

**ADDENDUM to SAN FRANCISCO SUPERIOR COURT DEPENDENCY REPRESENTATION PROGRAM:
CHAPTER 1**

This section replaces Chapter 1, Section VI, 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 1, Appointment by the Court

VI. Ancillary Service Providers Appointment

A. Securing the appointment of ancillary services providers:

1. Ancillary services include but are not limited to those services provided by interpreters, translators, transcribers, paralegals, law clerks, or associated counsel including but not limited to civil rights, personal injury, immigration, and education¹ matters.
2. Attorneys must obtain PRIOR written authorization from the Court for any ancillary services needed in a particular case. A detailed Declaration conforming to the requirements below must accompany the Authorization for funds. For ancillary services other than associated counsel: Attorneys should use the form for Authorization for Funds Appointment of Investigators, Social Workers or Expert (Exhibit 4) available on the DRP web pages of the LRIS website (except for Interpreters for which a separate form is available) by checking the “Expert” box and indicating the provider’s field of expertise. For requests to appoint associated counsel: the dependency attorney must prepare (1) a court order authorizing funds for the co-counsel, including the amount of hours and scope of work ordered, **and** (2) a court order appointing the associated attorney pursuant to Welfare and Institutions Code 317, granting the associated attorney access to the client, information, and records.
 - a. The Declaration must include the following information:
 - (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 services; 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 child is required;
 - (3) Provide a clear explanation of why an ancillary appointment is required to take the required further action;

¹ Education issues requiring a separate attorney may involve complex school discipline or special education (including Individualized Education Plan) matters.

- (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) Indicate whether the proposed ancillary service provider has agreed to accept the case at the proposed rate and limit, or whether the proposed ancillary service provider intends to make a fee agreement for the case (e.g. torts and probate matters) or will receive attorney's fees from a different source; and whether a guardian ad litem for the child is needed, and;
 - (7) All declarations, without exception, shall include a limit on the appointment in terms of specific tasks, events, hours, or total cost.
 - (8) If it appears that the cost of the work performed by the ancillary service provider will exceed the limit of the original Authorization, the court must approve a supplemental authorization supported by an additional declaration of dependency 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.
- b. In addition to the information required in subdivision 2.a. 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.
 - (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.
 - (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.

- c. In addition to the information required in 2.b., if an **immigration attorney** for the child is requested: State whether the attorney has investigated pro bono immigration or grant-funded immigration legal services for the child.
- d. An attorney may submit a request or declaration under seal if the request or declaration contains confidential information or highly sensitive material that may impact the health and safety of the minor or care takers.