

CHAPTER 13
MINOR'S COUNSEL

Rule 5.13.1

Minor's Counsel

A. Qualifications Declaration. The failure by minor's counsel to timely file the required *Declaration of Counsel for a Child Regarding Qualifications* (form FL-322) may result in a forfeiture of fees and costs incurred prior to the filing date.

B. Review Hearings and Compensation

1. The court generally will hold a review hearing every 90 days to consider both the continued appointment of minor's counsel and the parties' ability to pay.

2. Minor's counsel must submit a declaration and order for payment of fees on the *Declaration and Order for Payment of Attorney Fees and Costs of Minor's Counsel* (form SDSC D-137) at every "ability to pay" and/or "review" hearing or no less than every 90 days if there is no pending review hearing. Failure to timely submit the fee declaration may result in the forfeiture of all billings older than 180 days.

C. Complaint Procedure

1. **Written Complaint.** A complaint regarding minor's counsel must be submitted in writing addressed to the supervising judge of the family law division, and contain all the following information:

- a. Case name and number;
- b. Name of the judicial officer assigned to the case;
- c. Name of the minor's counsel;
- d. Specific facts, conduct and dates regarding the alleged inadequacies or behaviors which give rise to the complaint.

2. **Complaint Basis.** A complaint *cannot* be based on a party's or an attorney's dissatisfaction or disagreement with a court order in which minor's counsel was involved.

3. **Court Response.** The supervising judge has the discretion to respond to the complaint directly, to consult with other judges, or to refer the complaint to the chairperson of the Minor's Counsel Subcommittee of the San Diego Family Law Bar Association. If referred to the chairperson, the chairperson will attempt to resolve the complaint informally.

4. **Review Panel.** If the complaint cannot be resolved informally, a review panel will be convened to investigate the complaint and provide a written report with recommendations to the supervising judge. The review panel will include the supervising judge or his or her designee and two volunteer attorneys. The attorneys will have no connection to the underlying case and at least one will be a qualified minor's counsel. Based on the report, the supervising judge will take appropriate action.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2019)