

JUVENILE COURT EDUCATION PROTOCOL

The following is the protocol for appointment of Education Panel attorneys in juvenile court proceedings pursuant to Welfare and Institutions Code section 317, subdivision (e), and/or section 727.

A) PANEL MEMBERSHIP

- 1) The Juvenile Court maintains a panel of education attorneys who are available for appointment to provide representation to address education issues that arise beyond the scope of juvenile court proceedings. The panel shall be known as the Juvenile Court Education Panel (Education Panel).
- 2) Except as hereinafter provided, all appointments of education attorneys in juvenile court proceedings will be made from the Education Panel.
- 3) Placement on the Education Panel will be determined by the Juvenile Court Education Evaluation Committee (Evaluation Committee). The Evaluation Committee shall take into consideration the experience, past record, special qualifications, and good character of applicants for placement on the Education Panel. The Evaluation Committee may consider input from juvenile justice partners.
- 4) Education attorneys shall apply to be on the Education Panel by completing the [Juvenile Education Panel Questionnaire](#) and sending it along with a resume to the Evaluation Committee at JuvEducationPanel@lacourt.org. All applications will be reviewed by the Evaluation Committee. The decision of the Evaluation Committee regarding the applicant shall be final and will be communicated to the applicant.
- 5) If the applicant is placed on the Education Panel, the applicant will be sent a copy of this protocol.
- 6) Attorneys placed on the Education Panel must notify the Evaluation Committee immediately at JuvEducationPanel@lacourt.org of any of the following:
 - a) Changes in address, phone number, or email.
 - b) If they are the subject of State Bar inquiry or investigation.Failure to do so may result in removal from the Education Panel.
- 7) The Evaluation Committee may also develop and promulgate additional criteria for placement on the Education Panel.

- 8) Education attorneys may be evaluated, as necessary, to determine whether they should continue on the Education Panel.
- 9) Education attorneys listed on the Education Panel serve at the pleasure of the Court and may be removed from the Education Panel at any time without cause for such removal. The Evaluation Committee may consider input from juvenile justice partners.

B) REQUEST FOR APPOINTMENT OF AN EDUCATION PANEL ATTORNEY

- 1) An attorney from the Education Panel may be appointed if the child/youth's dependency or juvenile justice attorney determines that special education advocacy is required under Welfare and Institutions Code section 317, subdivision (e)(7), and/or section 727.
- 2) The attorney who is requesting the appointment of an education attorney will complete and file either a [Report of Child's Educational and Developmental Needs](#) [form LASC DEP 071] or [Report of Youth's Educational and Developmental Needs](#) [form LASC JUJ 027].
 - a) For dependency matters, the report shall be filed electronically via an approved electronic filing service provider.
 - b) For juvenile justice matters, the report shall be submitted electronically to the Clerk's Office at JuvCt400@lacourt.org, until such time mandatory electronic filing is implemented in juvenile justice matters, whereupon the aforementioned resource account will be disabled, and the electronic filing requirements will take effect.
- 3) The dependency or juvenile justice attorney may file a report for reasons, including, but not limited to:
 - a) Eligibility for an Individualized Education Plan (IEP)
 - b) Development and implementation of Individualized Education Plan (IEP)
 - c) Assistance in mediation and due process hearings
 - d) Filing of out-of-compliance complaints with the State Department of Education
 - e) Filing of Office of Civil Rights complaints
 - f) Filing of joinder motions pursuant to section 362, subdivision (a), or section 727
 - g) Assistance in pre-expulsion, expulsion, and manifestation hearings
 - h) Assistance with section 504 of the Rehabilitation Act of 1973 contract development and implementation
- 4) The dependency or juvenile justice attorney should take note of the following:

- a) If the dependency or juvenile justice attorney requests appointment of a specific attorney not listed on the Education Panel, the attorney must check the box on the first page of the [Report of Child's Educational and Developmental Needs](#) or the [Report of Youth's Educational and Developmental Needs](#) that indicates a non-panel attorney is being requested for appointment, and must submit the recommended attorney's resume for review by the Juvenile Court Presiding Judge and Evaluation Committee. The Court will consider such requests for non-panel attorney appointments on a case-by-case basis.
 - b) For time-sensitive requests, such as representation at an expulsion hearing, the attorney must check the box on the first page of the [Report of Child's Educational and Developmental Needs](#) or the [Report of Youth's Educational and Developmental Needs](#) that indicates such a hearing is pending and must provide the date of the hearing.
- 5) The Clerk's Office will return a report for the following defects:
- a) Incorrect form
 - b) Incomplete form
 - c) Missing identity of Educational and/or Developmental Rights Holder
 - d) Missing identity of primary language of Educational and/or Developmental Rights Holder
 - e) No signature/date
- 6) If the report is properly submitted, the Clerk's Office will transmit the report to the attorney who is next on rotation for the Education Panel.
- 7) Once received, the education attorney shall respond to the referral within 24 hours where the referral is for an expulsion hearing, and within three court days for all other matters, unless the Court specifies a shorter deadline. If a hearing in the education matter occurs before the deadline to respond to the referral, the dependency or juvenile justice attorney will be notified by the Clerk's Office via email.
- 8) The education attorney who accepts the referral will submit a [Request for Appointment as Education Attorney and Order](#) [form LASC JUV 062].
- a) For dependency matters, the request and order shall be filed electronically via an approved electronic filing service provider.
 - b) For juvenile justice matters, the request and order shall be submitted to the Clerk's Office at JuvCt400@lacourt.org, until such time mandatory electronic filing is

implemented in juvenile justice matters, whereupon the aforementioned resource account will be disabled, and the electronic filing requirements will take effect.

- 9) If there is an issue with the appointment, or three consecutive attorneys on the Education Panel rotation reject the referral, the Clerk's Office will inform the Juvenile Court Presiding Judge at CHCDept400@lacourt.org.
- 10) The Clerk's Office will relay the reason(s) for the rejection of the referral. The Evaluation Committee will be notified and discuss viable options. The Clerk's Office will send notice to the dependency or juvenile justice attorney of the rejection of the referral, and the reason(s) for the rejection.

C) APPOINTMENT OF AN EDUCATION PANEL ATTORNEY

- 1) The Juvenile Court Presiding Judge will sign the [Request for Appointment as Education Attorney and Order](#) [form LASC JUV 062], whereupon the education attorney will be authorized to represent the child/youth for purposes described in the [Report of Child's Educational and Developmental Needs](#) or the [Report of Youth's Educational and Developmental Needs](#).
- 2) The [Order Appointing Education Attorney](#) will include authorization to inspect, copy, and disseminate relevant portions of the child/youth's juvenile case file.
- 3) Once the Juvenile Court Presiding Judge signs the [Order Appointing Education Attorney](#), the Clerk's Office will send a copy of the order to the dependency or juvenile justice attorney, and the dependency or juvenile justice court.

D) RESPONSIBILITIES OF EDUCATION PANEL ATTORNEYS

- 1) Maintain Records

Upon conclusion of the matter, extended if an appeal is filed, the education attorney shall destroy all records remaining in their possession.

- 2) Contact Educational Rights Holder

Upon appointment, the education attorney shall contact the educational rights holder to obtain authority from the holder to proceed on the child/youth's behalf. If the educational rights holder declines on the ground that the holder can address the child/youth's educational needs, and the education attorney agrees, the education attorney shall request to be relieved. Where there is disagreement between the

education rights holder and the education attorney regarding a course of action, the education attorney may seek authorization from the dependency or juvenile justice court to proceed.

3) Address Educational Needs

The education attorney shall handle the education matter to completion, unless the attorney is relieved by the Juvenile Court Presiding Judge for good cause prior to completion of the education matter or the underlying juvenile court proceeding terminates.

4) Provide Periodic Status Reports

The education attorney shall keep the dependency or juvenile justice attorney informed of the results of their efforts so that the attorney can provide information to the court of record at scheduled court hearings regarding the status of, and progress being made on, the educational issue(s) for which appointment was made.

E) MOTION TO BE RELIEVED AS COUNSEL

1) During Pendency of Dependency and Juvenile Justice Jurisdiction

- a) Upon a showing of good cause, the education attorney will be relieved as counsel for the child/youth. Good cause includes, but is not limited to, the completion of the task for which they were appointed, substitution of counsel, or breakdown in the attorney-client relationship.
- b) The education attorney shall file a [Request to be Relieved as Education Attorney and Order](#) [form LASC JUV 061], with the Clerk's Office at JuvCt400@lacourt.org. The attorney shall provide a brief summary of the services provided and the extent to which the attorney was successful in the appointed task and state the reasons for seeking to be relieved.
- c) The education attorney shall serve a copy of the [Request to Be Relieved as Education Attorney and Order](#) on the child/youth's dependency or juvenile justice attorney and the dependency or juvenile justice court.
- d) Any objection or response by the child/youth's dependency or juvenile justice attorney shall be filed within 7 calendar days of service of the request to be relieved.
 - (i) For dependency matters, the objection or response shall be filed electronically via an approved electronic filing service provider.

- (ii) For juvenile justice matters, the objection or response shall be submitted electronically to the Clerk's Office at JuvCt400@lacourt.org, until such time mandatory electronic filing is implemented in juvenile justice matters, whereupon the aforementioned resource account will be disabled, and the electronic filing requirements will take effect.
 - e) The education attorney shall serve a copy of the [Order Relieving Education Attorney](#) [form LASC JUV 061] on the child/youth's dependency or juvenile justice attorney.
- 2) Upon Termination of Juvenile Court's Jurisdiction
- a) If a juvenile case is terminated, the dependency or juvenile justice attorney must notify the education attorney with a carbon copy (cc) to the Clerk's Office at JuvCt400@lacourt.org.
 - b) Upon termination of the underlying juvenile court proceedings, the education attorney shall be relieved without the necessity of a court order.
 - c) If the education attorney and the child/youth wish to continue an attorney-client relationship after the Court has terminated jurisdiction, they must independently agree to continue with the relationship, as the Court will no longer have jurisdiction over the child/youth.
 - d) The education attorney should be aware that termination of jurisdiction in juvenile justice cases may coincide with the sealing of the case file.