

1 (Firm)
2 BY: (Attorney) CSB#
3 Address XXXXXXX
4 Phone XXXXXXX
5 Fax XXXXXXX

6 Attorney for (MOTHER)

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF
10 SITTING AS THE JUVENILE COURT

11 In the matter of:) CASE NO.
12)
13 (MINOR)) DECLARATION OF x
14) IN SUPPORT OF
15) MOTION TO DISQUALIFY JUDGE (C.C.P.
16) 170.1)
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I, , state and declare the following:

1. I am the attorney of record from (Firm) of appointed to represent the mother, (Mother), in the above-captioned case.
2. I was present in court on X, 2001 at 1:30 p.m. which was the date and time scheduled for a contested jurisdictional and dispositional hearing in the above matter.
3. The allegations in the case consist of molest allegations by the father toward a half-sibling who is not a party to the action. The father has already gone through a criminal trial in the matter in which the jury was unable to reach a

1 verdict. The jury had various vote counts on the several charges, but each of
2 the votes weighed heavily in favor of not guilty varying from 8 to 4 for not
3 guilty to as much as 11 to 1 for not guilty.

4 4. At the date and time of contested hearing, the judge questioned on the
5 record whether the matter was going to be able to resolve. The parties all
6 indicated that they did not believe the matter was going to resolve and that
7 further discussion would not be beneficial in assisting in resolving the matter.

8 The judge then requested that the parents leave the courtroom, which they
9 did, and addressed counsel off the record as to the issue of resolution. The
10 judge, outside the presence of the parents, again questioned counsel present
11 as to whether or not the matter could be resolved. The judge pointed out that
12 the half sibling, Y, who is the alleged victim in the criminal matter had already
13 testified in the first criminal trial, was going to be required to testify in the
14 second criminal trial, and then we were indicating that we wanted her to
15 testify in this dependency proceeding. The judge then asked something to
16 the effect of, "is it really necessary that we put her through that?" The judge
17 waited for a response and when the parties indicated either verbally or non-
18 verbally that her testimony was going to be necessary, he persisted in his
19 inquiry as to why her testimony was required or whether it was just "too bad".

20 5. It was my impression that the judge had made a determination that he
21 believed the allegations against the father. I was concerned that the judge
22 chose to address this issue out of the presence of the parents, giving the
23 impression that he was not willing to indicate in front of them that his concern
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1 lies primarily with the alleged victim, although she is not the subject of the
2 dependency proceeding.

3 6. The court then granted a continuance to the father's counsel based on her
4 motion and set a contested hearing for April 17, 2001 at 1:30 p.m. in
5 Department Z.
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7 I declare under the penalty of perjury under the laws of the State of California that
8 the foregoing is true and correct and that this declaration was signed at , California.

9 DATED: _____
10 _____

11 Attorney for MOTHER
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