

CHAPTER 5
PROCEDURES FOR INFORMING THE COURT OF OTHER INTERESTS OF A DEPENDENT CHILD
(Welf. & Inst. Code, §§ 317, 317.6; Cal. Rules of Court, rule 5.660)

Rule 6.5.1

Informing the Court of Other Interests of a Dependent Child

A. At any time while a dependency proceeding is pending, any interested person may notify the court that the child who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum.

1. Notice to the court may be given by filing Judicial Council form JV-180 (Request to Change Court Order), by filing a declaration, or, in the case of an individual who is not a party to the action, by sending a signed letter addressed to the court.

2. The person giving notice must set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected, the nature of the proceedings being contemplated or conducted there, and any case number or other identifying information regarding the proceeding.

3. If known to the person giving notice, the notice must also set forth what action on the child's behalf the person believes is necessary, whether counsel on a pro bono or contingency basis may be necessary or appropriate to take action on behalf of the child in the other forum, whether the nomination of a guardian ad litem to initiate or pursue a proposed action may be appropriate, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare & Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interest, and whether further investigation may be necessary.

B. A copy of the notice must be served on the child's social worker and on the child's attorney and/or CASA before the notice is filed with the court. Such service may be effected by personal service, first-class mail, or the equivalent, and must be indicated on a proof of service filed with the notice. If the child is not represented by separate counsel, the notice must so state. In the case of an individual who is not a party to the action who files a letter with the court, the clerk of the court will serve a copy of the letter on the child's social worker and on the child's attorney and/or CASA.

C. The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest and whether steps need to be taken to protect or pursue that right or interest in another forum.

D. If the court determines that further action on behalf of the child is required, the court may do one or more of the following:

1. If the child is unrepresented, appoint an attorney for the child in the dependency proceedings and direct that such attorney investigate the matter and report back to the court pursuant to Welfare & Institutions Code section 317, subdivision (e).

2. Authorize an attorney to pursue the matter on the child's behalf in the other forum on a pro bono or contingency basis.

3. Appoint a guardian ad litem for the child to make decisions on the child's behalf related to the potential civil proceedings. Upon the filing of an action in another forum, that court may reappoint the guardian ad litem appointed by the juvenile court or appoint a different person as guardian ad litem for the child pursuant to Code of Civil Procedure section 372.

4. Notice a joinder hearing pursuant to Welfare & Institutions Code section 362, subdivision (a), compelling a responsible agency to report to the court as to whether it has fulfilled its legal obligation to provide services to the child.

5. Take such other action the court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

E. County treasurer funds may not be used to fund legal or other services in another forum outside the juvenile dependency proceedings.

(Adopted 1/1/1997; Renum. 7/1/2001; Rev. 1/1/2002; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009)