

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, ~~procedures~~ and protocols posted on the Court's public website at www.occourts.org.

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.

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.

(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 delinquency matters, and the attorneys comprising the Court's delinquency and dependency 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.

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 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.

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.

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.

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 judicial officer ~~judge or commissioner~~, currently assigned to the case shall, if appropriate, reassign the case to the ~~judge or commissioner~~ 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.

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 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.

900.5.1: For all dependency and delinquency original, amended and subsequent petitions filed in the Orange County Juvenile Court, the filing agency (Social Services Agency, County Counsel, Probation, District Attorney) shall complete and file with each petition a Juvenile Court Person Identifier Cover Sheet, providing the full name, known aliases, date of birth and last four digits of the social security number, 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 901: Specialty Collaborative Courts

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 judicial officer ~~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 shall apply.

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 judicial officer ~~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.

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 judicial officer ~~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.

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

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.

902.2: Ex Parte Communications: Ex parte communications ~~by the attorneys or the parties~~ with the 730 evaluator are prohibited except for scheduling purposes, or unless approved by the judicial officer hearing the case.

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 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.

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.

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)

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

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.

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.

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.

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 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 907: Mandatory Settlement Conferences in Juvenile Dependency Proceedings

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.