

**Superior Court of California
County of Sacramento
Sitting as the Juvenile Court**

In the Matter of

STANDING ORDER OF THE JUVENILE
COURT

No. SSC-JV-98-005 Department 90

**FOURTH AMENDED ORDER:
APPOINTMENT OF COUNSEL;
DELINQUENCY CASES
(Welf. & Inst. Code §§ 634, 634.6,
681, 827)**

A. Defense Counsel (Welf. & Inst. Code §§ 634, 634.6, 827)

1. Public Defender Appointments Prior to Arraignment or Detention Hearing:

- a. Immediately upon the filing of a petition pursuant to Welfare and Institutions Code section 601 or 602,¹ whether in a detention or non-detention case, the Public Defender, as a likely attorney to be eventually appointed to represent the Minor, is authorized pursuant to section 827(a)(1)(P) to receive and review juvenile case file records to the extent necessary to carry out the Court's order in subparagraph b. below.
- b. Upon such automatic authorization, the Public Defender shall examine the circumstances of the case and determine whether that office has a legal conflict or work overload that would prevent that office from accepting the appointment.
- c. Upon the determination of such a conflict or overload, the Public Defender shall prepare an informal memorandum notice of that fact and file it with the 602 Support Unit of the Court prior to the detention hearing or arraignment of

¹ Further references to statutes are to the Welfare and Institutions Code.

the Minor. Upon the filing of such informal notice, the Public Defender shall automatically be relieved as counsel for the Minor on that petition.

- d. At 12:00 PM on the scheduled date for the arraignment or detention hearing, in the absence of a determination of conflict or overload, the Public Defender shall be deemed to be appointed to represent the Minor in all proceedings thereafter on that petition, until relieved by the Court.
- e. The same process shall apply upon the request of the Minor to be represented by counsel in the Welfare and Institutions Code section 255 Informal Juvenile Court on a citation for a misdemeanor offense.

2. Conflict Criminal Defenders Appointments Prior to Arraignment or Detention Hearing:

- a. In the event that the Public Defender declines to accept appointment as counsel for the Minor under the circumstances described above, at 12:00 PM on the scheduled date for the arraignment or detention hearing the Conflict Criminal Defenders (CCD) shall be deemed to be appointed to represent the Minor in all proceedings thereafter on that petition or citation, until relieved by the Court, and shall be so-informed by the 602 Support Unit of the Court.
- b. The Conflict Criminal Defenders Administrator shall thereafter exercise his/her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the Court's automatic appointment and the Conflict Criminal Defenders' assignment of that counsel.

- 3. Acknowledgment of Appointment:** The Assistant Public Defender or counsel assigned by the Conflict Criminal Defenders assigned pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the Minor and orally acknowledge the appointment on that petition.

4. **Retained Counsel:** The automatic appointment described above of the Public Defender or Conflict Criminal Defenders shall be deemed to be vacated in any case where retained counsel appears at the arraignment or detention hearing.
5. **Relieving Public Defender and Appointment of Conflict Criminal Defenders After Arraignment or Detention Hearing:**
 - a. In any case where the Public Defender is appointed to represent a Minor and initially accepts the appointment, but determines after the date of arraignment or detention hearing that the office has a legal conflict of interest and can no longer represent the Minor on that petition, the Public Defender may orally announce that in open court at any regularly scheduled hearing for that case or may file an *ex parte* informal written notice with the 602 Support Unit of the Court and request to be relieved. A copy of the notice shall be provided by the Public Defender to the District Attorney's Office.
 - b. Upon the filing of the notice, the Public Defender shall be deemed relieved as counsel of record on that petition and the Conflict Criminal Defenders shall immediately be deemed appointed to represent the Minor in all proceedings thereafter on that petition, unless relieved by the Court, and shall be so-informed by the 602 Support Unit of the Court.
 - c. The Conflict Criminal Defenders Administrator shall thereafter exercise his/her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the Court's automatic appointment and the Conflict Criminal Defenders' assignment of that counsel.
 - d. Counsel selected by the Conflict Criminal Defenders pursuant to the automatic substitution process described above shall appear at the next

scheduled appearance for the Minor and orally announce acceptance of the appointment.

6. **Relieving Assigned Conflict Criminal Defenders Attorney:** After a Conflict Criminal Defenders attorney is assigned to represent a Minor by the Conflict Criminal Defenders Administrator, such attorney may be relieved as counsel of record only with the permission of the Conflict Criminal Defender Administrator, who shall at that time inform the Court which attorney from the panel of attorneys available for appointment to Juvenile Court cases shall thereafter be assigned to represent the Minor.
7. **Duration of Appointment of Defense Counsel:** Upon the appointment of the Public Defender or Conflict Criminal Defenders, as described above, the Public Defender or the particular assigned panel attorney shall continue to represent the Minor on all jurisdictional, dispositional and post-dispositional court proceedings related to that petition or citation, other than appeal, unless relieved by order of the Court.


B. District Attorney (Welf. & Inst. Code § 681)

1. Upon the filing of a petition pursuant to Welfare and Institutions Code section 601 or 602, the District Attorney shall appear in all jurisdictional and dispositional court proceedings thereafter concerning the petition, including:
 - i. post-dispositional violations of informal supervision,
 - ii. violations of probation,
 - iii. re-entry disposition hearings from the California Department of Corrections, Division of Juvenile Facilities pursuant to Welfare and Institutions Code section 1766(b)(5),
 - iv. violations of parole from the California Department of Corrections, Division of Parole Operations pursuant to Welfare and Institutions Code section 1767.35(b), and

- v. petitions to seal juvenile records.
2. Upon the setting of a trial in the Welfare and Institutions Code section 255 Informal Juvenile Court on a citation for a misdemeanor offense, the District Attorney shall appear in all court proceedings thereafter concerning the citation.

Date: August, 26, 2008




Kenneth G. Peterson
Presiding Judge of the Juvenile Court