

GUIDELINES FOR THE VISITATION OF MINORS IN DEPENDENCY PROCEEDINGS

Since May 2019, the San Francisco Dependency Panel's policies and guidelines have been updated for Minors' Attorneys conducting required home visits to their clients. The goal of the updates was to allow for all foster youth to be equitably served by their attorneys, regardless of the physical location of their home placement. Below is a summary of these updates, followed by the relevant revised materials. Further guidance on the role and duties of Minors' Attorneys is contained in the San Francisco Superior Court's "Practice Guidelines for Attorneys Practicing in the San Francisco Dependency Court," published here: [files \(ca.gov\)](https://www.courts.ca.gov/files/court%20rules%20and%20procedures%20for%20attorneys%20practicing%20in%20the%20san%20francisco%20dependency%20court.pdf).

1. Updated Minor Visitation Guidelines

- Minors' Attorneys are expected to have face-to-face visits with minor(s) at least once every six months, and to make some form of monthly contact with the child and/or caretaker depending on the age and development of the child.
- **The standard practice** by Minors' Attorneys remains four (4) home visits per year (quarterly) per client. As needed, minors' attorneys may determine that more frequent home visits are warranted due to the legal goals and circumstances in each case. In the event that home visits are arranged *more frequently than once per month, or where monthly visits do not appear to be warranted*, this may lead to questions by the DRP Manager during bill review about the reasonable use of DRP funds. Minors' Attorneys are thus advised to email the DRP Manager in advance before increasing the frequency of home visits to explain the legal goals that will be advanced and seek pre-approval, to avoid reductions to time billed after the fact.
- CAFES may be appointed to conduct home visits on behalf of minors' counsel.
- If attorneys choose to visit their minor clients *less often* than every six (6) months, they must ensure that the requirements of Chapter 5(D) are met.
- See revised **Chapter 5** below for more details.

2. Travel Authorizations

- Travel to home visits is to be done by the most cost-effective mode of efficient transportation.
- Pre-approval by the Court is now only required when air travel is the most cost-effective mode of travel, and the Authorization Request must include all travel-related costs for which reimbursement will be sought. A detailed Declaration explaining the cost options must be provided to the Court prior to the trip as part of the Authorization request. An attorney is responsible for providing the Court with air travel versus car travel options. See revised **Section II (A)(2)(f) and (i)** below.

3. Authorized Expenses

- To be eligible for reimbursement for lodging, meals, ground transportation, and/or car rental, all expenses must be pre-authorized in accordance with the Dependency Representation Program's Policies and Procedures Manual. See revised **Section II (A)(2)** below.
- The Court's policy and limitations on reimbursable travel-related expenses are still in the Policies and Procedures Manual's **Exhibit 15** (San Francisco Superior Court Travel Rate Guidelines), attached for convenience.

Zabrina Alequire

From: Jill McInerney
Sent: Tuesday, May 21, 2019 4:35 PM
To: Abigail Trillin; Ahtossa Fullerton; Alicia Park; Amanda Fischer; Amanda Inocencio; Amy Stoll; Andrea Goodman; Andrew Safont; Andrew Yee; Carol Roduit; Carole Brill; Darren Kessler; David White; Dennis Reid; Dominick Franco; Edna Henley; Elisa Mollick; Gregg Bryon; Hong Chew; James Bordelon; Jami Tillotson; Jennifer Daly; Julia Ten Eyck; Julie Greenfield; Karen Chiles; Kristin Walczak; Lara Hilley; Laurette Garcia; Margaret Pendergast; Mariko Nakanishi; Mark Murray; Mark Wasacz; Mary Ann Meany; Melissa Shirley; Nicholas Soter; Patricia Black; Patricia Fitzsimmons; Peter Furst; Ryan Sheets; Shiela Brogna; Vicki Trapalis; Wendy Lowinger; Randall Richmond
Subject: CHANGES TO RULES RE HOME VISITS
Attachments: 2019-05-21 Approved Revised Reimbursable Costs - home visits.pdf; 2019-05-21 CHAPTER 5 Revised visitation guidelines.pdf

Colleagues,

Attached please find recently authorized changes to billing requirements and attorney guidelines regarding home visits. Our hope is that these changes will allow all of our foster youth to be equitably served by their attorneys, regardless of the physical location of their home placement.

The two documents attached are revised portions of the Court's Dependency Representation Program Policies and Procedures Manual. **Please take a few moments to carefully read each document.** In summary:

- The requirements have changed for when a court order is needed for home visit travel authorization to be reimbursed. The standard is now based on whether air travel is a more cost-efficient mode of transportation. ONLY THOSE CASES INVOLVING THE POSSIBILITY OF AIR TRAVEL AS A MORE COST-EFFECTIVE OPTION need to be authorized by the court. All other trips will be evaluated by BASF within the regular scope of bill review.
- Please note: An attorney is responsible for providing the court with air travel versus car travel options for any transportation where air travel is more cost-effective. The attorney shall not simply choose car travel for convenience, with the expectation of mileage and travel time reimbursement if air travel, including compensation for rental car, hotel, and flights, is more cost-effective.
- The major change to the visitation guidelines is the reduction *in the expectation* of face-to-face visits from once per quarter to once every six months. This was done in recognition that not every kid requires a face-to-face visit every three months, and that individual attorneys are in the best position to make those decisions. One visit per quarter remains the standard for bill review.

I am happy to answer questions about this at the panel meeting on June 13, or by email/ phone earlier.

As always, thanks for all of the work that you do. Good luck getting through the end-of-year billing!

Jill

CHAPTER 5 – GUIDELINES FOR THE VISITATION OF MINORS IN DEPENDENCY PROCEEDINGS

- A. Counsel who are appointed to represent minors are expected to have a face-to-face visit with the minor(s) at least every six months whether the minor is in home or in out-of-home placement (OOHP). Counsel is expected to contact the child and/or caretaker on a monthly basis, depending on the age and development of the child.
- B. Contact shall include either a face-to-face visit, telephone call, or email with the minor depending upon the age, competency, and preference of the minor.
- C. Visitation/contact may be done by social workers appointed to assist appointed counsel especially in cases involving children ages five and under..
- D. Counsel may choose to contact their client in six-month intervals only if both of the following apply:
 - 1. The minor gets demonstrably upset or destabilized by being reminded of his/her status as a foster child; and
 - 2. The minor has been in a stable placement for over two years.

If this six-month exception is utilized, the minor's attorney must have regular contact with at least two other people (not including the social worker) involved in the ongoing care of the minor, including but not limited to:

- a. Foster parent
- b. Relative
- c. Teacher
- d. Doctor
- e. Therapist

II. PREPARATION AND PROCESSING OF ATTORNEY COMPENSATION REQUESTS

A.

2. Reimbursable Costs/Expenses incurred out-of-court:

- a. Receipts are required for all reimbursable expenses, except mileage and tolls. Receipts and a court order with accompanying declaration are required for extraordinary expenses consistent with the policies and procedures of this manual.
- b. In-house copying (see EXHIBIT 14 for approved rate per page). Attorneys are required to use the least expensive form of duplication. If delivery of documents can be accomplished electronically or on a CD, attorneys are encouraged to use these methods which are more cost-effective and environmentally sound.
- c. Volume copying should be done commercially to reduce costs to the Court.
- d. Messenger service when reasonably necessary and cost efficient.
- e. Travel time is reimbursable to visit a **minor client** or to participate in meetings on behalf of minor clients out of county, up to four (4) times per year (quarterly) without court order. Additional visits may occur only with the prior written authorization of the Court.¹
- f. If air travel is the most efficient method of travel for a visit, the attorney must provide a declaration and proposed order to the Supervising Judge in Dept 405 for approval prior to the trip. Mileage is reimbursable at the rate set by the court which is subject to change annually and is posted on the BASF website. Records of mileage travelled must be submitted, including date, distance and destination. Please attach a MapQuest printout or similar trip planner to substantiate mileage traveled
 - i. Mileage between the attorney's office(s) and the Court, and parking, will not be reimbursed.
 - ii. Mileage within San Francisco may not be billed to the Court.
- g. Any visits to an **adult client** will be reimbursed only if pre-authorized by a specific court order supported by a declaration. Visits to clients who are incarcerated, hospitalized, institutionalized or placed (e.g. residential drug rehabilitation facility) **in San Francisco County facilities, including San Bruno jail, do not require prior authorization from the Court.**
- h. Parking expenses will not be reimbursed.
- i. Travel time and expenses to any county for which air travel is a more efficient form of transportation will be compensated only when authorized in advance of travel by a specific court order and compensation for lodging and/or meals shall not exceed the

¹ As noted under Social Workers, social workers may visit the minor in lieu of the attorney when it is appropriate to do so and a cost savings to the Court

rates established by the “San Francisco Superior Court Travel Rate Guidelines” available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15).

NOTE: An attorney is responsible for providing the court with air travel versus car travel options for travel to any placement where air travel is more cost effective. The attorney shall not simply choose car travel for convenience with the expectation of mileage and travel time reimbursement if air travel, including compensation for rental car, hotel, and flights, is more cost-effective. A detailed declaration explaining the cost options must be provided prior to the trip.

- i. The Declaration should specify the mode of travel and expenses anticipated i.e. the cost of the trip should be apparent to the court at the time travel is authorized.
- ii. Advance arrangements should be made for all travel to insure the lowest rates for air travel, car rental, lodging etc. and shall not exceed the rates of the “San Francisco Superior Court Travel Rate Guidelines” (Exhibit 15) absent express permission of the Court.
- iii. There will be no reimbursement for meals unless the travel involved an overnight stay, consistent with the “San Francisco Superior Court Travel Rate Guidelines” referenced above.
- iv. There will be no reimbursement for alcoholic beverages, room service or any other lodging amenities.

SAN FRANCISCO SUPERIOR COURT TRAVEL RATE GUIDELINES

The Superior Court's policy and limits on reimbursable travel-related expenses are listed below. To be eligible for lodging and/or meal reimbursement, airfare or car rental, expenses must be pre-authorized in accordance with the Dependency Representation Program's Policies and Procedures Manual.

Original receipts demonstrating proof of payment are required and each day of lodging claimed must be pre-authorized by Court order. Maximum rates are listed below. Exceptions may be considered on a case-by-case basis, explicitly detailed in the declaration in support of Court authorized travel and explicitly authorized by the Court. Receipts for hotel lodging charges must be on a pre-printed bill head with a zero balance shown. *The hotel express check-out or receipt from a third-party provider for lodging booked via the internet does not represent valid receipts and will not be reimbursed.* In some instances, a hotel may decline to issue a receipt on their pre-printed bill head for lodging booked via the internet so please verify this in advance before the internet booking.

Lodging – Actual costs are reimbursable up to the federal lodging rate, plus tax and surcharge. Refer to the website: http://www.gsa.gov/portal/content/104877?utm_source=OCM&utm_medium=print-radio&utm_term=HP_01_Requested_perdiem&utm_campaign=shortcuts, then click on chosen state. (NOTE: Meals are not reimbursed at the federal lodging rate included on this website but are set out below.)

Meals – Actual costs are reimbursable up to the limits stated below for continuous travel of more than 24 hours, in-state as well as out-of-state.

1. Breakfast – Up to \$8
2. Lunch – Up to \$12
3. Dinner – Up to \$20

Meals are reimbursable based on travel time. Departure and arrival times must be documented.

- Breakfast if departing before 6am.
- Lunch if departing worksite/home before 10 AM (day of departure) or return to worksite/home after 2 PM (day of return).
- Dinner if returning to worksite/arrive home after 7 PM.
- Purchase of alcohol is never reimbursable.

Car Rental and Air Travel – Reimbursable only with prior authorization by Court order. Attorneys are expected to use the least expensive mode of travel available and make plans as soon as possible in order to secure the lowest rate. Details and approximation of costs must be included in the declaration made in support of the Court's authorization. Waiting time and time spent on the airplane will not be reimbursed unless the time is spent working and documented as such.

Other Expenses – Mileage is permitted in accordance with the rate established by the Superior Court and posted on the DRP web pages. Mileage is not permitted in addition to car rental/fuel costs. **No other expenses** related to travel are permitted in the absence of an express Order of the Court, and supporting declaration detailing the reasons for departing from the Travel Rate Guidelines.