

ADDENDUM to SAN FRANCISCO SUPERIOR COURT DEPENDENCY REPRESENTATION PROGRAM:

CHAPTER 4

*This section replaces Chapter 4, Section II, A.3 in the San Francisco Unified Family Court
Dependency Representation Program
Court-Appointed Attorneys, Social Workers and Investigators
Policies and Procedures Manual
(Revised 1-1-15)*

Chapter 4, Billing Policies and Procedures

II. Preparation and Processing of Attorney Compensation Requests.

A. Attorneys shall request compensation from the Court as follows:

3. Attorneys are appointed to represent children, parents, *de facto* parents and guardians in dependency proceedings only.

a. Attorneys shall not bill the Court for representation and/or participation in ancillary proceedings, such as immigration proceedings, Juvenile Delinquency hearings (other than 241.1 meetings or a 725A hearing), IEP meetings, expulsion hearings, child support hearings, truancy court or any other administrative proceedings, without PRIOR specific written authorization from the Court specifying the scope of the ancillary service authorized by the order of authorization. Counsel must prepare a proposed order that includes the limitation of authorized work including specific tasks, events, hours, or total cost.

Moreover, the proposed order-must be supported by counsel's Declaration, detailing the reasons for and scope of ancillary services.

b. All requests and declarations for representation and/or participation in ancillary proceedings must be presented to the Supervising Judge of the Unified Family Court (UFC) and shall:

- (1) Identify the age of child/ren, school currently attending, grade level, who the child lives with and type of placement (e.g. parent, guardian, relative, NREFM, non-related foster home, group home); and the stage of proceedings (e.g. pre-jurisdiction, in-home service; reunification services; post-permanency; non-minor dependent).
- (2) Identify the interest or right of the client that needs protection or to be pursued in other judicial or administrative forums, and what further action on behalf of the client is required;
- (3) Provide a clear explanation of why an ancillary appointment is required to take the required further action;
- (4) Clearly identify the scope of services for which the attorney is seeking appointment. The Declaration should include the specific tasks for which

the attorney is seeking the appointment (i.e., attending IEP meeting, attending expulsion or due process hearings, travel (include location and estimate of mileage), client interview(s), investigation) and the estimated total amount of time needed to complete these tasks;

- (5) Identify the specific documents, if any, that require review.
- (6) All declarations, without exception, shall include a limit on the authorization in terms of specific tasks, events, hours, or total cost.
- (7) If it appears that the cost of the ancillary work performed will exceed the limit of the original Authorization, the court must approve a supplemental authorization supported by an additional declaration of counsel before further work can proceed. The additional declaration must include how much money has been expended to date, how many more hours are needed, and what additional work needs to be performed. The supplemental authorization must be signed prior to commencement of further work.

c. In addition to the information required in subdivision b. above, if an **education attorney** for the child is requested:

- (1) State whether the child has an IEP or 504 plan, any recommendations that were made that have not been followed by the school district, or whether an IEP meeting is currently scheduled and the date of the IEP meeting;
- (2) If the child does not currently have an IEP, identify the facts that indicate the need to pursue special education services;
- (3) State whether there is a school discipline issue that requires attention, and whether there are any current hearings pending.¹
- (4) Identify the current Education Rights Holder(s) (ERC), date of appointment or court order, and the level of past and current interaction with the child's education and/or level of participation in the child's education;
- (5) State whether the Human Services Agency has been involved in the educational planning for the child; and whether the attorney has discussed the minor's educational needs with the Agency, and what the Agency's position is regarding the minor's education need, if known.
- (6) Any requests for related psych-educational evaluation or other assessments must be submitted separately.
- (7) If a due process hearing is set, the attorney must seek an additional request from the court that addresses attorney's fees awards.

d. In addition to the information required in subdivision b. above, if an **immigration attorney** for the child is requested:

- (1) State whether the attorney has investigated pro bono immigration or grant-funded immigration legal services for the child.
- (2) NOTE: Regarding Special Immigrant Juvenile Status (SIJS) petitions, the Court allows for a minor's attorney to prepare such petitions but only with prior Court authorization. The attorney must be knowledgeable about the

¹ Attorneys will consult with BASF/DRP administrator regarding the availability of pro bono services.

preparation of such petitions. For preparation of SIJS petitions, the Court may grant an authorization of up to five hours of compensation at the dependency representation hourly rate, not to exceed an aggregate amount of \$500.00 without further showing of extraordinary circumstances well documented by the applicant attorney.

- e. An attorney may submit a request or declaration under seal if the request or declaration contains confidential or highly sensitive material that may impact the health and safety of the minor or care takers.
- f. Attorneys representing a client in an ancillary proceeding, with an order authorizing such representation from the Court, must attach this order and supporting declaration to every request for compensation that includes entries for ancillary work.