

TITLE 5
FAMILY AND JUVENILE RULES

TABLE OF CONTENTS

DIVISION 1
FAMILY RULES

RULE 5100
APPLICATION OF RULES

RULE 5101
WHERE TO FILE DOCUMENTS

RULE 5105
FACSIMILE TRANSMISSION FILINGS

RULE 5110
REQUEST FOR ORDERS

RULE 5115
SURROGACY PETITIONS AND JUDGMENTS

RULE 5125
CONTINUANCES

RULE 5141
DOMESTIC VIOLENCE RESTRAINING ORDERS

RULE 5145
CASE MANAGEMENT

RULE 5150
MANDATORY SETTLEMENT CONFERENCES

RULE 5153
TRIAL RULES AND PROCEDURES

RULE 5155
CHILD CUSTODY RECOMMENDING COUNSELING OF CUSTODY AND
VISITATION

RULE 5160
APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS

RULE 5165

EMERGENCY ORDERS IN FAMILY LAW MATTERS

RULE 5166
SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED
PETITION

RULE 5175
COURT ORDERED CHILD CUSTODY EVALUATIONS

RULE 5177
SUPERVISED VISITATION PROVIDERS

RULE 5185
COURT-APPOINTED COUNSEL COMPLAINT PROCEDURES

DIVISION 2
JUVENILE RULES

RULE 5210
APPLICATION

RULE 5220
PRESIDING JUDGE

RULE 5225
WHERE TO FILE DOCUMENTS

RULE 5227
CUTOFF TIME FOR FILINGS IN JUVENILE CASES

RULE 5230
ACCESS TO FILES

RULE 5235
ELECTRONIC RECORDING DEVICES

RULE 5240
EX PARTE ORDERS

RULE 5245
MULTIPLE PARTIES – CASE NAME

RULE 5250
RELEASE OF INFORMATION

RULE 5251

ACCESS TO JUVENILE COURT RECORDS BY APPLICATION

RULE 5252

JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION

RULE 5253

DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM
(RCAT) AUDIO/VIDEO TAPES

RULE 5260

JUVENILE COURT MANAGEMENT OF CASES IN COMMON
WITH OTHER DEPARTMENTS

RULE 5263

TIMELINES AND PROCEDURES FOR SETTLEMENT AND DISCOVERY

RULE 5264

PROCEDURE FOR SCREENING, TRAINING AND APPOINTING ATTORNEYS
REPRESENTING PARTIES IN DEPENDENCY CASES

RULE 5265

MINIMUM EXPERIENCE, TRAINING, EDUCATION OF ATTORNEYS
REPRESENTING PARTIES IN DEPENDENCY CASES

RULE 5266

APPROPRIATE CASELOADS FOR ATTORNEYS REPRESENTING CHILDREN

RULE 5267

COMPLAINTS BY PARTIES REGARDING PERFORMANCE OF
COURT-APPOINTED ATTORNEYS IN DEPENDENCY CASES

RULE 5268

INFORMING COURT OF INTERESTS OF DEPENDENT CHILD REQUIRING
FURTHER INVESTIGATION, INTERVENTION OR LITIGATION

RULE 5275

FILING AMENDED 300 AND 600 JUVENILE PETITIONS

RULE 5280

FILING REPORTS TIMELY

RULE 5281

FILING DE FACTO PARENT FORMS

RULE 5282

ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS

RULE 5283
CASA REPORTS

RULE 5284
COURT MINUTE ORDERS

RULE 5290
DISCOVERY

RULE 5296
PSYCHOTROPIC MEDICATIONS

**TITLE 5
FAMILY AND JUVENILE RULES**

**DIVISION 1
FAMILY RULES**

**RULE 5100
APPLICATION OF RULES**

- A. Applicability of Rules. These rules apply in all departments of the Riverside Superior Court hearing family law matters.
- B. Sanctions.
1. Sanctions may be imposed for violation of and/or failure to comply with the local court rules.
 2. If a party or counsel fails to comply with any of these rules, the court on motion of a party or on its own motion may:
 - a. Strike out all or any part of any pleading of that party; or
 - b. Dismiss the action or proceeding or any part thereof; or
 - c. Enter a judgment by default against that party; or
 - d. Impose other penalties of a lesser nature as otherwise provided by law.

The court may order the party, or his or her counsel, to pay to the moving party reasonable expenses in making the motion, including reasonable attorney fees. No penalty may be imposed without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.

References:

Civil Code of Procedure 575.2
California Rules of Court, rule 5.14

(Adopted 10-15-13, effective 1-1-14)

**RULE 5101
WHERE TO FILE DOCUMENTS**

Geographical Regions

All documents initiating or responding to actions arising out of the Family Code, including Adoptions, Petitions for Freedom from Parental Control and Custody, and actions involving the Department of Child Support Services shall be filed at the court facility as designated in the Administrative Order – Where to File Family Law Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 5-13-13, effective 7-1-13)

RULE 5105
FACSIMILE TRANSMISSION FILINGS

A party may file by fax directly with the appropriate court location using the facsimile number located on the court's website at <http://riverside.courts.ca.gov/faxlist.shtml>. The first sheet transmitted shall be the Facsimile Transmission Cover Sheet (form RI-MC-005) followed by any special handling instructions. The document to be filed by the Court shall include the words "BY FAX" and if represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number.

Parties electing to directly fax file can:

- a.) Pay a fax registration fee for each fiscal year (e.g., 7/1 – 6/30) to fax an unlimited number of pages (See the court's fee schedule). Parties may register online or may complete form RI-MC001 to register for the court's direct fax filing program; or
- b.) Pay a fee per page for each fax filing submitted to the court (See the court's fee schedule).

References:

California Rules of Court, rule 2.300 et. seq.

Local Forms:

Direct Fax Filing Registration form (RI-MC001)

<http://www.riverside.courts.ca.gov/localfrms/ri-mc001.pdf>

Facsimile Transmission Cover Sheet (RI-MC005)

<http://www.riverside.courts.ca.gov/localfrms/ri-mc005.pdf>

(Added 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 1-1-03; area code corrected 1-1-05; phone number correction 1-1-06; updated credit cards info 7-1-09; Renumbered from Rule 5.0005, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12; amended 10-15-13, effective 1-1-14; amended administratively to refer litigants to the court's fee schedule for the appropriate fee, 6-28-16, effective 7-1-16)

RULE 5110
REQUEST FOR ORDERS

- A. Forms, Format and Procedures. Requests for Orders shall comply with the applicable California Rules of Court.
- B. Filing Fees. All Requests for Orders are subject to statutory fees under the Government Code.

- C. Late Filed Papers. The court, in its discretion, may refuse to consider late filed papers.
- D. Page Limits. The court, in its discretion, may refuse to consider declarations which exceed the mandatory page limits.
- A. Duty to Notify Court of Settlement. If parties come to agreement on all of the issues outlined in the Request for Order/Motion, a stipulation should be filed with the court as soon as practicable using local form Stipulation re: Hearing Resolution RI-FL010 so the matter can be promptly taken off calendar.
- F. Orders After Hearing. Preparation and submission of orders after hearing are governed by the California Rules of Court.

References:

Civil Code of Procedure 1005

California Rules of Court, rule 2.100 et. seq.

California Rules of Court, rules 5.90 through 5.125

Local Form:

Stipulation regarding Hearing Resolution (RI-FL010)

<http://riverside.courts.ca.gov/localfrms/ri-fl010.pdf>

(Adopted 1-1-86; amended 10-27-90, effective 1-1-91; amend. 10-21-95, effective 1-1-96; amend. 4-25-98, effective 7-1-98; amended 4-28-06, effective 7-1-06; Renumbered from Rule 5.0010, 8-1-11, effective 1-1-12, amended 11-4-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5115 SURROGACY PETITIONS AND JUDGMENTS

A. Certificate of Assignment

The first paper filed in a surrogacy action or proceeding must be accompanied by a certificate of assignment. The certificate must be on the local form prescribed by the court. The party who files the certificate is not required to serve the certificate on any party. The certificate is used for statistical purposes and may affect the assignment of the case to the location specified by local rule where certain types of actions or proceedings may be tried.

B. Surrogacy Checklist

A Surrogacy Judgment Checklist outlining compliance with the statutory and local rules requirements will be submitted on the local form prescribed by the court with each surrogacy action.

C. Hearing

The court may require a hearing if it has a good faith, reasonable belief that the assisted reproduction agreement for gestational carriers or attorney declarations were not executed in accordance with Family Code § 7962.

D. Sealing

Any request for sealing of a surrogacy action shall comply with California Rules of Court.

Reference

Family Code 3030

Family Code 7960 - 7962

California Rules of Court, rules 2.550, 2.551

Local Forms:

Certificate of Assignment - Surrogacy (RI-FL040)

<http://www.riverside.courts.ca.gov/localfrms/ri-fl040.pdf>

Surrogacy Judgment Checklist

(Adopted 10-30-15, effective 1-1-16; amended 4-28-17, effective 7-1-17; amended 4-20-18, effective 7-1-18)

RULE 5120

OSC/MOTION - SERVICE

(Adopted 1-1-86; Amended 4-25-98, effective 7-1-98; Renumbered from Rule 5.0020, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

RULE 5125

CONTINUANCES

Continuances are disfavored and will be granted only for good cause shown. Parties may request a continuance by submitting a stipulation and order or a written request to continue.

A. Stipulation and Order to Continue

The parties must file a written stipulation and proposed order, signed by all parties, continuing the hearing. The court may deny any stipulation that does not state good cause for a continuance. The stipulation and order must state whether any temporary orders are reissued. Any stipulation for continuance is subject to statutory fees under the Government Code. The parties may use local form RI-FL306 to submit their stipulation.

B. Request to Continue

All requests to continue must be in writing with required notice. The court may deny any request that does not state good cause for a continuance. Any request to continue a hearing is subject to statutory fees under the Government Code. Requests may be made on Judicial Council Forms FL-306, Application and Order for Reissuance, FL-300, Request for Order, or local form RI-FL306.

References:

Civil Code of Procedure 595.2, 1054(b)

Government Code 70677(c)

Pham v. Nguyen (1997) 54 CA4th 11, 62 CR2d 422

County of San Bernardino v. Doria Mining & Eng'g Corp. (1977) 72 CA3d 776, 140 CR 383.

Local Forms:

Request/Stipulation and Order for Continuance of Hearing (RI-FL306)

(Amended 3-6-87, effective 5-6-87; amended 3-17-89, effective 5-15-89; amended 5-20-05, effective 7-1-05; Renumbered from Rule 5.0025, 8-1-11, effective 8-1-11; amended 11-4-11, effective 1-1-12; amended 10-15-13, effective 1-1-13)

RULE 5140

TEMPORARY RESTRAINING ORDERS - DOMESTIC VIOLENCE

(Adopted 1-1-86; Amended 11-7-92, effective 1-1-93; amended 4-15-98, effective 7-1-98; amended 4-28-06, effective 7-1-06; Renumbered from Rule 5.0040, 8-1-11, effective 1-1-12; deleted 11-4-11, effective 1-1-12)

RULE 5141

DOMESTIC VIOLENCE RESTRAINING ORDERS

A. Submission of Request for Restraining Orders

Requests for restraining orders shall be issued or denied on the same day they are received if submitted to the court by 2:00 p.m. Requests for restraining order received after 2:00 p.m. may be issued the same day if the court has time for effective review.

B. Waiving the Hearing on a Permanent Restraining Order

Upon the denial of a temporary restraining order, the petitioner shall have the option of waiving his or her right to a noticed hearing on the issuance of a permanent restraining order. Requests to waive the hearing may be submitted on Judicial Council Form DV-112.

C. Modifying and Terminating Permanent Restraining Order

(1) Modification. Modification of a permanent restraining order prior to its expiration date shall be made on a Request for Order (FL-300). Requests for modification of the order must include a proposed Restraining Order After Hearing (form DV-130).

(2) Termination by Protected Party. Termination (dismissal) of a permanent restraining order prior to its expiration date may be made by the protected party on local form RI-FL016. Requests for termination (dismissal) of the order must include a proposed Findings and Order to Terminate Restraining Order After Hearing (form DV-400).

(3) Termination by Restrained Party. Termination (dismissal) of a permanent restraining order prior to its expiration date shall be made by the restrained party on a Request for Order (FL-300). Requests for termination (dismissal) of the order

must include a proposed Findings and Order to Terminate Restraining Order After Hearing (form DV-400).

D. Modification of Custody, Visitation and Support Orders within Restraining Orders
Statutory filing fees will be charged on a request to modify child custody, visitation, or support order only after a protective order is no longer in effect.

References:

Family Code 6200 et. seq.

California Rules of Court, rules 5.380 through 5.386

Local Form:

Request to Dismiss Domestic Violence Restraining Order (RI-FL016)

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0041, 8-1-11, effective 1-1-12; amended 11-4-11, effective 1-1-12; amended 10-15-13, effective 1-1-14; amended 4-28-17, effective 7-1-17)

**RULE 5145
CASE MANAGEMENT**

A. Direct Calendar Case Assignment

1. Notice of Assignment. New cases are assigned to a specific judicial officer for all purposes. The petitioner will receive a notice of case assignment when the petition is filed. A copy of the notice of case assignment must be served on the respondent with the petition.
2. Commissioner Hearing Matter as a Temporary Judge. The Commissioner hears matters as a Temporary Judge pursuant to stipulation between the parties. The stipulation is implied when parties proceed without objection. If a statement on non-stipulation to a Commissioner is filed, the Commissioner will hear matters and report findings and conclusions to the Family Law Supervising Judge for approval or rejection.

B. Family Centered Case Resolution Process

- 1) Purpose, Definitions and Procedures. This rule establishes processes and procedures to manage cases from initial filing to final disposition in an effective and timely manner.
- 2) Scheduling of Case Status Conference and Service of Family Law Case Management Order.
 - a. A Family Law Case Management Order will be issued at the time a family law petition is filed.
 - b. The petitioner must serve the respondent with a copy of the Family Law Case Management Order along with the petition.

- c. Case status conferences may be set and noticed by the court when benchmarks set forth in the California Rules of Court have not been met.
- 3) Alternative Dispute Resolution (ADR). Parties who file a stipulation prior to the conference indicating they are participating in ADR or Collaborative Law will be exempt from the Case Status Conference.
- 4) Judgment, Dismissal or Trial. The Case Status Conference will be vacated by the court if a judgment or dismissal has been filed, or a trial date has been set.

References:

Civil Code of Procedure 259

Family Code 2450(a), 2451

California Rules of Court, rule 5.83

Standards of Judicial Administration, standard 5.30

(Adopted 10-15-13, effective 1-1-14; amended 10-30-15, effective 1-1-16; amended 4-29-16, effective 7-1-16)

RULE 5150 MANDATORY SETTLEMENT CONFERENCES

Except in cases where a Domestic Violence Restraining Order has been issued or a request for Domestic Violence Restraining Order is pending, the following rules apply:

A. Requesting a Settlement Conference. A party may request a settlement conference and trial by filing local form RI-FL008. Prior to filing a request, the requesting party must have complied with serving their preliminary declaration of disclosure and filing a Declaration Regarding Service of Preliminary Declaration of Disclosure (Judicial Council Form FL-141) with the court. If the requesting party has not filed Judicial Council Form FL-141, the mandatory settlement conference will not be scheduled.

B. Declarations of Disclosure. Unless previously filed, both parties shall file with the court the following documents at least ten days before the Mandatory Settlement Conference:

1. Party Requesting the Settlement Conference. Declaration Regarding Service of Final Declaration of Disclosure (FL-141), unless the other party has waived disclosure in writing (FL-144).
2. Party Responding to the Request for Settlement Conference.
 - a. Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141), unless already filed.
 - b. Declaration Regarding Service of Final Declaration of Disclosure (FL-141), unless the other party has waived disclosure in writing (FL-144).

C. Prior to the Settlement Conference.

1. File and Serve. Unless previously filed and served, at least ten days before the Mandatory Settlement Conference, the parties shall file with the court and serve on each other:
 - a. A hearing brief including:
 - i. Summary of existing orders, including dates the orders were entered;
 - ii. A written summary of all pending discovery;
 - iii. Spousal support declaration using Judicial Council Form FL-157 if spousal support is at issue, or a similar declaration that adequately describes the factors under Family Code § 4320; and
 - iv. Attorney's fees declaration using Judicial Council Form FL-158 if attorney's fees are at issue, or a similar declaration that addresses the factors covered in Judicial Council Form FL-319.
 - b. Community property declaration (FL-160), including proposed division of community property, if community property is at issue.
 - c. Separate property declaration (FL-160), if separate property is at issue.

Parties may use optional local form RI-FL014 to prepare their hearing brief, or they may prepare a brief on pleadings that is in compliance with the California Rules of Court.

2. Serve. At least ten days before the Mandatory Settlement Conference, the parties shall serve on each other, and provide to the court upon request:

- a. Current income and expense declaration, including all required attachments (pay stubs/profit and loss);
- b. Two most recent tax returns, including personal and corporate returns, if applicable, including all attachments and schedules, W-2 forms, and 1099 forms;
- c. Most recent financial statements, showing current balances of any assets and debts that the parties will request the court to make findings or orders on;
- d. Financial statements showing balances of assets and debts at date of separation that the parties will request the court to make findings and orders on;
- e. Supporting documents for any credits or reimbursements sought.
- f. Documents showing fair market values of property;
- g. Any documents related to imputation of income, including:
 - i. job listings
 - ii. job search efforts
 - iii. vocational evaluations; and
- h. A Proposed Judgment with a good faith settlement of all issues in the case.

D. Appearance. Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause.

References:

Family Code 2100 et. seq.
California Rules of Court, rule 5.394

Local Form:

Request for Settlement Conference and Trial (RI-FL008)
<http://riverside.courts.ca.gov/localfrms/ri-fl008.pdf>

Settlement Conference Statement (RI-FL014)
<http://riverside.courts.ca.gov/localfrms/ri-fl014.pdf>

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 4-25-98, effective 7-1-98; amended 3-17-89, effective 5-15-89 amended 10-27-90, effective 1-1-91; Renumbered from Rule 5.0050, 8-1-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; amended 4-24-14, effective 7-1-14)

RULE 5153 TRIAL RULES AND PROCEDURES

A. Definition of Trial. A trial is defined as any hearing needing a period of no less than two and a half hours of a single court day.

B. Prior to the Trial Readiness Conference. At least 10 days before the Trial Readiness Conference, or 10 days before trial, if no Trial Readiness Conference, all attorneys and self-represented parties shall prepare and file a written stipulation including:

1. Undisputed facts;
2. Disputed facts, including each party's proposed finding on each disputed fact;
3. Undisputed issues;
4. Disputed issues, including each party's proposed order on each disputed issue;
5. Exhibits that can be admitted without foundation;
6. Exhibits requiring further foundation, including a description of the exhibit and identifying the proffering party (not including impeachment exhibits);
7. Time estimate for trial; and
8. List of witnesses each side intends to call, a short description of anticipated testimony, and time estimates for direct and cross examination (not including impeachment witnesses).

C. Updated Documents. At least ten days before trial, the parties shall update and serve on each other any documents required by Local Rule 5150(c)(2). The court will presume that any document more than 90 days old requires an update. The parties must provide these documents to the court upon request.

The court may order more frequent updates of the documents described in Local Rule 5150(c)(2).

D. Exhibits. Unless otherwise ordered by the court, all exhibits shall be pre-marked and exchanged 10 days before the day of trial. Petitioner's exhibits shall be marked with numbers (1, 2, 3, etc.) and the Respondent's exhibits marked with letters (A, B, C, etc.).

E. Reporter Fees. Reporter fees for the entire trial shall be paid 10 days prior to the first day of trial.

F. Appearance. Trial counsel, parties, and persons with full authority to settle the case must personally attend the trial readiness conference and trial, unless excused by the court for good cause.

G. Exceptions to this Rule. Generally, trial proceedings for Orders to Show Cause and Affidavit for Contempt and Domestic Violence Restraining Orders are exempt from this rule.

1. Orders to Show Cause and Affidavit for Contempt. Contempt trials shall be governed by applicable Penal Codes, California Codes, California Rules of Court and the California and United States Constitutions.
2. Domestic Violence Restraining Orders. If both parties are self-represented and there is a Domestic Violence Restraining Order or other order prohibiting contact between the parties, then the requirement to meet and confer is excused. However, parties shall separately prepare and serve all documents as required in paragraph B, above.

Each party shall file their documents with the court 10 days before the Trial Readiness Conference, or 10 days before trial if no Trial Readiness Conference.

H. Enforcing Compliance. Parties or their counsel who fail to comply with any portion of this rule without good cause are subject to sanctions as outlined in Local Rule 5100.

References:

California Rules of Court, rules 5.393 and 5.394

Local Forms:

Trial Rules and Procedures (RI-FL035)

<http://www.riverside.courts.ca.gov/localfrms/ri-fl035.pdf>

Joint Statement of Disputed and Undisputed Facts (Spousal Support) (RI-FL020)

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0053, 8-1-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14; amended 4-24-15, effective 7-1-15)

RULE 5155

CHILD CUSTODY RECOMMENDING COUNSELING OF CUSTODY AND VISITATION

- A. Parties requiring child custody recommending counseling of custody/visitation issues will be assigned an appointment time/date prior to the court date and shall complete one counseling appointment prior to the court date.

- B. Testimony of Child Custody Recommending Counselor. Child Custody Recommending Counselors are employees of the Court. All subpoenas for Child Custody Recommending Counselor testimony shall comply with the Government Code. Subpoenas shall be served on the Child Custody Recommending Counselor at least five (5) court days before the date of testimony.
- C. Disclosure. Parties are to fully disclose information to the Child Custody Recommending Counselor. Any documents brought to the appointment must be served on the other party prior to the Child Custody Recommending Counselor's review.
- D. Appearances. Parties must personally appear at the child custody recommending counseling appointment. Either party seeking to appear at the appointment by telephone must obtain prior approval from the Family Court Services Department Head.

Requests to appear by telephone for Child Custody Recommending Counseling shall be submitted to the Family Court Services Department a minimum of seven (7) days prior to the scheduled appointment. Requests to appear by telephone for Child Custody Recommending Counseling must be submitted using the local form.

- E. Confidentiality. Child Custody Recommending Counseling is confidential only to the extent that disclosure of the information received is limited to those who have the right to know. Confidentiality is important to promote full and free disclosure of information necessary for settlement. It exists with regard to information divulged among the Child Custody Recommending Counselor, the parties, and attorneys; therefore, each must cooperate in this regard and not disclose confidential information to outsiders. This confidentiality will not preclude the Child Custody Recommending Counselor from making a recommendation to the Court if the parties fail to reach an agreement.
- F. Agreements. The Child Custody Recommending Counselor shall prepare a written agreement and proposed order. Persons present shall sign the agreement unless represented by counsel.
- G. Proposed Order. Where the Child Custody Recommending Counselor concludes that the parties are near agreement, or that certain disposition is presently appropriate, the Child Custody Recommending Counselor will submit a proposed order to the Court.
- H. Adoption of Proposed Order. Upon review and if appropriate, the Court will sign the proposed order.
- I. Mandatory Parent Orientation On-Line Class. Parents shall complete an on-line Parent Orientation Class when custody and/or visitation is raised as an issue for the first time in the case. Both parties must bring a copy of the certificate of completion from the on-line class to the child custody recommending counseling appointment.

The Court may order parents to complete the on-line class at any time at the Court's discretion.

J. Child Custody Recommending Counseling Complaint and Request for Change Procedures

1. The purpose of this section is to establish a procedure for addressing complaints against Child Custody Recommending Counselors, and for requesting a change of a Child Custody Recommending Counselor. This section is intended to help the court promptly resolve any complaints or requests in a manner that is respectful and fair to the parties and the Child Custody Recommending Counselor.

2. The Family Court Services Department Head shall be the coordinator for addressing complaints or requests for change.

3. Any complaints against the Child Custody Recommending Counselor must be submitted in writing to the Family Court Services Department Head within ten (10) days of the child custody recommending counseling appointment. Complaints may be made on the local form.

4. Any requests to change the Child Custody Recommending Counselor must be submitted in writing to the Family Court Services Department Head a minimum of seven (7) calendar days prior to the appointment. Requests for change may be made on the local form.

5. The Family Court Services Department Head will conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants further investigation. Written notice of the outcome of the preliminary review will be sent to complainant within thirty (30) days of receipt of the complaint.

6. If the matter is not resolved or closed after preliminary review, the complaint will be investigated by a Deputy Executive Officer. The Deputy Executive Officer will issue a final decision as to what action, if any, will be taken and complainant will be notified in writing.

7. All complaint procedures and proceedings must be designed and conducted in a manner that preserves the confidentiality of mediation communications. All complaint proceedings must occur in private and must be kept confidential. Unless otherwise required by law, all records and information concerning the child custody recommending counseling shall remain confidential and not subject to inspection by the public.

8. The Family Court Services Department Head will review all requests for change of the Child Custody Recommending Counselor prior to the scheduled appointment. The

requesting party will be notified of the decision verbally or in writing prior to the scheduled appointment.

References:

Government Code 68097, 68097.1 and 68097.2

Family Code 3160 through 3188

California Rules of Court, rule 5.210

(Adopted 1-1-86; Amended 3-6-87, effective 5-6-87; amended 12-1-87, effective 1-1-88; amended 3-17-89, effective 5-15-89 amended 10-27-90, effective 1-1-91; amend. 10-23-93, effective 1-1-94; amended 10-21-95, effective 1-1-96; amended 4-20-96, effective 7-1-96; amended 10-19-96, effective 1-1-97; amended 4-25-98, effective 7-1-98; amended 10-17-98, effective 1-1-99; amended 4-27-01, effective 7-1-01; amended/corrected 7-18-03; amended 10-28-06, effective 1-1-07; amended 5-4-11, effective 7-1-11; Renumbered from Rule 5.0055, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14; amended 11-8-14, effective 1-1-15; amended 4-24-15, effective 7-1-15; amended 4-20-18, effective 7-1-18)

RULE 5156

PEREMPTORY CHALLENGE OF A CHILD CUSTODY RECOMMENDING COUNSELOR

(Adopted 10-18-02, effective 1-1-03; Renumbered from Rule 5.0056, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; repealed 10-15-13, effective 1-1-14)

RULE 5160

APPEARANCE BY TELEPHONE FOR FAMILY LAW MATTERS

A. Request for Telephonic Appearance. An appearance by telephone requires a court order. The party making the request is responsible to ensure a clear and audible telephone connection on the day of the hearing.

B. Except for Department of Child Support hearings, all requests for a telephone appearance must be made on local form RI-FL679, filed with the court and served on all parties at least 10 court days before the scheduled hearing. The judicial officer has discretion to grant or deny any request.

C. On the day of the hearing, the party granted the telephonic appearance will contact the courtroom and provide their contact number to the court clerk. At the time the matter is called, the court will place one telephone call to contact the party. The court may proceed with the hearing in the event the court cannot contact the party for any reason.

References:

California Rules of Court, rule 5.9

Local Form:

Request to Appear by Telephone and Order (RI-FL679)

(Added 10-30-99; effective 1-1-00; Renumbered from Rule 5.0060, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5165
EMERGENCY ORDERS IN FAMILY LAW MATTERS

A. Emergency Orders. Requests for emergency orders, including requests to shorten time, are also known as ex parte applications. These rules do not apply to ex parte applications for domestic violence restraining orders under the Domestic Violence Prevention Act.

B. Notice. A party seeking emergency orders must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the request is to be considered by the court. The declaration regarding ex parte notice may be made on local form RI-FL004. The declaration regarding notice of an order shortening time request may be made on local form RI-FL041.

Requests for emergency orders shall be reviewed and confirmed for hearing, granted on submitted pleadings, or denied on the same day they are received if submitted to the court by 2:00 p.m.

C. Service. After providing notice, each party must be served with the documents requesting the emergency orders.

D. Determination Based on Pleadings. The court will determine emergency orders based on the submitted pleadings.

- i. Denied. If the request for emergency orders is denied, the court will contact the moving party and a hearing will be scheduled for a future date.
- ii. Confirmed for Hearing. If the request for emergency orders is confirmed for hearing, the hearing will be scheduled in accordance with how notice was given.
- iii. Granted. If the request for emergency orders is granted on the submitted pleadings, the court will contact the moving party and a hearing will be scheduled for a future date.

References:

California Rules of Court, rules 5.151 through 5.169

Local Form:

Declaration regarding Ex Parte Notice (RI-FL004)

<http://riverside.courts.ca.gov/localfrms/ri-fl004.pdf>

(Added 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 1-1-03; amended 4-25-03, effective 7-1-03; amended 4-25-08, effective 7-1-08; Renumbered

from Rule 5.0065, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14; amended 4-29-16, effective 7-1-16)

RULE 5166

SET-ASIDE DEFAULT TO ALLOW THE FILING OF AN AMENDED PETITION

A petitioner may file local form Ex Parte Request and Order to Set Aside Default RI-FL002 to set aside a default prior to filing an amended petition. The ex parte request shall be processed administratively and routed to the assigned department for consideration.

References:

Civil Code of Procedure 473(c)(1)

Van Sickle v. Gilbert (2011) 196 Cal.App. 4th 1495 citing *Julius Schifaugh IV Consulting Services, Inc. v. Avaris Capital, Inc.* (2008) 164 Cal.App.4th 1393, 1395; 79 Cal. Rptr. 3d 910.)

Local Form:

Ex Parte Request and Order to Set Aside Default (RI-FL002)

<http://riverside.courts.ca.gov/localfrms/ri-fl002.pdf>

(Adopted 5-20-05, effective 7-1-05; amended 5-4-11, effective 7-1-11; Renumbered from Rule 5.0066, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

RULE 5170

MANDATORY SETTLEMENT CONFERENCES

(Added 10-30-99; effective 1-1-00; amended 4-25-08, effective 7-1-08; Renumbered from Rule 5.0070, 8-1-11, effective 1-1-12; deleted 10-19-12, effective 1-1-13)

RULE 5175

COURT ORDERED CHILD CUSTODY EVALUATIONS

A. Finding a Qualified Private Child Custody Evaluator. A list of private child custody evaluators is available through the Riverside Superior Court Resource List found online at www.riverside.courts.ca.gov/familylaw/custodyvisitation.shtml. The child custody evaluators are not affiliated with the court, and each child custody evaluator is independently responsible for compliance with any and all applicable legal requirements. The individuals on this list have submitted an Annual Declaration of Child Custody Evaluator Qualifications. The court does not endorse, evaluate, supervise, or otherwise monitor the private child custody evaluators. The parties are responsible for ensuring a private child custody evaluator meets all the legal qualifications.

B. Peremptory Challenges to Child Custody Evaluators. When a private child custody evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge to the specific child custody evaluator.

C. **Withdrawal From a Case.** A child custody evaluator has the right to withdraw from a case upon a showing of good cause before the trial court that made the appointment.

D. **Complaints Regarding Child Custody Evaluators.** Complaints about the performance of a child custody evaluator shall be in writing and directed to the Family Court Services Manager for review and written response within thirty (30) days from the date the written complaint was received.

E. **Ex Parte Communication.** Absent a stipulation to the contrary, there shall be no ex parte communication between the attorneys for either party and a court-appointed child custody evaluator or between the child custody evaluator and the court. Minor's counsel may exchange both oral and written ex parte communications with an evaluator. No attorney or party to the action shall provide the child custody evaluator with documents pertaining to the case without first providing the other side and any attorney of record for the child a copy of the document.

F. **Child Custody Evaluators Training Requirements and Qualifications.** Court appointed Child Custody Evaluators shall document that they meet the qualifications and training requirements by filing with the court Judicial Council form FL-326 Declaration of Private Child Custody Evaluator Regarding Qualifications. The FL-326 will be filed within 10 days of the appointment and prior to initiating evaluation services on a case.

References:

Family Code 3110 through 3118 and 3151

California Rules of Court, rules 5.220, 5.225, 5.230 and 5.235

Local Forms:

Annual Declaration of Child Custody Evaluator Qualifications (RI-FL007)

<http://riverside.courts.ca.gov/localfrms/ri-fl007.pdf>

Child Custody Evaluation Report (RI-FL006)

<http://riverside.courts.ca.gov/localfrms/ri-fl006.pdf>

(Added 5-10-02, effective 7-1-02; CRC number corrected 1-1-07; Renumbered from Rule 5.0075, 8-1-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 10-15-13, effective 1-1-14)

**RULE 5177
SUPERVISED VISITATION PROVIDERS**

A. Standards and procedures for both professional and non-professional visitation providers are governed by the Family Code and the Standards of Judicial Administration.

B. List. A list of visitation providers is available through the Riverside Superior Court website at www.riverside.courts.ca.gov/familylaw/supchildvisit.shtml. The individuals/entities have identified themselves to the Riverside Superior Court as visitation providers and have completed a supervised visitation provider annual declaration. The visitation providers are not affiliated with the court and each visitation provider is independently

responsible for compliance with any and all applicable legal requirements. The court does not endorse, evaluate, supervise, or otherwise monitor the visitation providers.

References:

Family Code 3200 and 3200.5

Standards of Judicial Administration, standard 5.20

Local Forms:

Supervised Visitation Annual Declaration (RI-FL012)

<http://riverside.courts.ca.gov/localfrms/ri-fl012.pdf>

Provider Information Sheet (RI-FL013)

<http://riverside.courts.ca.gov/localfrms/ri-fl013.pdf>

(Adopted 10-15-13, effective 1-1-14)

RULE 5180

FORMAL JUDGMENT AND ADDENDA TO JUDGMENT

(Adopted 5-20-05, effective 7-1-05; Renumbered from Rule 5.0080, 8-1-11, effective 1-1-12; amended 5-4-12, effective 7-1-12; repealed 10-15-13, effective 1-1-14)

RULE 5185

COURT-APPOINTED COUNSEL COMPLAINT PROCEDURES

- A. The purpose of this section is to establish a procedure for addressing complaints against court-appointed counsel for a child.
- B. Complaints regarding the conduct and procedures employed by counsel appointed for a child shall be in writing and will be handled by the judicial officer to whom the case is assigned.
- C. The Court will determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board, and if counsel should be removed from the Minor Counsel Appointment List.
- D. Written notice of the outcome will be sent to complainant within 90 days of receipt of the complaint.

References:

Family Code 3150 et. seq.

California Rules of Court, rule 5.240. 5.241 and 5.242

(Adopted 5-4-12, effective 7-1-12; amended 10-15-13, effective 1-1-14)

DIVISION 2 JUVENILE RULES

RULE 5210 APPLICATION

These rules are intended to supplement state statutes and rules found primarily in the Welfare and Institutions Code and California Rules of Court (see CRC 5.501 et. seq.) To the extent that any of these rules conflict with state statute or Rule of Court, the local rule is of no legal effect.

(Added 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0010, 8-1-11, effective 1-1-12)

RULE 5220 PRESIDING JUDGE

There shall be one Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall be appointed by the Presiding Judge of the Riverside Superior Court and shall take actions and assume responsibilities as specified. To the extent possible, the Presiding Judge of the Juvenile Court shall remain in that position for at least three (3) years.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0020, 8-1-11, effective 1-1-12)

RULE 5225 WHERE TO FILE DOCUMENTS

Geographical Regions

In all juvenile proceedings, the documents initiating dependency or delinquency proceedings shall be filed at the court facility as designated in the Administrative Order – Where to File Juvenile Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov/> by clicking on *Local Rules* under the *General Information* tab.

(Adopted 11-4-11, effective 1-1-12; amended 10-19-12, effective 1-1-13; amended 5-13-13, effective 7-1-13)

RULE 5227 CUTOFF TIME FOR FILINGS IN JUVENILE CASES

- A. Delinquency Cases: Detention filings must be filed in their entirety no later than 3:00 p.m. of the Court day prior to the detention hearing. For a detention filing to be complete, the detention petition and the probation officer report must be received by the Court prior to the cut-off time.

- B. Dependency Cases: All dependency filings must be filed in their entirety no later than 3:00 p.m. on the Court day prior to the scheduled hearing. For a filing to be complete, the dependency petition and the social worker report must be received by the Court prior to the cut-off time.

(Adopted 4-28-17, effective 7-1-17)

**RULE 5230
ACCESS TO FILES**

The Clerk of the Court shall provide a procedure to ensure only persons authorized by law to view files have access to confidential files.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0030, 8-1-11, effective 1-1-12)

**RULE 5235
ELECTRONIC RECORDING DEVICES**

No one, except certified court reporters, are permitted to bring any type of recording device, video camera, movie camera, or still camera, into the court without prior written approval from the Presiding Judge of Juvenile Court.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0035, 8-1-11, effective 1-1-12)

**RULE 5237
NON-TRAFFIC INFRACTIONS**

All persons under 18 years of age cited for non-traffic infractions shall be required to appear in person before the juvenile court along with their parent or legal guardian.

(Adopted 11-8-14, effective 1-1-15)

Reference:
Welfare and Institutions Code Section 664(c)(1)

**RULE 5240
EX PARTE ORDERS**

Applicants must give notice to all counsel, social workers and parents who are not represented by counsel or explain reasons notice cannot be given. Such notice is to be completed at least 24 hours prior to the hearing. Each ex parte application shall include in the title a brief description of the relief sought and specify in the caption the department in which the matter has been assigned. The first page of the ex parte application shall contain an opening paragraph specifying the order or orders being requested. All ex parte applications are to be filed in the Clerk's Office.

(Added 10-19-96 Effective 1-1-97; amend. 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0040, 8-1-11, effective 1-1-12)

RULE 5245
MULTIPLE PARTIES - CASE NAME

Every paper submitted for filing with the Juvenile Court shall bear the name of all minors subject to the action.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0045, 8-1-11, effective 1-1-12)

RULE 5250
RELEASE OF INFORMATION

The Presiding Judge shall annually issue an ORDER re Release of Juvenile Court Records. This ORDER shall provide standing authority for records subject to Welfare and Institutions Code Sections 827 and 828.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0050, 8-1-11, effective 1-1-12)

RULE 5251
ACCESS TO JUVENILE COURT RECORDS BY APPLICATION

Access to Juvenile Court Records not specified by the standing ORDER shall be upon application and review by a judge of the court. Records include any papers acquired by agency or department in the course of administering or enforcing Juvenile Law.

Applications shall support finding that the evidentiary value in a civil or criminal proceeding outweighs the need for confidentiality. Review of the records will be conducted in camera outside the presence of counsel. Parties are encouraged to seek stipulations which will avoid disclosure of confidential records.

(Added 10-19-96 Effective 1-1-97; Moved from Title 12 and Renumbered from Rule 12.0051, 8-1-11, effective 1-1-12)

RULE 5252
JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION

The Court hereby finds that the public interest in avoiding duplication of effort by the Courts and by the investigative agencies serving the Juvenile and Family Courts and the value of having relevant information outweighs the confidentiality interest reflected in Penal Code Sections 11167 and 11167.5 and Welfare and Institutions Code Sections 827 and 10850 et. seq., and therefore good cause exists for the following rule.

1. Probation Family Court Services (FCS) staff may orally disclose the following information to Probation or Department of Public Social Services (DPSS) staff who are investigating a suspected child abuse or neglect situation:
 - A. Whether the minor has been or is the subject of an FCS custody investigation.
 - B. The recommendations made or anticipated to be made to the Court by the FCS staff.
 - C. The Family Court orders in existence.
 - D. Any statements made by the child or the child's parents, guardians or custodians which might bear upon the issue of child abuse or neglect being investigated.

2. Custody Disputes

Probation, Law Enforcement (LE), or DPSS staff may orally disclose to FCS staff who are mediating or investigating a child custody dispute the following information:

- A. Whether the minor is or has been the subject of a child abuse or neglect investigation and the status of that investigation;
- B. The recommendations made or anticipated to be made to the Court by the LE or DPSS staff;
- C. Any Juvenile Court orders or petitions in existence which might bear upon the child custody dispute being investigated;
- D. Any statements made by the child, the child's parents, guardians or custodians which might bear upon the child custody dispute being investigated;
- E. The details of any report of suspected abuse of the child, except the identity of any original reporting party who has expressed a desire to remain anonymous.

3. Delinquency

FCS or DPSS staff may orally disclose the following information to Probation staff who are investigating a delinquency case:

- A. Whether the minor or his/her parents are or have been the subject of a child abuse, neglect or custody investigation, the status of that investigation, the recommendations made or anticipated to be made to the Court by DPSS or FCS, and any Court orders in existence with respect to the child.
- B. Any statement made by the child or the child's parents, guardians, or custodians which bear upon the issue of the child's delinquency or any disposition in the delinquency proceeding.

4. Conditions

Any disclosure authorized by this order shall be subject to the following conditions:

- A. The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above;
- B. All information shall be provided orally;
- C. If an agency desires written documentation, it shall make written application for a Court order releasing that documentation;
- D. The information gathered shall be used exclusively in the investigation being conducted and the subsequent Court proceedings, and shall not be repeated to anyone not a party to those proceedings without Court order.

Nothing in this order is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other Court orders.

(Added 10-19-96 Effective 1-1-97; amended 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0052, 8-1-11, effective 1-1-12)

**RULE 5253
DISSEMINATION OF RIVERSIDE CHILD ASSESSMENT TEAM (RCAT)
AUDIO/VIDEO TAPES**

All RCAT interview tapes shall be confidential except as authorized pursuant to Welfare and Institutions Code 827. Viewing, discovery, or production of tapes shall conform to the policies established by the RCAT Board.

- 1. Each department or agency shall conform to the policies promulgated by the RCAT Board.
- 2. An order by the Judge of the Superior Court is required in each instance that a tape will be viewed, copied, or provided as discovery.

(Added 10-30-99; effective 1-1-00; Moved from Title 12 and Renumbered from Rule 12.0053, 8-1-11, effective 1-1-12)

**RULE 5260
JUVENILE COURT MANAGEMENT OF CASES IN COMMON WITH OTHER
DEPARTMENTS**

It is the policy of the Court to identify and coordinate custody proceedings involving the same child which may appear in multiple legal settings. It is further the policy of the Court to coordinate the efforts of the different Court systems so that the child's needs are served and the resources of the family and the Court are not wasted. To these ends the Court and the agencies serving the Court shall cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child.

Orders made by the Juvenile Court as to parent/child contact shall take precedence over any orders made pursuant to a Criminal, Family or Probate matter. However, Criminal Protective Orders that are in conflict with a Juvenile Court order take precedence over the Juvenile Court order.

(Added 10-19-96 effective 1-1-97; amended 10-28-06, effective 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0060, 8-1-11, effective 1-1-12)

**RULE 5261
CASA GUIDELINES**

(Added 4-25-98, effective 7-1-98; repealed 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0061, 8-1-11, effective 1-1-12)

**RULE 5262
STANDARDS FOR COUNSEL REPRESENTING CHILDREN IN DEPENDENCY
PROCEEDINGS**

- A. Private Counsel is expected to comply with Cal. Rule of Court 5.660 regarding competency of counsel. If private counsel does not comply with Cal. Rule of Court 5.660, a knowing and intelligent waiver may be obtained by the Court from the represented party.
- B. Appointed attorneys for parties in dependency proceedings shall comply with requirements set forth in these Local Rules, as well as those set forth in Cal. Rule of Court 5.660. Each appointed attorney shall keep verification on file and provide same upon demand.
- C. Appointed attorneys for children in dependency proceedings must, at minimum:
 - 1. Establish and maintain an attorney-client relationship with the child using age-appropriate language;

2. Visit child clients in their placements prior to each statutory hearing whenever possible and practicable;
 3. Conduct thorough, continuing and independent investigations and interviews at every stage of the proceedings;
 4. Contact social workers and other professionals associated with the client's case, including CASA and school personnel, prior to each hearing;
 5. Request services to access entitlements and ensure a comprehensive service plan, and attend meetings related to the child as practicable;
 6. Monitor compliance with court orders, including provision of an effectiveness of court-ordered services;
 7. File pleadings, motions, responses, or objections as necessary to represent the child;
 8. Prepare for and participate in all hearings;
 9. Prepare for and participate in 241.1 hearings with a goal of maintaining dependency jurisdiction whenever possible and appropriate;
 10. Investigate the interests of the child beyond the scope of the juvenile proceeding and notify the Court of, and as appropriate, request authority from the Court to pursue issues on behalf of the child;
 11. Determine if appeals and writs are appropriate, and file same if necessary;
 12. Accept appointments as guardian ad litem;
 13. Advocate for adherence to mandated timelines; and
 14. Arrange for qualified substitutive representation when necessary to avoid court delay.
- D. Appointed attorneys for parents and guardians in dependency proceedings must, at minimum:
1. Meet with, interview and counsel the parent, explain the parent's rights, the court system, the proceedings, the lawyer's role, rights of custodial and non-custodial parents, and what to expect in the legal process;
 2. Determine the reason for removal (both from the agency and the client's view), whether the agency made reasonable efforts to avoid removal of the child, the parent's desired interest re: placement, visitation and communication with the

- child, whether relatives or friends are available for placement, and whether immediate services are warranted;
3. Conduct thorough, continuing, and independent investigations and interviews at all stages of the proceedings;
 4. Contact social workers and other professionals associated with their client's case;
 5. Obtain necessary authority for release of information;
 6. Develop a theory and strategy of the case to implement at hearings;
 7. Maintain client control;
 8. Review reports with client;
 9. Negotiate settlements;
 10. Participate in mediations and settlement conferences;
 11. Advocate for court services to meet the parent's needs, enable access to entitlements and ensure a comprehensive service plan;
 12. Monitor implementation of the service plan;
 13. File pleadings, motions, responses, or objections as necessary to represent the parent;
 14. Prepare for and participate in hearings, including contacting and interviewing the parent before each hearing, consulting with the client to determine whether client should testify, preparing the parent to testify, protecting the client by making appropriate objections;
 15. Determine if appeals and writs are appropriate, and file same if necessary;
 16. Advocate for adherence to mandated timelines; and
 17. Arrange for qualified substitutive representation where necessary to avoid court delay.
- E. Appointed attorneys appearing in dependency proceedings must provide the Executive Office of the Court with a Certification of Competency, which confirms the attorney has satisfied these Local Rules, and the competency requirements set forth in the California Rules of Court. Attorneys whose employer has a contract with the Court for representation of the parties shall provide a Certification of

Competency once upon hire or initiation of the contract, and resubmit such certification upon renewal of the contract.

(Added 10-28-16, effective 1-1-17)

RULE 5263

TIMELINES AND PROCEDURES FOR SETTLEMENT AND DISCOVERY

- A. Settlement should be considered as soon as practicable. Counsel must consider whether the client's interests may be best served, and the case more appropriately resolved, by mediation or other settlement discussions.
- B. Discovery shall be conducted as set forth in Local Rule 5290.

(Adopted 4-29-16, effective 7-1-16)

RULE 5264

PROCEDURE FOR SCREENING, TRAINING AND APPOINTING ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY CASES

- A. Counsel shall meet or exceed the requirements set forth in Local Rule 5265 and the California Rules of Court.
- B. When a dependency petition has been filed, the Court will appoint counsel for each minor who is the subject of the dependency petition as soon as practicable. Counsel will be appointed through the firm or firms that have a contract with the Court for legal representation in juvenile dependency matters in that geographic area. Appointed counsel for the minor shall also serve as the CAPTA Guardian ad Litem, unless the Court finds the child would not benefit from such appointment, pursuant to Cal. Rule of Court 5.660.
- C. Each parent may hire a private attorney. If an attorney is not retained, the Court will appoint counsel for each parent through the firm or firms that have a contract with the Court for legal representation in juvenile dependency matters.

(Adopted 4-29-16, effective 7-1-16)

RULE 5265

MINIMUM EXPERIENCE, TRAINING, EDUCATION OF ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY CASES

- A. Competency of Counsel
 - i. All appointed attorneys representing parties in dependency cases must comply with Cal. Rule of Court 5.660 regarding competency of counsel.

- ii. All retained attorneys representing parties in dependency cases should comply with Cal. Rule of Court 5.660 regarding competency of counsel.
- B. Appointed counsel representing parties in Juvenile Dependency Court must satisfy the following minimum requirements:
- i. Member in good standing of the State Bar of California; and
 - ii. Demonstrate adequate forensic skills, knowledge and comprehension of the statutory scheme relating to cases before the Juvenile Court, the purposes and goals of dependency proceedings, the Rules of Court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs; and
 - iii. Completed at least eight (8) hours of training or education in the area of juvenile dependency, or demonstrate sufficient recent experience in juvenile dependency proceedings to demonstrate competency in the area. Training must include the following:
 - 1. Overview of dependency law and related statutes and cases; and
 - 2. Information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation and reasonable efforts; and
 - 3. Instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home placement; and
 - iv. Counsel must complete at least eight (8) hours of continuing education relating to dependency proceedings at least every three (3) years; and
 - v. Counsel must provide verification of the recent experience, training and continuing education set forth in this Rule upon demand to demonstrate competency in the area of juvenile dependency.
- C. If private counsel representing a party in a dependency case does not comply with Cal. Rule of Court 5.660 regarding competency of counsel, a knowing and intelligent waiver may be obtained by the Court from the represented party.

(Adopted 4-29-16, effective 7-1-16)

RULE 5266
APPROPRIATE CASELOADS FOR ATTORNEYS REPRESENTING CHILDREN

Attorneys shall limit their caseload to a number of cases that allows the attorney to competently perform the duties required by Welfare & Institutions Code section 317(e), and otherwise provide adequate representation for the child.

(Adopted 4-29-16, effective 7-1-16)

RULE 5267

COMPLAINTS BY PARTIES REGARDING PERFORMANCE OF COURT-APPOINTED ATTORNEYS IN DEPENDENCY CASES

- A. This section applies to complaints against court-appointed counsel in a juvenile dependency proceeding.
- B. Complaints regarding the conduct and procedures employed by counsel appointed in a juvenile dependency proceeding shall be made to the contract holding agency or law firm appointed to represent the party. Such contract holding agency or law firm receiving a complaint pursuant to this local rule shall handle all such complaints within a reasonable time.
- C. Notification. When a complaint is received by the agency, law firm, or contract holder appointed to represent a party, the recipient of the complaint shall promptly notify the Court of the complaint.
 - i. Resolved. Once a resolution is reached, the recipient of the complaint shall promptly notify the complaining party and the Court of the resolution.
 - ii. Unresolved. If the issue remains unresolved to the satisfaction of all parties, the contract holding agency or law firm that was appointed as counsel shall inform the Court that a mutually agreeable resolution could not be reached.

Notification to the complaining party of the outcome of the complaint shall include information regarding the party's ability to bring the issue before the Court and/or the State Bar of California, and how to take such action.

- D. The Court shall take action, if appropriate.
- E. Nothing in this local rule limits or prohibits a party from raising concerns regarding their counsel with the Court or the State Bar of California.

(Adopted 4-29-16, effective 7-1-16)

RULE 5268

INFORMING COURT OF INTERESTS OF DEPENDENT CHILD REQUIRING FURTHER INVESTIGATION, INTERVENTION OR LITIGATION

Counsel shall inform the Court of interests of a dependent child that require further investigation, intervention or litigation pursuant to the guidelines set forth in Local Rule 5271.

(Adopted 4-29-16, effective 7-1-16)

**RULE 5270
STANDARDS FOR COUNSEL**

(Adopted 10-19-96 Effective 1-1-97; CRC number corrected 1-1-07; Moved from Title 12 and Renumbered from Rule 12.0070, 8-1-11, effective 1-1-12; repealed 4-29-16, effective 7-1-16)

**RULE 5271
JUVENILE GUARDIANS AD LITEM**

The following procedures shall be followed when informing the Court of the interests of a dependent child:

- A. At any time during a dependency proceeding, any interested person may notify the court that the minor 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. If counsel for the minor becomes aware of such interest or right, he or she shall so notify the court as soon as it is reasonably possible for counsel to do so.
- B. Notice to the court may be given by the filing of Judicial Council form JV-180. The person giving notice shall 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 and the nature of the proceedings being contemplated or conducted there.
- C. If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the counsel believes is necessary, whether the counsel is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code § 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.
- D. If the person filing the notice is not the counsel for the child, a copy of the notice shall be served on the counsel for the child, or, if the child is unrepresented, the notice shall so state.
- E. 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 or whether said interest should be protected or pursued.
- F. If the court determines that further action on behalf of the child is required, the court shall address the following at the hearing:

- (1) Authorize the minor's counsel to pursue the matter on the child's behalf;
- (2) Appoint a counsel for the child if the child is unrepresented;
- (3) Notice a joinder hearing pursuant to Welfare and Institutions Code § 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;
- (4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);
- (5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

(Adopted 11-8-14, effective 1-1-15)

References:

WIC §§ 317, 317.6

California Rules of Court, rule 5.660

RULE 5275 FILING AMENDED 300 AND 600 JUVENILE PETITIONS

The Department of Public Social Services shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 300-dependency petition is amended in open court to make, in the judgment of the court, minor changes to the petition, the Department of Social Services' Court Officer and Deputy County Counsel shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

The District Attorney shall keep a clean copy (a copy that does not have a court file stamp) of the original petition in their file. When a 600-delinquency petition is amended in open court to make, in the judgment of the court, minor changes to the petition, the District Attorney shall use a clean copy of the original petition to create the amended petition by crossing out the deleted text and adding the changes in handwriting. This copy of the amended petition shall then be presented to the court for filing.

(Adopted 4-28-06, effective 7-1-06; Moved from Title 12 and Renumbered from Rule 12.0075, 8-1-11, effective 1-1-12; amended 10-30-15, effective 1-1-16)

RULE 5280
FILING REPORTS TIMELY

Unless authorized by the judicial officer presiding over the hearing, all jurisdiction and/or disposition reports, addendum(s), and memorandum(s) shall be filed and served no later than 12:00 noon at least three (3) judicial days before any hearing. All reports and assessments shall be timely filed and served as mandated by the Welfare and Institutions Code and/or the California Rules of Court.

(Added 10-19-96 Effective 1-1-97; amend. 10-30-99; effective 1-1-00; amended 10-20-00, effective 1-1-01; amended 9-29-01, effective 1-1-02; amended 4-25-03, effective 7-1-03; amended 10-22-04, effective 1-1-05; amended 10-26-07, effective 1-1-08; amended 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0080, 8-1-11, effective 1-1-12)

RULE 5281
FILING DE FACTO PARENT FORMS

A De Facto Parent Request (JV-295), De Facto Parent Statement (JV-296), and a De Facto Parent Order (JV-297) shall be submitted to the Clerk of the Court along with a completed Proof of Service – Juvenile (JV-510) for each party served.

A Judicial Officer may grant or deny the request without hearing, or may order a hearing to be set. If the Judicial Officer orders a hearing to be set, the Clerk's Office shall send notice to all parties.

(Adopted 10-22-04, effective 1-1-05; amended 4-25-08, effective 7-1-08; amended 10-21-09, effective 1-1-10; Moved from Title 12 and Renumbered from Rule 12.0081, 8-1-11, effective 1-1-12)

RULE 5282
ATTACHMENTS, EXHIBITS AND OTHER DOCUMENTS

No report shall be filed with any attachment, exhibit or other document previously filed in the same matter. Previously filed reports and/or attachments or exhibits attached thereto may be incorporated by reference by denoting the title and file date of the referenced report, the page and line number and/or the specific attachment or exhibit number to be referenced.

(Added 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0082, 8-1-11, effective 1-1-12)

**RULE 5283
CASA REPORTS**

In any case in which the court has ordered the appointment of a court-appointed special advocate (CASA), the advocate volunteer must prepare a typewritten report for the Juvenile Court when requested for hearing. These reports must be distributed through the CASA office, to the court, the parties and their attorneys, at least two (2) court days before the hearing for which the report was prepared.

(Adopted 10-22-10, effective 1-1-11; Moved from Title 12 and Renumbered from Rule 12.0083, 8-1-11, effective 1-1-12)

**RULE 5284
COURT MINUTE ORDERS**

No copies of any court minute order generated by the Riverside Superior Court shall be attached to any report. A party may within a court report request the court to take judicial notice of any court minute order referencing the date of the court minute order and the specific order or orders.

(Added 5-10-02, effective 7-1-02; Moved from Title 12 and Renumbered from Rule 12.0084, 8-1-11, effective 1-1-12)

**RULE 5290
DISCOVERY**

Forty-eight (48) hours prior to any contested hearing, DPSS, or their counsel, shall provide all counsel and the Court with a list of reports that will be used as evidence in the contested hearing. It is incumbent upon counsel to insure that they have copies of all listed reports. This list may be updated to include any new reports as long as those reports are made available to counsel no later than the day before the contested hearing.

(Added 10-19-96 Effective 1-1-97; amend. 10-17-98, effective 1-1-99; Moved from Title 12 and Renumbered from Rule 12.0090, 8-1-11, effective 1-1-12)

**RULE 5296
PSYCHOTROPIC MEDICATIONS**

- A. All requests for orders for psychotropic medications must comply with the requirements set forth in California Rule of Court 5.640.
- B. If a child is a dependent of the juvenile court pursuant to Welfare & Institutions Code section 300 and has been removed from the custody of the parent pursuant to Welfare & Institutions Code section 361, the prescribing physician must obtain court authorization regarding prescribing and administering psychotropic medications for that child.

- C. If a child is a ward of the juvenile court pursuant to Welfare & Institutions Code section 602, if the parent or legal guardian does not authorize administration of medications, the prescribing physician must obtain court approval regarding prescription and administration of psychotropic medications for that child.
- D. All filings relating to psychotropic medications in juvenile cases should be filed at the court facility as designated in the Administrative Order – Where to File Juvenile Documents. The order can be located on the court's website at <http://www.riverside.courts.ca.gov> by clicking on *Local Rules* under the *General Information* tab.
- E. Notice shall be provided pursuant to Cal. Rule of Court 5.640.

(Adopted 10-30-15, effective 1-1-16)