

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, JUVENILE COURT, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., SUITE 130, VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910	<i>FOR COURT USE ONLY</i>
IN THE MATTER OF _____ <div style="text-align: right;">CHILD(REN)</div>	
ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL IN DEPENDENCY PROCEEDING	CASE NUMBER _____

Fill out this form if you wish to act as your own attorney. Place your initials on the line after each item if you understand and agree with it. Sign and date the form where it says PARENT'S OR GUARDIAN'S SIGNATURE on page 3. If you have any questions about anything on the form, ask the judge.

I am the Parent or Guardian of the above named child(ren). I certify to the court that I can read and write. I understand my statutory rights, including the following:

- A. **Right to an Attorney:** I understand I have the right to be represented by an attorney (lawyer) at all stages of the proceedings. I understand that an attorney will be appointed to represent me, whether or not I have the ability to pay. I understand that I may be responsible for court-appointed attorney costs for my attorney and for my child's attorney based on my ability to pay. _____(Initial here)
- B. **Right to Self-Representation:** I understand I have a right to self-representation and I may waive my right to an attorney. I further understand that if I am permitted to represent myself, I will have to conduct my own defense or case without the assistance of an attorney. _____(Initial here)
- C. **Expectations of Self-Representation:** I understand that if I am permitted to represent myself, it will be necessary for me, without the assistance of an attorney, to conduct my own trial or hearing. Self-representation consists of, but is not limited to, making pretrial motions, requesting discovery, making an opening statement, introducing evidence, cross-examining the witnesses, subpoenaing and presenting my own witnesses and documents, making appropriate objections and motions during the trial or hearings, making a closing argument, and making appropriate motions after the trial or hearing. I understand I will be governed by the same rules that govern an attorney – rules which an attorney licensed by the State Bar of California spent years to learn. _____(Initial here)
- D. **No Special Treatment:** I understand I am not entitled to, nor will the court grant me, any special treatment or favors because I am representing myself. I also understand the court cannot and will not give me any legal help or advice. _____(Initial here)
- E. I understand that no continuance will be allowed without a showing of good cause and that such requests made just before a trial or hearing will most likely be denied. _____(Initial here)
- F. I understand that, depending on the stage of my case, if I ask to give up my self-represented status and request an attorney, the court may deny this request and I may have to proceed without an attorney. _____(Initial here)
- G. I understand I must not abuse the dignity of the court. I understand that the judge may terminate my right to self-representation if I engage in serious misconduct or obstruct the conduct and progress of the trial or hearing. I understand that if my self-represented terminated, I may be represented by an attorney appointed by the judge who will take over the case at whatever stage the case may be in. I understand that if at some point a court-appointed attorney does take over my case, that attorney may be in a disadvantaged position and that such disadvantage will not be considered an issue on appeal. _____(Initial here)

CHILD'S NAME

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- H. I understand that if I am unsuccessful at trial or in a hearing in my case, by acting as my own attorney, I am giving up and waiving my constitutional right to claim ineffective assistance of counsel as grounds for appeal. _____(Initial here)
- I. **If in custody:** I understand that being incarcerated may make it difficult for me to contact witnesses and investigate my case. In addition, I may be limited in my ability to research, write, and otherwise prepare for motions and trial; I will receive no more telephone or library privileges than any other person exercising the right of self-representation; my access to a telephone and law library may be limited due to security concerns, and the court will not intervene to ensure additional access; and the library may contain outdated materials or lack research materials which I believe are necessary. _____(Initial here)

COURT'S ADVICE AND RECOMMENDATION:

- J. I understand that it is the advice and recommendation of the court that I should not represent myself, and that I should accept a court-appointed attorney. I understand that the court-appointed attorney for my case is an experienced and specially trained lawyer who will investigate my case, file appropriate motions, advise me on what to do, and try the case, if necessary. (See SDSC, Local Rules, rules 6.3.1-6.3.4.) _____(Initial here)
- K. I understand there are many dangers and disadvantages in representing myself. Self-representation is almost always unwise, and persons exercising such right may conduct the case in a manner harmful to themselves. _____(Initial here)
- L. I understand that child welfare law is complex and that the court will be making decisions affecting me and my child(ren). I understand the court will decide whether reunification services should be provided, what those services should be, and where my child(ren) should live while those services are being provided. I understand there are certain statutory timeframes the court must follow; and if I fail to reunify with my child(ren), my parental rights could be terminated and a permanent plan of adoption ordered by the court. I further understand that, without the assistance of counsel or formal legal training, I may be unaware of statutory requirements and potential defenses. By representing myself, I will be fully responsible for knowing the law applicable to my case. _____(Initial here)
- M. I understand this written request to represent myself will be filed and become part of the dependency court case file. I understand that if an appeal of any kind is filed, this form will be made part of the record on appeal and will be considered in determining whether I gave a knowing, intelligent, and voluntary waiver of my right to legal counsel. _____(Initial here)
- N. I understand all that I have read and all the Judge has told me. It is my personal desire that I be granted permission by the court to represent myself. I understand that by making this request, I am giving up my right to be represented by an attorney. _____(Initial here)
- O. I have completed as part of this request the attached page 4 of background information. _____(Initial here)

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I have read, understood, and considered all of the warnings in each of the above paragraphs, and I still want to represent myself. I freely and voluntarily give up my right to have an attorney represent me.

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Date: _____

Parent's or Guardian's Signature

Date: _____

Attorney for Parent or Guardian (if applicable) Signature

DECLARATION OF INTERPRETER (if applicable):

The parent or guardian is unable to read or understand this form of waiver because his or her primary language is
 Spanish other (*specify*): _____.

I declare under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated this form of waiver to the parent or guardian. The parent or guardian said he or she understood the form before signing it.

COURT FINDINGS:

The court, having made an inquiry into the Parent's or Guardian's understanding of the nature of the proceedings, as well as his or her background, training, and education, finds that the Parent or Guardian has made a knowing, voluntary, and intelligent waiver of the right to counsel. The Parent or Guardian is granted the right of self-representation.

Date: _____

Judge/Commissioner of the Superior Court

CHILD'S NAME

CASE NUMBER

BACKGROUND:

In support of my request to represent myself, I offer the following biographical information:

Age: _____ Date of Birth: _____

I am able to read and write. Yes No

Education: High school attended: _____

High School Graduate: Yes No

College: Yes No

Additional Education, if any (list type of education and years attended):

Legal Education, if any (list dates and school(s)):

Employment Experience:

Experience representing myself in other legal matters:
