

CA R NEVADA SUPER CT Rule 6.01.4

Local Rules for Nevada County Superior Court, Rule 6.01.4

WEST'S ANNOTATED CALIFORNIA CODES

CALIFORNIA LOCAL COURT RULES

NEVADA COUNTY

SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF NEVADA LOCAL RULES OF COURT

CHAPTER 6. JUVENILE RULES

RULE 6.01 JUVENILE DEPENDENCY PROCEEDINGS

Rule 6.01.4. Minimum Standards of Education and Training; Caseloads

A. Each attorney appearing in a dependency matter before the juvenile court shall not seek certification of competency and shall not be certified by the court as competent until the attorney has completed the following minimum training and educational requirements:

1. At least eight hours of training or education in juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts, or
2. At least six months recent experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

B. In order to retain his or her certification to practice before the juvenile court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court sponsored or approved program will also fulfill this requirement.

C. The attorney's continuing training or education shall be in the areas set forth in subdivision A. 1. of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the **Indian Child Welfare Act**, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and rules of civil procedure.

D. When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the attorney that he or she will be decertified. The attorney shall have 20 days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the court shall order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training. In the case of retained counsel, the court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute counsel shall be solely within the discretion of the party so notified.

E. Any attorney appearing in juvenile court must comply with the caseload requirements of CRC 5.660(d)(6). An attorney shall not accept representation of a child in juvenile court if the attorney's caseload is such that he or she cannot effectively meet all of the attorney's duties of representation as set forth in this chapter and the CRC.

Current with amendments received through through 1/1/2010