

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.

For the purposes of the Child Abuse Prevention and Treatment Act grants to states (Pub.L. No. 93-247), 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 the Dependency Legal Group of San Diego (DLGSD) Minor's Counsel Office (MCO) and Conflict's Counsel Office (CCO) to represent children pursuant to the contract entered into between DLGSD and the Administrative Office of the Courts. The public defender is no longer 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)

Rule 6.7.2

Attorneys for Parents or Guardian(s)

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 & 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 the Dependency Legal Group of San Diego (DLGSD) Primary Parent Office and Conflict Parent Office to represent parents pursuant to the contract entered into between the DLGSD and the Administrative Office of the Courts. The alternate public defender is no longer available for juvenile dependency court appointments. If there is a conflict of interest, the court will appoint an attorney from the DLGSD Conflict Counsel Office.

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