not limited to summary determination of any contested issues in accordance with the other party's papers, the assessment of attorney's fees and costs, or the taking of appropriate calendar action.

*Rule 5.100 amended and renumbered effective January 1, 2008; adopted as rule 11.7 effective May 19, 1998.*

## Division 2. Juvenile Rules

## Chapter 1. General Provisions

### Rule 5.501. Division title

The rules in this division may be referred to as the Local Juvenile Rules.

*Rule 5.501 adopted effective January 1, 2008.*

### Rule 5.502. Juvenile court administration

**(a) Commissioner deemed juvenile court temporary judge**

Whenever a commissioner presides over a juvenile court hearing, that commissioner, unless otherwise expressly specified and without further order of the court, shall act as a temporary judge with respect to any and all dependency actions, causes, or proceedings.

**(b) Juvenile court committees**

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.

*Rule 5.502 amended effective January 1, 2011; adopted as rule 10.1.1 effective January 1, 2004; previously amended January 1, 2006, and January 1, 2007; previously amended and renumbered effective January 1, 2008.*

### Rule 5.503. Filing reports

**(a) Time for filing**

Detention reports and uncontested jurisdictional hearing reports will be considered timely if filed on the day of such hearing.

**(b) Additional judge’s copy required for next-day hearings**

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 an additional judge's copy of the document in the department where the matter is scheduled to be heard.

*Rule 5.503 amended and renumbered effective January 1, 2008; adopted as rule 10.1.2 effective January 1, 2004.*

### Rule 5.504. Calendaring and continuances

#### (a) Setting matters

No matter may be set for a certain date without the prior approval of the judge in the department.

#### (b) Continuances

A request for continuance may be submitted on the local form adopted for that purpose, *Application and Order to Change or Add a Juvenile Court Date (Local Form ALA JV-001).* The matter is not continued unless the order granting a continuance is filed.

*Rule 5.504 amended and renumbered effective January 1, 2008; adopted as rule 10.1.3 effective January 1, 2004; previously amended January 1, 2007.*

### Rule 5.505. Required attendance at hearings

All parties and attorneys must attend each scheduled hearing unless excused by the court. However, unless the court directs a party or attorney to appear, parties and attorneys are excused from attending placement reviews and dismissals.

*Rule 5.505 amended and renumbered effective January 1, 2008; adopted as rule 10.1.4 effective January 1, 2004.*

### Rule 5.506. Discovery

#### (a) Mandatory disclosure

All discoverable material specified in California Rules of Court, rule 5.546(d) must be disclosed to all parties, without the need for an informal request, no later than five court days before any contested hearing.

#### (b) Meet and confer required before discovery motion may be filed

Attorneys must meet and confer and attempt to resolve all discovery disputes informally. A party may file a discovery motion only after all informal means have been exhausted. Any noticed discovery motion shall

state the relevancy of the information sought and the reasons the informal discussions have been unsuccessful in securing the information. The motion shall be served on all parties no less than five 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 court days prior to the hearing.

*Rule 5.506 amended and renumbered effective January 1, 2008; adopted as rule 10.1.5 effective January 1, 2004; previously amended January 1, 2007.*

### Rule 5.507. Ex parte requests for orders

#### (a) Ex parte requests for orders other than orders for psychotropic medications

The following procedure must be followed in making any request for an order other than an order for psychotropic medications.

(1) 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.

(2) The request must include the following information:

(A) A description of the efforts made to obtain the consent of or to 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;

(B) An indication of whether the minor, the parents or legal guardians of the minor, or their attorneys refused to agree to the proposal that is the subject of the ex parte request including the grounds for the person's refusal, if known; and

(C) 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.

(3) All ex parte applications and proposed orders must be delivered during regular business hours to the clerk's office where the matter is pending. The clerk's office will forward the matter to the appropriate judicial officer.

(4) The following ex parte requests will be determined by the presiding judge of the juvenile court:

(A) Termination of life support and do not resuscitate requests;

and

(B) Requests for permission to perform surgical or other medical procedures over the religious objections of the parents.

(5) An opposing party must present any written opposition to the court within 24 hours of receipt of notice of the ex parte application. Upon receipt of the ex parte application and any opposition, the court will render its decision on the application or set the matter for hearing. The applicant must serve notice of the court's order on all parties. If the matter is set for hearing, the applicant must give notice of such hearing to all parties, unless ordered otherwise by the court. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.

(6) The following requests may be submitted without notice to other parties:

(A) Orders for temporary removal of prisoners or wards and production as a party;

(B) Orders to preserve dispatch transmissions ("CAD purges");

and

(C) Orders for copies of booking photographs.

**(b) Ex parte requests for orders for psychotropic medications**

The following procedure must be followed in making any request for an order for psychotropic medications.

(1) Ex parte requests for authority to administer psychotropic medications will be decided in the department where the case is normally calendared.

(2) 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.

(3) Whenever a dependent child or ward of the court, or minor in placement at Juvenile Hall or the Social Services Assessment Center, or other juvenile facility is moved to a new placement or to a facility pursuant to Welfare and Institutions Code section 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 must not be abruptly discontinued for lack of such an order.

(4) All orders authorizing the administration of psychotropic drugs must be submitted to the court for renewal no later than six months from the date of initial issuance, following the ex parte procedure described in this subsection.

**(c) Ex parte requests for medical authorizations**

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 *Recommendation, Certification, and Order for Medical, Surgical, Dental or Other Remedial Care (Local Form ALA JV-002)*.

*Rule 5.507 amended and renumbered effective January 1, 2008; adopted as rules 10.1.6, 10.1.7, and 10.1.8 effective January 1, 2004; previously amended January 1, 2007.*

## Rule 5.508. Health assessments

**(a) When health assessments should occur**

Juveniles confined in an Alameda County Probation Department detention facility, 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.

**(b) Contents of health assessment**

The health assessment, which may be conducted by the Alameda County Health Care Agency's designee, should be comprehensive and may consist of the following components:

(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 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 physical 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 psychotropic medications, the minor may be 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.

**(c) Consent of parent or guardian to be sought at detention hearing**

At the time of the detention hearing, an attempt should be made to obtain the consent of the parent or guardian 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, the Social Services Agency or the Probation Department may authorize any licensed

physician to provide any emergency or routine physical or mental health care that will protect the minor's physical and mental health status.

*Rule 5.508 amended and renumbered effective January 1, 2008; adopted as rule 10.1.9 effective January 1, 2004.*

### Rule 5.510. Court Appointed Special Advocates (CASA)

#### (a) Use of the CASA program

The court utilizes the services of the CASA program. The court may appoint CASA to represent the best interests of the child in any dependency or delinquency action.

#### (b) Calendaring preference

Because advocates serve as volunteers, matters on which they appear will be granted priority on the court's calendar whenever possible.

#### (c) Continuation of advocate's appointment

In the event the court dismisses a dependency case and issues family court orders under Welfare and Institutions Code section 362.4, the advocate's appointment may be continued in the family court proceeding, and the juvenile court order shall set forth the nature, extent, and duration of the advocate's duties in the family court proceeding.

#### (d) Advocates' reports

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; and post-permanency planning reviews. Any such report must be submitted at least two court days before the hearing. 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 will be copied and distributed by the CASA program office staff.

*Rule 5.510 amended and renumbered effective January 1, 2008; adopted as rule 10.1.10 effective January 1, 2004; previously amended January 1, 2007.*

### Rule 5.511. Interagency information sharing

#### (a) Court and other agencies involved with minors

A number of court and other public agencies may be involved with a minor. These include the Social Services Agency's Department of

Children & Family Services ("DCFS"); the Adult Protective Services ("APS"); Juvenile Probation Department ("JPD") Families and Children's Bureau ("FCB") mediators, facilitators, and case managers; evaluators; probate court investigators ("PCI"), and Court Appointed Special Advocates ("CASA").

**(b) Information-sharing protocol**

The following protocol applies to information sharing between and among the court, FCB, PCI, JPD, DCFS, CASA, 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 or her parents, guardians, or caretakers 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, parents, guardians, or caretakers.

(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 above. However, child abuse and neglect reports described by Penal Code section 11167.5 (*Suspected Child Abuse Report, Form #S-8572*), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of DCFS, APS or JPD 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, facilitators, evaluators, and probate investigators, and periodically distribute this list to DCFS and JPD.

**(c) Modification of family court orders**

When a new dependency petition has been filed involving an existing family court case, the parties by stipulation may allow the juvenile court to modify the existing family court orders, where modification of the existing custody and visitation orders may remove the risk that led to the filing of the juvenile dependency petition. The juvenile court may then, where appropriate, order dismissal of the dependency petition. The process is as follows:

(1) The parties and their counsel may agree on the record that the juvenile court bench officer may hear the matter as a family court judge. If an agreement is reached after or outside of a hearing, the parties and their counsel must execute their stipulation on the appropriate Judicial Council form and the juvenile court judge will attach a signed *Family Court Stipulation and Order Dismissing Juvenile Court Case (Local Form ALA JV-004).*

(2) The stipulation will be filed in the family court action and the juvenile dependency petition will be dismissed without prejudice.

*Rule 5.511 amended and renumbered effective January 1, 2008; adopted as rule 10.1.11 effective January 1, 2004; previously amended January 1, 2007.*

**Rule 5.512. Application for access to juvenile court records**

The provisions in this rule apply to persons and agencies not designated in Welfare and Institutions Code section 827.

**(a) Inspection and copying**

The following persons and agencies may have access to juvenile court records and may obtain photocopies of records without a prior court order, subject to the conditions specified, if disclosure will be in the best interest of the child whose records are sought and 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; 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 Welfare and Institutions Code sections 601 or 602.

(3) CASAs, as provided under Welfare and Institutions Code sections 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 a family court judge 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 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 Parole Hearings, as provided under Penal Code section 11167.5, subdivision (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 Welfare and Institutions Code section 827.

(13) The Social Security Administration, for the purpose of determining a child's eligibility for benefits.

(14) The Regional Center.

(15) The county probation department, when performing its duty under Penal Code section 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 department shall not disclose any child's name.

**(b) Procedure for making request**

Persons seeking access to or photocopies of documents under this rule must complete a *Declaration and Application for Access to Juvenile Court Records (Local Form ALA JV-003)*. The completed form will 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 the one of the juvenile court clerk's offices.

**(c) Inspection or oral information only**

The following may inspect or receive oral or written information regarding the contents of juvenile court records without a prior court order, but must file a *Petition for Disclosure of Juvenile Court Records* (JV-570) to obtain photocopies, subject to the conditions specified, if disclosure will be in the best interest of the child whose records are sought and 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.

**(d) No disclosure**

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.

*Rule 5.512 amended and renumbered effective January 1, 2008; adopted as rules 10.1.13, 10.1.14, and 10.1.15 effective January 1, 2004; previously amended January 1, 2007.*

### Rule 5.514. Visitation before detention hearing

**(a) Visits before hearing**

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) Notation of absence of visits or telephone calls**

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

*Rule 5.514 amended and renumbered effective January 1, 2008; adopted as rule 10.2.5 effective January 1, 2004.*

### Rule 5.520. Objections in the nature of a general demurrer to a petition

**(a) Motions to object to a petition**

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 that, 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. 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 Welfare and Institutions Code section 300; a party must challenge all allegations, not selected ones.

**(b) Hearings on motions**

If the court sets a hearing on the objection, counsel for the moving party may file a supporting memorandum of points and authorities. 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. 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 by personal service or by fax.

**(c) Amendments to petition after objection filed**

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

**(d) Entry of plea**

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

**(e) Leave to amend**

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.

**(f) Detention of minor**

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.

*Rule 5.520 amended and renumbered effective January 1, 2008; adopted as rule 10.2.8 effective January 1, 2004.*

### Rule 5.522. Uncontested jurisdiction hearing settings; use as settlement conference

**(a) Setting uncontested jurisdictional hearing**

All cases in which the minor has been detained shall be set for an uncontested jurisdictional hearing within ten 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 20 calendar days of the initial or detention hearing.

**(b) Uncontested jurisdictional hearing as settlement conference**

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.

*Rule 5.522 amended and renumbered effective January 1, 2008; adopted as rule 10.2.9 effective January 1, 2004.*

**Rule 5.530. Procedures governing CALICO videotapes**

The provisions of this rule apply to all videotapes produced by the Child Abuse Listening Interviewing and Coordination Center ("CALICO").

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

(2) Counsel representing parties in dependency proceedings may view the tape, by appointment, on the premises of the CALICO Center.

(3) Private parties may not come to the CALICO Center to view CALICO tapes.

(4) 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.

(5) 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.

(6) 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 upon court order.

*Rule 5.530 amended and renumbered effective January 1, 2008; adopted as rule 10.2.10 effective January 1, 2004.*

**Rule 5.532. De facto parents**

The following provisions govern de facto parent applications, standing of de facto parents, and duration of status as a de facto parent.

**(a) Application for de facto parent status**

De facto parent status will be granted by the court only upon written application on the mandatory Judicial Council form. Notice of such application will 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 CASA advocate 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.

**(b) Standing of a de facto parent**

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.

**(c) Representation of de facto parent**

A de facto parent may be represented by counsel at his or her own expense. A de facto parent shall not be entitled to appointed counsel unless the court finds that the de facto parent is financially eligible for appointed counsel and 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.

**(d) Discovery orders**

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

**(e) Duration of status as de facto parent**

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 or upon order of the court.

*Rule 5.532 amended and renumbered effective January 1, 2008; adopted as rule 10.2.11 effective January 1, 2004; previously amended January 1, 2006.*

## Rule 5.533. Dependency mediation

### (a) Mediation required

All appropriate cases will be referred to mediation through the Dependency Mediation Program of the Juvenile Court prior to a contested hearing. Parties must fully cooperate with the mediator throughout the process.

### (b) Confidentiality of mediation

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 section 11166. It is the responsibility of attorneys to advise their clients of the limitations on mediation confidentiality.

### (c) Report by mediator

The mediator must advise the court as to whether mediation occurred and what, if any, agreement was reached.

### (d) Court order required

The court must approve agreements reached in mediation in order to be enforceable.

*Rule 5.533 amended and renumbered effective January 1, 2008; adopted as rule 10.2.13 effective January 1, 2004.*

## Rule 5.534. Standing referral to dependency mediation in anticipation of dismissal

### (a) Contact with Dependency Mediation Program approved upon stipulation

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, provided that all interested parties stipulate to such mediation.

**(b) Protocols for mediation**

The Dependency Mediation Program will 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 rule.

*Rule 5.534 amended and renumbered effective January 1, 2008; adopted as rule 10.2.14 effective January 1, 2004.*

### Rule 5.535. Standing referral to dependency mediation for family matters

**(a) Contact with Dependency Mediation Program approved upon stipulation**

A parent, a parent's attorney, 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) Protocols for mediation**

The Dependency Mediation Program shall distribute to the court, the Social Services Agency, Children and Family Services, the Public Defender, County Counsel, and the Court Appointed Attorneys Program protocols for the mediations contemplated by this local rule.

*Rule 5.535 amended and renumbered effective January 1, 2008; adopted as rule 10.2.15 effective January 1, 2004.*

### Rule 5.536. Attorney competency requirements

**(a) General standard for attorneys in juvenile proceedings**

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

**(b) Minimum standard for client communications**

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

**(c) Minimum standards of education and training for appointment as a dependency attorney**

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

(1) At least eight hours of training or education in juvenile dependency law, which must include 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

(2) At least six 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 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 knowledge of the topics referred to in subsection (c)(1) of this rule.

**(d) Continuing education requirement**

(1) Time for submitting report regarding continuing education

Each court-appointed attorney, on or before January 31st of the same year in which the attorney must certify his or her continuing education credits to the State Bar of California, must submit to the court a statement certifying that the attorney has completed 18 hours of continuing dependency education or training in the prior three years.

(2) Content of continuing education

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

(A) Ethics;

(B) Domestic violence;

(C) Use of psychological experts, including direct and cross-examination;

(D) Trial skills;

(E) Rules of evidence;

(F) Training programs that include information on child development, substance abuse, mental health issues, incarcerated parents, and related matters;

(G) The child witness;

(H) Training specifically related to dependency practice such as reasonable efforts, .26 hearings, and similar issues;

(I) Mental health issues;

(J) Health care;

(K) Immigration;

(L) Adoptions and guardianships;

(M) Parentage;

(N) The Parental Kidnapping Prevention Act;

(O) State and federal public assistance programs;

(P) Client interviewing and counseling techniques;

(Q) Case investigation;

(R) Settlement negotiations and mediation; and

(S) Programs that provide information on community resources.

(3) Providers or sources for education and training

Some of the required hours may be acquired through attendance at brown-bag lunches, lecture series, or training programs offered by the court, including the juvenile court, family court, and other court-related or court-sponsored entities. Some of the required hours may also be acquired through self-study.

(4) Failure to meet requirements

The court may suspend or remove an attorney from the panel of court-appointed attorneys or take other actions it considers appropriate for any of the following:

(A) Failure to meet minimum education and training standards;

(B) Failure to meet required continuing education standards; or

(C) Consistent or repeated failure to provide adequate, professional and civil representation of dependency clients.

*Rule 5.536 amended and renumbered effective January 1, 2008; adopted as rules 10.2.16, 10.2.17, and 10.2.18 effective January 1, 2004.*

### Rule 5.537. Motions to be relieved as counsel for a parent

#### (a) Timing of motion

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 must notify the client that counsel will seek to be relieved as counsel at the next scheduled review hearing.

#### (b) Notice of motion

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) Hearing on motion

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) Service of order**

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

*Rule 5.537 amended and renumbered effective January 1, 2008; adopted as rule 10.2.19 effective January 1, 2004.*

**Rule 5.540. Procedure for complaints concerning dependency attorneys**

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

**(a) Lodging a complaint**

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

**(b) Notification of attorney**

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

**(c) Contact by attorney required**

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

**(d) Procedure if complaint not resolved informally**

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

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

**Rule 5.541. Informing the court of other interests of a dependent child**

**(a) Counsel's duty to investigate**

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 Welfare and Institutions Code section 317, subdivision (e). If the child is four years of age or older, such investigation shall include an interview with the minor.

**(b) Notification by other interested parties**

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) Form for notice**

Notice to the court may be given by the filing of a *Request to Change Court Order* (JV-180), 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) Description of minor's interest**

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) Other information to be included**

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 may be appropriate or necessary to protect or pursue the child's interest, and whether further investigation may be necessary.

**(f) Service of the notice**

A copy of the notice must be served on the child's social worker and on the child's attorney and CASA, if any, 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 separate counsel does not represent the child, 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 on the CASA, if any.

**(g) Hearing on the notice**

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) Court orders**

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 under Welfare and Institutions Code section 317, subdivision (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 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) Make such other orders the court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

**(i) Use of court or county funds**

Neither court nor county funds will be used to fund legal or other services in another forum outside the juvenile dependency proceedings.

*Rule 5.541 amended and renumbered effective January 1, 2008; adopted as rule 10.2.22 effective January 1, 2004.*

**Rule 5.542. Authorization for foster parents to approve school 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 court.

*Rule 5.542 adopted effective January 1, 2008.*

**Rule 5.543. Travel with foster parents and group homes**

**(a) Travel within California**

With prior approval from the Social Services Agency, foster parents and group homes may travel with any child who is the subject of a dependency or delinquency petition, to any place within California during day and evening hours, including overnight trips within the state of up to 30 consecutive days, without prior written permission of the court, provided that, when overnight trips of three or more consecutive nights are planned,

the Child Welfare Worker or probation officer, at least three 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) Travel outside California**

Foster parents and group homes may not travel outside California with any child who is the subject of a dependency or delinquency petition, unless the foster parent or group home has obtained the prior permission of the Social Services Agency and the court and the Child Welfare Worker or 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 at least five days prior to departure.

*Rule 5.543 amended and renumbered effective January 1, 2008; adopted as rule 10.2.23 effective January 1, 2004.*

### Rule 5.544. 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" under Welfare and Institutions Code section 309, subdivision (b), or section 16525.14, and the release of such infant is to a foster parent under the Welfare and Institutions Code 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.

*Rule 5.544 amended and renumbered effective January 1, 2008; adopted as rule 10.2.5 effective January 1, 2004.*

### Rule 5.545. Disclosure of education and medical information to social workers and children's attorneys

In any case where a child is under the dependency jurisdiction of the court or is under informal supervision, the social worker assigned to the child's case and the attorney representing the child in dependency proceedings may receive, upon request, copies of any written individualized education programs, immunization records, and any other school or health records maintained by a public school district or private school in which the child is or was enrolled; a hospital to which the child is or was admitted; or a health care provider who is or was providing medical, dental, psychiatric, or psychological treatment to the child.

*Rule 5.545 amended and renumbered effective January 1, 2008; adopted as rule 10.2.25 effective January 1, 2004.*

## Rule 5.546. Welfare and Institutions Code section 388 petitions

### (a) Location for filing

Welfare and Institutions Code section 388 petitions must be filed with the clerk's office where the next hearing is scheduled to occur. If there is no future hearing, the petition must be filed with the clerk's office where the presiding judge of the juvenile court is located or as otherwise directed by that clerk's office.

### (b) Contents of petition

The petition must include the department in which the next scheduled court hearing is calendared and the date of the hearing. The petition must 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.

### (c) Action on petition

The clerk will direct the petition to the department in which the next scheduled court date in the matter is calendared. If no date is calendared, the petition will be sent to the presiding judge of the juvenile court. Within five calendar days of receipt of the petition for a hearing, the court will either grant or deny the petition and will immediately notify the parties and counsel, including the Social Services Agency and County Counsel, of its decision.

### (d) Hearing on a petition

(1) If the court grants a hearing on the petition, the hearing shall be calendared within 30 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. The courtroom clerk will 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.

(2) If there is no previously calendared court date, the presiding judge of the juvenile court will calendar the hearing for a date that will allow ten court days notice to all parties and counsel, unless the presiding judge determines it is in the best interests of the minor to hear the matter on shorter notice. The presiding judge's clerk will

send notice of such hearing to all parties and counsel, including the Social Services Agency and County Counsel.

*Rule 5.546 amended and renumbered effective January 1, 2008; adopted as rule 10.2.26 effective January 1, 2004; previously amended January 1, 2007.*

### Rule 5.547. Appearances on behalf of the Social Services Agency

#### (a) Appearance at dependency hearings

At each dependency hearing, one of the following individuals must appear on behalf of the Social Services Agency: a court officer, the Child Welfare Worker, or an attorney with the County Counsel's office.

#### (b) Appearance at contested hearings or hearings to terminate parental rights

In addition to any other agency representative, the Social Services Agency must appear through an attorney with the County Counsel's office at a contested hearing and at a hearing to terminate parental rights.

*Rule 5.547 amended and renumbered effective January 1, 2008; adopted as rule 10.2.27 effective January 1, 2004.*

### Rule 5.551. Pretrial hearings

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

*Rule 5.551 amended and renumbered effective January 1, 2008; adopted as rule 10.3.2 effective January 1, 2004.*

### Rule 5.553. Calendaring cases involving placement failures and run-aways

When possible in compliance with applicable deadlines, all camp and private placement failures and run-aways will be set in the department of the judge that made the original placement order.

*Rule 5.553 amended and renumbered effective January 1, 2008; adopted as rule 10.3.4 effective January 1, 2004.*

### Rule 5.555. Designation of statutory basis for declaring a section 707(b) offense

The Probation Department must designate the specific subdivision of Welfare and Institutions Code section 707 it relies on in all reports to the court in which it

is necessary to advise the court whether a section 707(b) offense is involved, including, but not limited to, Intake/Jurisdictional Reports and Disposition reports.

*Rule 5.555 amended and renumbered effective January 1, 2008; adopted as rule 10.3.6 effective January 1, 2004.*

### Rule 5.557. Notice to dependency attorney of section 241.1 reports

Where a dependent is the subject of a delinquency petition, the report required by Welfare and Institutions Code section 241.1 must contain evidence of notice to the child's dependency attorney as well as other parties to the dependency action.

*Rule 5.557 adopted effective January 1, 2008.*