

Rule 900. Jurisdiction, Assignment and Distribution of Cases (new)

Rule 900.1. Rules of Practice

All rules of practice governing Juvenile Court are contained in these Local Rules, in addition to the administrative orders, procedures and protocols posted on the Court's public website at www.occourts.org.

Rule 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 900.3. Informal Juvenile and Traffic Court

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

Rule 900.4. Notice of Pendency of Action

After a case has been assigned to a particular judge or commissioner, the prosecuting 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 judge or commissioner, currently assigned to the case shall, if appropriate, reassign the case to the judge or commissioner 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 901. Specialty Collaborative Courts (new)

Rule 901.1. Specialty Collaborative Courts

Upon acceptance to a specialty collaborative court, such as Delinquency Drug Court, Dependency Drug Court and Teen Girls/Boys Court, the case shall be transferred to the judge or commissioner 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 will apply.

Rule 901.2. Delinquency Drug 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 Delinquency Drug Court program. Any other party may object to the application. The application must be approved by a judge, commissioner, or referee before the minor is evaluated for acceptance into the program. The criteria for acceptance and the Delinquency Drug 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 and on the Orange County Superior Court website at www.occourts.org.

Rule 901.3. Dependency Drug Court

Any parent may submit an application for the Dependency Drug Court program. Any other party may object to the application. The application must be approved by a judge, commissioner, or referee before the parent is evaluated for acceptance into the program. The criteria for acceptance and the Dependency Drug Court program shall follow the policies and procedures set forth in the operations manual, 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.

Rule 901.4. Teen Boys/Girls Court

Any party may submit an application to have a dependent participate in the Teen 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 902. Evidence Code 730 Evaluations (new)

Rule 902.1. Appointment of Evaluator

Evidence Code section 730 evaluations for Juvenile Court shall be conducted by evaluators who are mental health professionals and members of the Juvenile Court's 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.

Rule 902.2. Ex Parte Communications

Ex parte communications by the attorneys or the parties with the evaluator are prohibited, unless approved by the judicial officer hearing the case.

Rule 903. Confidential Information (new)

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

Rule 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 903.3. 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 904. Court Appointed Special Advocate (CASA) (new)

Rule 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 905. Attorneys Representing Parties in Juvenile Court (new)

Rule 905.1. Actual Conflict of Interest

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 905.2. 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 905.3. Appointed Counsel in Dependency 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.

Rule 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 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 906. Media and Photographing, Recording, and Broadcasting in Court (new)

Rule 906.1. Media and Photographing, Recording, and Broadcasting in Court

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

Rule 907. Mandatory Settlement Conferences in Juvenile Dependency Proceedings (new)

Rule 907.1. Mandatory Settlement Conferences

In juvenile dependency matters, upon any party's request, or on his/her 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.