

CA R SAN BENITO SUPER CT Rule 13.11

Superior Court of California, County of San Benito, Local Rules, Rule 13.11

WEST'S ANNOTATED CALIFORNIA CODES

CALIFORNIA LOCAL COURT RULES

SAN BENITO COUNTY

SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BENITO LOCAL RULES OF COURT

CHAPTER 13. JUVENILE DEPENDENCY RULES

Rule 13.11. Court Appointed Special Advocates (CASA)

(a) Advocates' Functions. Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

(1) To support the child throughout the court proceedings;

(2) To establish a relationship with the child to better understand his or her particular needs and desires;

(3) To communicate the child's needs and desires to the court in written reports and recommendations;

(4) To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;

(5) To provide continuous attention to the child's situation to ensure that the court's plans for the child are being implemented;

(6) To the fullest extent possible, to communicate and coordinate efforts with the case manager/social worker; and

(7) To investigate the interests of the child in other judicial or administrative proceedings outside juvenile court; report to the juvenile court concerning these proceedings; and, with the approval of the court, offer his or her services on behalf of the child to such other courts or tribunals.

(b) Sworn Officer of the Court. An advocate is an officer of the court and is bound by these rules. Each advocate will be sworn in by a judicial officer before beginning his or her duties.

(c) Specific Duties. The court may, in its initial order of appointment and in any subsequent order, specifically delineate the advocate's duties in each case, which may include independently investigating the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, considering of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the advocate must discharge his or her obligation to the child and the court in accordance with the general duties set forth above.

(d) Court Authorization. To accomplish the appointment of an advocate, the judicial officer making the appointment will sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.

(e) Access to Records. An advocate will have the same legal rights to records relating to the child he or she is appointed to represent as any case manager/social worker, including records held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, mental health provider or law enforcement agency. The advocate will present his or her identification as a court-appointed advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

(f) Report of Child Abuse. An advocate is a mandated child abuse reporter with respect to the case to which the advocate is appointed.

(g) Communication with Others. There will be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents, and any therapist for the child.

(h) Right to Notice. In any motion concerning the child for whom the advocate has been appointed, the moving party must provide the advocate timely notice.

(i) Calendar Priority. In light of the fact that advocates are rendering volunteer services to children and the court, matters on which they appear should be granted priority on court's calendar, whenever possible.

(j) Visitation. An advocate must visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate must monitor the case as appropriate until dependency is dismissed or the advocate is relieved from appointment.

(k) Family Law Advocate. If the juvenile court dismisses dependency and creates a family law order pursuant to Welfare and Institutions Code section 362.4, the advocate's appointment may be continued in the family law proceedings, in which case the juvenile court orders will set forth the nature, extent and duration of the advocate's duties in the family law proceeding.

(l) Right to Appear. An advocate will have the right to be heard at all court hearings, and will not be subject to exclusion by virtue of the fact that the advocate may be called to testify at some point in the proceedings. The court, in its discretion, has the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

(m) Distribution of CASA Reports. The advocate must submit his or her report to the court at least 5 court days prior to the hearing. The advocate must serve a copy of the report on the parties to the case at least 2 court days prior to the hearing. For purposes of this rule, the parties to the case include (as applicable): county counsel; attending case social worker; child's attorney; parents' attorney(s); child (via foster family agency); **Indian Child Welfare Act** representative; and de facto parents.

Current with amendments received through through 1/1/2010