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Rule 5.536. Attorney Competency Requirements

CA R ALAMEDA SUPER CT Rule 5.536

Unified Rules of the Superior Court of California, County of Alameda Rule 5.536

This document has been updated. Use KEYCITE.

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CALIFORNIA LOCAL COURT RULES

ALAMEDA COUNTY

SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA LOCAL RULES OF COURT

TITLE 5. FAMILY AND JUVENILE RULES

DIVISION II. JUVENILE RULES

CHAPTER 1. GENERAL PROVISIONS

Rule 5.536. Attorney Competency Requirements

A. General Standard for Attorneys in Juvenile Proceedings. All court-appointed attorneys appearing in juvenile proceedings must be members in good standing of the State Bar of California and must meet the minimum standards of competency set forth in the following subsections of this rule.

B. Minimum Standard for Client Communications. Attorneys representing children and parents in dependency cases must make all reasonable efforts to meet face-to-face or by telephone with their clients at least once during each six-month review period. A conference with the client at a scheduled court appearance shall not count as the required minimum meeting.

C. Minimum Standards of Education and Training for Appointment as a Dependency Attorney. Each court-appointed attorney shall complete one of the following minimum training and educational requirements:

1. At least eight hours of training or education in juvenile dependency law, which must include applicable case law and statutes, rules of evidence, state and local 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, reasonable efforts, the educational rights of children, the Uniform Child Custody Jurisdiction and Enforcement

Act, the Interstate Compact on the Placement of Children, and the **Indian Child Welfare Act**; or

2. At least six months of experience in dependency proceedings in which the attorney has had primary responsibility for representation of his or her clients in such proceedings, and has demonstrated competency in representing his or her clients. To qualify for certification under this subparagraph the attorney must have made at least five appearances on behalf of parties and handled a variety of dependency hearings including contested hearings. In determining whether the attorney has demonstrated competency, the court shall consider, among other things, whether the attorney's performance has demonstrated knowledge of the topics referred to in subsection (c)(1) of this rule.

D. Continuing Education Requirement.

1. Time for Submitting Report Regarding Continuing Education. Each court-appointed attorney, on or before January 31st of the same year in which the attorney must certify his or her continuing education credits to the State Bar of California, must submit to the court a statement certifying that the attorney has completed 18 hours of continuing dependency education or training in the prior three years.

2. Content of Continuing Education. At least one-half of the attorney's continuing training or education hours must be in the areas set forth in subdivision (c)(1) of this rule. The remaining hours may be in other areas related to juvenile dependency practice, including the following:

- a. Ethics;
- b. Domestic violence;
- c. Use of psychological experts, including direct and cross-examination;
- d. Trial skills;
- e. Rules of evidence;
- f. Training programs that include information on child development, substance abuse, mental health issues, incarcerated parents, and related matters;
- g. The child witness;
- h. Training specifically related to dependency practice such as reasonable efforts, .26 hearings, and similar issues;

- i. Mental health issues;
- j. Health care;
- k. Immigration;
- l. Adoptions and guardianships;
- m. Parentage;
- n. The Parental Kidnapping Prevention Act;
- o. State and federal public assistance programs;
- p. Client interviewing and counseling techniques;
- q. Case investigation;
- r. Settlement negotiations and mediation; and
- s. Programs that provide information on community resources.

3. Providers or Sources for Education and Training. Some of the required hours may be acquired through attendance at brown-bag lunches, lecture series, or training programs offered by the court, including the juvenile court, family court, and other court-related or court-sponsored entities. Some of the required hours may also be acquired through self-study.

4. Failure to Meet Requirements. The court may suspend or remove an attorney from the panel of court-appointed attorneys or take other actions it considers appropriate for any of the following:

- a. Failure to meet minimum education and training standards;
- b. Failure to meet required continuing education standards; or
- c. Consistent or repeated failure to provide adequate, professional and civil representation of dependency clients.

Current with amendments received through through 1/1/2010