

2. REQUEST FOR A CHANGE AND AMENDMENT OF SCLJuCR 2.3(a)(1), CREATING A DEADLINE FOR FILING DEPENDENCY PETITIONS.

ISSUE: Delayed filing of dependency petitions.

PROPOSED LOCAL RULE: (1) Scheduling and Notice. A shelter care hearing may be set by court order or by filing a notice of hearing with the Clerk. The party scheduling the hearing shall notify Court Administration, Clerk of Court, Attorney General's Office, Guardian ad Litem program, ~~Public Defender's Office-Juvenile Division~~, Office of Assigned Counsel, and all other parties, including parents or any attorneys assigned prior to scheduling. At the time of filing, the party scheduling the hearing shall provide and serve a copy of the petition, summons, motion, notice of hearing, and any orders of provisional appointment of attorney to the above entities and parties by noon the day preceding a shelter care hearing.

The petitioner shall provide copies of the above-mentioned documents to the above-mentioned parties by noon the day before the requested hearing. The petitioner shall file the dependency petition by noon on Monday for the matter to be heard on the Tuesday shelter care calendar and by noon on Thursday for the matter to be heard on the Friday shelter care calendar. If the petitioner does not comply with the deadlines set forth above, the shelter care hearing shall not be heard until the next regularly occurring shelter care calendar.

The party seeking a hearing shall provide the names and all contact information for the parents and youth twelve years old and older to family defense attorneys and the Office of Assigned Counsel by 9:30 a.m. the day preceding the hearing: Monday at 9:30 a.m. for the Tuesday 2:00 p.m. calendar and Thursday at 9:30 a.m. for the Friday 2:00 p.m. calendar.

REASON FOR REQUEST: When petitions are filed and served with minimal to no time to prepare, it does not afford family defense attorneys to effectively prepare for the shelter care hearing. This results in parents being denied their Constitutional right to effective assistance of counsel. The only remedy is to ask for a continuance, which denies parents and legal guardians the right to a true 72-hour shelter care. which makes the 72-hour right to a shelter care, a right by name only. It also creates a domino effect for the courts. Regular requests for continuances because of lack of sufficient time to prepare creates delays in cases and gives rise to heavily stacked shelter care calendars.