

CHAPTER 7
PROCEDURES FOR APPOINTING
COUNSEL

Rule 6.7.1

Attorneys for Children

At the earliest possible stage of proceedings, the court must appoint counsel for the child as provided in Welfare and Institutions Code section 317 and California Rules of Court, rule 5.660. Appointed counsel and/or the court-appointed special advocate (CASA) must continue to represent the child at all subsequent proceedings unless properly relieved by the court.

The Child Abuse Prevention and Treatment Act (Pub.L. No. 93-247) provides that in all cases in which a dependency petition has been filed and counsel has been appointed for the child, the attorney for the child will be the guardian ad litem for the child in the dependency proceedings unless the court appoints another adult to serve as the child's guardian ad litem. If no counsel is appointed for the child, or if at any time the court determines a conflict exists between the role and responsibilities of the child's attorney and that of a guardian ad litem, or if the court determines it is best for the child to appoint a separate guardian ad litem, the court will appoint another adult as the guardian ad litem for the child. The guardian ad litem for the child may be any attorney or a CASA.

Notwithstanding Welfare and Institutions Code section 317, subdivision (g), the San Diego County juvenile dependency court appoints counsel from Children's Legal Services of San Diego (CLS) to represent children pursuant to the contract entered into between CLS and the Judicial Council of California. The public defender is not available for juvenile dependency court appointments.

(Adopted 1/1/2002; Rev. 7/1/2003; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2017)

Rule 6.7.2

Attorneys for Parents or Guardians

At the detention or initial hearing, the court must appoint counsel for the mother, and counsel for the presumed father, guardian, or Indian custodian as provided in Welfare and Institutions Code section 317, subdivisions (a) and (b). Appointed counsel will continue to represent the client at all subsequent proceedings unless properly relieved by the court.

Notwithstanding Welfare and Institutions Code section 317, subdivision (h), the San Diego County juvenile dependency court appoints counsel from Dependency Legal Services San Diego (DLS) to represent parents pursuant to the contract entered into between DLS and the Judicial Council of California. The alternate public defender is not available for juvenile dependency court appointments.

(Adopted 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2016; Rev. 1/1/2017)