

# LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE

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## DIVISION 9

### JUVENILE COURT

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**Appendix**

- A. Certification of Competency [VACATED]

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### **Rule 900. Jurisdiction, Assignment and Distribution of Cases**

#### **900.1 Rules of Practice**

All rules of practice governing Juvenile Court are contained in these Local Rules, in addition to the administrative orders, miscellaneous orders, and protocols posted on the Court's public website at [www.occourts.org](http://www.occourts.org).

*(Rule 900.1 revised effective July 1, 2019; Rule 900.1 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

##### **900.1.1 Definitions**

“Administrative Order” means orders executed by the Presiding Judge of the Juvenile Court of general application to the Court, attorneys, parties, agencies and organizations that appear before or transact business with the Juvenile Court, Social Services Agency or Probation, and that are designed to expedite and facilitate the business of the Court or those agencies.

“Court”, unless otherwise specified, means the Orange County Juvenile Court, sitting as such pursuant to Welfare and Institutions Code section 245.

“Court Protocol” means agreements of practice or procedure made between the court and juvenile justice or child welfare partners.

“Judge”, unless otherwise specified, means those judges or judicial officers designated to hear juvenile cases, pursuant to Welfare and Institutions Code section 246.

“Miscellaneous Order” means orders executed by the Presiding Judge of the Juvenile Court of specific application to the particular person, organization, agency, law firm or institution identified by the order.

*(Rule 900.1.1 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

##### **900.1.2 Adoption of Administrative Orders**

In order to expedite and facilitate the business of the Juvenile Court, Social Services Agency or Probation, including the improvement of the juvenile justice system in Orange County, the Presiding Judge of the Juvenile Court may make Administrative Orders.

In making Administrative Orders, the Court shall comply with the provisions of Code of Civil Procedure, section 575.1, and Rule 10.613, California Rules of Court, as follows:

(a) The Court shall distribute each proposed Administrative Order for comment at least 45 days before it is adopted;

(b) Inasmuch as the Court and Judges of the Juvenile Court sit as a separate judicial entity pursuant to Welfare and Institutions Code, sections 245 and 246, proposed Administrative Orders shall be submitted for consideration and approval to the judges of the Juvenile Court, pursuant to Code of Civil Procedure section 575.1.

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(c) Inasmuch as Rule 10.613(g) does not specify the organizations to whom Administrative Orders made by the Juvenile Court are to be distributed for comment, proposed Administrative Orders shall be distributed for comment, using the methods described in subdivision (g)(3), of Rule 10.613, to the following Orange County persons, agencies and organizations: County Counsel, District Attorney, Social Services Agency, Probation Department, Public Defender, the law firms with whom the Court has contracted for the primary, secondary and tertiary and/or alternate representation of minors and parents in dependency and juvenile justice (delinquency), and the attorneys comprising the Court's dependency juvenile justice (delinquency) conflict panels. In addition to the mandatory persons and organizations to whom a proposed Administrative Order shall be distributed, to the extent that a proposed Administrative Order may be of interest to them, in the discretion of the Presiding Judge of Juvenile Court, proposed Administrative Orders may be distributed for comment, using the methods described in subdivision (g)(3), of Rule 10.613, to the following Orange County persons, agencies and organizations: Health Care Agency, Department of Education, Sheriff, Children and Families Commission, CASA, Orangewood Foundation, or any other interested party.

(d) Administrative Orders shall be made available for inspection and copying by posting all orders on the Juvenile Court website and by providing them for inspection and copying at the Juvenile Court Administrative Office.

*(Rule 900.1.2 revised effective July 1, 2019; Rule 900.1.2 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

### **900.1.3 Adoption of Miscellaneous Orders**

In order to expedite and facilitate the business of the Juvenile Court, Social Services Agency or Probation, including the improvement of the juvenile justice system in Orange County, the Presiding Judge of the Juvenile Court may make Miscellaneous Orders.

The person, organization, agency, law firm or institution identified by the Miscellaneous Order, and any other person, agency, organization or institution directly affected by the order, shall receive notice of the intent to issue the order.

Miscellaneous Orders, unless ordered confidential or sealed, shall be made available for inspection and copying by posting all orders on the Juvenile Court website and by providing them for inspection and copying at the Juvenile Court Administrative Office.

Miscellaneous Orders shall be effective for a specified duration. If an expiration date is not specified on a Miscellaneous Order, the order shall be effective for one year from the date of execution.

*(Rule 900.1.3 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

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### **900.2 Assignment for All Purposes**

Unless otherwise indicated, once a case is assigned to a particular judge or commissioner, the assignment is for all purposes. When a dependency matter is assigned to a commissioner, the commissioner will hear the matter as a referee unless there is a signed stipulation to the commissioner as a temporary judge.

*(Rule 900.2 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

### **900.3 Informal Juvenile and Traffic Court**

Juvenile misdemeanors filed via citation and infractions specified in the Orange County Superior Court Juvenile Violations Filing Guidelines chart may be heard in Informal Juvenile and Traffic Court by a designated Juvenile Hearing Officer as authorized under Welfare and Institutions Code section 256.

*(Rule 900.3 revised effective July 1, 2019; Rule 900.3 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

### **900.4 Notice of Pendency of Action**

After a case has been assigned to a particular judge or commissioner, the petitioning agency (such as the District Attorney's Office or County Counsel) shall file a Notice of Pendency of Action or otherwise give oral notice to the Court, within five (5) court days, that the case is related to a previously handled matter. Any other party may file a Notice of Pendency of Action or otherwise give such oral notice within five (5) court days. The judicial officer, currently assigned to the case shall, if appropriate, reassign the case to the judicial officer who previously handled the related matter. The Notice of Pendency of Action or oral notice shall contain sufficient information to determine whether the cases are related, including names of parents, siblings, and prior petition numbers.

*(Rule 900.4 revised effective July 1, 2019; Rule 900.4 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

### **900.5 Unique Person Identifier**

In order to identify related cases, expedite the management of each case, and provide efficiencies to the court and the parties, every person appearing in a Juvenile case before the Orange County Superior Court may be assigned a person identification number or otherwise have all cases in which the person is a party linked together.

*(Rule 900.5 amended effective July 1, 2014; Renumbered effective March 15, 1984; Rule 900.5 amended effective July 1, 2013.)*

#### **900.5.1 Person Identifier Cover Sheet**

For all original, amended and subsequent juvenile justice (delinquency) petitions filed in the Orange County Juvenile Court, the filing agency shall complete and file with each petition a Juvenile Court Person Identifier Cover Sheet, providing the full name, known aliases, and date of

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birth of each minor, and of the parent, guardian and/or caretaker of each minor. The filing agency shall expend due diligence in attempting to obtain personal identification information. The filing agency shall have a continuing responsibility to ascertain and provide personal identification information and shall file an Amended Juvenile Court Person Identifier Cover Sheet when additional information becomes known.

*(Rule 900.5.1 revised effective July 1, 2019; Rule 900.5.1 amended effective July 1, 2013; Renumbered effective March 15, 1984.)*

### **Rule 901 Specialty Collaborative Courts**

#### **901.1 Specialty Collaborative Courts**

Upon acceptance to a specialty collaborative court, such as Recovery Court, Generating Resources to Abolish Child Exploitation (G.R.A.C.E.), and Teen Court, the case shall be transferred to the judicial officer presiding over the specific specialty collaborative court and Rule 900.2 applies. If the specialty collaborative court assignment is terminated, the case shall be reassigned, and Rule 900.2 shall apply.

*(Rule 901.1 revised effective July 1, 2019; Rule 901.1 adopted effective July 1, 2013.)*

#### **901.2 Recovery Court**

Any minor charged with a drug-related offense or an offense with a nexus to a substance abuse or alcohol problem may submit an application for the Recovery Court program. Any other party may object to the application. The application must be approved by a judicial officer before the minor is evaluated for acceptance into the program. The criteria for acceptance and the Recovery Court program shall follow the policies and procedures set forth in the latest operations manual, a copy of which is available from the Presiding Judge of the Juvenile Court.

*(Rule 901.2 revised effective July 1, 2019; Rule 901.2 adopted effective July 1, 2013.)*

#### **901.3 Dependency Drug Court [VACATED]**

*(Rule 901.3 repealed effective July 1, 2019; Rule 901.3 adopted effective July 1, 2013.)*

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### **901.4 Teen Collaborative Court**

Any party may submit an application to have a dependent participate in the Teen Collaborative Court programs. Any other party may object to the application. The application must be approved by the presiding judicial officer of the program, and the teen court collaborative team, which makes the final decision as to acceptance.

*(Rule 901.4 revised effective July 1, 2019; Rule 901.4 adopted effective July 1, 2013.)*

### **Rule 902 Evidence Code 730 Evaluations**

#### **902.1 Appointment of Evaluator**

Evidence Code 730 evaluations for Juvenile Court shall be conducted by evaluators who are mental health professionals and members of the Juvenile Court 730 Panel of Evaluators. Any party seeking the appointment of an examiner who is not on the panel shall make a motion before the judicial officer hearing the case, and the motion shall be supported by a declaration setting forth the qualifications of the examiner, the fee for services, and the maximum cost sought by the evaluator. Any request for removal of an evaluator from a case must be made on a noticed motion filed in the department in which the matter is pending and served on the evaluator and all parties.

*(Rule 902.1 adopted effective July 1, 2013.)*

#### **902.2 Ex Parte Communications**

Ex parte communications with the 730 evaluator are prohibited except for scheduling purposes or unless approved by the judicial officer hearing the case.

*(Rule 902.2 revised effective July 1, 2019; Rule 902.2 adopted effective July 1, 2013.)*

### **Rule 903 Confidential Information**

#### **903.1 Exchange of Confidential Information**

The exchange of information concerning current and former wards and dependents is authorized only among private or public agencies providing case planning, eligibility, and/or services delivered. This authorization includes, but is not limited to, the Orange County Probation Department, the Orange County Social Services Agency, the Orange County Health Care Agency, the Orange County Department of Education, the Regional Center of Orange County, and local schools. This authorization is contingent upon a need for information as it pertains to the conduct of official activities only. With respect to any attachments to reports, the Social Service Agency shall ensure compliance with all applicable statutes, rules or regulations regarding the confidentiality of such records and/or the information contained therein, including, but not limited to: Penal Code sections 293, 11167, 11167.5, and the Health Insurance Portability Act (HIPAA). Upon request by any party, or on the court's own motion, a juvenile court judicial officer may order that all or a portion of any attachments to reports be sealed, placed in a confidential envelope, or any information contained within any attachments be redacted, or

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dissemination of any attachments or information contained therein be restricted, pursuant to Welfare and Institutions Code section 827.

*(Rule 903.1 revised effective July 1, 2019; Rule 903.1 adopted effective July 1, 2013.)*

### **903.2 Procedure for Copying and Inspection**

Individuals and agencies authorized to inspect and/or copy Juvenile case files must file a Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (form L-0673). The declaration may be filed in the Juvenile Court.

*(Rule 903.2 adopted effective July 1, 2013.)*

### **903.3 Non-Publication/Dissemination of Juvenile Court Hearings**

With the exception of cases involving offenses listed in Welfare & Institutions Code section 676(a), any member of the public admitted into a Juvenile Court hearing shall not publish or disseminate any information regarding any matter heard by the Juvenile Court, including but not limited to: the identity of any party, attorney, probation officer, social worker, witness, therapist; the allegations made in the petition(s); the facts and circumstances of the matter; the orders and findings by the Court, unless permitted by statute, rule, or court order. The terms “publish or disseminate” means: revealing information to any person through television, radio, newspapers, magazines, email, the Internet, or any form of social media, such as Facebook, Twitter, You Tube, blogs, or any form of personal communication.

*(Rule 903.3 revised effective July 1, 2019; Rule 903.3 adopted effective July 1, 2013.)*

## **Rule 904 Court Appointed Special Advocate (CASA)**

### **904.1 Court Appointed Special Advocate Appointment**

Any request for the appointment of a Court Appointed Special Advocate shall be made before the judicial officer currently presiding over the case.

*(Rule 904.1 adopted effective July 1, 2013.)*

### **904.2 CASA Report**

Any CASA report must be filed with the court and served on the entitled parties at least two court days prior to the scheduled hearing date, unless otherwise ordered by the Court.

*(Rule 904.2 adopted effective January 1, 2016)*

## **Rule 905 Attorneys Representing Parties in Juvenile Court**

### **905.1 Actual Conflict of Interest**



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Upon learning of an actual conflict of interest, an attorney shall immediately, and in any event no longer than five (5) calendar days, notify the assigned judicial officer and all the parties of the existence of an actual conflict of interest.

*(Rule 905.1 revised effective July 1, 2019; Rule 905.1 adopted effective July 1, 2013.)*

### **905.2 Conflict Panel Appointments**

An attorney's appointment to and continuance on the conflict panel shall be at the discretion of the presiding Judge of the Juvenile Court.

*(Rule 905.2 adopted effective July 1, 2013.)*

### **905.3 Appointed Counsel in Dependency and Juvenile Justice (Delinquency) Matters**

All appointed counsel in juvenile dependency proceedings must meet the minimum standards of experience, training, and education as set forth in the Welfare and Institutions Code, the California Rules of Court, and the Administrative Order titled Attorneys Representing Parties in Juvenile Court, a copy of which is available from the Presiding Judge of the Juvenile Court and on the Orange County Superior Court website at [www.occourts.org](http://www.occourts.org).

All appointed counsel in juvenile justice (delinquency) proceedings must meet the minimum standards of training and education as set forth in the California Rules of Court, rule 5.664(b).

*(Rule 905.3 revised effective July 1, 2019; Rule 905.3 adopted effective July 1, 2013.)*

### **905.4 Retained Counsel in Dependency Matters**

All retained counsel in juvenile dependency proceedings who do not meet the minimum standards of experience, training, and education as set forth in the Welfare and Institutions Code and the California Rules of Court are directed to rule 5.660(d) of the California Rules of Court. Any such retained counsel may complete a minimum of eight hours of training and education in the area of juvenile dependency law, which training or education shall include information on the applicable case law and statutes, the 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 and reasonable efforts. This training may be taken on the website of the Judicial Council, California Dependency Online Guide, provided the training qualifies for MCLE credits.

*(Rule 905.4 revised effective July 1, 2019; Rule 905.4 adopted effective July 1, 2013.)*

### **Rule 906. Judicial Council Court-Appointed Special Advocate (CASA) Grant Program Guidelines**

*Rule 906 revised and renumbered as Rule 904 effective July 1, 2013; Adopted effective July 1, 1991.*

**Rule 906      Media and Photographing, Recording, and Broadcasting in Court**

**906.1          Media and Photographing, Recording, and Broadcasting in Court**

All individuals shall comply with Orange County Superior Court Local Rule 180.

*(Rule 906.1 adopted effective July 1, 2013.)*

**Rule 907.      Attorneys Representing Parties in Dependency Proceedings**

*Rule 907 revised and renumbered as Rule 905 effective July 1, 2013; Adopted July 1, 1996; revised eff. January 1, 1997; revised eff. January 1, 1998; revised eff. January 1, 2003; revised eff. January 1, 2007.*

**Rule 907      Mandatory Settlement Conferences in Juvenile Dependency Proceedings**

**907.1          Mandatory Settlement Conferences**

In juvenile dependency matters, upon any party's request, or on the court's own motion, a judicial officer may schedule a mandatory settlement conference before another bench officer. The scheduling of the mandatory settlement conference and the settlement conference itself shall follow the policies and procedures set forth in the operative Mandatory Settlement Conference protocol, a copy of which is available from the Presiding Judge of the Juvenile Court and on the Orange County Superior Court website at [www.occourts.org](http://www.occourts.org).

*(Rule 907.1 revised effective July 1, 2019; Rule 907.1 adopted effective July 1, 2013.)*

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### **Rule 908. Electronic Filing in Juvenile Court Cases**

Pursuant to Code of Civil Procedure section 1010.6, and California Rules of Court, rules 5.522(b) and 2.252, a court may allow for the electronic filing of documents in Juvenile proceedings. Effective July 1, 2015, Juvenile Court may implement a pilot project permitting any agency identified by the Presiding Judge of the Juvenile Court to submit electronic documents relating to Juvenile Court matters.

Electronically filed documents filed prior to midnight on a court day will be deemed filed as of that day, pursuant to Code of Civil Procedure section 1010.6(d)(1)(D) and California Rules of Court, rule 2.253(b)(7), except for initiating case documents such as petitions. In order to provide time for processing initiating documents requiring a Juvenile court hearing the next day, initiating petitions shall be filed by 3:00 PM the day before the hearing. For purposes of this rule, filing occurs at the time the document is received by the court and a confirmation of receipt is created. (See Cal. Rules of Court, rule 2.259(a)(1) and (c).) Any electronically filed document received by the Court at midnight or filed on a noncourt day will be deemed filed on the first court day after it is received. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This Rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

*(Rule 908 revised effective July 1, 2019; Rule 908 adopted effective July 1, 2015)*

### **Appendix**

#### **A. Certification of Competency [VACATED]**

*(Appendix A repealed effective July 1, 2019)*