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

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**
)
)
)
)
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)

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)

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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

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

6 Attorney for (FATHER), FATHER

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF XXX
10 JUVENILE DIVISION

11 In re the Matter of:) Case No.:
12)
13 (MINOR 1) & (MINOR 2) P.) MOTION TO REMOVE SOCIAL
14 MINORS) WORKER - W & I CODE § 16513.5
15)
16)

17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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

In re the Matter of: P. Minors

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

1 **PROOF OF SERVICE**

2 **Case Name: P. MINORS**
3 **Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION**
4 **Case No.:**

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

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

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

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

18 **ADDRESS**

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

21 **ADDRESS**

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

24 **ADDRESS**

25 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

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

6 Attorney for (FATHER), FATHER

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF XXX
10 JUVENILE DIVISION

11 In re the Matter of:) Case No.:
12)
13 (MINOR 1) & (MINOR 2) P.) ORDER REMOVING SOCIAL WORKER
14 MINORS) PURSUANT TO W & I CODE § 16513.5
15)
16)
17)

18 The court finds by a preponderance of the evidence that a conflict of interest has
19 occurred that would interfere with the social workers ability to objectively carry out her
20 duties and grants the motion to remove the social worker and appoint a new family
21 reunification worker.

22
23 DATED: _____ JUDGE OF THE SUPERIOR COURT
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25