

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
GUARDIAN AD LITEM CONTRACTOR**

DEFINITION:

Working as an independent contractor of the Court, the Guardian Ad Litem (GAL) provides assistance to a parent who is mentally ill or incompetent in Juvenile Dependency Court (pursuant to the California Welfare and Institutions Code § 300 as described in Juvenile Local Rule 2G(1)) in legal context with the attorney who is providing legal representation. The contractor may assume responsibility for GAL existing and new appointments in Dependency Court from the date the contract commences.

The role of the GAL is addressed in Juvenile Local Rule 2G(1)c as:

The Guardian ad Litem's role is to protect the rights of the ward. He or she has the right to control the litigation on behalf of the ward. Among the guardian's powers are the right to compromise or settle the action, to control the procedural steps incident to the conduct of the litigation, and, with the approval of the Court, to make stipulations or concessions that are binding on the ward, provided they are not prejudicial to the ward's interests. The Guardian ad Litem's role is more than an attorney's but less than a party's. The Guardian ad Litem may make tactical and even fundamental decisions affecting the litigation, but always with the interest of the ward in mind. However, the guardian may not compromise fundamental rights, including the right to trial, without some countervailing and significant benefit.

BACKGROUND:

The Superior Court of California County of Santa Clara is the fifth largest court in the state and the largest Court in the Bay Area. The Court serves the public by providing equal justice for all in a fair, accessible, effective, efficient, and courteous manner. In all of the divisions of the court that handle issues involving families, the best interest and safety of the child is the first priority of the Court. The focus of the Juvenile Dependency Court is on protecting a child from parents who neglect or abuse them. Four judges sit in Dependency Court handle close to 800 new filings a year and about 2,000 cases are under judicial supervision at any given time.

The goal of the Juvenile Dependency Court is to:

- Protect children;
- Give them stability;
- Keep families together;
- Treat everyone with dignity;
- Respect diversity; and
- Value every child like their own.

Reports of neglect, abuse, abandonment, or exploitation come from several sources within the community. The role of the Department of Family and Children Services (DFCS) is to investigate these allegations. If the report is sufficiently substantiated, DFCS files a petition with the Juvenile Dependency Court. Within 48 hours, the parent must appear in Court for the initial detention hearing. The California Code of Civil Procedure §§ 272 and 273 require the Court to appoint a GAL for a party in an action, who is incapable of participating in the process. This requirement applies to a party who is determined to be mentally ill, incompetent or, upon application, a minor.

The need for a GAL in the Dependency Court is infrequent, but the amount of time necessary for each case may vary widely. For the 2019 calendar year, only 11 GAL appointments were made and 585 new W&I 300 cases were filed. It is estimated that each GAL case may, at the most, require 10 court appearances and the GAL could follow the case from detention through to permanent placement. In other instances, the GAL may be required for one or two appearances. Consequently, the actual number of appearances and necessary preparation time will vary depending on the individual case. In addition to court appearances, the GAL may need to meet with his/her ward outside a courtroom setting.

TERM:

This is generally a one-year contract, running on the fiscal year beginning in July 1 through June 30 in the following year. If a contractor starts any time after the beginning of the fiscal year, the contract will run to the end of the fiscal year, June 30. In addition, the contract may be renewed for two one-year terms at the discretion of the Court.

PAYMENT:

Compensation will be \$50 per hour for the initial training and every hour spent for services after appointment to the case.

CONTRACTOR STANDARDS:

Non-attorney contractors at a minimum must have:

- A BA or BS from an accredited college or university
- Experience in the juvenile dependency system and knowledge of the Department of Family and Children Services is preferred
- Understanding of the service delivery systems and community resources
- Experience working with teen parents
- Knowledge of mental illness, substance abuse and intimate partner violence and domestic violence issues
- Excellent interpersonal skills
- Bilingual and bicultural skills preferred

Non-attorney contractors will be required to complete the following training(s):

- Dependency Overview Film (10 mins)

10 hours of Dependency Court Observation
Attend Department of Family and Children Services 2 day Parent Orientation
Class (totaling 6 hours for the 2 days)

This is consistent with the Judicial Counsel's Guiding Principle 3 outlined in the California Juvenile Dependency Court Improvement Program Reassessment: The dependency system should be staffed by well-trained judicial officers and other professionals, who are given the resources and reasonable caseloads to do their jobs effectively.

All potential contractors must complete the Court application form, which can be found at http://www.seccourt.org/forms_and_filing/forms/HR-042.pdf, and provide 2 letters of reference. If selected, the contractor must submit to a criminal background check.

REPORTING REQUIREMENTS:

The contractor will submit billing invoices, including details on activities and hours worked, and any documentation used for program evaluation (as requested) in a timely manner to the Family Resource Division Director or her designee.

As of 2/15/11