

**LOCAL RULES FOR THE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO**



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Price: \$12.50

FRESNO COUNTY SUPERIOR COURT

2) For those parties deemed unable to pay, if hearings continue to ensue, reevaluation will be conducted annually. A “903” packet is given and the clerical process remains the same.

3) At case dismissal or at the point where counsel for parties are relieved due to termination of parental rights, a final assessment will be ordered. A “903” packet is given and the clerical process remains the same. (Effective July 1, 2012, New)

6.3.17 The Child Advocate Program

A. **Referrals.** The judicial officer, or any party may refer a case to the CASA Program at any point in the dependency proceedings. The CASA Program also may request that a referral be made by the judicial officer in a case brought to the attention of the CASA Program. All referrals must be signed by the judicial officer.

B. **Referral Criteria.**

1. **Appropriate Referrals.** Referrals to the CASA Program are appropriate when:

a. The Court needs specific information or would benefit from an independent investigation in order to make a decision regarding the child’s welfare, except for information pertaining to allegations made in the petition.

b. There is an unnecessary delay in achieving family reunification, legal guardianship, adoption, or emancipation.

c. The child has a specific unmet need and requires advocacy to obtain educational, medical, or other services. This does not include the need for a mentor, big brother or sister, or special friend.

2. **Inappropriate Referrals.** Referrals are not appropriate when:

a. The child’s behavior and/or the circumstances of the case would place the CASA volunteer at risk.

b. The child is unwilling to participate in the services or cooperate with the advocate.

c. The child is frequently AWOL.

d. The child is placed outside of Fresno County.

FRESNO COUNTY SUPERIOR COURT

C. **Evaluation of a Referral.** The CASA Program will evaluate the referral to determine if it is appropriate for the CASA Program. In the event that the case is not accepted, the CASA Program will submit a report to the Court stating the basis for declining the referral.

D. **Acceptance of a Referral.** Once a case is accepted by the CASA Program and a CASA volunteer is identified, the Court will be asked to sign an order appointing the identified CASA volunteer.

E. **Status of CASA volunteers.**

1. **Appointment.** The CASA is appointed as a sworn officer of the Court, serves at the pleasure of the Court, and is bound by all the rules and standards set forth in Welfare & Institutions Code §§ 102 and 103, and California Rules of Court, rule 5.655.

2. **Participation of CASAs, CASA Program Supervisors, and attorneys for the CASA Program.**

a. A CASA has the right to be present at all hearings, sit at the counsel table during the proceedings, and participate in any reported conferences held in chambers. An advocate cannot be excluded from any reported proceedings for any reason, including the fact that he or she may be called upon to give testimony in the case.

b. A CASA volunteer for a child who has a child may participate in the dependency proceedings for both children.

c. Program supervisors may attend court hearings, participate in proceedings along with the CASA volunteer or in lieu of the CASA volunteer, and may serve as the CASA on the case.

d. Attorneys representing the CASA Program have the right to participate in any proceeding in Juvenile Court in which any aspect of the CASA Program is at issue.

3. **Notice to CASA.** Pursuant to Welfare & Institutions Code § 106, the CASA volunteer must be properly and timely noticed for all proceedings concerning the case on which he or she is appointed. The social worker on/assigned the case is responsible for providing notice to the CASA for regularly calendared matters. Any party requesting that a matter be added to the Court's calendar is responsible for providing notice to the CASA.

4. **Reports.** CASA reports shall be read and considered by the judicial officer. Minute orders shall reflect whether the CASA and/or the CASA supervisor was present at the hearing and that the CASA's report was read and

FRESNO COUNTY SUPERIOR COURT

considered by the Court. On behalf of any CASA submitting a report to the Court, the Child Advocates Office shall deliver sufficient copies for all parties and their counsel (including parents appearing in pro per) to the Court at least two (2) court days prior to the relevant hearing. The Court has the discretion to admit a CASA report regardless of the time it was submitted.

5. Distribution of Reports. Only parties and their counsel are entitled to receive copies of CASA reports. De facto parents are entitled to receive copies of CASA reports only if there is a court order directing distribution of the CASA report to the de facto parent(s). Relatives, foster parents, service providers and other interested parties are not entitled to receive CASA reports in the absence of a specific court order.

F. Reporting. The CASA Program shall report regularly to the Presiding Judge of the Juvenile Dependency Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for Child Advocates. (Effective July 1, 2012; Rule 6.2.14 (now 6.3.17) renumbered effective January 1, 2006; adopted as Rule 51.14 effective January 1, 1996)

6.3.18 Child Advocates

A. Advocate's Functions. Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

1. To support the child throughout the court proceedings;
2. To establish a relationship with the child to better understand his or her particular needs and desires;
3. To communicate the child's needs and desires to the Court in written reports and recommendations;
4. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
5. To provide continuous attention to the child's situation to ensure that the Court's plans for the child are being implemented;
6. To the fullest extent possible, to communicate and coordinate efforts with the case manager/social worker;
7. To the fullest extent possible, to communicate and coordinate efforts with the child's attorneys; and

FRESNO COUNTY SUPERIOR COURT

8. To investigate the interests of the child in other judicial or administrative proceedings outside Juvenile Court; report to the Juvenile Court concerning same; and, with the approval of the Court, offer his or her services on behalf of the child to such other courts or tribunals.

B. **Sworn Officer of the Court.** An advocate is an officer of the Court and is bound by these rules.

Each advocate shall be sworn in by a Superior Court Judge before beginning his or her duties, and shall subscribe to the written oath set forth in Appendix D2.

C. **Specific Duties.** The Court shall, in its initial order of appointment, and thereafter in any subsequent order, specifically delineate the advocate's duties in each case, which may include independent investigation of the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the Court as indicated. If no specific duties are outlined by court order, the advocate shall discharge his or her obligation to the child and the Court in accordance with the general duties set forth in (A) above. (Effective July 1, 2012; Rule 6.2.15 (now 6.3.18) renumbered effective January 1, 2006; adopted as Rule 51.15 effective January 1, 1999)

6.3.19 **Release of Information to Advocate**

A. **Court Authorization.** To accomplish the appointment of an advocate, the Judge making the appointment shall sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the Court.

B. **Access to Records.** An advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager/social worker with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her identification as a court-appointed advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

C. **Report of Child Abuse.** An advocate is a mandated child abuse reporter with respect to the case to which the advocate is appointed.

D. **Communication With Others.** DSS, the case manager, the child's attorney, the attorneys for parents, relatives, foster parents, any CASA advocate, and

FRESNO COUNTY SUPERIOR COURT

any therapist for the child shall engage in ongoing regular communication concerning the child's best interests, current status, and significant case developments. (Effective July 1, 2012; Rule 6.2.16 (now 6.3.19) renumbered effective January 1, 2006; adopted as Rule 51.16 effective January 1, 1996)

6.3.20 Advocate's Right to Timely Notice

In any motion concerning the child for whom the advocate has been appointed, the moving party shall provide the advocate timely notice. (Effective July 1, 2012; Rule 6.2.17 (now 6.3.20) renumbered effective January 1, 2006; adopted as Rule 51.17 effective January 1, 1996)

6.3.21 Calendar Priority for Advocates

In light of the fact that advocates are rendering a voluntary service to children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible. (Effective July 1, 2012; Rule 6.2.18 (now 6.3.21) renumbered effective January 1, 2006; adopted as Rule 51.18 effective January 1, 1999)

6.3.22 Advocate's Visitation Throughout Dependency

An advocate shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until dependency is dismissed or the advocate is relieved from appointment. (Effective July 1, 2012; Rule 6.2.19 (6.3.22) renumbered effective January 1, 2006; adopted as Rule 51.19 effective January 1, 1996)

6.3.23 Family Law Advocacy

Should the Juvenile Court dismiss dependency and create a family law order pursuant to Welfare & Institutions Code § 362.4, the advocate's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the advocate's duties in the family law proceeding. (Effective July 1, 2012; Rule 6.2.20 (now 6.3.23) renumbered effective January 1, 2006; adopted as Rule 51.20 effective January 1, 1996)

6.3.24 Advocate's Right to Appear

An advocate 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 the advocate may be called to testify at some point in the proceedings. An advocate shall not be deemed to be a "party" (California Rules of Court, Rule 5.530(b)(6)); however, the Court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel. (Effective July 1, 2012, Rule 6.2.21 (now 6.3.24) renumbered effective January 1, 2006; adopted as Rule 51.21 effective January 1, 1996)

(Rule 6.3 renumbered effective January 1, 2006; adopted as Rule 52 effective July 1, 1992)