

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA
PROPOSED CHANGES TO LOCAL RULES OF COURT for January 1, 2019

Comments can be submitted to *administration@shasta.courts.ca.gov* or (530) 245-6761.

SECTION 2
ADMINISTRATIVE MATTERS

[...]

RULE 2.06 COURT REPORTERS

Notice is hereby given that an official court reporter will normally be available in the following departments for the following types of matters:

Department 1	All felony and juvenile matters, or as otherwise directed by the Court
Department 2	All felony and juvenile matters, or as otherwise directed by the Court.
Department 3	All felony and juvenile matters, or as otherwise directed by the Court.
Department 4	All felony and juvenile matters, or as otherwise directed by the Court.
Department 5	No reporter supplied unless directed by the Court
Department 6	No reporter supplied unless directed by the Court All felony and juvenile matters, or as otherwise directed by the Court.
Department 7	All felony and juvenile matters, or as otherwise directed by the Court.
Department 8	All felony and juvenile matters, or as otherwise directed by the Court.
Department 9	All felony and juvenile matters, or as otherwise directed by the Court.
Department 10	All felony and juvenile matters, or as otherwise directed by the Court.
Department 11	All juvenile matters, or as otherwise directed by the Court.

Department 12 All felony and juvenile matters, or as otherwise directed by the Court
~~No reporter supplied unless directed by the Court.~~

Juvenile Hall All juvenile matters.

Official court reporters are not available in civil cases. In accordance with California Rules of Court, Rule 2.956, parties who desire a reporter in such cases must arrange for a certified shorthand reporter to serve as an official pro tempore reporter at their own expense. (Amended, effective January 1, ~~2019~~ 2015)

[...]

SECTION 11 RULES RELATING TO ADULT INFRACTIONS

[...]

RULE 11.07 ABILITY TO PAY/ONLINE PILOT PROGRAM (TRAFFIC)

The court is participating in the pilot program for online adjudication of traffic infractions. The pilot program is sponsored by the Judicial Council and authorized in division 17, chapter 1.5 of the Vehicle Code (sections 40280–40288). Under this program, a defendant may request an ability-to-pay determination for Vehicle Code infractions using procedures authorized in section 40283. Once the program is in effect, the request may be made through an online tool, accessible through the Court’s website, or in person. Because this program is in its pilot stage, it may be subject to change. Additional information about the program is, or soon will be, posted on the Court’s website, and will be updated as needed.
(Adopted, effective January 1, 2019)

[...]

SECTION 16 JUVENILE COURT RULES

[...]

RULE 16.10 COURT-APPOINTED SPECIAL ADVOCATES

(A) Establishment of CASA Program.

- (1) **Adoption of guidelines.** The court hereby adopts as a Local Rule of Court the guidelines for court-appointed special advocate (CASA) programs set forth in Welfare and Institutions Code Sections 100-109 and California Rules of Court, Rule 5.655, by incorporation.
- (2) **Appointment of Special Advocates.** The court may appoint child advocates (Special Advocates) to represent the interests of dependent children. In order to qualify for appointment, the Special Advocate must be trained by and function

under the auspices of a CASA program formed and operating under the guidelines adopted in subsection (A) above.

- (3) **Reports of compliance.** The CASA program shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines for CASA programs.
- (4) **Confidentiality.** The CASA program and all Special Advocates appointed under this Local Rule of Court shall comply with the confidentiality requirements of California Rules of Court, Rule 5.655, subdivision ~~(d)~~ ~~(m)~~.

(B) **Duties of Special Advocates.**

- (1) **Sworn officer of the court.** A Special Advocate is an officer of the court and is bound by these rules. Each Special Advocate shall be sworn in by a judge or court commissioner before beginning his or her duties, and shall subscribe to a written oath. Special Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the Special Advocate has been appointed.
- (2) **Functions.** In general, a Special Advocate's functions are as follows:
 - (a) To support the child throughout the court proceeding;
 - (b) To establish a relationship with the child to better understand his or her particular needs and desires;
 - (c) To communicate the child's needs and desires to the court in written reports and recommendations;
 - (d) To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
 - (e) To provide continuous attention to the child's situation to insure that the court's plans for the child are being implemented;
 - (f) To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer or social worker);
 - (g) To the fullest extent possible, to communicate and coordinate efforts with the child's attorney; and
 - (h) To represent the interests of the child in other judicial or administrative proceedings.

- (3) **Specific duties.** In its initial order of appointment, and thereafter in subsequent orders as appropriate, the court may specifically delineate the Special Advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration 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 the court order, the Special Advocate shall discharge his or her obligation to the child and the court in accordance with the functions set forth in section 16.10(B)(2) above.
- (4) **Report of child abuse.** A Special Advocate is a mandated child abuse reporter with respect to the case in which he or she is appointed.
- (5) **Visitation throughout dependency.** A Special Advocate shall regularly visit the child to whose case he or she has been appointed. The Special Advocate shall monitor the case as appropriate until dependency is dismissed.
- (6) **Communication.** There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents, and therapist for the child.
- (7) **Family law advocacy.** Should the court dismiss the dependency action and create family law court orders pursuant to Welfare and Institutions Code section 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the court order shall set forth the nature, extent and duration of the Special Advocate's duties in the family law proceeding

(C) **Rights of special advocates.**

- (1) **Investigations and access to records.** To accomplish the appointment of a Special Advocate, the judge or commissioner making the appointment shall sign an order granting the Special Advocate the authority to interview parties involved in the case, as well as 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. Upon appointment, a Special Advocate shall have the right to inspect and copy records relating to the child he or she is appointed to represent that are in the possession of the child's case manager (social worker or probation officer). Pursuant to Welfare & Institutions Code section 107, the Special Advocate may be granted access to records regarding the child that are not in the possession of the case worker upon further order of the court. The Special Advocate shall present the further order of the court and his or her identification as a Court Appointed Special Advocate to the holder of any such records in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the Special Advocate to have access to any records relating to the child.

- (2) **Timely notice.** The moving party shall provide the Special Advocate timely notice of any motions concerning a child for whom a Special Advocate has been appointed.
- (3) **Right to appear.** A Special Advocate shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A Special Advocate shall not be deemed to be a "party" as described in Title III of Part 2 of the Code of Civil Procedure. However, the court at its discretion shall have the authority to grant the Special Advocate amicus curiae status, which includes the right to appear with counsel.
- (D) **Distribution of CASA reports.** CASA reports shall be submitted to the court at least five (5) court days prior to the hearing. CASA shall serve a copy of the report on the parties to the case, including but not limited to county counsel, attending case social worker, child's attorney, parents attorney, child (via foster family agency), ICWA representative (if applicable) and de facto parents. CASA shall serve a copy of the report on the parties entitled to receive a copy at least two (2) court days prior to the hearing. (~~Amended, effective Adopted,~~ January 1, ~~2019~~ 2010)

[...]