

**DIVISION VI
JUVENILE**

**CHAPTER 1
JUVENILE RULES**

Rule 6.1.1

Preliminary Provisions

A. These rules, together with the rules promulgated by the Judicial Council for the juvenile courts, the Welfare and Institutions Code, those sections of other codes specifically made applicable to juvenile proceedings by the Welfare and Institutions Code, and relevant case law, are the controlling body of law which governs proceedings in the San Diego Superior Court Juvenile Division.

B. Insofar as these rules are substantially the same as existing statutory provisions relating to the same subject matter, they are to be construed as restatements thereof.

Insofar as these rules may add to existing statutory provisions relating to the same subject matter, they are to be construed so as to implement the purposes of the juvenile court law.

C. To the extent that these rules may affect or declare substantive rights, these rules are intended to be a reflection of existing constitutional, statutory, case law, and Judicial Council rules of court, and are to be interpreted consistent with such law.

D. These rules are intended to be applied in a fair and equitable manner consistent with the best interest of the children and families appearing before the juvenile court.

E. Severability clause. If a rule or subdivision thereof in this division is invalid, all valid parts that are severable from the invalid part remain in effect. If a rule or subdivision thereof in this division is invalid in one or more of its applications, the rule or subdivision thereof remains in effect in all valid applications that are severable from the invalid applications.

F. These rules have prospective application only.

(Adopted 1/1/1990; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006)

Rule 6.1.2

Definitions, Construction of Terms, Nature of Hearings

A. Unless the context or subject matter otherwise requires, the terms and definitions listed in California Rules of Court, rule 5.502, apply to these rules. In addition:

1. “HHS-A-CWS” means the San Diego County Health and Human Services Agency, Child Welfare Services;

2. “Notify” means to inform, either orally or in writing;

3. “Petitioner” means the San Diego County Health and Human Services Agency, Child Welfare Services (“HHS-A-CWS”) or its employees;

4. “Resource family” means a caregiver who has been approved by the State Department of Social Services, as defined in Welfare and Institutions Code section 16519.5, subdivision (c).

B. Construction of terms

1. “Shall” or “must” is mandatory; “may” is permissive.

2. The past, present, and future tenses include the others.

3. The singular and plural numbers include the other.

(Adopted 1/1/1990; Rev. 1/1/1997; Rev. 1/1/2002; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2018; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.1.3

Standing, Rights, and Levels of Participation in Dependency Cases

Unless otherwise expressly granted by constitutional, statutory, or case law, or rule of court, the standing, rights, and levels of participation of the following persons in dependency cases are limited to those provided in this rule.

A. Parents, guardian(s), Indian custodian(s), and others. The biological parents, adoptive parents, guardian(s), Indian custodian(s) (as defined in 25 U.S.C. § 1903(6)), person(s) having legal custody of a child who is the subject of a dependency action, and parents of a nonminor dependent who are receiving reunification services have standing as parties to the proceedings.

B. Child or nonminor dependent. The child or nonminor dependent who is the subject of a dependency action has standing as a party to the proceedings.

C. De facto parent. For purposes of this rule, a de facto parent is defined in California Rules of Court, rule 5.502(10). No person will 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.

De facto parent status will be granted by the court only upon a written application using Judicial Council forms JV-295 (“De Facto Parent Request”) and JV-296 (“De Facto Parent Statement”). Instructions for completing the forms are provided on Judicial Council form JV-299 (“De Facto Parent Pamphlet”). Notice of such application and hearing date will be given to the parties or their counsel of record by the court clerk. At the hearing on such application, the court will consider the contents of the dependency file, any report filed by the social worker or the 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 must 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 will not, in and of itself, constitute good cause for continuing any other hearing in the dependency action.

The de facto parent of a child who is the subject of a dependency action has standing as a party to the proceedings to the degree that the proceedings directly affect the de facto parent's legally recognizable interest in the child. (See also Cal. Rules of Court, rule 5.534(a).)

A de facto parent's right to discovery in the dependency proceeding is pursuant to Welfare and Institutions Code section 827 (see rule 6.6.2). Upon granting de facto parent status, the court may make such discovery orders pursuant to that section as are necessary and appropriate.

In any case in which a child is removed from the physical custody of the child's parent(s), legal guardian(s), or Indian custodian(s) pursuant to Welfare and Institutions Code section 361, a de facto parent, if a relative, will also receive preferential consideration for placement of the child pursuant to Welfare and Institutions Code section 361.3, if such placement is in the best interest of the child and is conducive to any reunification efforts ordered by the court.

De facto parent status will 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 when the child reaches 18 years of age.

D. Relatives, Nonrelative Extended Family Members, Extended Family Members of an Indian Child, and Current Caregivers, and Resource Families. The standing, rights, and levels of participation accorded to relatives, nonrelative extended family members, extended family members of an Indian child, current caregivers, and resource families in dependency cases are as set forth in the Welfare and Institutions Code, the California Rules of Court, the federal Indian Child Welfare Act, and applicable case law.

(Adopted 1/1/1990; Rev. 1/1/1994; Rev. 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.1.4

Assignment of Cases and Peremptory Challenges

The court assigns dependency cases on an independent calendar system. Under that system, a dependency case assigned to a particular judge, commissioner, or referee will remain with that judicial officer until the termination of jurisdiction, unless otherwise ordered. Under the independent calendar system, a peremptory challenge to any judge, commissioner, or referee must be made pursuant to Code of Civil Procedure section 170.6. Such a challenge must be made prior to any determination of contested issues of fact relating to the merits and within 15 days after notice of the assignment of the case to a specific judge, commissioner, or referee, or it will be deemed untimely. Notice of the assignment is complete upon service of such notice or initial appearance in court. Each party will be allowed only one peremptory challenge per case. (This rule is adopted pursuant to *Daniel V. v. Superior Court* (2006) 139 Cal.App.4th 28.)

(Adopted 1/1/1990; Renum. 7/1/2001; Rev. 1/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012)

Rule 6.1.5

Objection to the Sufficiency of the Petition

A party may file an objection to challenge the sufficiency of a Welfare and Institutions Code section 300 petition on the ground that the petition alleges facts which, even if determined to be true, (a) are not sufficient to state a cause of action, or (b) are not stated with sufficient clarity and precision to enable the party to determine what must be defended

against. (For purposes of this rule, “petition” includes amended petitions and subsequent petitions filed under Welfare and Institutions Code sections 342, 360, subd. (c), or 364.)

Such an objection may be made orally or in writing. However, it must be made at either: (a) the detention hearing or (b) the initial appearance after the filing of a petition but before the court makes a true finding. The court may entertain the objection by oral argument when made or may set it for further hearing.

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. Petitioner may file a responsive memorandum of points and authorities. To be considered timely, the responsive memorandum must be filed by 8:30 a.m. on the day of the hearing.

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

When an objection to the sufficiency of a petition is sustained, the court may grant leave to amend the petition upon any terms as may be just and will fix the time within which the amended petition must be filed.

(Adopted 1/1/1990; Rev. 7/1/1991; Rev. 1/1/2002; Renum. 7/1/2001; Renum. 1/1/2006)

Rule 6.1.6

Amendment of the Welfare and Institutions Code Section 300 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 jurisdictional settlement conference.

B. The court may, in furtherance of justice, and on such terms as may be proper, allow the 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 mistake(s), or typographical error(s). (Cal. Rules of Court, rule 5.560(f).)

C. The court may, upon noticed motion or upon stipulation of all parties, and in furtherance of justice, 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 jurisdiction hearing.

(Adopted 1/1/1990; Rev. 1/1/1997; Rev. 1/1/2002; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2022)

Rule 6.1.7

Prehearing Discovery in Dependency Matter

A. Prehearing discovery will be conducted informally. Except as protected by statute, claim of privilege, or other good cause, all relevant material held by any party must be disclosed in a timely fashion to all parties to the litigation or made available to the parties upon request.

B. Only after all informal means have been exhausted may a party move the court for an order requiring disclosure.

The motion must identify with specificity the information sought, state the efforts which have been made to obtain the information through informal means, and explain why the information is relevant and material.

The original of the motion, with supporting declaration(s) and a memorandum of points and authorities, must be filed with the clerk of the assigned department. No motion will be accepted for filing or heard unless accompanied by a declaration by the movant or the movant’s counsel, setting forth the following:

1. That the informal request for discovery was made at least five court days before the motion was filed;
2. The response, if any, to the informal request by the party to whom the request was directed or that party’s counsel;
3. That the movant has met and conferred with the party to whom the request was directed or that party’s counsel, or the facts showing that movant has attempted in good faith to meet and confer with the party to whom the request was directed or that party’s counsel.

The clerk will assign a hearing date within 10 court days of the date the informal request was made, but not less than five days before the next hearing, whichever is sooner. Responsive pleadings must be filed and served at least two court days before the assigned hearing date.

C. Materials released by the HHSA-CWS pursuant to an informal request for discovery, or after a formal motion to compel discovery has been granted, will be subject to the following conditions unless the conditions are modified by a judicial officer:

1. Counsel for the parties may make such copies of the records and information obtained through discovery as are necessary for the preparation and presentation of the case.

2. Records and information obtained through discovery must be kept in a confidential manner and must not be released, directly or indirectly, to members of the media or any other individuals not directly connected with the court proceeding.

3. Records and information may be reviewed by the parties, their counsel, any investigator or expert witness retained by counsel to assist in the preparation of the case., or any attorney or guardian ad litem appointed pursuant to rule 6.5.1. Any such person reviewing the records or information must be made familiar with the terms of this rule.

4. All reasonable costs incurred in the reproduction of records under this rule will be the responsibility of the party seeking the records.

D. Any discovery matters not addressed here by this rule or California Rules of Court, rule 5.546 will be treated as a Petition for Access to Juvenile Case File (Judicial Council form JV-570) pursuant to Welfare and Institutions Code section 827 and California Rules of Court, rule 5.552, upon a noticed motion showing good cause as set forth in subdivision B. above.

(Adopted 1/1/1990; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2022)

Rule 6.1.8

Pretrial Status Conference

A. At the discretion of the court, a pretrial status conference may be heard in the trial-setting department at least 10 calendar days before the date set for trial. Upon stipulation of all parties, the pretrial status conference may be heard within 10 calendar days before the date set for trial.

B. At the status conference, all attorneys must be prepared to address pretrial matters such as the continuing necessity for trial, the identification of contested and uncontested issues, the time estimated for trial, the exchange of witness lists, the filing of motions, the presentation of stipulated and documentary evidence, and requests for judicial notice. Each self-represented party and attorney must provide to the court and to all other self-represented parties and attorneys appearing in the case each of the items listed in rule 6.1.9D. The court will establish a date and time certain for trial if one has not been previously set.

(Adopted 1/1/1990; Rev. 7/1/1990; Rev. 1/1/1997; Rev. 1/1/2002; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2016)

Rule 6.1.9

Settlement Conference

A. If a matter is set for a contested hearing and a party believes that a settlement conference will be fruitful, counsel may request that one be set in Department 1. The court may order the parties and their counsel to appear at a settlement conference, and may schedule dates for both the settlement conference and the hearing. (The hearing will proceed as scheduled only if the matter does not settle.) HHSA-CWS social workers or their supervisors may be on telephone stand-by for the settlement conference. Unless expressly excused by the court, if any other party fails to appear at the settlement conference, the court may issue a bench warrant for that party.

B. Before the settlement conference, each attorney must conduct a comprehensive interview with his or her client, and make any further investigations that he or she deems necessary to ascertain the facts.

C. At the settlement conference, the attorney for each party must be prepared to discuss the legal and factual issues and must negotiate the case in good faith. Each self-represented party and attorney must be prepared to submit to the court and provide to each other self-represented party and attorney:

1. a list of issues to be litigated;
2. a list of proposed documentary evidence;
3. a list of intended witnesses;
4. a written request for judicial notice (Evid. Code, § 450 et seq.); and
5. a list of stipulated evidence which will be presented at the time of trial.

D. If a matter is not resolved at the settlement conference, the court will address pretrial issues. Counsel should be prepared to submit pretrial worksheets addressing the issues described in rule 6.1.8B.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2016; Rev. 1/1/2021 Rev. 1/1/2022)

Rule 6.1.10

Mediation

At the discretion of the court, a case may be referred to mediation. If referred, the court will identify the mediator and set the fee for the mediator's services. The parties and all attorneys will be ordered to appear at the mediation. (Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006)

Rule 6.1.11

Use of Social Worker's Report at the Jurisdiction Hearing

At a jurisdiction hearing, the court will receive into evidence any social worker's report or screening summary. If the jurisdiction hearing is a contested hearing, the receipt of the report into evidence will be subject to the following requirements:

A. The report must be filed with the court and made available to the parties or their counsel at least five calendar days before the jurisdiction hearing.

B. The social worker or supervisor who prepared or supervised the preparation of the report must be available to testify at the jurisdiction hearing if counsel for the petitioner intends to offer the report into evidence.

C. For purposes of the jurisdiction hearing only, the court will strike any portion of the report containing anonymous information.

D. Upon request of the parent, guardian, Indian custodian, child, or their counsel made at least five court days before the jurisdiction hearing, the social worker must either (1) provide the address and/or telephone number, if known, of any person whose statement is included in the social worker's report, or (2) make such person available, if requested, for cross-examination at the jurisdiction hearing. If, upon request, the social worker has not disclosed the address or telephone number, if known, of any witness, and a request is made to interview such witness before the hearing, the social worker must make such witness available for interview if practicable and if the witness is willing.

E. If the social worker, pursuant to subdivision D. of this rule, has provided the address of a witness to the parent, guardian, Indian custodian, child, or their counsel, and if such parent, guardian, Indian custodian, child, or counsel presents evidence of unsuccessful attempts and due diligence to subpoena such witness for the jurisdiction hearing, and if the court finds there has been due diligence, the court will strike, for purposes of the jurisdiction hearing only, the statements of such witness from the social worker's report. In the alternative, the court may grant a continuance for a period up to 10 court days for the parties, including the social worker, to attempt to subpoena or make such witness available for testimony at the jurisdiction hearing. The court will not grant more than one such continuance in any dependency matter.

F. If the social worker, pursuant to subdivision D. of this rule, has indicated that petitioner will make such witness available at the jurisdiction hearing but fails to make such witness available, the court shall strike, for purposes of the jurisdiction hearing only, the statements of such witness from the social worker's report. In the alternative, the court may grant a continuance for a period of up to 10 court days for the parties, including the social worker, to attempt to subpoena or make such witness available for testimony at the jurisdiction hearing. The court will not grant more than one such continuance in any dependency matter.

G. For purposes of this rule, an attachment to a social worker's report is considered part of the social worker's report and will be received into evidence if: (1) such attachment is relevant to the jurisdictional issues, (2) the social worker has referred to the significant portions of such attachment in the body of the report, (3) the social worker used the attachment as part of the basis of any conclusion or recommendation made in the report, and (4) the requirements of subdivisions A. through F. of this rule have been met.

(Adopted 1/1/1990; Rev. & Renum. 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2020; Rev. 1/1/2022)

Rule 6.1.12

Reserved for future use.

(Adopted 1/1/1990; Rev. & Renum. 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2021; Del. 1/1/2022)

Rule 6.1.13

Court-Appointed Special Advocates (CASAs)

In any action pursuant to Welfare and Institutions Code sections 300-452, the court may, in an appropriate case and in addition to any counsel appointed for a child or nonminor dependent, appoint a court-appointed special advocate (CASA) to represent the best interests of the child or nonminor dependent who is the subject of the proceedings. CASA volunteers must be trained by and function under the auspices of Voices for Children, the court-appointed special

advocate program formed and operated under the guidelines established by the National Court Appointed Special Advocate Association, Welfare and Institutions Code sections 100-109, and California Rules of Court, rules 5.655 and 5.660.

(Adopted 1/1/1990; Rev. 1/1/1997; Rev. 1/1/2002; Renum. 7/1/2001; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.1.14

Ex Parte Applications and Orders

A. Any party making an ex parte request for an order from the court in a dependency matter must give 48 hours' notice to all other parties or their counsel. A declaration that such notice has been given to all other parties or their counsel must be set forth in the moving papers. The declaration must also state whether the request is opposed, unopposed, or the declarant is unaware of the other parties' position on the request. The request and declaration may be made on Application for Order and Order (Ex Parte) (SDSC form JUV-238).

The court may waive such notice only upon a showing of good cause that is set forth by clear facts in a supporting declaration or declarations.

B. Except in emergency matters requiring immediate action, all ex parte applications and proposed orders must be delivered during regular business hours to the clerk of the judicial officer assigned to the case, for presentation to that judicial officer.

(Adopted 1/1/1990; Renum. 1/1/1997; Rev. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2016; Rev. 1/1/2020; Rev. 1/1/2022)

Rule 6.1.15

Presence of Parties at Court Hearings

A. Remote Proceedings. Court hearings may be conducted as remote proceedings as set forth in California Rules of Court, rule 3.672(i), except as follows:

1. A request for a remote appearance by a witness may be made orally at the time the matter is set for a contested hearing ("trial") or at the pretrial status conference. During the period between the pretrial status conference and the trial, a request for a remote appearance by a witness may be made by email correspondence to the court and to the other parties or their counsel.

2. A request to compel the physical presence of a witness or a party may be made orally at the time the matter is set for a contested hearing ("trial") or at the pretrial status conference. During the period between the pretrial status conference and the trial, a request to compel the physical presence of a witness may be made by email correspondence to the court and to the other parties or their counsel.

B. Presence of Children

1. Children under four years of age are excused from attending all court hearings.

2. Children four years of age or older who wish to attend court shall be present unless the court finds that attending would be detrimental to the child. The court should excuse the child only for the portions of the proceeding which the court finds to be detrimental.

C. Tribal appearances. In any proceeding governed by the Indian Child Welfare Act involving an Indian child, the child's tribe may appear by any means described in California Rules of Court, rule 5.482(g).

(Adopted 1/1/1990; Rev. 7/1/1991; Rev. & Renum. 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2022; Rev. 1/1/2023)

Rule 6.1.16

Procedure for Establishing Parentage; Genetic Testing

A. Any action to determine the parentage of a child who is the subject of a dependency proceeding must conform to the provisions of Family Code sections 7540-7650, except that either the petitioner or counsel for the child may also bring the action. Only approved Judicial Council forms (see JV-505, "Statement Regarding Parentage (Juvenile)") may be used in all such actions.

B. Except on stipulation by the parties and agreement of the court, any motion for genetic testing must be properly noticed, in writing, accompanied by a memorandum of points and authorities in support of the motion and a declaration by counsel which specifies the type of test to be conducted, the entity that will perform the test, and the cost of the procedure.

The court must enter appropriate orders for payment of the cost of the test, including but not limited to, apportionment among or between the parties.

C. Any action to determine parentage may be assigned to a referee of the juvenile court upon the filing of a fully executed stipulation that the referee will act in the capacity of a superior court judge. If the parties do not so stipulate, the matter will be transferred to a superior court judge for the sole purpose of hearing the parentage issue.

D. At the conclusion of any such action, the court will enter judgment(s) accordingly.

E. Nothing in this rule will extend any statutory time limits for hearings, including disposition or review. Nor will any provision of this rule preclude the court from issuing any proper interim orders or findings to promote the best interest of the child.

(Adopted 1/1/1990; Rev. & Renum. 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2015; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.1.17

Confidentiality of Foster Homes (Welf. & Inst. Code, § 308)

A. For purposes of this rule, “foster family home” means the home of any person certified or licensed as a foster parent or approved as a resource family for the detention or placement of children pending or during juvenile dependency proceedings.

B. For purposes of this rule, placement of a child includes the placement or detention of a child by the HHSA-CWS or the court pending or during juvenile dependency proceedings.

C. The address of any foster family home in which a child has been placed must be kept confidential at all times except as provided by this rule and any other provisions of law directly applicable to the confidentiality of foster family homes. Nothing in this rule prohibits, where appropriate, the release of the first name of the foster parent and a telephone number at which the foster parent can be reached so as to facilitate contact with the child. Nothing in this rule shall be construed to restrict any information about the foster family home from the attorney for the child. Further, nothing in this rule may be construed to restrict the right or ability of the parent or guardian to visitation and contact with the child at a location other than the foster family home where such visitation and contact is in the child’s best interest.

D. The safety and protection of the foster family and the safety, protection, physical and emotional well-being of all children placed in the foster family home will be the primary considerations in any decision or ruling made pursuant to this rule.

E. A foster parent may at any time authorize the release of his or her address, thereby waiving the confidentiality of that foster family home.

(Adopted 7/1/1998; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2018; Rev. 1/1/2022)

Rule 6.1.18

CASA Reports

In any case in which the court has ordered the appointment of a CASA (court-appointed special advocate), the CASA must submit a report to the court and to the persons entitled to receive copies of the report at least two court days before each of the following hearings: six-month review; 12-month review (permanency hearing); 18-month review (permanency review hearing); 24-month review (subsequent permanency review hearing); selection and implementation hearing (366.26 hearing); post-permanency planning reviews; and status reviews for nonminor dependents. The CASA may submit reports for any special hearings noticed to Voices for Children. 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 the report must be limited to the current condition of the child and needed services; jurisdictional issues must not be addressed.

Only parties and their counsel are entitled to receive copies of CASA reports. Relatives, de facto parents, current caregivers, service providers, and parents of nonminor dependents who are no longer receiving reunification services are not entitled to receive copies of CASA reports unless they file a Petition for Access to Juvenile Case File (Judicial Council form JV-570) pursuant to Welfare and Institutions Code section 827 (see rule 6.6.2) and the court grants the request.

CASA reports will be copied and distributed by Voices for Children staff.

(Adopted 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.1.19

Court Orders to Address Parental Substance Abuse

At the detention or initial hearing, if the HHSA-CWS report or the petition informs the court that a parent has alcohol and/or drug issues, the court may refer that parent to screening and referral to treatment. If the court subsequently assumes jurisdiction, the court shall order that parent to comply with the court-ordered case plan. The court may also order the parent to participate in Dependency Drug Court if screening by the Regional Case Manager indicates that the parent is a good candidate for Drug Court and the parent agrees to participate.

The court may make these orders at any subsequent hearing upon receipt of a report from the social worker or Regional Case Manager that a parent has alcohol and/or drug issues.

The social worker reports for post-disposition hearings must state whether the parent is actively participating in the court-ordered case plan and Dependency Drug Court, if ordered.

(Adopted 7/1/2003; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2016; Rev. 1/1/2022)

Rule 6.1.20

Filing by Fax or Email

Any petition to be filed under Welfare and Institutions Code section 300, 342, 387, 388, or 827 and a Tribal Information Form (Judicial Council form ICWA-100) may be filed by fax or email by a named party to the proceeding, an attorney of record in the proceeding, the HHSA, the Probation Department, the D.A.'s Office, County Counsel, an Indian tribe, or a CASA volunteer appointed in the case. The faxed or emailed document must comport in form to the original, must be legible, and must bear a legible signature verifying the truth of the information in the petition or report. If filed by fax, the first page transmitted must be the Fax Filing Cover Sheet--Juvenile (Judicial Council form JV-520), followed immediately by the document to be filed. Neither the Cover Sheet nor any special handling instructions shall be filed or retained by the court. Further details about fax and email filing requirements may be obtained by contacting the Juvenile Court Business Office. Fax and email filings must comply with the requirements of California Rules of Court, rule 5.522.

(Adopted 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2022)

Rule 6.1.21

Exhibits: Permissible Filings Defined

A. Permissible Exhibits for Motions and Pleadings: Absent leave of court, all exhibits in support of motions and pleadings in dependency or adoption cases shall be paper filings, must be legible and complete, and must not require the use of another resource or medium to view the exhibit. Compact Discs (CDs), Digital Video Discs (DVDs), thumb drives, and/or other types of digital storage devices may not be submitted as exhibits to motions or pleadings, and will not be accepted by the clerk for filing.

B. Use of Recorded or Digital Evidence: Any party intending to seek the admission of an electronic sound or sound-and-video recording, or digitally stored evidence as an exhibit at a contested hearing, including trial, must lodge the recorded or digital evidence and file a transcript of the relevant portions. The lodged material must be accompanied by an original notice of lodgment that includes: 1) a numbered listing of all of the lodged items, 2) a brief description of each lodged item, and 3) an addressed envelope with sufficient postage for return of the material to the party lodging it. (Cal. Rules of Court, rules 2.1040 and 3.1302(b).)

(Adopted 1/1/2017; Rev. 1/1/2018)

Rule 6.1.22

Health Care for Children in HHSA-CWS Custody; Disclosure of Health Care Information

A. When a child is in the custody of the HHSA-CWS prior to the detention hearing, the HHSA-CWS may obtain a comprehensive health assessment of the child as recommended by the American Academy of Pediatrics to ensure the health, safety, and well-being of the child. In the absence of an emergency, the social worker will obtain the parent/guardian's consent prior to the assessment and will inform the parent/guardian of the right to be present for the assessment. If the social worker cannot obtain the consent of the parent/guardian, the social worker will seek a court order authorizing the assessment, using forms SDSC JUV-255, Petition for Medical, Mental Health, Dental, and/or Other Remedial Care, and SDSC JUV-256, Order on Petition for Medical, Mental Health, Dental, and/or Other Remedial Care. The assessment may include one or more of the following, as is necessary and appropriate to meet the child's needs:

1. A medical history which is as complete as possible;
2. A physical examination by a licensed medical practitioner;
3. A developmental evaluation;

4. Screening for fetal alcohol spectrum disorder and other alcohol-related neurodevelopmental disorders;
5. A mental health status evaluation by a licensed mental health clinician;
6. Emergency dental care by a licensed dentist; and/or
7. Clinical laboratory tests or x-rays as deemed necessary by the examining physician or dentist for evaluation of the child's health status.

B. Before dependency proceedings have been initiated and during the course of those proceedings, the HHSA-CWS may obtain ongoing routine health care, including immunizations and routine dental care, as recommended by the American Academy of Pediatrics, and mental health evaluations, counseling, and treatment for a child in the custody of the HHSA-CWS, as is necessary to protect and promote the child's physical and emotional well-being.

C. Subject to any privacy protections afforded by state or federal law, information concerning any health care provided pursuant to this rule may be released to the HHSA-CWS, the child's attorney, the child's CASA, if any, other health care providers, Regional Centers, or schools, if needed for treatment, treatment planning, counseling, and/or educational purposes consistent with promoting the child's physical and emotional well-being, before or after the detention hearing, and throughout the course of the dependency proceedings.

D. This rule does not apply to confidential privileged information for dependent children, but it does authorize the release of court-ordered psychological evaluations, initial treatment plans (ITPs) and treatment plan updates (TPUs) requested by the HHSA-CWS.

(Adopted 1/1/2022)

CHAPTER 2 ADOPTION RULES

Rule 6.2.1

Adoption Calendar in Juvenile Court

All San Diego Superior Court adoption proceedings must be calendared in either the Juvenile Division at 2851 Meadow Lark Drive, San Diego, or the North County Division at 325 S. Melrose, Vista. Any judge assigned to the Juvenile Division may hear an adoption finalization matter in the judge's branch court; all other requests to hear adoption proceedings in other court venues by judges who are not assigned to the Juvenile Division must be approved by the Presiding Judge of the Juvenile Division.

All legal steps must be completed, and all paperwork must be submitted and in order before a final hearing date will be set. Any request for a continuance should be directed to the adoption clerk before presentation to the judge.

(Renum. 1/1/1990; Rev. 1/1/1991; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2018; Rev. 1/1/2022)

CHAPTER 3 ATTORNEY SCREENING AND STANDARDS OF REPRESENTATION

Rule 6.3.1

General Competency Requirement

Absent a knowing and intelligent waiver by the party represented, all attorneys appearing in juvenile dependency proceedings must be members in good standing of the State Bar of California and must meet the minimum standards of competence set forth in these rules. These rules apply to attorneys representing public agencies, attorneys employed by public agencies, attorneys employed by private firms, attorneys appointed by the court to represent any party in a dependency proceeding, and attorneys who are privately retained to represent a party in a dependency proceeding.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2012)

Rule 6.3.2

Screening for Competency

A. Absent a knowing and intelligent waiver by the party represented, all attorneys who represent parties in juvenile dependency proceedings must meet the minimum standards of training and/or experience set forth in these rules.

No attorney will be appointed by the court to represent a party in a dependency proceeding who has not submitted to the court and had approved a [Certification of Competency](#) available online on the Superior Court website. Further, no retained counsel will be allowed to appear on behalf of a party in a dependency proceeding without having submitted to the court and had approved a Certification of Competency or a knowing and intelligent waiver by the party of such certification.

B. Attorneys who meet the minimum standards of training and/or experience set forth in rule 6.3.3, as demonstrated by the information contained in the Certification of Competency submitted to the court, are deemed competent to practice before the juvenile court in dependency cases, except as provided in subdivision C. of this rule.

C. Upon submission of a Certification of Competency which demonstrates that the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency case, that a particular attorney does not meet minimum competency standards. Further, the court retains the authority to review the general conduct and performance of an attorney and to decertify such attorney for good cause at any time. The court may order denial of certification and decertification only after the attorney has been given notice of the intended action and an opportunity to be heard.

D. Any attorney appearing before the court in a dependency case who does not meet the minimum standards of training and/or experience must notify the court to that effect at the attorney's initial appearance. The clerk of the court must notify the represented party by first-class mail to the party's last known address and the attorney at least 10 days before the hearing date of the following: (1) a hearing date, time, and location; (2) that at that hearing the court will consider the issue of whether to relieve counsel for failing to complete the requisite training and to provide a Certification of Competency; and (3) that failure to appear for the hearing will be deemed a waiver of any objection and acquiescence to the relief of appointed counsel. At that hearing, absent a knowing and intelligent waiver by the party represented, the court must relieve such appointed counsel and must appoint certified counsel for the party whose attorney failed to complete the required training. If the attorney relieved is a member of a public agency, the agency has the right to transfer the case to a certified attorney within that agency. In the case of retained counsel, the court must notify the party that counsel has failed to meet the minimum standards required by these rules. The determination whether to waive certification or obtain substitute private counsel is solely within the discretion of the party so notified.

E. If a retained attorney maintains a principal office outside of this county, proof of certification by the juvenile dependency court of the California county in which the attorney maintains an office will be sufficient evidence of competence to appear in a juvenile dependency proceeding in this county.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2016; Rev. 1/1/2022)

Rule 6.3.3

Minimum Standards of Education and Training

A. No court-appointed attorney appearing in a dependency matter before the juvenile court may be certified by the court as competent until the attorney has completed the following minimum training and educational requirements.

1. Before certification, the attorney must have either:

a. At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in representing clients. To qualify for certification under this paragraph, the attorney must have made a substantial number of appearances and handled a variety of dependency hearings, including contested hearings. In determining whether the attorney has demonstrated competence, the court will consider, among other things, whether the attorney has demonstrated knowledge and understanding of the topics listed in paragraph b. of this subdivision.

b. Obtained at least 12 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. For any attorney appointed to represent a child, the training must include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home placement.

2. If a court-appointed attorney has obtained the required training or education but has not represented parties in a substantial number of dependency cases as determined by the juvenile court, the court must grant a provisional certification pending satisfactory completion of a mentor program within three months. While under the mentor's supervision, the attorney must try at least three contested hearings and handle at least one detention hearing, one jurisdiction hearing, one disposition hearing, one pre-permanency planning review, one supplemental petition, and one petition to modify a prior order. The attorney and the mentor must consult at least weekly regarding the handling of the attorney's cases. The mentor must be present and observe the attorney handle at least one contested hearing and such other hearings as are necessary and appropriate.

While serving under a provisional certification, an attorney may be appointed to represent parties in dependency cases and may receive compensation for such representation. For purposes of this program, a "mentor" is an attorney who has been approved to serve as a mentor by the supervising judge of the dependency court, has at least three years'

experience handling dependency cases, has a current competency certification, and has agreed to serve without compensation as a mentor under this program. If the provisionally certified attorney is employed by a public agency or a private firm, the mentor must be a supervising attorney of that agency or firm or a designee.

B. Each attorney who has been certified by the court will submit a new Certification of Competency to the court on or before January 31st of the same year in which the attorney must certify MCLE credits to the State Bar of California. The new Certification must be accompanied by evidence of 18 hours of continuing dependency education or training which were completed in the three years after the previous Certification was issued.

If the training or education was not presented by a California MCLE provider, the documentation of attendance is subject to the approval of the juvenile court. Evidence of training or education may include: a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; proof of attendance at a court-sponsored or court-approved program; or such other documentation that demonstrates the relevance of the program and the attorney's attendance at such program.

C. At least one-half of the attorney's continuing training or education hours must be in the areas set forth in subdivision A.1.b. of this rule. The remaining hours may be in other areas related to juvenile dependency practice, including, but not limited to, special education, mental health, health care, immigration, adoption, guardianship, parentage, the Parental Kidnapping Prevention Act, state and federal public assistance programs, client interviewing and counseling techniques, case investigation, and settlement negotiations and mediation.

D. When a previously certified attorney fails to submit evidence that the attorney has completed the minimum required training and education for recertification to the court by the due date, the court will notify the attorney in writing by first-class mail that the attorney will be decertified unless the attorney submits, within 20 days of the date of the mailing of the notice, evidence of completion of the required training or education. If the attorney fails to submit evidence of the required training or education, the court shall proceed as set forth in rule 6.3.2D.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2022)

Rule 6.3.4

Standards of Representation

A. Basic Attorney-Client Obligations. All attorneys appearing in dependency proceedings must advise their clients of the legal and factual aspects of the client's case and must represent their clients' interests vigorously within applicable legal and ethical boundaries.

In performing these duties, each attorney is expected to:

1. Thoroughly and completely investigate the accuracy of the allegations, explore any possible defenses, and consider alternatives to court action;
2. Meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally;
3. Advise the client of the risks and benefits of the possible courses of action, including the taking of writs and appeals;
4. Determine the client's desires and interests;
5. Advocate the client's desires and interests to the court and other parties;
6. Contact social workers and other professionals associated with the client's case;
7. Work with other counsel and the court to resolve disputed aspects of a case without contested hearings;
8. Adhere to mandated timelines;
9. Inform the client of the procedure for lodging a complaint against the attorney;
10. Be familiar with relevant constitutional, statutory, and case law; and
11. Possess fundamental legal skills and a rudimentary understanding of relevant interdisciplinary topics.

In addition to the duties listed above, counsel for the child or counsel's agents are expected to:

12. Have sufficient direct, personal contact with the child to establish and maintain an adequate and professional attorney-client relationship;
13. Explain fully, consistent with the child's ability to understand, the nature and consequences of the court proceedings;
14. Have sufficient contact with the child's caregiver, including a parent with whom the child has been detained or placed, CASA, if any, and/or therapist, if any, to accurately assess the child's well-being and needs;
15. Monitor the child's development throughout the course of the proceedings and advocate for services that will provide a safe, healthy, and nurturing environment for the child;

16. Maintain a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317, subdivision (e), and California Rules of Court, rule 5.660, and to otherwise adequately counsel and represent the child;

17. Immediately inform the court of any interest or right of the child which may need to be protected or pursued in other judicial or administrative forums and seek instructions from the court as to appropriate procedures to follow; and

18. Provide the attorney's contact information to the child's caregiver and the child if ten years of age or older no later than 10 days after receipt of the name, address, and telephone number of the caregiver.

B. Relevant Laws and Programs. All attorneys practicing in dependency proceedings must have a working knowledge of the following statutes and rules, as well as the cases interpreting and applying them:

1. Welfare and Institutions Code sections 200-399, 825-832, 900-911, 914, 10618.6, 10850-10851, 11360-11393 (Kin-GAP), 11400 et seq. (AFDC-FC and extended foster care), 13750-13757, and 16000-16519.7 (State Child Welfare Services);

2. California Rules of Court, rules 5.440-5.740, 5.900-5.906, and 8.400-8.474;

3. Code of Civil Procedure sections 128, 170, 170.6, 917.7, and 1209;

4. Education Code sections 48850-48859, 48906, 48911, 48915.5, 48918.1, 49069.3, 49069.5, and 56000 et seq. and Government Code sections 7579.1 and 7579.5 (educational rights of children);

5. Evidence Code;

6. Family Code sections 3400 et seq. (Uniform Child Custody Jurisdiction and Enforcement Act), 7500 et seq. (Parental Rights; Parentage Presumptions, Genetic Testing, and Voluntary Declarations), 7600 et seq. (Uniform Parentage Act), 7800 et seq. (Freedom from Parental Custody and Control), 7900 et seq. (Interstate Compact on Placement of Children), and 7950 et seq. (Foster Care Placement Considerations);

7. Penal Code section 11165 et seq. (Child Abuse and Neglect Reporting Act);

8. Title 25 United States Code sections 1901-1963 (Indian Child Welfare Act) and 81 Federal Register 38864 et seq. (2016), Title 25 Code of Federal Regulations, Part 23 (ICWA Regulations);

9. San Diego Superior Court Rules, Division VI—Juvenile and Chapter 10 of Division VIII—Mental Health.

The following areas of the law and local programs are critical in many dependency cases, and counsel must develop a working knowledge of them as they become applicable to individual cases:

10. Dependency Drug Court;

11. Special immigrant juvenile status under Title 8 United States Code section 1101;

12. Title 28 United States Code section 1738A (Parental Kidnapping Prevention Act);

13. Criminal law, juvenile justice law, and the San Diego Juvenile Court protocol regarding crossover youth cases;

14. Mental health law in Welfare and Institutions Code sections 4500 et seq. (Lanterman Developmental Disabilities Services Act), 5000 et seq. (Lanterman-Petris-Short Act), 5850 et seq. (Children's Mental Health Services Act), and 6000 et seq. (Admissions and Judicial Commitments);

15. Family Code section 6200 et seq. (Domestic Violence Prevention Act);

16. San Diego County Child Victim-Witness Protocol;

17. Welfare and Institutions Code sections 10609.3-10609.45 (Independent Living Program), 16000 et seq. (Foster Care Placement), 16500 et seq. (Child Welfare Services), 16524.6 et seq. (Commercially Sexually Exploited Children), 16525.10 et seq. (Options for Recovery); 16600 et seq. (Family Preservation), 17730 et seq. (Children with Special Health Care Needs), 18250 et seq. (Wraparound Services), and 18950 et seq. (Child Abuse Prevention);

18. Other relevant portions of federal and California law relating to the abuse or neglect of children and to children's mental and physical welfare.

19. The policies, procedures, and protocols of the Juvenile Division at <https://www.sdcourt.ca.gov/sdcourt/juvenile3/policiesproceduresandprotocols>.

C. Legal Skills. In addition to basic legal knowledge, counsel must have and continue to develop the following basic legal skills:

1. Basic trial skills (e.g., proper and succinct direct and cross-examination, proper objections);

2. Basic advocacy skills (e.g., client interviewing and counseling, case investigation, settlement negotiation, witness preparation, use of experts);

3. Counsel's ethical duties;

4. Relevant motion practice (e.g., motions pursuant to Welfare and Institutions Code sections 350, 388, and 390);

5. Sufficient understanding of writ and appellate practice to advise a client whether and how to seek such remedies and to arrange for a specialist to pursue them when necessary.

D. Relevant Interdisciplinary Skills. The dependency system is complex in that it frequently involves issues arising from a variety of disparate and highly specialized areas. A collaborative problem-solving approach usually improves outcomes for children and families. Attorneys appearing in dependency court cannot effectively represent their clients without a fundamental understanding of the interdisciplinary issues listed below and the ability to obtain more detailed insight as the demands of individual cases require. Attorneys should have a general familiarity with and receive ongoing training in the following areas:

1. Dynamics of child abuse and neglect
 2. Crossover youth issues
 3. Child and adolescent development
 - a. Interviewing children and adolescents in a trauma-informed manner
 - b. Children and adolescents as witnesses
 - c. Developmental milestones as they relate to the identification and consequences of child abuse and neglect
 - d. Impact of trauma on child and adolescent development
 4. Risk assessment
 5. Substance abuse
 - a. The addiction and recovery process
 - b. Treatment options, including medication-assisted treatment
 6. Competence and mental health issues
 - a. Purposes and uses of psychological and psychiatric evaluations
 - b. Purposes and expectations of various modalities of therapy
 - c. Psychotropic medications
 7. Commercially sexually exploited children (“CSEC”) and human trafficking
 8. Medical issues
 - a. Traumatic injuries
 - b. Nutritional deficits
 - c. Drug toxicity in children
 9. Fetal alcohol spectrum disorders and alcohol-related neurodevelopmental disorders
 10. Government payment issues
 - a. AFDC-Foster Care
 - b. CalWORKS and TANF
 - c. Medi-Cal
 - d. County Treasury funds
 - e. Supplemental Security Income (SSI)
 - f. Social Security Administration (SSA)
 - g. Adoption Assistance Program (AAP)
 - h. Kin-GAP funds
 11. Cultural awareness and humility
 12. How issues of poverty affect child welfare cases
 13. Understanding educational needs unique to foster youth
 14. Domestic violence
 15. Family reunification and preservation
 16. Reasonable efforts
 17. Immigration issues
 18. Sensitivity to the needs of lesbian, gay, bisexual, transgender, queer, intersex, asexual, and Two Spirit youth
 19. The impact of institutional racism and implicit bias, and the need for race equity and cultural responsiveness, in the child welfare system
- (Adopted 1/1/1997; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

**CHAPTER 4
PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS**

Rule 6.4.1

Reviewing and Resolving Complaints

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

B. Any participant who has a complaint about the performance of an appointed juvenile court attorney may lodge a written complaint with the court hearing the matter (hereinafter, the court), which shall then be provided to the Presiding or Assistant Presiding Judge of the Juvenile Court.

C. The Presiding or Assistant Presiding Judge of the Juvenile Court will review the complaint and forward a copy to the attorney who is the subject of the complaint and the attorney's supervisor if one exists. The Presiding or Assistant Presiding Judge of the Juvenile Court will send a letter to the complainant stating that the matter has been brought to the attention of the attorney and the attorney's supervisor if one exists. If the matter is not resolved to the satisfaction of the complainant within 30 days, a motion may be made in court to relieve the attorney.

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

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2022)

**CHAPTER 5
PROCEDURES FOR INFORMING THE COURT OF OTHER
INTERESTS OF A DEPENDENT CHILD
(Welf. & Inst. Code, §§ 317, 317.6; Cal. Rules of Court, rule 5.660)**

Rule 6.5.1

Informing the Court of Other Interests of a Dependent Child

A. 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.

1. Notice to the court and all parties shall be given orally or in writing. When the person giving notice is the child's attorney, the notice shall be in writing.

2. The person giving notice must 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.

3. If known to the person giving notice, the notice must 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 Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interest, and whether further investigation may be necessary.

B. 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.

C. 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 Welfare and Institutions Code section 317, subdivision (e).

2. Refer the matter to the San Diego County Bar Association ("SDCBA") to identify a potential guardian ad litem. Upon identification, the court shall then appoint that person as guardian ad litem for the child to make decisions on the child's behalf related to the potential civil proceedings. The court will issue an order appointing the guardian ad litem, and copies of the order will be provided to the guardian ad litem, the SDCBA, the child's social worker, the child's attorney, and the child's CASA if one is appointed. Upon the filing of an action in another forum,

that court may reappoint the guardian ad litem appointed by the juvenile court or appoint a different person as guardian ad litem for the child pursuant to Code of Civil Procedure section 372.

3. Notice a joinder hearing pursuant to Welfare and Institutions Code section 362, subdivision (b), compelling a responsible agency to report to the court as to whether it has fulfilled its legal obligation to provide services to the child.

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

D. County treasurer funds may not be used to fund legal or other services in another forum outside the juvenile dependency proceedings.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2014; Rev. 1/1/2021; Rev. 1/1/2022)

CHAPTER 6 ACCESS TO CONFIDENTIAL INFORMATION

Rule 6.6.1

Disclosure of Information Relating to Children and Their Families—Preliminary Provisions

A. For purposes of this chapter, “juvenile court records” include:

1. Those records described in Welfare and Institutions Code sections 362.5, 827, subdivision (e), and 831, subdivision (e), and California Rules of Court, rule 5.552, subdivision (a);

2. Records kept in Health & Human Services Agency, Child Welfare Services (“HHS-CWS”) files pursuant to Welfare and Institutions Code section 10850 and Penal Code section 11165 et seq., regardless of whether a Welfare and Institutions Code section 300 petition was filed in the case;

3. Records kept in Probation Department files, regardless of whether a Welfare and Institutions Code section 601 or 602 petition was filed in the case; and

4. Testimony from HHS-CWS or Probation personnel regarding any information contained in juvenile court records (cf. *City of San Diego v. Superior Court* (1981) 136 Cal.App.3d 236, 239).

B. For purposes of this chapter, “juvenile court records” do **not** include:

1. Records sealed pursuant to Welfare and Institutions Code sections 389, 781, 781.5, 786, 786.5, 793, or 827.95, or Penal Code section 1203.45;

2. Records maintained by the Department of Motor Vehicles;

3. Records maintained by law enforcement agencies (see *Welf. & Inst. Code*, § 828; San Diego Superior Court rule 6.6.7);

4. Records regarding offenses that were tried in the criminal division of the court because the court transferred the minor to the criminal division (*Welf. & Inst. Code*, § 707); and

5. Adoption records.

C. For purposes of this chapter, “disclosure” or “access” provides for inspection, but not photocopying, at the court’s business office or the HHS-CWS or Probation office where the records are maintained, unless otherwise ordered by the court.

If the court authorizes photocopying, it must be done by court or HHS-CWS or Probation personnel as appropriate, unless otherwise ordered by the court or agreed to by the parties. The person or agency obtaining photocopies must pay for the copying (in accordance with the current San Diego Superior Court Schedule of Fees).

D. A waiver of confidentiality by any person identified or described in the requested records does not automatically confer a right of access to those records.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2011; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2022)

Rule 6.6.2

Disclosure of Juvenile Court Records to Persons and Agencies Not Designated in Welfare and Institutions Code Sections 362.5, 827, 827.10, or 827.12 – Petition for Access to Juvenile Case File (Judicial Council form JV-570) Required

(For procedures relating to prehearing discovery of dependency records by the parties to a dependency proceeding and their counsel, see rule 6.1.7.)

Except as otherwise provided in Chapter Six of these rules, if a person or agency not designated in Welfare and Institutions Code section 362.5, 827, 827.10, or 827.12 seeks access to juvenile court records, including documents

and information maintained by the court, the Youth Development and Community Support Services division of the San Diego County Probation Department (“YDCSS,” formerly known as the Juvenile Probation Department), or the HHSA-CWS, that person or agency must file a Petition for Access to Juvenile Case File (hereinafter, petition) on Judicial Council form JV-570. The petition must be filed with the clerk in the Juvenile Court Business Office or other clerk designated to receive such petitions. If disclosure is requested regarding a person who has both a dependency and a juvenile justice record, two separate requests must be filed and served.

At least 10 calendar days before the petition is submitted to the court, the petitioner must give notice as described in California Rules of Court, rule 5.552(c). Notice must be served either personally or by first-class mail of a copy of the completed Petition for Access to Juvenile Case File (Judicial Council form JV- 570), a Notice of Petition for Access to Juvenile Case File (Judicial Council form JV-571), and a blank copy of Objection to Release of Juvenile Case File (Judicial Council form JV-572).

For juvenile justice cases, service must be to the person who is the subject of the record; the attorney of record for the person who is the subject of the record if that person is still a ward of the court; the parent(s) or guardian(s) of the person who is the subject of the record if that person is under 18 years of age; the Indian tribe, if any; the District Attorney, Juvenile Division; and the YDCSS, Attn: Probation Support Manager.

For dependency cases, service must be to the person who is the subject of the record, if that person is 10 years of age or older; the attorneys of record for the person who is the subject of the record and for his or her parent(s) or guardian(s) if that person is still a dependent of the court; the parent(s) or guardian(s) of the person who is the subject of the record; the CASA volunteer, if any; the Indian tribe, if any; County Counsel, Juvenile Dependency Division; and the Health and Human Services Agency/CWS, Attn: Legal Unit.

For nonminor dependency cases, service must be to the nonminor dependent; the attorney for the nonminor dependent; the District Attorney, if the nonminor dependent is also a ward; the CASA volunteer, if any; the Indian tribe, if any; County Counsel, Juvenile Dependency Division; the Health and Human Services Agency/CWS, Attn: Legal Unit; and, if the parents are still receiving reunification services, the parents of the nonminor dependent and their attorneys. (See Welf. & Inst. Code, § 362.5; Cal. Rules of Court, rule 5.552(c).)

Notice to the person who is the subject of the record is not required if a written waiver of such notice is obtained from the person (if now an adult) or a person authorized to act on the person’s behalf if the person is a child. For good cause shown, the court may waive such notice.

A completed Proof of Service–Petition for Access to Juvenile Case File (Judicial Council form JV-569), Notice of Petition for Access to Juvenile Case File (Judicial Council form JV-571), and Protective Order on Petition for Access to Juvenile Case File (SDSC form JUV-263) must be filed with the court. If the petitioner does not know the identity or address of any of the parties, the person should check the appropriate boxes in item 2 on the Proof of Service–Petition for Access to Juvenile Case File (Judicial Council form JV-569), and the clerk will complete the service.

If the records are sought for use in a legal action which is not a juvenile court proceeding, the petitioner must also give notice by personal service or first-class mail to all parties in that action. The petitioner must attach to the JV-570 a copy of the complaint or petition from the separate action or, if a criminal action, a copy of the criminal complaint.

The petition may be supported by a declaration of counsel and/or a memorandum of points and authorities.

If the petition is granted, the court will issue a protective order (SDSC form JUV-263) specifying the records to be disclosed and the procedure for providing access and/or photocopying. (Cal. Rules of Court, rule 5.552(d).) 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 result in vacation of the order and/or may be punishable as contempt of court. (See Welf. & Inst. Code, § 213.)

This rule is not intended to replace, nullify, or conflict with existing laws (including Pen. Code, § 11167, subd. (d)) or the policies of the HHSA-CWS, 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.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. 1/1/2002; Rev. 1/1/2005; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.6.3

Reserved for future use.

(Adopted 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2020; Del. 1/1/2022)

Rule 6.6.4

Disclosure of Juvenile Court Records Located at the Juvenile Court - Petition to View Records (SDSC JUV-004) and Stipulation (SDSC JUV-237) Required

A. The persons and agencies designated in Welfare and Institutions Code sections 362.5, 827, 827.10, and 827.12 will be given access to juvenile court records upon filing a Petition to View Records (SDSC JUV- 004) and a Stipulation Regarding Inspection, Copying and Non-dissemination of Juvenile Records Without Court Order (SDSC JUV-237). In addition, the following may have access to dependency records and/or obtain photocopies of dependency records without a prior court order upon filing a JUV-004 and a JUV-237, 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 juvenile justice 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; an action to establish parentage; an administrative proceeding regarding foster home licensure or resource family approval; a proceeding involving probate or conservatorship; or a proceeding involving domestic violence:

1. Judicial officers of the San Diego Superior Court, Family Division, when the child who is the subject of the records, or his or her sibling, is also the subject of custody or visitation proceedings under Family Code section 3000 et seq. (see Fam. Code, §§ 3011, subd. (b), 3020; Welf. & Inst. Code, § 827.10).

2. County Counsel, for the purpose of representing HHSA-CWS in a civil action.

3. San Diego County 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 section 601 or 602. In such cases, which are subject to the Protocol for Coordination in Crossover Youth Matters, the following persons may have access to the child's juvenile justice records, including minute orders, and/or may obtain photocopies of the juvenile justice records without a prior court order: [1] HHSA-CWS social workers, [2] all dependency attorneys actively participating in juvenile proceedings involving the child, and [3] the child's CASA, if any. Copies of any joint assessment report, prepared pursuant to Welfare and Institutions Code section 241.1 and filed with the court, must be provided to the D.A., the child's defense attorney and dependency attorney, County Counsel, the HHSA-CWS social worker, the probation officer, any CASA, and any other juvenile court having jurisdiction over the child.

4. CASAs (Voices for Children, Inc.), as provided under Welfare and Institutions Code sections 105, 107. A CASA may have access to the records of a nonminor dependent only with the explicit written and informed consent of the nonminor dependent.

5. An Indian child's tribe and the Bureau of Indian Affairs, as provided under title 25 United States Code chapter 21 [Indian Child Welfare Act] and Welfare and Institutions Code section 827, subdivision (f).

6. Family Law Facilitators and employees or agents of San Diego Superior Court Family Court Services.

7. Employees or agents of San Diego County Behavioral Health Services (Health & Human Services Agency).

8. Any licensed psychiatrist, psychologist, or other mental health professional ordered by the San Diego County Superior Court, Family Division, to examine or treat the child or the child's family.

9. Any hospital providing inpatient psychiatric treatment to the child, for purposes of treatment or discharge planning.

10. Any government agency engaged in child protection.

11. The San Diego County Victim Assistance Program and the State Victim Compensation Program, for the purpose of providing services to a victim of or a witness to a crime.

12. The Juvenile Parole Board of the California Department of Corrections and Rehabilitation, Division of Juvenile Justice.

13. The California Board of Parole Hearings, as provided under Penal Code section 11167.5, subdivision (b)(9).

14. Members of the San Diego County Juvenile Justice Commission.

15. The San Diego County Board of Supervisors or their agent(s), for the purpose of investigating a complaint from a party to a dependency proceeding.

16. Public and private schools, for the sole purpose of obtaining the appropriate school placement for a child with special education needs pursuant to Education Code section 56000 et seq.

17. Investigators and investigative specialists employed by the San Diego County District Attorney and assigned to the Child Abduction Unit, when seeking the records of a child who has been reported as detained or concealed in violation of Penal Code sections 278 and 278.5, for the sole purpose of investigating and prosecuting persons suspected of violating Penal Code sections 278, 278.5, and related crimes.

18. 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.

19. The Mexican Consulate, when seeking the records of a child who is in protective custody and/or is before the court for a dependency action, and either: [a] is a Mexican national, or [b] has relatives (as defined in Welf. & Inst. Code, § 319) who are Mexican nationals.

20. The San Diego County Regional Center.

21. The San Diego 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 Probation Department must not disclose any child's name.

22. Judicial officers outside of the County of San Diego, for the purpose of communicating about a case pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA). (See Fam. Code, § 3410.)

Persons seeking access to and/or photocopies of dependency records under this rule must fill out, sign, and submit to the clerk in the Juvenile Court Business Office (or other clerk designated to receive such petitions) a Petition to View Records and/or Request for Copies (SDSC form JUV-004) and Stipulation Regarding Inspection, Copying and Non-dissemination of Juvenile Records Without Court Order (SDSC form JUV-237). The completed forms will be kept in the file that is the subject of the Petition and/or Request.

B. In addition to the persons and agencies designated in Welfare and Institutions Code section 827, prosecutors from the Office of the Attorney General of California may inspect or receive verbal information regarding dependency records without a prior court order (but must file a Petition for Access to Juvenile Case File (Judicial Council form 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.

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

Persons seeking access (but not photocopies) to dependency records under this subdivision must fill out, sign, and submit to the clerk in the Juvenile Court Business Office (or other clerk designated to receive such petitions) a Petition to View Records and/or Request for Copies (SDSC form JUV-004) and Stipulation Regarding Inspection, Copying and Non-dissemination of Juvenile Records Without Court Order (SDSC form JUV-237). The completed forms will be kept in the file that is the subject of the Petition and/or Request.

Persons seeking photocopies of dependency records under this subdivision must file a Petition for Access to Juvenile Case File (Judicial Council form JV-570) (see rule 6.6.2) and must give notice as described in California Rules of Court, rule 5.552(c).

C. Persons or agencies obtaining records under this rule must 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 is not intended to replace, nullify or conflict with any existing policies of the HHS-A-CWS, 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.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Rev. 7/1/2003; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.6.5

Disclosure of Dependency Records to Counsel for the Child in a Juvenile Justice Proceeding or to Counsel for the Parent or Guardian in a Criminal Proceeding

A. Counsel appointed by the court or privately retained to represent a child in a juvenile justice proceeding (Welf. & Inst. Code, § 601 et seq., including Welf. & Inst. Code, § 707) or to represent a parent or guardian in a criminal proceeding wherein that parent's or guardian's child is an alleged victim may have access to the child's dependency records, as defined in rule 6.6.1, without a prior court order, subject to the following:

1. Counsel must give notice to HHS-A-CWS Legal Support Services at least five days before counsel will inspect records maintained by the HHS-A-CWS.

2. Counsel will not have access to any information which would tend to identify a reporter of child abuse or neglect, as prohibited under Penal Code sections 11167 and 11167.5.

3. Counsel will not have access to any information regarding HIV testing or HIV infection, as prohibited under Health and Safety Code section 120975 (formerly § 199.20) et seq.

4. Counsel will not have access to any confidential or privileged information regarding persons other than counsel's client.

5. Persons seeking access to dependency records under this rule must fill out, sign, and submit to the clerk in the Juvenile Court Business Office (or other clerk designated to receive such petitions) a Petition to View Records and/or Request for Copies (SDSC form JUV-004) and Stipulation Regarding Inspection, Copying and Non-dissemination of Juvenile Records Without Court Order (SDSC form JUV-237). The completed forms will be kept in the file that is the subject of the Petition and/or Request. Persons seeking dependency records located at HHSA-CWS's office need not complete forms JUV-004 and JUV-237.

For purposes of this rule, "access" provides for inspection and photocopying of dependency records at the court's business office or the HHSA-CWS office where the records are maintained, unless otherwise ordered by the court. Photocopying must be done by court or HHSA-CWS personnel as appropriate, unless otherwise ordered by the court or agreed to by the parties. The person or agency obtaining photocopies must pay for the copying (in accordance with the current San Diego Superior Court Schedule of Fees).

B. Counsel appointed by the court or privately retained to represent a child in a juvenile justice proceeding (Welf. & Inst. Code, § 601 et seq., including Welf. & Inst. Code, § 707) or to represent a parent or guardian in a criminal proceeding must file a Petition for Access to Juvenile Case File on Judicial Council form JV-570 (see rule 6.6.2), with a request for a protective order (see Cal. Rules of Court, rules 5.552(c) & (d)(8)), in order to disseminate information obtained from inspection of the dependency records to any persons or agencies not authorized to obtain such information under Welfare and Institutions Code sections 362.5, 827, 827.10, and 827.12.

Notice of the filing of the Petition for Access to Juvenile Case File must be given as required by California Rules of Court, rule 5.552(c).

A waiver of confidentiality by any person identified or described in the requested dependency records does not automatically confer a right of access to those records.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.6.6

Disclosure of WIC § 329 Report to Counsel for the Child in a Juvenile Justice Proceeding

When an application is filed pursuant to Welfare and Institutions Code section 329, the HHSA-CWS social worker must investigate immediately upon receiving the application. As soon as possible, but no later than three weeks after receiving the application, the social worker must complete the declaration at the bottom of Judicial Council form JV-210 and attachment 9 and provide them to the applicant. When there is a pending juvenile justice case, the form JV-210 and any attachments also must be provided to the child's defense attorney.

(Adopted 1/1/2021; Rev. 1/1/2022)

Rule 6.6.7

Disclosure of Law Enforcement Reports Regarding Juveniles to Persons and Agencies Not Designated in Welfare and Institutions Code Section 828

If a person or agency not designated in Welfare and Institutions Code section 828 seeks access to unsealed records held by a law enforcement agency regarding a child who was contacted by law enforcement as a result of an offense committed by the child or as a result of abuse or neglect of the child by a parent or guardian, including reports regarding children who are the subject of juvenile court proceedings, that person or agency must file a Petition to Obtain Report of Law Enforcement Agency (Judicial Council form JV- 575) and a Protective Order on Petition for Access to Juvenile Case File (SDSC form JUV-263) with the clerk in the Juvenile Court Business Office or other clerk designated to receive such petitions. The petition must 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.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Rev. 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2011; Rev. 1/1/2015; Rev. 1/1/2022)

Rule 6.6.8

Disclosure of Medical Information to Foster Parents and Other Care Providers

Subject to any privacy protections afforded by state or federal law, upon discharge of a child, who is a dependent of the court or who is removed pursuant to Welfare and Institutions Code section 309 or 340, and the release of such

child to a foster parent designated by the HHSA-CWS pursuant to Welfare and Institutions Code section 16525.30 (or other care provider as permitted by law), the health care provider discharging the child may provide to the foster parent or other care provider a written summary of the child's medical history, diagnosis, and treatment, if necessary for the proper treatment of the child after discharge.

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2022)

Rule 6.6.9

Disclosure of IEPs, Immunization Records, and Other Health Records

In any case where a child is under the dependency jurisdiction of the court (Welf. & Inst. Code, § 300 et seq.) or under informal supervision pursuant to Welfare and Institutions Code section 360, the HHSA-CWS social worker assigned to the child's case, the attorney representing the child in dependency proceedings (see Welf. & Inst. Code, § 317), and the Court-Appointed Special Advocate from Voices for Children assigned to the child (see Welf. & Inst. Code, § 107) 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, subject to the privilege set forth in Welfare and Institutions Code section 317, subdivision (f).

Pursuant to Education Code sections 49069.3 and 49076, the educational records of a dependent child may be accessed by a foster family agency with jurisdiction over a currently enrolled or former pupil, the staff of a short-term residential therapeutic program responsible for the education or case management of a pupil, and a caregiver who has direct responsibility for the care of the pupil, including a certified or licensed foster parent, an approved relative or nonrelative extended family member, or a resource family, regardless of whether the caregiver has been appointed as the pupil's educational rights holder. (See also Welf. & Inst. Code, §§ 16010, 16010.4.) If it is determined that disclosure of the contact information of an educational rights holder poses a threat to that person's health and safety, the contact information must be redacted or withheld. (Welf. & Inst. Code, §§ 361.5, subd. (g), 366.1, subd. (f), 366.21, subd. (i), 366.22, subd. (c), 16010, subd. (a), 16501.16, subd. (a).)

(Adopted 1/1/1999; Renum. 7/1/2001; Rev. & Renum. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2015; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.6.10

Disclosure of Information Regarding HHSA-CWS Clients Receiving Voluntary Services

The HHSA-CWS may share certain information from its files regarding children and families who are receiving voluntary case services from the HHSA-CWS, including but not limited to information concerning health care, mental health services, educational services, social services, or wraparound services provided to the child and/or family. This information may be shared only with individuals or organizations providing ongoing health care, mental health services, educational services, or social services to the child and/or family in order to protect and promote the child's physical and emotional well-being. The information described in this rule may be exchanged only when such disclosure is necessary to better serve the needs of the child and/or family and must be kept in a confidential manner by the provider unless otherwise authorized by law or ordered by the court.

(Adopted 1/1/2008; Rev. 1/1/2022)

Rule 6.6.11

Disclosure of Juvenile Justice Records to Victims of Crime

Unless otherwise ordered by the court, the D.A. may release the following information to the victim(s) of a crime committed by a juvenile offender:

1. information regarding the status of the case;
2. name(s) of the minor(s) ordered to pay restitution to the victim;
3. name(s) of the parent(s) or guardian(s) of any minor(s) ordered to pay restitution to the victim; and
4. the address of the minor and/or the parent or guardian, if the victim states that the address is necessary

to collect restitution or to file a civil action.

The information is to be used by the victim only to collect restitution ordered by the juvenile court.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2013; Rev. 1/1/2018)

Rule 6.6.12

Disclosure of Psychological Evaluations and Psychiatric Evaluations

No attorney may disclose a psychological evaluation or psychiatric evaluation contained in a juvenile court record to any parent, child, legal guardian, or de facto parent, including the person who is the subject of the evaluation, except upon order of the court based on a showing of good cause.
(Adopted 1/1/2013)

Rule 6.6.13

Public and Media Access: Dependency

Unless requested by a parent or guardian and consented to or requested by the child, the public must not be admitted to a juvenile dependency hearing. However, any person whom the court deems to have a direct and legitimate interest in a particular case or in the work of the court may be admitted.

A request for media coverage must be submitted to the judicial officer presiding over the matter on Media Request and Agreement to Be Admitted to Juvenile Court Hearing (SDSC form JUV-029). A request for permission to photograph, record, or broadcast any portion of the hearing must be submitted to the judicial officer presiding over the matter on Media Request to Photograph, Record, or Broadcast (Judicial Council form MC-500) and Order on Media Request to Permit Coverage (Judicial Council form MC-510) at least five court days before the hearing unless good cause for noncompliance is shown.

To request access at the Juvenile Court in areas outside of courtrooms, the media representative may contact the Juvenile Court Operations Manager. "Access" means the ability to observe, interview, film, photograph, videotape, or record the voices of children who are under the jurisdiction or supervision of the Juvenile Court, their caretakers, or members of their families, regardless of the location. Alternatively, "access" may refer to permission to enter certain facilities which are not open to the public and/or permission to observe, interview, film, photograph, videotape, or record the voices of children in such facilities.

Notice to counsel for the child is required to request permission to photograph, record, broadcast, publish, or allow media contact with a dependent child or the child's personal information, including publication of the child's name, outside of the juvenile court setting. Absent extenuating circumstances, notice must be received by counsel for the child at least five court days before the request is filed with the juvenile court. Notice must be in writing and include: the child's name; the name of all individuals requesting access to the dependent child (e.g., interviewer(s), reporter(s), photographer(s), technical crew) and their professional affiliation(s); the intended or anticipated audience for the published material; the date and length of time the contact is expected to last; the length of time the permission to publish is requested to remain valid; and all types of media outlets and publications, including any websites, other internet locations, and social media sites, that will receive, publish, or broadcast the contact with, or personal information about, the child. Permission that is intended to include coverage of activities or events must also include the event name, sponsoring organization(s), event date and length, and the purpose of the event (including any intended use in fundraising, donor or volunteer recruitment activities).

Forms and copies of the Juvenile Court Media Policy are available from Juvenile Court Administration, which is in room 254 at the Meadow Lark courthouse.

(Adopted 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2022)

**CHAPTER 7
PROCEDURES FOR APPOINTING COUNSEL**

Rule 6.7.1

Attorneys for Children

At the earliest possible stage of proceedings, the court shall appoint counsel for a child or nonminor dependent unless the court finds the child or nonminor dependent would not benefit from counsel as provided in Welfare and Institutions Code section 317 and California Rules of Court, rule 5.660.

Notwithstanding Welfare and Institutions Code section 317, subdivision (g), the San Diego County juvenile dependency court appoints counsel from Children's Legal Services of San Diego (CLS) to represent children pursuant to the contract entered into between CLS and the Judicial Council of California. The public defender is not available for juvenile dependency court appointments.

(Adopted 1/1/2002; Rev. 7/1/2003; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2022)

Rule 6.7.2

Attorneys for Parents or Guardians

At the detention or initial hearing, the court must appoint counsel for the mother, and counsel for the presumed father, guardian, or Indian custodian as provided in Welfare and Institutions Code section 317, subdivisions (a) and (b).

Notwithstanding Welfare and Institutions Code section 317, subdivision (h), the San Diego County juvenile dependency court appoints counsel from Dependency Legal Services San Diego (DLS) to represent parents pursuant to the contract entered into between DLS and the Judicial Council of California. The alternate public defender is not available for juvenile dependency court appointments.

(Adopted 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2022)

**CHAPTER 8
PROCEDURES FOR DETERMINING APPROPRIATE CASELOADS
FOR CHILDREN’S COUNSEL**

Rule 6.8.1

Determining Appropriate Caseloads for Children’s Counsel

The attorney for the child/youth must have a caseload that allows the attorney to perform the full range of duties required by Welfare and Institutions Code section 317, subdivision (e), and California Rules of Court, rule 5.660, and to otherwise adequately counsel and represent each child/youth.

All efforts must be made to support attorneys who provide legal representation to children and nonminor dependents in dependency court and to keep caseloads manageable. Supervisors must monitor caseloads to ensure that adjustments are made when needed to provide competent, responsive representation to all clients. Caseloads for attorneys representing children and nonminor dependents will not exceed the caseload standards suggested by the California Blue Ribbon Commission on Children in Foster Care. In the event extraordinary circumstances require higher caseloads, immediate steps will be taken to reduce the caseload numbers within 90 days.

(Adopted 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2022)

**CHAPTER 9
JUVENILE JUSTICE PROCEEDINGS**

Rule 6.9.1

Preliminary Provisions

Rule 6.1.1 applies equally to juvenile justice proceedings.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2018)

Rule 6.9.2

Definitions, Construction of Terms

A. Unless the context or subject matter otherwise requires, the terms and definitions listed in California Rules of Court, rule 5.502, apply to these rules. In addition:

1. “D.A.” means District Attorney;
2. “YDCSS” means the Youth Development and Community Support Services division of the San Diego County Probation Department (formerly known as “JPD” or the Juvenile Probation Department);
3. “Law Enforcement Agency” includes the San Diego County Sheriff’s Department, all city police departments in San Diego County, and all school district police or security departments in San Diego County;
4. “Minor” or “child” means a person under the age of 18 years;
5. “P.O.” means Probation Officer;

B. Construction of terms:

1. “Shall” or “must” is mandatory; “may” is permissive;
2. The past, present, and future tenses include the others;
3. The singular and plural numbers include the other.

(Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.9.3

Assignment of Cases and Peremptory Challenges

The court assigns juvenile justice cases on an independent calendar system. Under that system, a juvenile justice case assigned to a particular judge, commissioner, or referee will remain with that judicial officer until the termination of jurisdiction, unless otherwise ordered. Under the independent calendar system, a peremptory challenge to any judge, commissioner, or referee must be made pursuant to Code of Civil Procedure section 170.6. Such a challenge must be made prior to any determination of contested issues of fact relating to the merits and within 15 days after notice of the assignment of the case to a specific judge, commissioner, or referee, or it will be deemed untimely. Notice of the assignment is complete upon service of such notice or initial appearance in court. The prosecution and the defense will each be allowed only one peremptory challenge per case. (This rule is adopted pursuant to *Daniel V. v. Superior Court* (2006) 139 Cal.App.4th 28.)

(Adopted 1/1/2005; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2018)

Rule 6.9.4

Presence of Parties at Court Hearings

A. Absent an order otherwise determined on a case-by-case basis by the judicial officer assigned to a case, any party or witness may appear remotely at any hearing in a juvenile justice case, subject to the following:

1. No party or witness is required to appear remotely.
2. All statutory confidentiality requirements applicable in a juvenile justice proceeding held in person apply equally to a remote proceeding.
3. A request to appear remotely must be made as described below.

B. Uncontested Matters

1. Any uncontested matter may be set as a remote hearing if agreed to by the parties at the time the hearing is set. If the hearing is conducted remotely, any person entitled to be present may appear remotely without submitting a request.

2. If the hearing is set as an in-person hearing, any person entitled to be present may request to appear remotely. The request may be made orally or in writing no later than the time the case is called for hearing.

3. The court may change the hearing from in-person to remote at any time, as deemed necessary by the court for the health and safety of those scheduled to be present. Notice of the change may be made after consultation with justice partners or, in the case of emergency, no later than the time the case is called for hearing.

C. Adjudication Hearings and Contested Evidentiary Hearings

1. An adjudication hearing or a contested evidentiary hearing will be set as an in-person hearing.

2. The parties may agree to a remote hearing.

3. A request to allow a party or a witness to appear remotely may be made orally or in writing but must be made at the time the case is set for hearing or by the time of the settlement conference or pretrial status conference. Any party may ask the court to compel the physical presence of a witness or a party. During the period between the settlement conference or pretrial status conference and the trial, a request to allow a remote appearance by a witness or a party or a request to compel the physical presence of a witness or a party may be made by email correspondence to the court and to the other parties or their counsel. At any time, the parties may stipulate to a remote appearance by a witness.

(Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2008; Del. 1/1/2022; Adopted 1/1/2023)

Rule 6.9.5

Ex Parte Applications and Orders

A. No party may submit an ex parte application to the court for an order unless it appears by affidavit or declaration that one of the following is true:

1. Within a reasonable time before the application, the party informed all other parties or their attorney(s) when and where the application would be made and provided a copy of the application and proposed order to the attorney(s).

2. The party in good faith attempted to inform all other parties or their attorney(s) of the application but was unable to do so, describing with particularity the efforts made to inform each party.

3. The party should not be required to inform all other parties or their attorney(s) for the reasons specified. The court in its discretion may choose to inform the other parties of the reasons specified in the ex parte application.

B. The affidavit or declaration must also state whether the request is opposed, unopposed, or the declarant is unaware of the other parties' position on the request.

C. If the YDCSS files an ex parte application for an order terminating jurisdiction, the YDCSS must also serve notice thereof on the D.A. and minor's counsel. Any objection(s) must be submitted in writing to the court within 10 court days of the filing of the application. Failure to timely submit a written objection constitutes a waiver of the objection. If a written objection is timely filed, the court will set a hearing on the application and serve notice of the hearing on all parties.

D. An ex parte application or report may be used to request modifications of previous orders that have been so stipulated, to correct or clarify orders, to get permission from the court to proceed in a certain manner with a case, to update information to the court, or to give the court additional information. Examples of matters that are appropriate for ex parte handling: funding orders that were not included in the original court order but that are essential to carry out the order; requests to vacate orders that are no longer needed; requests for juvenile detention orders; 15-day reviews if the parties have stipulated that the review may be handled without an appearance; permission for travel outside the county; unopposed sealing requests; termination of jurisdiction when it was previously stipulated that jurisdiction would terminate once the minor complied with specific orders.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2021; Rev. 1/1/2022)

Rule 6.9.6

Requirements for Noticed Motions

A. All motion papers, opposition papers, and reply papers must be in writing and must display on the first page the motion hearing date, time, department, and a time estimate for the motion hearing.

B. Time for Service When the Minor Is Detained. Unless a different briefing schedule is set by the court,

1. All moving papers must be filed and served on the opposing party at least five court days before the time appointed for the hearing.

2. All papers opposing the motion must be filed and served at least two court days before the time appointed for the hearing.

3. All reply papers must be filed and served at least one court day before the time appointed for the hearing.

C. Time for Service When the Minor Is Not Detained. Unless a different briefing schedule is set by the court,

1. All moving papers must be filed and served on the opposing party at least 10 court days before the time appointed for the hearing.

2. All papers opposing the motion must be filed and served at least five court days before the time appointed for the hearing.

3. All reply papers must be filed and served at least two court days before the time appointed for the hearing.

D. Time for Service of Motion to Suppress Evidence. Unless a different briefing schedule is set by the court,

1. All moving papers must be filed and served on the opposing party at least five court days before the time appointed for the hearing.

2. All papers opposing the motion must be filed and served at least two court days before the time appointed for the hearing.

3. All reply papers must be filed and served at least one court day before the time appointed for the hearing.

E. Time for Service of Motions In Limine. Unless a different briefing schedule is set by the court,

1. All moving papers must be filed and served on the opposing party at least five court days before the time appointed for trial.

2. All papers opposing the motion must be filed and served at least two court days before the time appointed for trial.

3. All reply papers must be filed and served at least one court day before the time appointed for trial.

F. Proof of Service. Proof of service must be filed the next court day after service is complete.

G. Points and Authorities.

1. All moving and opposing papers must be accompanied by supporting points and authorities.

2. A memorandum of points and authorities must include a statement of the case and a statement of facts setting forth all procedural and factual matters relevant to the issue presented.

3. The memorandum of points and authorities must clearly specify the factual and legal issues raised and the specific legal authority relied upon for the motion.

4. Only the factual and legal issues set forth in the memorandum will be considered in the ruling on the motion unless it is established that the new issues were not reasonably discoverable before the motion was filed.

5. Failure of the moving party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is without merit.

6. Failure of the responding party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is meritorious.

7. In case of a failure of either party to serve and file points and authorities within the time permitted, the court may find good cause to continue the hearing.

H. Abandonment of Motions. Any party intending to abandon a motion already filed must immediately notify opposing counsel and the clerk of the department in which the motion is to be heard, and must also notify the clerk immediately if the case is disposed of by plea prior to the hearing or if the motion should be taken off calendar because the minor is found not to be competent.

I. Concession That Motion Is Meritorious. If the responding party elects not to oppose the motion, the respondent must immediately notify opposing counsel and the clerk of the department in which the motion is to be heard.

J. Length of Points and Authorities. No opening or responding memorandum of points and authorities exceeding 15 pages may be filed, absent an order from the judge of the court in which the motion is calendared. Such an order will be granted only upon a written application including a declaration setting forth good cause for the order. (Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2023)

Rule 6.9.7

Remote Filing

Some documents in a juvenile justice case may be filed electronically or by fax. Further details about electronic or fax filing requirements may be obtained by contacting the Juvenile Court Business Office. Remote filings must comply with the requirements of California Rules of Court, rule 5.522.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2013; Rev. 1/1/2018; Rev. 1/1/2022)

Rule 6.9.8

Reserved for future use.

(Adopted 1/1/2005; Renum. 1/1/2006; Del. 1/1/2022)

Rule 6.9.9

Reciprocal Discovery

The discovery provisions of Penal Code section 1054, et seq. apply to juvenile justice cases. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2018)

Rule 6.9.10

Public and Media Access: Juvenile Justice

In most cases, juvenile justice proceedings are presumed to be confidential and closed to the public. However, any person whom the court deems to have a direct and legitimate interest in a particular case or in the work of the court may be admitted. Furthermore, hearings concerning petitions that include any of the offenses listed in Welfare and Institutions Code section 676, subdivision (a), are presumptively open to the public. A request for media coverage must be submitted to the judicial officer presiding over the matter on Media Request and Agreement to Be Admitted to Juvenile Court Hearing (SDSC form JUV-029). A request for permission to photograph, record, or broadcast any portion of the hearing must be submitted to the judicial officer presiding over the matter on Media Request to Photograph, Record, or Broadcast (Judicial Council form MC-500) and Order on Media Request to Permit Coverage (Judicial Council form MC-510) at least five court days before the hearing unless good cause for noncompliance is shown.

To request access at the Juvenile Court in areas outside of courtrooms, the media representative may contact the Juvenile Court Operations Manager. "Access" means the ability to observe, interview, film, photograph, videotape, or record the voices of children who are under the jurisdiction or supervision of the Juvenile Court, their caretakers, or members of their families, regardless of the location. Alternatively, "access" may refer to permission to enter certain facilities which are not open to the public and/or permission to observe, interview, film, photograph, videotape, or record the voices of children in such facilities.

Forms and copies of the Juvenile Court Media Policy are available from Juvenile Court Administration, which is in room 254 at the Meadow Lark courthouse. This rule is not meant to affect the rights of any victim or other person entitled by statute to be present. (See Welf. & Inst. Code, §§ 676.5, 679.)

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2022)

Rule 6.9.11

Competency and Mental Health Evaluations

Whenever a minor's competency or mental health is in doubt, an evaluation must be done as soon as possible after the juvenile justice case is initiated to determine whether the minor is incompetent or in need of mental health services. When indicated, services must be provided in a timely manner. Requests for such evaluations must comply with the Juvenile Court's protocols for competency evaluations and pre- adjudication psychological and psychiatric evaluations.

(Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2018; Rev. 1/1/2020; Rev. 1/1/2022)

Rule 6.9.12

Administration of Psychotropic Medications

After a child is declared a ward of the court under Welfare and Institutions Code section 601 or 602 and removed, either temporarily or permanently, from the physical custody of his or her parent or guardian, only a Juvenile Court judicial officer is authorized to make orders regarding the administration of psychotropic medication to the child unless the court orders that the parent or legal guardian is authorized to approve or deny the medication. The procedures and forms described in California Rules of Court, rule 5.640 apply in juvenile justice cases. Requests for orders for psychotropic medications for 601 and 602 wards must comply with the requirements of California Rules of Court, rule 5.640.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 6.9.13

Initial Health Screening

Prior medical authorization will not be required for the initial health screening of minors at Kearny Mesa Juvenile Detention Facility and/or East Mesa Juvenile Detention Facility.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2022)

Rule 6.9.14

Immunizations

All minors detained in the Kearny Mesa Juvenile Detention Facility and/or East Mesa Juvenile Detention Facility, where medical records are unavailable and/or due diligence efforts are unsuccessful in locating a parent, guardian, or other responsible adult relative, will receive all necessary immunizations against poliomyelitis, diphtheria, pertussis, tetanus, measles, rubella, mumps, hepatitis B, varicella, and haemophilus influenzae type b. Such immunizations are reasonable and necessary under section 120335 of the Health and Safety Code to enable attendance in school programs operated by the Kearny Mesa Juvenile Detention Facility and/or East Mesa Juvenile Detention Facility. All immunizations must be performed by a licensed health care provider.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2014; Rev. 1/1/2016)

Rule 6.9.15

Reserved for future use.

(Adopted 1/1/2005; Renum. 1/1/2006; Del. 1/1/2022)

Rule 6.9.16

Off-Site Counseling

Any minor detained in the Kearny Mesa Juvenile Detention Facility, the East Mesa Juvenile Detention Facility, or the Urban Camp may be transported off site for counseling or other rehabilitative treatment, provided the assigned probation officer consents to the off-site treatment.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2014; Rev. 1/1/2017; Rev. 1/1/2021)

Rule 6.9.17

Reserved for future use.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2021; Del. 1/1/2022)

Rule 6.9.18

Disclosure of Medical Information

All records related to the medical or psychological treatment of a minor who is the subject of a juvenile justice petition shall be made available upon request to the court and the YDCSS by all individuals, agencies, and entities that are either paying for or providing medical or psychological treatment or assessment services to the minor. These individuals, agencies, and entities include: hospitals, laboratories, health insurers, health plans, health maintenance organizations, clinics, physicians, psychologists, psychotherapists, counselors, and any other individual or entity providing medical or psychological treatment or assessment services to the minor.

The minor's treatment records include, but are not limited to: medical history and physical examination, discharge summaries, progress notes, medication records, drug and alcohol test results, x-rays and their interpretation, laboratory results, dental records, psychiatric records including consultations, physician orders, pharmacy records, nursing notes, mental health records, and alcohol and substance abuse treatment records. Treatment records do not include any document if the release of that document would violate the attorney-client or attorney work product privileges.

(Adopted 1/1/2011; Rev. 1/1/2014; Rev. 1/1/2018; Rev. 1/1/2021)

Rule 6.9.19

Sharing of Information

Court personnel, the Probation Department, the ward's defense attorney, the prosecuting attorney, Vista Hill Juvenile Court Clinic staff, Juvenile Forensic Services staff, and treatment and service providers actively involved in the ward's case management, placement, or treatment may communicate with one another regarding the ward's case, including the ward's medical and mental health needs. If the ward is also a dependent, the HHSA-CWS, County Counsel, and the ward's dependency attorney are included in the above list. Communication may include the exchange of relevant documents, including but not limited to court orders, probation reports, medical records, and mental health records. The information described in this rule must be kept in a confidential manner by the person who receives it, unless otherwise authorized by law or ordered by the court. This rule is intended to facilitate the work of multidisciplinary teams and does not waive any legal privilege.

(Adopted 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2022)

Rule 6.9.20

Habeas Corpus Petitions

A petition for writ of habeas corpus in a juvenile case must be filed with the clerk in the Juvenile Court Business Office or other clerk designated to receive such petitions. If the Juvenile Court Presiding Judge determines that no judge of the Juvenile Court can decide the petition, it will be assigned to a judge on the criminal writ panel.

(Adopted 1/1/2016)

Rule 6.9.21

Settlement Conference and Contested Hearing

A. The court need not set a settlement conference when there is clear evidence that a settlement conference will not resolve the matter.

B. If a matter is set for a contested hearing, the court may order the parties and their counsel to appear at a settlement conference, and may schedule dates for both the settlement conference and the hearing. (The hearing will proceed as scheduled only if the matter does not settle.) Unless expressly excused by the court, if any party fails to appear at the settlement conference, the court may issue a bench warrant for that party.

C. Before the settlement conference, the defense attorney must conduct a comprehensive interview with his or her client, and each attorney must make any further investigations that he or she deems necessary to ascertain the facts.

D. At the settlement conference, the attorneys must be prepared to discuss the legal and factual issues and must negotiate the case in good faith. Each attorney must be prepared to submit to the court and provide to each other attorney:

1. a list of issues to be litigated;
2. a list of proposed documentary evidence;
3. a list of intended witnesses;
4. a written request for judicial notice (Evid. Code, § 450 et seq.); and
5. a list of stipulated evidence which will be presented at the time of trial.

E. If a matter is not resolved at the settlement conference, the court will address pretrial issues. At least two court days before the contested hearing, the prosecuting attorney and the defense attorney must each submit a trial brief, a witness list, an exhibit list, and all motions and accompanying points and authorities.
(Adopted 1/1/2016; Rev. 1/1/2021)

Rule 6.9.22

Exhibits: Permissible Filings Defined

A. Permissible Exhibits for Motions and Pleadings: Absent leave of court, all exhibits in support of motions and pleadings in juvenile justice cases shall be paper filings, must be legible and complete, and must not require the use of another resource or medium to view the exhibit. Compact Discs (CDs), Digital Video Discs (DVDs), thumb drives, and/or other types of digital storage devices may not be submitted as exhibits to motions or pleadings, and will not be accepted by the clerk for filing.

B. Use of Recorded or Digital Evidence: Any party intending to seek the admission of an electronic sound or sound-and-video recording, or digitally stored evidence as an exhibit at a contested hearing, including trial, must lodge the recorded or digital evidence and file a transcript of the relevant portions. The lodged material must be accompanied by an original notice of lodgment that includes: 1) a numbered listing of all of the lodged items, 2) a brief description of each lodged item, and 3) an addressed envelope with sufficient postage for return of the material to the party lodging it. (Cal. Rules of Court, rules 2.1040 and 3.1302(b).)
(Adopted 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2021)

Rule 6.9.23

Sealing

Sealing of records in a juvenile justice case is governed by Welfare and Institutions Code sections 781, 786, and 793. No written petition or motion is required to request sealing under section 781 in an open case when the parties are before the court and the court has the necessary information to rule on the request. A request to seal a case after jurisdiction has been terminated is governed by California Rules of Court, rule 5.830. Sealed records may be accessed only as provided by law.
(Adopted 1/1/2022)

Rule 6.9.24

Court-Appointed Special Advocates (CASAs)

In any action pursuant to Welfare and Institutions Code section 602, the court may, in an appropriate case and in addition to any counsel appointed for the minor, appoint a court-appointed special advocate (CASA) to represent the best interests of the minor who is the subject of the proceedings. CASA volunteers must be trained by and function under the auspices of Voices for Children, the court-appointed special advocate program formed and operated under the guidelines established by the National Court Appointed Special Advocate Association, Welfare and Institutions Code sections 100-109, and California Rules of Court, rule 5.655.

In any case in which the court has ordered the appointment of a CASA, the CASA must submit a report to the court and to the persons entitled to receive copies of the report at least two court days before a noticed hearing. The content of the report must be limited to the current condition of the minor and needed services; jurisdictional issues must not be addressed.

CASA reports will be copied and distributed by Voices for Children staff.
(Adopted 1/1/2022)