

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>name and Address</i> ): NO.:  ATTORNEY FOR ( <i>Name</i> ):	TELEPHONE	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b> <input type="checkbox"/> LIMITED STREET ADDRESS: CIVIL CASE  MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
<b>APPLICATION FOR ORDER APPOINTING COUNSEL</b>		CASE NUMBER:

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Courtroom: \_\_\_\_\_ Filing Date of Complaint: \_\_\_\_\_

1. Petitioner, \_\_\_\_\_, is [ ] the parent [ ] legal guardian of \_\_\_\_\_, a defendant in this action and a minor.  
 (Put your name here) (Put your child's name here)
2. Petitioner is willing to serve as *guardian ad litem* of \_\_\_\_\_ but cannot afford legal counsel to represent him/her.  
 (Put your child's name here)
3. Defendant \_\_\_\_\_, being a minor, cannot represent him/her self in court (CCP section 372).  
 (Put your child's name here)
4. Petitioner, not being an attorney, cannot represent the minor in court.

**POINTS AND AUTHORITIES**

5. Fourteenth Amendment due process requires that “absent a countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard.” (*J.W. v. Superior Court*, (1993) 17 Cal.App.4<sup>th</sup> 958, 969, 22 Cal.Rptr.2d 527, 533, citing *Boddie v. Connecticut*, (1971) 401 U.S. 371, 377, 28 L.Ed.2d 113, 118, 91 S.Ct. 780). Due process considerations have led to a requirement that the court appoint counsel to represent an indigent defendant in a civil proceeding without fees charged to the defendant. (*J.W. v. Superior Court*, *supra*, at p. 970, 533, citing *Payne v. Superior Court*, (1976) 17 Cal.3d 908, 132 Cal.Rptr. 405, 555 P.2d 565, and *Salas v. Cortez*, (1979) 24 Cal.3d 22, 154 Cal.Rptr. 529, 593 P.2d 226.)

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6. Under the holding in Payne v. Superior Court, (1976) 17 Cal.3d 908, 132 Cal.Rptr. 405, 555 P.2d 565, petitioner is entitled to have court appointed counsel to represent him/her as *guardian ad litem* for

\_\_\_\_\_, the defendant and minor in this action.  
*(Put your child's name here)*

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
 (Type or print name)

DECLARATION

7. I, \_\_\_\_\_, am the petitioner and  
*(Put your name here)*  
 the parent  legal guardian of \_\_\_\_\_, a defendant in this action.  
*(Put your child's name here)*

8. My  son  daughter  ward named as a defendant in this case is a minor. His/her date of birth is \_\_\_\_\_.

9. I am not an attorney licensed to practice law in California.

10. I cannot afford to hire an attorney to represent my  son  daughter  ward in this case, nor can I afford to hire an attorney to represent me as the *guardian ad litem*.

11. I have completed a confidential court fee waiver application and financial statement that are submitted to the court with this application.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on \_\_\_\_\_ at \_\_\_\_\_, California.  
*(Put today's date here)* *(City where you are signing)*

\_\_\_\_\_  
 \_\_\_\_\_  
 (Type or print name)