

Attorney Appointments

(Revised 06/16/23)

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Forms

The following forms are referenced in this policy:

- 04-212 Notification to Parent’s Letter (CWS/CMS template)
- [JUV 153](#) Request for Appointed Counsel

Background

The Juvenile Court routinely appoints attorneys to represent children/youth and their parents who are the subject of a WIC 300 petition. In San Diego County, Children’s Legal Services (CLS) represent the children/youth and Nonminor Dependents (NMDs), and Dependency Legal Services (DLS) represent the parents.

Policy

Attorneys are typically appointed at the Detention Hearing. Parents who appear in court at the Detention Hearing are counseled by attorneys from DLS. During the Detention Hearing, the court will ask the parents if they would like to have an attorney represent them and will appoint a DLS attorney. Parents also have the option of retaining a private attorney. If the parent chooses to waive an attorney and represent themselves, the court will determine if the parent has made a knowing and intelligent waiver of counsel.

There may be instances when a parent has not been located and has not been appointed an attorney. Once a parent is located, Child Welfare Services (CWS) has the legal responsibility to inform parents on how to obtain an attorney.

Social Worker (SW) Responsibilities

When a parent is located and does not have an appointed attorney, the SW must do the following:

1. Provide the parent the 04-212 and the JUV 153 form that provides information and instructions on how to obtain an attorney.
2. Set a Special Hearing pursuant to 361.5 b1 (d) for the court to appoint an attorney and offer the parent services. For additional policy on when a formerly absent parents is located, see Parent Searches.

**Social Worker (SW)
Responsibilities
(cont.)**

3. Document in the court report that the parent was provided the 04-212 and JUV 153 and their response to an attorney appointment request.

NOTE: SWs will not make recommendations regarding appointment of attorneys.

**Parent
Responsibilities**

If a parent requests an attorney be appointed to them, the parent must complete the JUV 153 form and file the form in person at the Juvenile Court business office.

If the parent is unable to file the form in person (i.e., the parent is out of the country), the parent will sign and mail the form to the assigned Juvenile Court business office.

**Forms Overview and
Court Locations**

The following table details the forms referenced in this policy:

Form	Description	Completed By	Mandatory
Notification of Parent Letter 04-212	This form is provided to the parent to inform them of the child/youth's dependency status and how to obtain an attorney.	Social Worker	Yes
Request For Appointed Counsel JUV 153	This form is filed at court to request for attorney to be appointed.	Parent	Yes

The following table lists the Juvenile Court Business Office Locations and telephone numbers:

Meadow Lark Business Office	East County Business Office	North County Business Office
2851 Meadow Lark Drive San Diego, CA 92123 858-634-1600	250 East Main Street El Cajon, CA 92021 619-456-4238	325 S. Melrose Drive Vista, CA 92083 760-201-8600

**Staff Complaint
Against an Attorney**

SWs will elevate concerns regarding unprofessional and/or unethical conduct of an attorney to their immediate Protective Services Supervisor (PSS).

**Staff Complaint
Against an Attorney
(cont.)**

If the PSS believes a formal complaint is needed, they will contact the appropriate CLS or DLS supervising attorney. If a parent has a retained attorney, the PSS must call the retained attorney directly to lodge a complaint.

**Parent Complaint
Against an Attorney**

There may be times when a parent expresses dissatisfaction with their appointed attorney and desires to file a complaint. When this occurs, the SW will refer the parent to their attorney's supervisor. The SW will provide the parent the supervising attorney's contact information (see rosters for CLS and DLS).

Alignment with SET

This policy aligns with SET [Value 1](#): Relationships with Children, Youth, and Families Are the Foundation by building shared understanding and agreement through family engagement, and SET [Value 5](#): Maintaining a Strong Working Relationship with the Legal System by maintaining a professional and collaborative relationship with all attorneys and other legal partners.
