

(Firm)  
BY: (Attorney) CSB#  
Address XXXXXXXX  
Phone XXXXXXXX  
Fax XXXXXXXX

Attorney for (FATHER), FATHER

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF XXX  
JUVENILE DIVISION

In re the Matter of:	)	Case No.:
	)	
(MINOR 1) & (MINOR 2) P.,	)	NOTICE OF MOTION TO REMOVE
MINORS	)	SOCIAL WORKER PURSUANT TO
	)	W & I CODE § 16513.5
	)	
	)	
	)	
	)	
	)	

On or about July 18, 2003, father (Father) will move the court to  
grant a motion to remove the social worker, M., based on a conflict of interest.

DATED: \_\_\_\_\_ NAME \_\_\_\_\_  
Attorney for (FATHER)

In re the Matter of: P. Minors

**PROOF OF SERVICE**

**Case Name: P. MINORS**

**Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION**

**Case No.:**

I am a resident of the United States and of the State of California. I am employed in the County of. My business address is. My business telephone number; fax number is. I am over the age of eighteen years. I am not a party to the within action or proceeding. On July, 2003, I served the following document(s):

**NOTICE OF MOTION TO REMOVE SOCIAL WORKER PURSUANT TO W & I  
Code § 16513.5**

I am familiar with the practice of (firm) for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at (firm) for deposit

  X   by placing, or causing to be placed, a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail, California, addressed as set forth below. (CCP §1012, 1013, & 1013(a))

**ADDRESS**

  X   by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

**ADDRESS**

  X   by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the Courthouse in the mailbox located in Room of the mail distribution center.

**ADDRESS**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July, 2003 at, California.

\_\_\_\_\_  
NAME

In re the Matter of: P. Minors

Case No.

August 4, 2008

(Firm)  
BY: (Attorney) CSB#  
Address XXXXXXXX  
Phone XXXXXXXX  
Fax XXXXXXXX

Attorney for (FATHER), FATHER

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF XXX  
JUVENILE DIVISION

In re the Matter of:	)	Case No.:
	)	
(MINOR 1) & (MINOR 2) P.	)	MOTION TO REMOVE SOCIAL
MINORS	)	WORKER - W & I CODE § 16513.5
	)	
	)	
	)	
	)	
	)	
	)	

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

The father, (Father), is making a motion to remove the social worker pursuant to W & I Code § 16513.5, which states “any party to a dependency proceeding may bring a motion before the juvenile court to have a social worker removed for this case. The juvenile court judge in the dependency proceedings shall grant the motion if a preponderance of evidence shows that a conflict of interest has occurred that would interfere with the social worker’s ability to objectively carry out his or her duties, which may include, but is not limited to, any of the following: (a) the social has had sexual contact, as defined in section 43.93 of the civil code, with any party to the dependency

In re the Matter of: P. Minors

Case No.

1 proceedings. (b) The social worker has a relationship with an individual who is adopting  
2 or attempting to adopt a child who is the subject of the pending dependency  
3 proceeding, and the relationship is of such a nature that a conflict of interest or biased  
4 may exist on the part of the social worker which may compromise his or her objectivity.  
5 (c) The social worker has been convicted of perjury with regard to the dependency  
6 proceeding before the court.”  
7  
8

9         The father, (Father), submits to the court that a conflict has arisen between he  
10 and the social worker, M., in that their relationship has broken down to the extent that  
11 she can no longer objectively carry out her duties. Although none of the subsections  
12 listed under W & I Code § 16513.5 apply to the social worker, it is the father’s position  
13 that the list is illustrative and not limiting. The father’s position is that the breakdown in  
14 the relationship between he and the social worker has risen to the level where a conflict  
15 of interest exists. At this point, the father feels that the social worker is no longer  
16 objectively carrying out her duties in that she is not assisting him in the reunification  
17 process and has made it difficult for him to communicate with the Department. The  
18 father feels that their relationship has broken down such that they can no longer  
19 effectively communicate with one another with respect to visitation and reunification  
20 services necessary for the return of his children, (Minor 1) and (Minor 2) P.  
21  
22

23 The father is requesting the court order that a new social worker from the family  
24 reunification department be placed on his case. It is the father’s hope that he can  
25

reunify with his children but he feels that the relationship between himself and social worker, M. is irreparable and reunification will not occur.

Specific to the upcoming W & I Code § 388 to modify the visitation order from supervised to unsupervised, the father feels that social worker am. has abused her discretion in not allowing him unsupervised visits and has thus impeded his ability to reunify with the minors, (Minor 1) and (Minor 2) P. The father is asking for consideration of his W & I Code § 388 Petition based on the evidence that will be presented and is also asking the court consider granting his request for a new social worker in this matter.

I, declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and that this declaration was signed in\_\_\_\_\_, California.

DATED: \_\_\_\_\_

NAME \_\_\_\_\_

Attorney for (FATHER) \_\_\_\_\_

In re the Matter of: P. Minors

**PROOF OF SERVICE**

**Case Name: P. MINORS**

**Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION**

**Case No.:**

I am a resident of the United States and of the State of California. I am employed in the County of \_\_\_\_\_. My business address is \_\_\_\_\_. My business telephone number is \_\_\_\_\_; fax number is \_\_\_\_\_. I am over the age of eighteen years. I am not a party to the within action or proceeding. On July \_\_\_\_\_, 2003, I served the following document(s):

**MOTION TO REMOVE SOCIAL WORKER – W & I Code § 16513.5**

I am familiar with the practice of (firm) for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at (firm) for deposit

X by placing, or causing to be placed, a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at \_\_\_\_\_, California, addressed as set forth below. (CCP §1012, 1013, & 1013(a))

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**ADDRESS**

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the Courthouse in the mailbox located in Room of the mail distribution center.

**ADDRESS**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July \_\_\_\_\_, 2003 at \_\_\_\_\_, California.

\_\_\_\_\_  
NAME

