon a written application on Judicial Council Forms JV-295, JV-296, and JV-297. Notice of such application shall be given to the parties and their counsel of record by the clerk of the court. Any party who objects to the application shall file an opposition within ten court days from the date of mailing of notice. If an opposition is filed, the court will set the matter for hearing, and notice of the hearing will be given to all parties and their attorneys by the courtroom clerk. If no opposition is received, the court may grant, deny, or set the matter for hearing. At the hearing on such application, the court shall consider the contents of the dependency file, any report filed by the social worker or the Court Appointed Special Advocate (CASA) for the child, and any other relevant and admissible evidence presented by the parties. The court may consider the declarations filed in support of or in opposition to such application if the declarants are made available for cross-examination. Before granting de facto parent status, the court shall find, by a preponderance of the evidence, that the moving party meets the criteria set forth in this rule. An application for de facto parent status shall not, in itself, constitute good cause for continuing any other hearing in the dependency action.

C. If the court grants the application for de facto parent status, the de facto parent shall have standing as a party to the proceedings to the degree that the proceedings directly affect the de facto parent's legally recognizable interests in the child.

D. De facto parents shall be entitled to be represented by counsel at their own expense. A de facto parent shall not be entitled to appointed counsel unless the court, in the exercise of the court's discretion, finds that: (1) the de facto parent is financially eligible for such appointed counsel, and (2) appointment of counsel would substantially benefit the resolution of issues before the court. No right to appointment of counsel shall exist for the purpose of making the application for de facto parent status.

E. Upon granting de facto parent status, the court may make such discovery orders as are necessary and appropriate.

F. De facto parent status shall continue only so long as the psychological bond continues to exist between the de facto parent and the child. De facto parent status automatically terminates upon the termination of dependency jurisdiction.

(Revised effective 1/1/04; Amended 1/1/06)

RULE 10.2.12 ADOPTIONS IN JUVENILE COURT

Adoption proceedings involving dependent children may be calendared for hearing in the Juvenile Court, at the discretion of the Social Services Agency. Unless otherwise directed by the Presiding Judge of the Superior Court, all adoption petitions involving dependent children must be filed in the Juvenile Court. In North County, all adoption proceedings will be heard on Fridays beginning at 3:30 p.m., in Department 132, located at 600 Washington Street, Oakland. Adoptions heard in South County will be scheduled in a department to be designated by the Presiding Judge of the Juvenile Court. *(Revised effective 1/1/04)*

RULE 10.2.13 DEPENDENCY MEDIATION

- A. It is the policy of the Juvenile Court that all appropriate cases be referred to mediation through the Dependency Mediation Program of the Juvenile Court prior to contested hearing. Parties shall fully cooperate with the mediator throughout the process.
- B. Mediation conferences are confidential and any disclosures made in mediation are inadmissible in Juvenile Court proceedings with the exception of mandated reporting pursuant to Penal Code §11166. It is the responsibility of attorneys to advise their clients of the limitations on mediation confidentiality.
- C. The mediator shall advise the Court as to whether mediation occurred and what, if any, agreement was reached.
- D. Agreements reached in mediation must be approved by the Court in order to be enforceable.

(Revised effective 1/1/04)

RULE 10.2.14 STANDING REFERRAL TO DEPENDENCY MEDIATION FOR CUSTODY AND VISITATION ORDERS IN ANTICIPATION OF DISMISSAL OF DEPENDENCY ACTIONS

- A. Whenever it is anticipated that a dependency action may be dismissed at an upcoming hearing, a parent, a parent’s attorney, and/or the assigned Child Welfare Worker may directly contact the Dependency Mediation Program, prior to the date of any hearing at which dismissal will be recommended, to arrange mediation regarding proposed custody and visitation orders for inclusion on Judicial Council Forms JV200 and JV205, provided that all interested parties stipulate to such mediation.
- B. The Dependency Mediation Program shall distribute to the Court, the Social Services Agency/Children & Family Services, the Public Defender, County Counsel, and the Court Appointed Attorneys Program protocols for the mediations contemplated by this local rule. Such protocols are hereby incorporated into this local rule by reference, and made a part hereof.

(Revised effective 1/1/04)

RULE 10.2.15 STANDING REFERRAL TO DEPENDENCY MEDIATION FOR “FAMILY MATTERS” ARISING DURING THE INTERVALS BETWEEN DEPENDENCY STATUS REVIEW HEARINGS

- A. A parent, a parent’s attorney, and/or the assigned Child Welfare Worker may directly contact the Dependency Mediation Program to arrange mediation of issues related to visitation, communication, house rules, and other “family matters” during the interval between dependency status review hearings, provided that all interested parties stipulate to such mediation.

B. The Dependency Mediation Program shall distribute to the Court, the Social Services Agency/Children & Family Services, the Public Defender, County Counsel, and the Court Appointed Attorneys Program protocols for the mediations contemplated by this local rule. Such protocols are hereby incorporated into this local rule by reference and made a part hereof.

(Revised effective 1/1/04)

RULE 10.2.16 GENERAL ATTORNEY COMPETENCY REQUIREMENT

All court-appointed attorneys appearing in juvenile proceedings must be members in good standing of the State Bar of California and must meet the relevant minimum standards of competency set forth in these rules. *(Revised effective 1/1/04)*

RULE 10.2.17 MINIMUM STANDARDS FOR CLIENT COMMUNICATIONS

Attorneys representing children and parents in dependency cases shall make all reasonable efforts to meet face-to-face or by telephone with their clients at least once during each six-month review period. A conference with the client at a scheduled court appearance shall not count as the required minimum meeting. Attorneys for parents shall also contact their clients no later than five (5) days before a scheduled review hearing to determine if the client has received a copy of the report from the Social Services Agency, and to ascertain if the client intends to appear at the scheduled hearing. The standards of representation specified in CRC, Rule 5.660(d)(4) shall also govern contact between attorneys and their clients. *(Revised effective 1/1/04; Amended 1/1/07)*

RULE 10.2.18 MINIMUM STANDARDS OF EDUCATION AND TRAINING FOR DEPENDENCY ATTORNEYS

A. All court-appointed attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competency set forth in these rules.

B. Each court-appointed attorney shall complete one of the following minimum training and educational requirements:

At least eight (8) hours of training or education in juvenile dependency law, which included applicable case law and statutes, rules of evidence, state and local rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, reasonable efforts, the educational rights of children, the Uniform Child Custody Jurisdiction and Enforcement Act, the Interstate Compact on the Placement of Children, and the Indian Child Welfare Act, or

At least six (6) months of experience in dependency proceedings in which the attorney has had primary responsibility for representation of his or her clients in such proceedings, and has demonstrated competency in representing his or her clients. To qualify for certification under this subparagraph the attorney must have made at least five (5) appearances on behalf of parties and handled a variety of dependency hearings including contested hearings. In determining whether the attorney has demonstrated competency, the Court shall consider, among other things, whether the attorney's performance has demonstrated a knowledge of the topics referred to in paragraph (b)(1) of this rule.

C. Each Court-appointed attorney, on or before January 31st of the same year in which the attorney must certify his or her MCLE credits to the State Bar of California, shall submit to the

Juvenile Court a statement certifying that the attorney has completed 18 hours of continuing dependency education or training in the prior three years. Attorneys first submitting certifications in 2004 must certify completion of at least six (6) hours of continuing dependency education. Attorneys first submitting certifications in 2005 attorneys must certify completion of at least twelve (12) hours of continuing dependency education.

D. At least one-half of the attorney's continuing training or education hours must be in the areas set forth in subdivision (b)(1) of this rule. The remaining hours may be in other areas related to juvenile dependency practice, including the following:

1. Ethics;
2. Domestic violence;
3. Use of psychological experts, including direct and cross-examination;
4. Trial skills;
5. Rules of evidence;
6. Training programs that include information on child development, substance abuse, mental health issues, incarcerated parents, etc.;
7. The child witness;
8. Training specifically related to dependency practice such as reasonable efforts, .26 hearings, etc.;
9. Mental health issues;
10. Health care;
11. Immigration;
12. Adoptions and guardianships;
13. Parentage;
14. The Parental Kidnapping Prevention Act;
15. State and federal public assistance programs;
16. Client interviewing and counseling techniques;
17. Case investigation; and
18. Settlement negotiations and mediation;
19. Programs that provide information on community resources.

E. Some of the required hours may be acquired through attendance at brown-bag lunches, lecture series, or training programs offered by the Alameda County Juvenile Court, the Alameda County Family Law Court, or other court-sponsored entities. Some of the required hours may also be acquired through self-study.

F. Failure to meet minimum education and training standards, or failure to meet required continuing education standards, may result in probation, suspension, or removal from the Court-Appointed panel or other appropriate sanctions.

(Revised effective 1/1/04)

RULE 10.2.19 MOTIONS TO BE RELIEVED AS COUNSEL FOR A PARENT

A. If a parent is not present at a review hearing, counsel for parents must advise the Court of all efforts made to communicate with the client prior to the hearing. If counsel has not communicated with the client since the last review hearing or it otherwise appears to counsel that such parent does not wish to have continued representation, counsel shall notify the client that counsel will seek to be relieved as counsel at the next scheduled review hearing.

B. All motions to be relieved as counsel must be in writing, using Judicial Council forms MC-051, MC-052, and MC-053. Counsel must notice the motion for the next regularly scheduled

review hearing. The notice of motion must be served by first class mail sent to the parent's last known address, not more than 30 nor less than 15 calendar days prior to such scheduled review hearing.

C. At the review hearing at which the motion to be relieved as counsel is set to be heard, counsel shall appear and, at the beginning of the hearing, shall seek the Court's ruling on the motion to be relieved as counsel. If the motion is granted, counsel may be excused from further participation in that review hearing.

D. Counsel shall serve on his or her former client an endorsed filed copy of the order granting counsel's motion to be relieved as counsel (MC-053). Counsel shall also serve an endorsed filed copy of the order on the Court Appointed Attorney's Program.

(Revised effective 1/1/04)

RULE 10.2.20 ATTORNEYS FOR PARENTS DEEMED TO HAVE WITHDRAWN AFTER TERMINATION PROCEEDINGS

Attorneys representing parents at proceedings where parental rights are terminated shall be deemed to have withdrawn from such representation effective seventy-five (75) days from an order made by any judicial officer terminating parental rights. *(Revised effective 1/1/04)*

RULE 10.2.21 REVIEWING AND RESOLVING COMPLAINTS AGAINST DEPENDENCY ATTORNEYS

A. As used in this rule, the phrase "appointed dependency attorney" refers to an attorney who has been appointed to represent a child or a parent pursuant to the Court's dependency contracts.

B. Written notice of the procedure for resolving a party's complaint against his or her appointed dependency attorney shall be provided in each courtroom at the adult client's first appearance. The child's appointed dependency attorney shall provide written notice of the procedure to a child ten (10) years of age or older or to the caregiver of a child under ten (10) years of age. Information regarding the procedure will also be available in the clerk's office.

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

D. Within ten (10) days of receipt of the written complaint, the Court shall notify the attorney in writing, enclosing a copy of the complaint. The judge will also inform the client in writing that the complaint has been received and that the attorney will be contacting the client to discuss resolution of the complaint. In addition, the judge will notify the Public Defender's Office if the complaint involves the performance of a deputy public defender, or the Alameda County Bar Association's Court Appointed Attorney's Program if the complaint involves the performance of a court appointed panel attorney.

E. Within ten (10) days of the court's notification, the attorney shall contact the client and attempt to obtain an informal resolution of the matter with the client before responding to the complaint. If the matter is resolved, the attorney shall notify the judge in writing within twenty (20) days of the judge's notification, and shall send a copy of such notice to the client.

F. If the matter is not resolved, the judge may proceed as follows: Request the attorney to move to withdraw from the case, and/or request the attorney to submit a written response to the client's

complaint within five (5) days and thereafter determine whether the attorney acted contrary to the local rules or practice guidelines or whether the attorney acted incompetently. If the judge so determines, the judge may reprove the attorney either privately or on the record (outside the presence of others), and/or take any other action that the judge deems appropriate.

(Revised effective 1/1/04)

RULE 10.2.22 PROCEDURES FOR INFORMING THE COURT OF OTHER INTERESTS OF A DEPENDENT CHILD

- A.** Counsel for the minor shall make an independent investigation as reasonably necessary to ascertain the facts and to determine any interests of the minor beyond the scope of the juvenile proceeding which may need judicial protection pursuant to WIC §317(e). If the child is four (4) years of age or older, such investigation shall include an interview with the minor.
- B.** At any time while a dependency proceeding is pending, any interested person may notify the court that the child who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum.
- C.** Notice to the court may be given by the filing of Judicial Council form JV-180 (*Modification Petition Attachment*), by filing a declaration, or, in the case of an individual who is not a party to the action, by sending a signed letter addressed to the court.
- D.** The person giving notice shall set forth the nature of the interest or right which 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, the nature of the proceedings being contemplated or conducted there, and any case number or other identifying information regarding the proceeding.
- E.** If known to the person giving notice, the notice shall also set forth what action on the child's behalf the person believes is necessary, whether counsel on a pro bono or contingency basis may be necessary or appropriate to take action on behalf of the child in the other forum, whether the nomination of a guardian ad litem to initiate or pursue a proposed action may be appropriate, whether joinder of an administrative agency to the Juvenile Court proceedings pursuant to WIC §362 may be appropriate or necessary to protect or pursue the child's interest, and whether further investigation may be necessary.
- F.** A copy of the notice shall be served on the child's social worker and on the child's attorney and/or CASA before the notice is filed with the court. Such service may be effected by personal service, first-class mail, or the equivalent, and shall be indicated on a proof of service filed with the notice. If the child is not represented by separate counsel, the notice shall so state. In the case of an individual who is not a party to the action who files a letter with the court, the clerk of the court shall serve a copy of the letter on the child's social worker and on the child's attorney and/or CASA.
- G.** 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 and whether steps need to be taken to protect or pursue that right or interest in another forum.
- H.** If the Court determines that further action on behalf of the child is required, the Court may do one or more of the following:
 - 1. If the child is unrepresented, appoint an attorney for the child in the dependency proceedings and direct that such attorney investigate the matter and report back to the court pursuant to WIC §317(e).

2. Authorize an attorney to pursue the matter on the child's behalf in the other forum on a pro bono or contingency basis.
3. Nominate a guardian ad litem for the child for appointment by the other forum for the purposes of initiating or pursuing appropriate action on behalf of the child in that forum.
4. Notice a joinder hearing pursuant to WIC §362(a), compelling a responsible agency to report to the Court as to whether it has fulfilled its legal obligation to provide services to the child.
5. Take such other action the Court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

I. Neither County nor State treasury funds shall be used to fund legal or other services in another forum outside the juvenile dependency proceedings.

(Revised effective 1/1/04)

RULE 10.2.23 STANDING ORDER AUTHORIZING FOSTER PARENTS TO TRAVEL WITH DEPENDENT CHILDREN WITHIN THE STATE OF CALIFORNIA, INCLUDING OVERNIGHT TRIPS, BUT EXCLUDING OUT OF STATE TRAVEL

A. With prior approval from the Alameda County Social Services Agency, foster parents may travel with any child who is the subject of a 300 petition to any place within the State of California during day and evening hours, including overnight trips within the State of up to thirty (30) consecutive days, without prior permission from the Alameda County Juvenile Court, provided that, when overnight trips of three (3) or more consecutive nights are planned, the Child Welfare Worker, at least three (3) calendar days before such overnight trips, notifies all attorneys of record and all parents whose parental rights have not been terminated, of the dates of such overnight trips.

B. Foster parents may not travel outside the State of California with any child who is the subject of a 300 petition unless (1) the foster parent has obtained the prior permission of the Alameda County Social Services Agency, and (2) the foster parent has obtained the prior permission of the Alameda County Juvenile Court, and (3) at least five (5) calendar days prior to departure, the Child Welfare Worker has given notice of the dates of such trip to all attorneys of record and all parents whose parental rights have not been terminated.

(Revised effective 1/1/04)

RULE 10.2.24 DISCLOSURE OF MEDICAL INFORMATION TO FOSTER PARENTS AND OTHER CARE PROVIDERS

Upon discharge of an infant, who is a dependent of the court or who is on a "hospital hold" pursuant to WIC §309(b) or §16525.14 [Options for Recovery], and the release of such infant to a foster parent designated by the SSA pursuant to WIC §16525.30 (or other care provider as permitted by law), the health care provider discharging the infant may provide to the foster parent or other care provider a written summary of the infant's medical history, diagnosis, and treatment, if necessary for the proper treatment of the infant after discharge. Such information is confidential, and shall be disclosed only to such others who need to know the information in order to provide proper treatment or care of the minor. *(Revised effective 1/1/04)*

RULE 10.2.25 DISCLOSURE OF IEPS, IMMUNIZATION RECORDS, AND OTHER HEALTH RECORDS TO SSA SOCIAL WORKERS AND CHILDREN'S ATTORNEYS

In any case where a child is under the dependency jurisdiction of the court (WIC §§300 et seq.) or under informal supervision pursuant to WIC §360, the SSA social worker assigned to the child's case and the attorney representing the child in dependency proceedings (see WIC §317(f)) may receive, upon request, copies of any written individualized education programs (IEPs), immunization records, and any other school or health records maintained by [1] a public school district or private school in which the child is or was enrolled, [2] a hospital to which the child is or was admitted, or [3] a health care provider who is or was providing medical, dental, psychiatric, or psychological treatment for the child. *(Revised effective 1/1/04)*

RULE 10.2.26 WIC §388 PETITIONS

A. Welfare and Institutions Code §388 petitions to change, modify, or set aside a previous order shall be filed in the Juvenile Court Clerk's Office in the city where the next hearing is scheduled to occur. If there is no future hearing, the WIC §388 petition shall be filed with the Clerk of the Juvenile Court located at 400 Broadway, Oakland, CA. The petition shall include the number of the department in which the next scheduled court hearing in the matter is calendared and the date of the hearing. The petition shall be accompanied by a proof of service showing that a copy of the petition has been served on all parties and attorneys, including the Social Services Agency and County Counsel. The petition should comply in all respects with WIC § 388 and CRC, Rule 5.570.

B. The Clerk shall send the petition to the department in which the next scheduled court date in the matter is calendared. If no date is calendared, the petition shall be sent to the Presiding Judge of the Juvenile Court.

C. Within five calendar days of receipt of the petition for a hearing, the Court shall either grant or deny the petition and shall immediately notify the parties and counsel, including the Social Services Agency and County Counsel, of its decision. If the petition fails to demonstrate a change of circumstance or new evidence that might require a change of order or termination of jurisdiction, the Court may deny the application ex parte, in accordance with CRC, Rule 5.570(b).

D. If the Court grants a hearing on the petition, the hearing shall be calendared within thirty (30) calendar days after the petition is filed, or the next scheduled court date, whichever occurs first. All hearings shall occur in the department where the case is pending, except that all 388 petitions for Department 132 will be heard in Department 134. The courtroom clerk in such department shall send notices of the hearing to all parties and counsel, including the Social Services Agency and County Counsel, at least ten court days prior to the hearing.

E. If there is no previously calendared court date, the Presiding Judge of the Juvenile Court shall calendar the hearing for a date that shall allow ten court days notice to all parties and counsel, unless the Court determines it is in the best interests of the minor to hear the matter on shorter notice. The Presiding Judge's clerk shall send notice of such hearing to all parties and counsel, including the Social Services Agency and County Counsel.

(Revised effective 1/1/04; Amended 1/1/07)

RULE 10.2.27 APPEARANCES ON BEHALF OF THE DEPARTMENT OF SOCIAL SERVICES

A. At each dependency hearing, one of the following individuals must appear on behalf of the Social Services Agency: (1) a court officer, or (2) the Child Welfare Worker, or (3) County Counsel.

B. In addition to any other agency representative, the Social Services Agency must appear through County Counsel at the following hearings: a contested hearing, or (2) a hearing to terminate parental rights pursuant to WIC §366.26.

(Revised effective 1/1/04)

RULE 10.2.28 AUTHORIZATION FOR FOSTER PARENTS TO PERMIT FOSTER YOUTH TO PARTICIPATE IN SCHOOL-SPONSORED ACTIVITIES

Foster parents may give consent for foster youth to participate in school-sponsored activities, including but not limited to field trips and athletic events, without the prior permission of the Alameda County Social Services Agency or the Alameda County Juvenile Court. *(Revised effective 1/1/04)*

SECTION THREE: RULES RELATING TO DELINQUENCY

RULE 10.3.1 PRETRIAL HEARINGS

A. Pretrial hearings are set five (5) judicial days after the detention hearing for minors who have been ordered held in custody. For those out of custody, the date is set at ten (10) judicial days from the date of filing of the petition.

B. All defense counsel are expected to have communicated offers to their clients and be ready to proceed when their case is called.

(Revised effective 1/1/04)

RULE 10.3.2 VICTIMS

The right of victims to appear at 602 proceedings is described and guaranteed by WIC section 676.5. Even when a case does not fall under this provision, the Court may admit the victim as a person who has a direct and legitimate interest in the case concerning his or her victimization. At the dispositional phase, the Court shall receive the victim's impact statement for all cases which fall under WIC section 656.2 and may receive such a statement for any case which does not. *(Revised effective 1/1/04)*

RULE 10.3.3 TIMELY FILING OF REPORTS FROM THE PROBATION DEPARTMENT

All reports shall be filed with the court and provided to all parties and counsel in a timely fashion, as required by statute or these local rules. The Department's failure to file timely reports may subject the Department to monetary or other sanctions. *(Revised effective 1/1/04)*

RULE 10.3.4 602 CASES INVOLVING RUN-AWAYS

A. All camp and private placement failures and run-aways shall, to the extent possible and without violating statutory deadlines, be placed on the calendar of the referee of the court which made the original placement order. This will be true for further detention hearings as well as pretrial and disposition hearings. If the original order was made by a judge and the referee decides the situation is serious enough to warrant such action, the referee may, at his or her discretion, order the disposition to be placed on the judge's calendar.

B. All requests for petitions and warrants on run-aways and all requests for petitions on placement failures should be sought from the District Attorney's office at the court of original jurisdiction. The probation department will be responsible for sending the appropriate information to the district attorney at the location wherein the petition will be filed. Because of the time limitations in cases where warrants have been issued, the detention hearing may be calendared for South County if necessary even when the cases should be heard in West Court; however, pretrial and disposition hearings for these cases should be set in North County.

C. The district attorney should file all petitions in the court of original jurisdiction but may file a petition in the other district of the court in order to meet tight time restrictions. In such a situation, the hearing should be scheduled in the court of original jurisdiction regardless of where the petition was filed.

(Revised effective 1/1/04)

RULE 10.3.5 STANDING ORDER AUTHORIZING FOSTER PARENTS AND GROUP HOMES TO TRAVEL WITH DELINQUENT CHILDREN WITHIN THE STATE OF CALIFORNIA, INCLUDING OVERNIGHT TRIPS, BUT EXCLUDING OUT OF STATE TRAVEL

A. With prior approval from the Alameda County Probation Department, foster parents and group homes may travel with any child who is the subject of a 602 petition to any place within the State of California during day and evening hours, including overnight trips within the State of up to thirty (30) consecutive days, without prior permission from the Alameda County Juvenile Court, *provided* that, when overnight trips of three (3) or more consecutive nights are planned, the Probation Officer, at least three (3) calendar days before such overnight trips, notifies all attorneys of record and all parents of the dates of such overnight trips.

B. Foster parents groups homes may not travel outside the State of California with any child who is the subject of a 602 petition unless (1) the foster parent or group home has obtained the prior permission of the Alameda County Probation Department, and (2) the foster parent has obtained the prior permission of the Alameda County Juvenile Court, and (3) at least five (5) calendar days prior to departure, the Probation Officer has given notice of the dates of such trip to all attorneys of record and all parents whose parental rights have not been terminated.

(Revised effective 1/1/04)

RULE 10.3.6 DESIGNATION OF STATUTORY BASIS FOR DECLARING OFFENSE TO BE A 707(B) OFFENSE

In all reports to the Court in which it is necessary to advise the Court whether a WIC §707(b) offense is involved, including but not limited to Intake/Jurisdictional Reports and Disposition reports, the Probation Department shall designate the specific subsection of WIC §707(b) upon

which the Probation Department relies in declaring an offense to be a §707(b) offense. (*Revised effective 1/1/04*)

LOCAL FORMS FOR THE JUVENILE COURT ARE ON THE FOLLOWING PAGES:

- Page 10-26, Juvenile Court Local Form No. 001, ‘Request To Change/Add Court Date’;
- Page 10-27, Juvenile Court Local Form No. 002; ‘Declaration Re: Notice Of Ex Parte Application’;
- Page 10-28, Juvenile Court Local Form No. 003; ‘Certification and Recommendation Of Physician For Medical, Surgical, Dental, Or Other Remedial Care’, 2 pages;
- Page 10-30, Juvenile Court Local Form No. 004, ‘Application For Access To Juvenile Court Records’;
- Page 10-31, Juvenile Court Local Form No. 005, ‘Joint Contested Hearing Statement’, 4 pages;
- Page 10-35, Juvenile Court Local Form No. 006, ‘Application And Declaration For *De Facto* Parent Standing’, 4 pages;
- Page 10-39, Juvenile Court Local Form No. 007, ‘Application And Order Regarding Removal Of A Minor From a Juvenile Institution By Law Enforcement Personnel’.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>NAME AND ADDRESS</i>):	TELEPHONE NO.	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA		
<input type="checkbox"/> Juvenile Court, 400 Broadway, 2 nd Fl., Oakland, CA 94607 <input type="checkbox"/> Juvenile Court, 2200 Fairmont Drive, 2 nd Fl., San Leandro, CA 94578 <input type="checkbox"/> Juvenile Court, 24405 Amador Street, Hayward, CA 94544		
In the Matter of: (Name of Child), a minor [D.O.B. _____]		Case No.:
REQUEST TO CHANGE/ADD COURT DATE		Dept. No.:

Today's Date _____

The Attorney of Record Probation Officer District Attorney Child Welfare Worker
 Other _____, requests that the matter of the above-named minor be:

Advanced/Vacated From _____
 (date, time, department, nature of proceedings)

Continued To _____
 (date, time, department, nature of proceedings)

Placed on Calendar _____
 (date, time, department, nature of proceedings)

Reason For Request _____

The following have been contacted regarding this request:

Minor's Attorney
 in person by phone (name) _____ agree oppose unknown

District Attorney
 County Counsel (name) _____ agree oppose unknown
 in person by phone

Probation Officer
 Child Welfare Worker (name) _____ agree oppose unknown
 in person by phone

Mother's Attorney
 in person by phone (name) _____ agree oppose unknown

Father's Attorney
 in person by phone (name) _____ agree oppose unknown

Other
 in person by phone (name) _____ agree oppose unknown

The minor and parent have been notified by _____
 (name) _____ agree oppose unknown

A _____ language interpreter is needed for _____
 (party)

CHANGE OF COURT DATE APPROVED: _____ Date: _____
 Judge/Referee of the Juvenile Court

Distribution: Original--Court File. Copies—Minor's Attorney, District Attorney, Probation/CWW, County Counsel
REQUEST TO CHANGE/ADD COURT DATE

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): ATTORNEY FOR (Name):	TELEPHONE NO.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA <input type="checkbox"/> Juvenile Division, 400 Broadway/600 Washington, Oakland, CA 94607 <input type="checkbox"/> Juvenile Division, 2200 Fairmont Drive, San Leandro, CA 94578 <input type="checkbox"/> Juvenile Division, 24405 Amador Street, Hayward, CA 94544		
Name of Dependent Child:		
DECLARATION RE: NOTICE OF EX PARTE APPLICATION Juvenile		

I, the undersigned, declare:

1. I am counsel social worker mother father minor or other (explain) _____ in this dependency action.

2. Pursuant to Juvenile Court Local Rules I have given notice of, and a copy of this application for ex parte orders, to the following persons: _____

Notice to the above named persons was given in the following manner:

a. By telephone at _____ (a.m.) (p.m.) on _____, 200____.

b. By letter faxed mailed or hand delivered to (insert name and address): _____

3. I have received the following response: _____

4. I have not given notice of this application for ex parte orders for the following reason(s):

a. Would frustrate the purpose of the orders requested.

b. Minor child would suffer immediate and irreparable harm before the orders could issue.

c. No significant burden or inconvenience to the responding party will result from the orders requested

d. I made reasonable, good faith efforts to give notice, as follows: _____

e. Other: _____

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, at California this _____ day of _____ 20____ at _____ (a.m. / p.m.)

Signature of Declarant

DECLARATION RE: NOTICE OF EX PARTE APPLICATION
Juvenile

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA
IN SESSION AS A JUVENILE COURT

In the Matter of: _____

Court use only

DOB _____ Court # _____ Dept # _____

**CERTIFICATION AND RECOMMENDATION OF PHYSICIAN FOR MEDICAL,
SURGICAL, DENTAL, OR OTHER REMEDIAL CARE**

A. It is hereby recommended that immunization, medical and dental examinations, preventive, therapeutic and remedial medical and dental procedures, minor surgical procedures (e.g. suturing lacerations) and psychiatric or psychological evaluations and treatment be provided to said person as deemed necessary and concomitant with good medical practice.

B. I hereby recommend the following: # _____ major surgical procedures(s):
_____ minor surgical procedures(s):

C. For "B" above: please answer the following three questions:

The child's current condition which necessitates the above procedure/medication is as follows:

The following consequences are to be expected should this procedure/medication NOT be provided (please provide any relevant information: frequency of the occurrence etc.)

The risk(s) of this procedure / medication is as follows (please provide appropriate information re: frequency of occurrence, etc.) :

This is certify that I am qualified and regularly licensed physician or dentist under the laws of the State of California:

Signed _____ M.D or D.D.S.

Phone # _____ Fax # _____

Dated this _____ day of _____ (year) _____

Mother: _____ Address: _____

Father: _____ Address: _____

Legal Guardian _____ Address: _____

[] The whereabouts of the parent, guardian, or person standing in loco parentis are unknown and the following efforts have been made to locate the parents, guardian, or person standing in loco parentis:

[] The parent guardian, or person standing in loco parentis is incapable of authorizing the aforementioned treatment in that:

[] The parent, guardian, or person standing in loco parentis is unwilling to authorize the aforementioned treatment in that:

[] Said matter has been set for a hearing on _____

[] Due notice has been given / attempted as shown on the accompanying ex parte coversheet.:

[] The parental rights for the above minor were terminated on _____ in Judgment # _____

Chet P. Hewitt, Director
Alameda County Social Services Agency

Donald Blevins, Chief Probation Officer
Alameda County Probation Department

By: _____
Child Welfare Worker

By _____
Deputy Probation Officer

Date _____

Date _____

Pos. # _____ QIC _____ Phone # _____

QIC _____ Phone # _____

cc: Mother [] Father [] Guardian [] Attorney for: Mother [] Father [] Guardian [] Minor []

ORDER AUTHORIZING REMEDIAL CARE AND TREATMENT

It appearing that the aforementioned is a minor person, concerning whom a petition has been filed in the Juvenile Court of Alameda County, State of California, alleging that said person comes within the provisions of Section 300 602 of the Welfare & Institutions Code of said State; or who is a dependent ward of the above-entitled Court within the care or custody or under the supervision of the Child Welfare Worker Probation Officer and:

If further appearing from the foregoing certification and recommendation of the aforementioned physician or dentist, that said person is in need of medical and/or dental care as described by said certification and recommendation of said physician, and that there is no parent, guardian, or person standing in loco parentis who is able or willing to authorize remedial care or treatment for said person;

NOW THEREFORE, Pursuant to the provisions of Section 369 739 of the Welfare & Institutions Code of Said State, it is hereby ordered that the aforementioned licensed and practicing physician and /or dentist be, and hereby is, authorized to administer the medical, dental, and surgical or other remedial care for said person as described and recommended in the foregoing certification.

Dated this _____ day of _____ 200 _____

Judge / Commissioner of the Juvenile Court

CERTIFICATION AND RECOMMENDATION OF PHYSICIAN FOR MEDICAL, SURGICAL, DENTAL, OR OTHER REMEDIAL CARE

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): TELEPHONE NO.	FOR COURT USE ONLY
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA <input type="checkbox"/> Juvenile Division, 400 Broadway/600 Washington, Oakland, CA 94607 <input type="checkbox"/> Juvenile Division, 2200 Fairmont Drive, San Leandro, CA 94578 <input type="checkbox"/> Juvenile Division, 24405 Amador Street, Hayward, CA 94544	
In the Matter of: (Name of Child): a minor [D.O.B.: / /]	
APPLICATION FOR ACCESS TO JUVENILE COURT RECORDS	Case No.:

I am requesting ___ inspection only ___ inspection and copying of the following record(s) held by the County Clerk, Juvenile Division:

Minor's Name: _____

Petition Number: _____

Other Identifying Information: _____

I am:

- Parent/Guardian of the named juvenile
- Court-Appointed Special Advocate (CASA)
- District Attorney
- Other Specify: _____

Address: _____

I will use this information for the following purpose(s)

I understand that I may have to pay a reasonable fee for the cost of photocopying any requested documents.

I understand these records are confidential and can be used only for the purposes stated herein.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Dated this _____ day of _____, 20_____, at Oakland, California

Signature: _____

Type or print name: _____

If I do not pick up the requested copies, please mail them in the attached self-addressed, stamped envelope.

APPLICATION FOR ACCESS TO JUVENILE COURT RECORDS

ALAMEDA COUNTY SUPERIOR COURT
IN SESSION AS A JUVENILE COURT

) Case
) No(s): _____
)
) JOINT CONTESTED HEARING
) STATEMENT
)
)
_____)

1. A contested ___ jurisdiction ___ disposition ___ 6-month ___ 12-month
___ 18-month ___ other PPH 6-month status review ___ 366.26

_____ (specify) hearing is requested by the:

___ MINOR(S)
___ MOTHER
___ FATHER

2. The petition states allegations under section 300

___ (a) ___ (b) ___ (c) ___ (d) ___ (g) ___ (j) _____ (other)

3. The following factual issue(s) will be contested at the hearing (e.g., reasonable services): _____

4. The time estimate for the contested hearing is: _____

JOINT CONTESTED HEARING STATEMENT

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5. The following witnesses will be called on behalf of the Social Services Agency:

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

6. The following witnesses will be called on behalf of the minor(s):

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

7. The following witnesses will be called on behalf of the mother:

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

8. The following witnesses will be called on behalf of the father:

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

JOINT CONTESTED HEARING STATEMENT

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9. Mediation/Family Conferencing is requested by _____ on the following issues (e.g., placement):

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

10. The parties request that a date be scheduled prior to the contested hearing to view the CALICO tape. Suggested dates: _____

11. The appearance(s) of the following child(ren) will be requested at the hearing:

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____

12. The following accommodations for the child(ren)'s testimony are requested:

13. Other special accommodations requested:

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

JOINT CONTESTED HEARING STATEMENT

Dated: _____ By _____
County Counsel on behalf of the
Social Services Agency

Dated: _____ By _____
Attorney for the Minor(s)

Dated: _____ By _____
Attorney for the Mother

Dated: _____ By _____
Attorney for the Father

Dated: _____ By _____
Attorney for the _____

Dated: _____ By _____
Attorney for the _____

JOINT CONTESTED HEARING STATEMENT

Page 4 of 4

Juvenile Court of the State of California, County of Alameda – Juvenile Court Local Form No. 005
(Adopted: 01/01/04)

SUPERIOR COURT STATE OF CALIFORNIA
COUNTY OF ALAMEDA
JUVENILE DIVISION

TO: Persons who believe they should be declared a *de facto* parent by the Juvenile Court.

This application may contain confidential information about the applicant. Each applicant must complete his or her own copy of all documents. All parties will receive notice of the hearing on the Application for *De Facto* Parent Standing. They have the right to appear at the hearing with their counsel and to present information in support of or in opposition to the application.

1. I understand that by filing these documents my name will no longer be confidential
2. I understand that if there are extenuating circumstances, which necessitate that my name remains confidential, I can request that the court issue a protective order.

A *de facto* parent is a person who:

- has had responsibility for the day to day care of the child for a substantial period of time and;
- has been a parent figure to the child for a substantial period of time, fulfilling both the child's physical and psychological need for care and affection.

If you are interested in having the Juvenile Court declare you to be a *de facto* parent, please fill out the attached Application And Declaration For De Facto Parent Standing And Declaration In Support Thereof. Each applicant must complete his or her own set of forms. You may then submit the documents in person or by mail to either one of the Juvenile Court Clerk's offices listed below:

**Superior Court of California, County of Alameda
Juvenile Court Clerk's Office**

- 400 Broadway/600 Washington, Oakland, CA 94607
- 2200 Fairmont Drive, San Leandro, CA 94578
- 24405 Amador Street, Hayward, CA 94544

**APPLICATION AND DECLARATION FOR
DE FACTO PARENT STANDING**

Page 1 of 4

Juvenile Court of the State of California, County of Alameda – Juvenile Court Local Form No. 006
(Adopted: 01/01/04)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): TELEPHONE NO. ATTORNEY FOR (Name):	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA <input type="checkbox"/> Juvenile Division, 400 Broadway/600 Washington, Oakland, CA 94607 <input type="checkbox"/> Juvenile Division, 2200 Fairmont Drive, San Leandro, CA 94578 <input type="checkbox"/> Juvenile Division, 24405 Amador Street, Hayward, CA 94544	
In the Matter of: (Name of Child): a minor [D.O.B.: / /]	
APPLICATION AND DECLARATION FOR DE FACTO PARENT STANDING	Petition No.:

THIS PAGE CONTAINS CONFIDENTIAL INFORMATION ABOUT THE APPLICANT. IT SHOULD NOT BE SENT TO THE PARTIES UNLESS ORDERED BY THE COURT. THE FOLLOWING PAGE (PAGE 3 OF 4) SHOULD BE SENT TO THE PARTIES IF THE COURT DECIDES TO HOLD A HEARING.

Name of Applicant: _____

Address of Applicant: _____

Telephone Number: _____

Relationship to Child (grandparent, caretaker, etc.) _____

I declare under penalty of perjury that the information on these two pages is true and correct to the best of my knowledge.

(Signature of Applicant)

**APPLICATION AND DECLARATION FOR
DE FACTO PARENT STANDING**

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): TELEPHONE NO.	FOR COURT USE ONLY
ATTORNEY FOR (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA <input type="checkbox"/> Juvenile Division, 400 Broadway/600 Washington, Oakland, CA 94607 <input type="checkbox"/> Juvenile Division, 2200 Fairmont Drive, San Leandro, CA 94578 <input type="checkbox"/> Juvenile Division, 24405 Amador Street, Hayward, CA 94544	
In the Matter of: (Name of Child): a minor [D.O.B.: / /]	
ORDER RE: DE FACTO PARENT STANDING	Petition No.: Department:

The Court, having read and reviewed the APPLICATION FOR *DE FACTO* PARENT STANDING AND DECLARATION IN SUPPORT THEREOF hereby:

- Denies the application for de facto parent standing

- Orders a hearing on the APPLICATION FOR DE FACTO PARENT STANDING to be held on:

_____ at _____ a.m./ p.m.

in Department _____ of the Superior Court at _____, CA

 Judge/Commissioner of the Superior Court

ORDER RE: DE FACTO PARENT STANDING

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA <input type="checkbox"/> Juvenile Division, 400 Broadway/600 Washington, Oakland, CA 94607 <input type="checkbox"/> Juvenile Division, 2200 Fairmont Drive, San Leandro, CA 94578 <input type="checkbox"/> Juvenile Division, 24405 Amador Street, Hayward, CA 94544		
In the Matter of: (Name of Child): a minor [D.O.B.: / /]		
APPLICATION AND ORDER REGARDING REMOVAL OF A MINOR FROM A JUVENILE INSTITUTION BY LAW ENFORCEMENT PERSONNEL		Case No.:
		Petition No.:

NAME OF MINOR _____ D.O.B. _____

LOCATION OF MINOR _____

NAME OF PARENT/GUARDIAN _____

ADDRESS _____

TELEPHONE NUMBER _____

ATTORNEY FOR MINOR _____

TELEPHONE NUMBER _____

PROBATION OFFICER _____

OFFICER/AGENCY REQUESTING REMOVAL OF MINOR _____

NATURE OF REQUEST (Why is minor's removal necessary?) _____

Date _____ /s/ _____

I approve. _____ Date _____
Signature of Parent/Guardian

I approve. _____ Date _____
Signature of Minor

I approve. _____ Date _____
Signature of Attorney for Minor

I approve. _____ Date _____
Signature of Probation Officer

This Application is **granted / denied**. The following conditions must be followed:

Dated _____
_____ Judge of the Superior Court

APPLICATION AND ORDER REGARDING REMOVAL OF A MINOR FROM A JUVENILE INSTITUTION BY LAW ENFORCEMENT PERSONNEL