

CHAPTER 7 - JUVENILE DEPENDENCY COURT

7.00 Court Appointed Special Advocate Program (CASA).

The Presiding Judge of the Juvenile Court may appoint a special advocate program, which shall adhere to the requirements set forth in California Rules of Court, rule 5.655.

(Adopted 1/1/2013)

7.01 Right of CASA to Appear.

(A) A CASA volunteer shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA volunteer shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA Advocate amicus curiae status, which includes the right to appear with counsel.

(B) CASA reports shall be filed with the court at least two days prior to the hearing. The CASA program shall also provide a copy of the report to all counsel and any de facto parent at least two days before the hearing.

(Adopted 1/1/2013)

7.02 Family Law Advocacy and CASA.

Should the Juvenile Court dismiss the dependency action and create family law orders pursuant to Welfare and Institutions Code section 362.4, the CASA volunteer's appointment may be continued in the family law proceedings. If ordered, the Juvenile Court order shall set forth the nature, extent and duration of the CASA volunteer's duties in the family law proceeding.

(Adopted 1/1/2013)

7.03 Removal, Resignation, and Termination of CASA Volunteer.

(A) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Rules of Court, rule 5.655(h).

(B) In order to involuntarily terminate a CASA volunteer from the CASA program, the CASA program director shall file a written application with the Presiding Judge of the Juvenile Court requesting termination of the volunteer, along with a proof of service showing service of the application on the volunteer. The volunteer may file a response to the application within 10 days of receipt of the application. The response must be filed with the Presiding Judge of the Juvenile Court and served on the CASA program director. The Presiding Judge of the Juvenile Court shall either rule on the application after a review of the application and response, if any, or set a hearing on the application.

(C) A CASA volunteer may file a grievance regarding the CASA program with the Presiding Judge of the Juvenile Court if the volunteer has exhausted the CASA program's grievance process and certifies that fact in the grievance filed with the Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall investigate the grievance as he/she deems appropriate, respond in writing to the CASA volunteer and CASA Executive Director regarding the results of the investigation, and take any action the Presiding Judge of the Juvenile Court deems appropriate.

(Adopted 1/1/2013; revised 1/1/2018)

7.04 Filings.

Unless otherwise noted in these rules or permitted, all motions and documents shall be filed directly with the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. Documents filed on the day a matter is set for hearing shall be filed

Superior Court of California, County of Sacramento

directly in the courtroom where the matter is being heard.
(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2018)

7.05 Sanctions.

(A) Any counsel or self-represented litigant who fails to comply with any Sacramento Superior Court Local Rule, California Rule of Court, or order of the Juvenile Court is subject to the sanctions set forth in California Rules of Court, rule 2.30, and in Code of Civil Procedure section 177.5 and section 575.2. The court may impose community service as a sanction in addition to or in lieu of monetary sanctions.

(B) Any counsel who repeatedly fails to appear on time for calendar call will be subject to appropriate sanctions. The court may order any counsel who is not present when his or her case is called to file with the court a declaration stating the reason for lateness or non-appearance. The court shall read and consider the declaration and determine whether or not sanctions are justified and take appropriate action.

(Adopted 1/1/2013)

7.06 Counsel of Record and Self-Represented Litigants.

Whenever in these juvenile dependency rules a requirement is imposed on counsel, that requirement is equally applicable to a self-represented litigant.

(Adopted 1/1/2013; revised 1/1/2014)

7.07 Direct Calendaring, Calendar Call, Appearances, and Peremptory Challenges.

(A) Dependency departments are operated on a direct calendaring system. Counsel is referred to the Dependency Calendar Directory located on the court's website at <https://www.saccourt.ca.gov> for further information.

(B) Unless otherwise ordered by the court, each dependency department calls the calendar for the entire day at 8:30 a.m. Counsel with matters in a Juvenile Dependency Court shall appear by 8:30 a.m. unless excused by the court or arrangements are made for a substitute counsel to handle the matter. The substitute counsel shall be authorized and prepared to proceed with any matter.

(C) A counsel who does not appear on time for calendar call is required to inform the judicial officer of the reasons for not appearing on time. Counsel with a matter on the 1:30 p.m. calendar is required to appear at 8:30 a.m. unless that counsel has communicated to the court and all counsel his/her client's position on the matter by the 8:30 a.m. calendar call. All counsel shall keep the court advised of his or her whereabouts.

(Adopted 1/1/2013; revised 1/1/2018)

7.08 Detention Hearing or Initial Appearance.

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

(A) Parent's counsel shall assist in completing and filing the Notification of Mailing Address (Judicial Council form JV-140) with the clerk of the court, and subsequently complete and file an updated Judicial Council form JV-140, reflecting any changes in mailing address. A copy of the updated Judicial Council form JV-140 will be provided to the Department of Child, Family and Adult Services.

(B) Parent's counsel shall advise the court whether the parents have any Native American heritage, and file the Parental Notification of Indian Status (Judicial Council form ICWA-020);

(C) All counsel shall advise the court regarding paternity issues.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

Superior Court of California, County of Sacramento

7.09 Contact with Parties Prior to Hearing (In/Out of Custody).

(A) Cases involving in-custody parties have priority on the court's calendar. Counsel representing in-custody parties shall give priority to interviewing these parties.

(B) A counsel representing a party whether or not in custody shall make every reasonable effort to contact and interview the party prior to the next scheduled hearing date. Counsel shall make every reasonable effort to discover his/her client's position and shall inform the court whether the matter can proceed in the client's absence. Counsel shall be prepared to state on-the-record the efforts made to contact the client.

(Adopted 1/1/2013)

7.10 Jurisdictional/Dispositional Hearings.

In all submitted jurisdictional hearings, counsel shall assist the parent in completing the Waiver of Rights-Juvenile Dependency (Judicial Council form JV-190).

(Adopted 1/1/2013; revised 1/1/2018)

7.11 Dress and Conduct Code.

Unless otherwise ordered by the court, the below described proper attire and conduct must be observed while attending proceedings on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(A) Proper Attire

Children as to whom a dependency petition has been filed and their parents/guardians shall not be admitted into the courtroom if they are not properly attired. Such persons who are not in proper attire will be required to remove or adjust improperly worn clothing or leave the courthouse and return at the date and time specified by the court, as communicated to them by the social worker or such person's attorney. For purposes of this order, proper attire means:

- (1) Pants must not sag below the waist or be worn in such a manner that otherwise expose under garments.
- (2) Tank tops, strapless tops, tops that expose the midriff and tops that are low-cut are not allowed.
- (3) Shorts and mini-skirts are not allowed.
- (4) Baseball hats, stocking caps and knit caps must not be worn in the courtroom.
- (5) Shirts, blouses and jackets cannot contain inappropriate writing or pictures, including references to violence, alcohol, drugs or sexual matter.
- (6) Shirts must be tucked in. Collared shirts are preferred.
- (7) Shoes must be worn. Flip-flops are not allowed.
- (8) For safety reasons, clothing with predominant colors that could be interpreted by others as symbolizing gang association shall not be worn. Other items, tattoos and symbols that are associated with gang activity shall not be displayed.

(B) Conduct in the Courtroom

All persons entering the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826, shall follow the procedures described below:

Superior Court of California, County of Sacramento

(1) No metal items shall be brought into the courthouse. Security officers will confiscate such items or request that they be removed or discarded prior to entering the building.

(2) Parents and family members as to whom a dependency petition has been filed must check in with Juvenile Court Reception on the 3rd floor of the courthouse at the time designated on the notice to appear and sit in the designated area labeled for the courtroom in which the child's hearing will be held.

(3) Food and drink, other than bottled water, are not permitted inside the public areas of the 3rd floor of the building. Food and drink must be consumed outside the building or in the public lounge area on the 1st floor.

(4) Chewing gum is not permitted while in the courtroom.

(5) A child shall not possess or smoke tobacco products. Such conduct is unlawful and violators are subject to arrest by law enforcement officers on duty at the courthouse. Adults may only smoke outside the courthouse in designated areas.

(6) Children who are too young to remain quiet or behave properly in court must be left in the court's 1st floor designated childcare area.

(7) Cellular phones, pagers and alarms must be turned off, or be in a vibrate mode, while in the courtroom. If they make an audible noise in the courtroom, they will be confiscated by the bailiff. (Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.12 Ex Parte Orders.

(A) Ex parte applications shall include the following information:

(1) The date and time that a hearing is requested to obtain the order;

(2) A description of the efforts made to obtain the consent of, or to give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;

(3) A statement whether any person who is described in paragraph (2) refuses to agree to the ex parte request, including the ground for the person's refusal, if known; and

(4) Full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.

(B) (1) Applications and supporting documents shall be submitted to the clerk of the department in which the matter is pending, by appointment only. An ex parte application that does not contain a statement concerning notice may be summarily denied. Ex parte applications shall set forth by affidavit or declaration the following:

(a) that within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or

(b) that the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or

(c) that for reasons specified, the applicant should not be required to inform the interested party or the party's attorney.

(2) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice

Superior Court of California, County of Sacramento

may also be excused if, following a good faith attempt, the giving of notice is not possible.
(Adopted 1/1/2013)

7.13 Orders to Produce Incarcerated Parties in Dependency Cases.

(A) All applications for an Order to Produce an incarcerated parent-party or a state prisoner to testify shall be submitted at least 21 days prior to the scheduled hearing.

(B) Applications for an Order to Produce an incarcerated parent-party shall be submitted to the assigned department on the Order for Prisoner's Appearance at Hearing Affecting Parental Rights (Judicial Council form JV-450). The application shall contain:

(1) An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested, and

(2) If the parent-party is not statutorily entitled to be represented, a recitation of the facts that demonstrate good cause for the attendance of the incarcerated parent-party, including a declaration the incarcerated parent-party has expressed a desire to be present.

(C) Applications for an Order to Produce a state prisoner to testify shall be submitted to the assigned department on the Order to Produce State Prisoner to Testify (local form JC\E-331). The application shall contain:

(1) The identification of the specific type of hearing at which the witnesses attendance is requested, and

(2) A declaration showing the testimony is material and necessary.

(D) Either Order may be issued on the court's own motion, or following oral application by counsel at any regular scheduled court hearing where all counsel are present.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.14 Pre-Trial Statement and Pre-Trial Conference.

The Juvenile Court adopts the policy that pre-trial statements and good faith efforts to settle dependency proceedings are an essential part of the Juvenile Court process, and that good faith efforts to settle shall be made during the pre-trial conference in conformity with the rules of this chapter. Unless otherwise ordered by the court, no trial date shall be set unless a pre-trial has been set or has been completed.
(Adopted 1/1/2013)

7.15 Pre-Trial Statement.

The Pre-Trial Statement shall be in writing and shall address the issues as set forth in the Pre-Trial Statement (local form JC\E-305) located on the court's website at <https://www.saccourt.ca.gov> and at the Juvenile Dependency Court filing counter. Use of the proposed form is encouraged but not required. The statement shall be sufficiently detailed to enable the judicial officer to conduct a meaningful pre-trial conference.
(Adopted 1/1/2013; revised 1/1/2018)

7.16 Pre-Trial Conference Procedures.

(A) The pre-trial statement shall be filed with the court and served upon the parties at least two judicial days prior to the date set for the pre-trial conference.

(B) All adult parties and counsel whose consent is required to effect a binding settlement shall be personally present at the pre-trial conference unless excused by the Juvenile Court.

Superior Court of California, County of Sacramento

(C) Unless otherwise ordered by the court, any time a matter is scheduled for a pre-trial, each party shall prepare, serve and file a pre-trial statement in conformity with the rules of this chapter.

(D) In the pre-trial conference, all counsel shall be prepared to address pre-trial issues and settlement proposals.
(Adopted 1/1/2013)

7.17 Meet and Confer.

(A) Unless otherwise ordered by the court, counsel for the parties in each dependency matter and any self-represented litigant shall meet and confer with each other and, where applicable, with the Department of Child, Family and Adult Services (DCFAS) and with the Court Appointed Special Advocate (CASA), as set forth herein, prior to seeking a court order on those matters described in this rule. Failure to meet and confer in good faith may be a basis for imposition of sanctions.

(B) Issues Subject to Meet and Confer

- (1) Parent-Child Visitation;
- (2) Discovery;
- (3) Services to be provided to a parent or child by DCFAS;
- (4) Home evaluation or placement with a relative; and
- (5) Any other issue in the discretion of the judicial officer.

(C) Duties of Counsel and Self-Represented Litigants Prior to the Court Hearing

(1) Not later than two days prior to the scheduled hearing, advise all parties of the order requested, to allow opposing sides time to prepare and respond.

(2) Meet in person with CASA before the time designated for the hearing. If acceptable to all parties, the meeting may be by means other than in person.

(3) The moving party shall ascertain which parties agree to or oppose the proposed order.

(4) If an agreement is reached that requires a court order, the parties shall determine the exact wording of the order.

(5) Counsel and any self-represented litigant may prepare and submit the Stipulation and Request for Order Following Meet and Confer (local form JC\E-324) and Order on Stipulation and Request for Order Following Meet and Confer (local form JC\E-324_Order) to obtain an appropriate order.

(D) Duties of Counsel and Parties Not Represented by Counsel at the Court Hearing

(1) At calendar call, the moving party shall inform the court whether the parties have (a) met and conferred and (b) reached an agreement.

(2) In cases where an agreement has been reached prior to the court hearing, the moving party shall convey the agreed upon language to the judicial officer, without further comment or argument by any party.

(3) In cases where an agreement has not been reached prior to the court hearing, the parties shall be prepared to argue the matter on the record.

Superior Court of California, County of Sacramento

(E) Judicial Modification

The above rules shall not prevent any judicial officer to whom a case is assigned from modifying, changing or supplementing an order as may appear necessary or appropriate.

(Adopted 1/1/2013; revised 1/1/2017; revised 1/1/2018; revised 1/1/2019)

7.18 Hospitalizations for Mental Health Evaluation and Treatment.

(A) Involuntary Psychiatric Hospitalizations of Dependent Minor

(1) 72-Hour Psychiatric Hold. Upon notice of a dependent minor's 72-hour hold for evaluation and treatment pursuant to Welfare and Institutions Code section 5585 et seq., the Department of Child, Family and Adult Services (DCFAS) shall provide notice to the court and minor's counsel and parties of the name, address and phone number of the facility or person responsible for the minor's care. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt notice of the 72-hour hold. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(2) 14-Day Psychiatric Hold. Upon completion of the initial evaluation, DCFAS shall notify the court, counsel, and parties of the results of the evaluation and whether or not the minor was certified for an additional 14 days of treatment pursuant to Welfare and Institutions Code section 5250. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt of notice of the minor's evaluation. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(3) 30-Day Psychiatric Hold. DCFAS shall immediately notify the court, counsel, and parties if the minor is certified for an additional 30 days of treatment pursuant to Welfare and Institutions Code section 5270.15. Such notice shall be provided immediately, and in any event no later than the close of business the day following DCFAS's receipt of notice of the 30-day certification. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(4) Upon discharge from the facility, DCFAS shall provide notice to the court and minor's counsel of the name, address and phone number of the minor's placement. Such notice shall be provided immediately, and in any event, no later than the close of business the day following DCFAS's receipt of notice of the minor's discharge. Other notice shall be provided as required by law. Such notice may be provided through the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(5) Mental Health Services Hearing. Counsel may request that a Mental Health Services Hearing be held at any time during the evaluation and treatment period to review the treatment and placement decisions involving the dependent child. The court may also calendar a hearing on its own initiative.

(6) LPS/Conservatorship. Upon notice that an LPS action or conservatorship proceeding has been filed, DCFAS shall provide notice to the court, counsel and parties of the date, time and place of any scheduled hearings. The court may calendar the case for action as may be appropriate.

(B) Voluntary Hospitalization of Dependent Minor

(1) Any application for a dependent minor to be voluntarily admitted to a mental health facility shall be made by the minor's counsel pursuant to Welfare and Institutions Code section 6552 on the Application for Approval of a Minor's Request for Voluntary Inpatient Psychiatric Treatment (local form JC\E-312). The form shall be filed with the Dependency Court *ex parte*. Counsel shall contact the home court clerk and advise that he/she will be submitting the application for court review *ex parte*, and shall file the application as advised by the clerk. Counsel shall serve the application on all parties unless the court, upon finding good cause, waives the notice requirement.

(2) Unless otherwise waived by the court, counsel shall be available for additional information as the court may require. When the order is issued, counsel shall provide a signed copy of the order to the facility and to all parties in the dependency matter.

Superior Court of California, County of Sacramento

(3) The court may set the matter for hearing within three days at which time the minor may be brought before the court to acknowledge the following:

- (a) The minor has had the opportunity to consult with his/her attorney to discuss his/her rights to such treatment including its benefits and consequences in a manner the minor is able to understand;
- (b) The minor has the right to withdraw his/her voluntary request for admission to the treatment facility and shall be provided contact information for his/her attorney should he/she desire to withdraw such voluntary request for admission.
- (c) Should the minor withdraw his/her voluntary request for admission he/she has the right to return to the Juvenile Court for further placement orders.

(4) Application for Approval of a Minor's Request for Voluntary Inpatient Psychiatric Treatment (local form JC\E-312), signed by the minor and attorney, shall constitute a sufficient basis for the hospital or facility to accept the minor as a voluntary inpatient, pending approval of the application by the Juvenile Court.

(5) Upon receiving information of the revocation of the voluntary application, DCFAS or minor's counsel may request a Revocation of Consent Dispositional hearing be set within three court days and notify all counsel and parties to the case.

(6) Upon discharge from the facility, DCFAS shall provide notice to the court and minor's counsel of the name, address and phone number of the minor's placement. Such notice shall be provided immediately, and in any event, no later than the close of business the day following DCFAS's receipt of notice of the minor's discharge. Other notice shall be provided as required by law. Such notice may be provided on the Notice of Psychiatric Hospitalization and/or Release of Minor (local form JC\E-311).

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

7.19 Request for Administration of Psychotropic Medication, Medical, Surgical and Dental Care.

(A) Psychotropic Medications. Any request for administration of psychotropic medication must be submitted by the Department of Child, Family and Adult Services (DCFAS). The request must be on the Application for Psychotropic Medication (Judicial Council form JV-220). Following preparation of the Judicial Council form JV-220, DCFAS shall provide a copy of the request to counsel and self-represented litigants, along with a blank Input on Application for Psychotropic Medication (Judicial Council form JV-222). DCFAS shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement without a request for hearing, or disagreement with a request for hearing. The responses, or lack thereof, shall be noted on the Judicial Council form JV-220 prior to filing the request with the court. DCFAS shall file the original plus one copy of Judicial Council form JV-220, Physician's Statement-Attachment (Judicial Council form JV-220(A)), and Proof of Notice of Application (Judicial Council form JV-221). DCFAS shall prepare and submit one Order on Application for Psychotropic Medication (Judicial Council form JV-223), with Page 3 of the Physician's Statement attached, for court signature. The documents shall be filed at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. DCFAS shall provide a paper copy to all counsel and self-represented litigants. If any counsel or self-represented litigant files the Input on Application for Psychotropic Medication (Judicial Council form JV-222), they shall serve a copy on other counsel and self-represented litigants. These requirements are in addition to the specific requirements governing psychotropic medications in California Rules of Court, rule 5.640.

(B) Medical, Surgical or Dental Care. Medical, Surgical or Dental Care requests shall continue to be in accord with the Juvenile Dependency Court Protocol Authorization for Medical, Surgical or Dental Care pursuant to Welfare and Institutions Code section 369.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016; revised 1/1/2018; revised 1/1/2019; revised 1/1/2020)

Superior Court of California, County of Sacramento

7.20 Attorney Competency Certification.

(A) All appointed counsel appearing in juvenile dependency proceedings shall meet the minimum standards of competency set forth in these rules. Each appointed counsel appearing in dependency matters before the court on the effective date of these rules, who believes that he or she meets the minimum standards for competency, shall complete and submit to the court, within 30 days of the effective date of these rules, the Certification of Attorney Competency (local form JC/E-005). After the effective date of these rules, any appointed counsel appearing in a dependency matter for the first time shall complete and submit a Certification of Attorney Competency to the court within 10 days of his or her first appearance in a dependency matter. The Certification of Competency shall be filed at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(B) Upon submission of a Certification of Attorney Competency which demonstrates that the appointed counsel has met the minimum standards set forth in Local Rules, rule 7.21, the appointed counsel shall be deemed competent to practice before the Juvenile Court in dependency cases unless the Presiding Judge of the Juvenile Court determines that a particular appointed counsel does not meet minimum competency standards. In such case, the court shall proceed as set forth in Local Rules, rule 7.22 hereinafter.

(C) In the case of an appointed counsel who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the appointed counsel maintains an office shall not excuse appointed counsel from complying with Local Rules, rule 7.20.
(Adopted 1/1/2013; revised 1/1/2018)

7.21 Minimum Standards of Experience, Education and Training.

Prior to certification, each appointed counsel appearing in a dependency matter before the Juvenile Court shall have either:

(1) Participated in at least eight hours of training or education in juvenile dependency law as specified in California Rules of Court, rule 5.660; or

(2) At least 24 hours of experience within the last year in dependency proceedings in which the appointed counsel has demonstrated competence in the appointed counsel's representation of his or her clients in said proceedings.
(Adopted 1/1/2013)

7.22 Failure of Attorney to Be Certified.

When a certified counsel fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the counsel that he or she will be decertified. That counsel shall have 20 days from the date of the mailing of the notice to submit evidence of compliance with Local Rules, rule 7.20.
(Adopted 1/1/2013)

7.23 Attorney Competency Certification Renewal.

In order to retain his or her certification to practice before the Juvenile Court, each appointed counsel or his or her supervisor shall file at the dependency filing counter an affidavit certifying that counsel has completed at least eight hours of continuing education related to dependency proceedings within the last three years. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The affidavit must be filed on or before January 15 of each year.
(Adopted 1/1/2013; revised 1/1/2018)

Superior Court of California, County of Sacramento

7.24 Procedures for Reviewing and Resolving Complaints Regarding Performance of Counsel.

(A) Any party to a Juvenile Court proceeding may lodge a complaint with the court concerning the performance of his or her appointed counsel in a Juvenile Court proceeding. The person filing the complaint shall use the Complaint Regarding Performance of Court Appointed Attorney (local form JC/E-003) and shall file the complaint at the dependency filing counter in a sealed envelope. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. In the case of a complaint concerning the performance of a counsel appointed to represent a minor, the complaint may be lodged on the minor's behalf by any interested person.

(B) The court shall review a complaint, and if it determines that the counsel may have failed to act competently, provide the counsel with a copy of the complaint and give the counsel a reasonable chance to respond in writing within 30 days.

(C) Thereafter, the court shall review the complaint and the response and take appropriate action which may include, but is not limited to, conducting a hearing on the complaint.

(Adopted 1/1/2013; revised 1/1/2018)

7.25 Procedures for Informing the Court of the Interests of a Dependent Child.

(A) At any time during a dependency proceeding, any interested person may notify the court that the minor 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. If counsel for the minor becomes aware of such interest or right, he or she shall so notify the court as soon as it is reasonably possible for counsel to do so.

(B) Notice to the court may be given by the filing of the Request to Change Court Order (Judicial Council form JV-180). The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

(C) If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the counsel believes is necessary, whether the counsel is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed action, 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 interests and whether further investigation may be necessary.

(D) If the person filing the notice is not the counsel for the child, a copy of the notice shall be served on the counsel for the child, or, if the child is unrepresented, the notice shall so state.

(E) 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 or whether said interest should be protected or pursued.

(F) If the court determines that further action on behalf of the child is required, the court shall address the following at the hearing:

(1) Authorize the minor's counsel to pursue the matter on the child's behalf;

(2) Appoint a counsel for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to Welfare and Institutions Code section 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

Superior Court of California, County of Sacramento

(5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

(Adopted 1/1/2013; revised 1/1/2018)

7.26 Applications for Rehearing; Referee or Commissioner Assigned as a Referee.

(A) Applications pursuant to Welfare and Institutions Code section 252 for rehearing of a decision by a referee in a dependency proceeding shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where a self-represented litigant submits handwritten documents in legible form.

(B) If represented by counsel, the application must be filed by the attorney of record and not by the minor, parent/guardian, or social worker personally.

(C) The applicant shall utilize the Application for Rehearing and Statement (local form JC/E-001). Other documents may be attached to local form JC/E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.

(D) In order to ensure timely preparation of the reporter's transcript, the application must accurately list the date(s) of the hearing(s) for which the applicant seeks a rehearing. If the application lists an incorrect hearing date or fails to include all of the relevant hearing dates, but is otherwise timely filed, the court will accept the application and deem it to be timely filed. However, solely for purposes of determining the time period in which the court must decide the matter, the court will deem the matter re-filed on the date the court discovers the applicant's error or omission.

(E) Prior to filing the application, the applicant shall serve a copy of the application and any accompanying documents on all attorneys and any party including a de facto parent who is acting without an attorney. The court will not accept for filing an application that does not have a proof of service of the application attached.

(F) The application must be filed in person at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The court will not accept for filing an application that is delivered by mail or presented to any court clerk other than at the filing counter.

(G) Any party including a de facto parent may file a response to the application within 10 days of the filing date of the application. The response must be filed in person at the dependency filing counter after being served on all attorneys and any self-represented litigant including a de facto parent who is acting without an attorney. The court will not accept for filing a response that does not have a proof of service of the response attached. The court will not accept for filing a response that is delivered by mail or presented to any court clerk other than at the filing counter.

(Adopted 1/1/2013; revised 1/1/2018)

7.27 Form of Papers Presented for Filing.

The footer required by California Rules of Court, rule 2.100 on all papers presented for filing shall conform to the following:

(1) The font size of the footer text should be no smaller than the equivalent to Times New Roman 8.

(2) The title shall include the case name, case number at a left justification and the name of the document, date of document at a right justification.

Each page of any document filed by any party, including attachments to a document must be numbered consecutively at the center bottom of each page.

(Adopted 1/1/2013)

Superior Court of California, County of Sacramento

7.28 Access to and Disclosure of Juvenile Court Records.

Request for inspection and/or disclosure of Juvenile Court records is governed by Sacramento County Juvenile Court Standing Order SSC-JV-99-021.
(Adopted 1/1/2013)

7.29 Orders.

The Presiding Judge of the Juvenile Court may issue orders for the administration of the Juvenile Court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the Juvenile Court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at <https://www.saccourt.ca.gov>. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.
(Adopted 1/1/2013)

7.30 (Deleted effective 1/1/2014)

7.31 Preparation of Judicial Council Form Custody Order-Juvenile.

Unless otherwise ordered by the court, whenever custody or visitation orders are sought at the time a dependency is to be terminated, counsel for the parent seeking custody shall electronically submit to the courtroom mailbox, the proposed Custody Order – Juvenile – Final Judgment (Judicial Council form JV-200), including the Visitation Order – Juvenile (Judicial Council form JV-205) and Reasons for No or Supervised Visitation – Juvenile (Judicial Council form JV-206), as appropriate.
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018; revised 1/1/2019)

7.32 Orders for Psychological Assessments/Evaluations.

All parties requesting a court order for a psychological and related assessments and evaluations, shall bring to the hearing the requested order and a minimum of two copies. The appropriate local form shall be used: Court Ordered Psychotropic Medication Evaluation or Mental Health Assessment – For Children (local form JC\E-327) or Court Ordered Psychological/Psychiatric Evaluation or Mental Health Assessment – For Parent(s) (local form JC\E-326). The forms are available on the court's website at <https://www.saccourt.ca.gov>.
(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2020)

7.33 Proof of Compliance with Indian Child Welfare Act Notice Requirements.

In any case in which the Department of Child, Family and Adult Services (DCFAS) has notified a tribe or tribes or the Bureau of Indian Affairs (BIA) pursuant to California Rules of Court, rule 5.664, the DCFAS must file with the court and serve on the parties a copy of the notice sent and the return receipt, as well as any correspondence received from the Indian entity or the BIA relevant to the child's status.
(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2019)

7.34 Motions to Relieve Counsel.

(A) An attorney retained to represent a client in a dependency proceeding shall not withdraw or substitute from such representation except by order of the court following a timely motion.

(B) Unless otherwise ordered by the court, a motion to withdraw as attorney of record shall be in writing and shall include a signed affidavit prepared and served in compliance with California Rule of Court, rule 3.1362. The use of Judicial Council forms is not required. The motion must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case (e.g., child, parent, guardian, de facto parent), the date and

Superior Court of California, County of Sacramento

type of the next scheduled hearing, and the home court department. The motion shall be noticed and calendared, if possible, for the same day, time, and department as the next scheduled hearing.

(C) Except for motions filed as provided in subdivision (D) of this rule, the client and all other parties who have appeared in the case shall be provided 20 days notice of the motion to withdraw. The notice should contain in clear, simple, and non-technical terms a statement to the client regarding the attorney's intention to withdraw as attorney of record at the hearing.

(D) Except as provided in subdivision (E), a motion to withdraw shall be filed at the dependency filing counter and determined by the bench officer to whom the case is assigned. The dependency filing counter is located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826.

(E) Unless otherwise ordered by the court, a motion to withdraw shall be filed at the 1st floor reception counter of the Juvenile Courthouse located at 9601 Kiefer Boulevard, and directed to the Presiding Judge of the Juvenile Court when:

(1) Counsel seeks to be relieved as counsel of record on all cases she/he currently has pending before the Juvenile Dependency Court; or

(2) Counsel seeks to be relieved as counsel on a case and have an effective withdrawal date before the last day of the fiscal year.

(F) Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2018)

7.35 Modification of Orders.

(A) Pre-Disposition

A party or other interested person seeking to modify an order or request a new order regarding placement or visitation prior to the dispositional hearing may use the form entitled Pre-Jurisdictional Motion to Modify Order of Court and/or Request for New Court Order (local form JC\E-319) located on the court's website at <https://www.saccourt.ca.gov>. If the court form is not used, the motion must contain all the information set forth on the local form JC\E-319. Following preparation of the form, the moving party shall email, or otherwise provide a copy of, the motion to all counsel and self-represented litigants. The moving party shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement with no hearing requested, or disagreement with a hearing requested. The responses, or lack thereof, shall be noted on the local form JC\E-319 prior to filing the request with the court. The moving party shall serve upon counsel and self-represented litigants a hard copy of the documents filed with the court, or provide sufficient copies for the clerk to do such should the moving party not have the information necessary to provide service. The moving party shall file the original and one copy at the dependency filing counter. The court will process the request. After ruling, the clerk will serve the order on all counsel and parties.

(B) Post Disposition

Any request for modification of a prior court order following the Dispositional hearing must be filed on the Request to Change Court Order (Judicial Council form JV-180). The moving party shall email, or otherwise provide a copy of, the request to counsel, and/or self-represented litigants. The moving party shall wait two court days for responses. Counsel and self-represented litigants shall respond indicating agreement, disagreement with no hearing requested, or disagreement with a hearing requested. The responses, or lack thereof, shall be noted on Judicial Council form JV-180 prior to filing the request with the court. The moving party shall file the original and one copy at the dependency filing counter located on the 3rd floor of the William R. Ridgeway Family Relations Courthouse located at 3341 Power Inn Road, Sacramento, CA 95826. The moving party shall serve upon counsel and self-represented litigants a hard copy of the documents filed with the court. The moving party shall prepare and submit one Court Order on Judicial Council form JV-180, Request to Change Court Order (Judicial Council form JV-183) for court signature. The court will process the request. After court ruling, the clerk will serve the completed Judicial Council

Superior Court of California, County of Sacramento

form JV-183 on all counsel and parties.
(Adopted 1/1/2013; revised 1/1/2018)

7.36 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento, hereby adopts an Electronic Filing Program and Policy for its Juvenile Dependency division in accordance with Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.255 et seq. There shall be no direct electronic transmission of any pleadings or papers to the court except where specifically authorized by the court in these rules, or otherwise permitted by special order of the court. Electronic filing in these rules specifically does not include telephone "fax" transmissions.
(Adopted 1/1/2013)

7.37 Juvenile Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court, as described below, in order to be considered duly filed with the court in accordance with these rules.

(A) Type of documents.

A Juvenile Dependency petition pursuant to Welfare and Institutions Code section 300, section 342 and/or section 387, and/or an application for a warrant, may be electronically transmitted for filing by the Department of Child, Family and Adult Services or County Counsel. No other document may be electronically filed.

(B) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing shall be deemed to occur on the date the document was submitted to the court if the submission occurred between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding court holidays. Documents submitted after 4:00 p.m. shall be deemed accepted on the next business day the clerk's office is open for business. Nothing in this section shall limit the clerk's ability to reject filings.

(C) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall automatically be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.

(D) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court and the document will not be deemed filed. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court and take other appropriate action to file the document if the Notice of Acknowledgment of Receipt is not transmitted.

(E) Acceptance of Filing.

Documents electronically submitted to the court for filing shall be reviewed by the clerk for required data elements. Upon acceptance of the document submitted for filing, an endorsed copy of the document, as described in paragraph (H) below, shall be electronically transmitted to the filer confirming the date and time the document was in fact filed with the court, as provided in paragraph (B) above. The confirmation of filing shall also include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees assessed for the filing. The confirmation filing of the document by the court and verification of the accuracy of the document filed by the court shall be the sole responsibility of the filer.

Superior Court of California, County of Sacramento

(F) Rejected Filings.

If an electronically transmitted document is submitted to the court and determined to be unacceptable for filing, a notice of rejection of the document shall be electronically transmitted to the filer by the clerk, notwithstanding the filer's compliance with paragraph (B) above. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filer to resubmit rejected documents, with appropriate corrections, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(G) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(H) Endorsement.

The clerk's endorsement of documents electronically transmitted to the court for filing shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(I) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties, but shall not be filed with the court.

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2017; revised 1/1/2018; revised 1/1/2019)

7.38 Responsibility for Errors in Data.

In those instances where a document is submitted for filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the court. Such errors may be corrected without notice and shall not constitute an amended filing.

(Adopted 1/1/2013)

7.39 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System for Juvenile Dependency may be directed to:

Juvenile Dependency Unit
3341 Power Inn Road
Sacramento, CA 95826
(916) 875-3488
protectivecustodywarrant@saccourt.ca.gov
(Adopted 1/1/2013)

7.40 Non-Minor Dependent Telephonic Appearance.

A non-minor dependent as defined in Welfare and Institutions Code section 11400(v) has the right to appear telephonically at any hearing involving the non-minor dependent. At the time counsel appears for a hearing involving

Superior Court of California, County of Sacramento

a non-minor dependent, counsel shall advise courtroom personnel if the non-minor dependent desires to appear by telephone.

(Adopted 1/1/2017)

7.41 Settlement Conference.

The Juvenile Court has adopted a Juvenile Dependency Settlement Conference (JDSC) program to assist in resolution and/or reduction of issues to be litigated in complex, stagnant or lengthy cases. This is a voluntary program which requires the agreement of all trial counsel and the trial court judicial officer. JDSC occurs in lieu of a Pre-Trial Conference. The complete procedure can be found at <https://www.saccourt.ca.gov>.

A request to participate in a settlement conference may be made at the time a case is set for trial or, for a matter already set for trial, by submitting a stipulation signed by all parties to the trial court department. The JDSC date will be set by the judicial officer at the time he/she approves the request.

(Adopted 1/1/2019)

7.42 Juvenile Dependency Settlement Conference Statement.

The JDSC Statement shall be in writing and shall address the issues as set forth in the JDSC Statement (local form JC\E-348) located on the court's website at <https://www.saccourt.ca.gov>. The statement shall be sufficiently detailed to enable the judicial officer to conduct meaningful settlement discussions.

All counsel must consult with their clients prior to submitting the statement, and shall be prepared to discuss all aspects of the case at the JDSC date.

(Adopted 1/1/2019)

7.43 Juvenile Dependency Settlement Conference Procedures.

(A) All parties shall submit an original and one copy of the JDSC Statement to the assigned settlement conference department no later than the close of business three court days prior to the JDSC date, and serve on counsel within the same time period.

(B) All trial counsel and parties whose consent is required to effect a binding settlement shall be personally present at the JDSC unless excused by the Juvenile Court.

(C) The JDSC Statement is considered by the settlement judicial officer only and is not filed with the court.

(D) Upon settlement being reached, the appropriate findings and orders will be made on the record.

(Adopted 1/1/2019)