Superior Court of California

County of Sonoma

Local Rules of Court

Effective January 1, 2015

Superior Court Administration
600 Administration Drive
Santa Rosa, CA 95403
(707) 521-6501
http://sonoma.courts.ca.gov

The Judicial Officers and Court Executive Officer
of the
Superior Court of California, County of Sonoma
January 1, 2015

Honorable Kenneth J. Gnoss, Presiding Judge

Honorable Raima Ballinger, Assistant Presiding Judge

Honorable Jamie Thistlethwaite, Supervising Judge – Criminal Div.

Honorable Virginia Marcoida, Presiding Judge - Juvenile Court

Honorable Bradford DeMeo, Supervising Judge - Family Law Div.

Honorable Arthur A. Wick, Supervising Judge – Civil Division

Honorable Shelly J. Averill

Honorable James G. Bertoli

Honorable Robert Boyd

Honorable Patrick M. Broderick

Honorable René Auguste Chouteau

Honorable Elliot L. Daum

Honorable Allan D. Hardcastle

Honorable Robert LaForge

Honorable Gary A. Medvigy

Honorable Gary Nadler

Honorable Lawrence E. Ornell

Honorable Peter Ottenweller

Honorable Nancy Case Shaffer

Honorable Dana Beernink Simonds

Honorable Louise Bayles-Fightmaster, Commissioner

Honorable Jennifer Dollard, Commissioner

Honorable Anthony Wheeldin, Commissioner

José Octavio Guillén, Court Executive Officer

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RULE 1 ORGANIZATION

1.1 Pursuant to Government Code §70200, there is one unified Superior Court for the County of Sonoma which is divided into a criminal division, a family law division, and a civil division which are governed by the following rules:

Rule 2	Rules Applicable to Small Claims Case and to Unlawful Detainer Cases
~~Rule 3~~	~~Master Civil Trial Calendar~~ (This Rule deleted as of 7/1/04)
Rule 4	Rules Applicable to All Civil Cases
Rule 5	Rules Applicable to Civil Law and Motion Proceedings
Rule 6	Rules Applicable to Probate Proceedings
Rule 7	Rules Applicable to Default, Uncontested, and Compromise Proceedings
Rule 8	Rules Applicable to Criminal Trial Proceedings
Rule 9	Rules Applicable to Family Law Proceedings
Rule 10	Rules Applicable to Juvenile Court Proceedings
Rule 11	Rules Applicable to Appellate Division Proceedings
Rule 12	Superior Court Commissioner
Rule 13	Rules Applicable to Trial Jury Service
Rule 14	Rule Prohibiting Smoking in Court Facilities
Rule 15	Rules Applicable to Grand Jury Service
Rule 16	Rules Applicable to Alternative Dispute Resolution (ADR)
Rule 17	Applications for Ex Parte Orders
Rule 18	Rules Applicable to Filing and General Procedure
Rule 19	Executive Officer- Clerk of the Superior Court
Rule 20	Hours of Business
Rule 21	Rules Applicable to Media Coverage
~~Rule 22~~	~~Early Mediation Program Rules~~ (This Rule deleted as of 7/1/04)
Rule 23	Rules Applicable to Traffic Infractions
Rule 24	Communication Among Criminal, Family and Juvenile Courts
Rule 25	Rules Applicable to the Court's Courtroom Dress and Decorum Policy

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2011)

1.2 In the event of any inconsistency between these rules and any California statute or any of the rules in the California Rules of Court, the latter statute and/or rule shall control.
(Eff. 1/1/1997; Rev. 1/1/2001)

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RULE 2 RULES APPLICABLE TO SMALL CLAIMS CASES AND TO UNLAWFUL DETAINER CASES

2.1 SMALL CLAIMS CASES

A. Form of Documents

Refer to Rule 18 herein for form of documents presented for filing. These rules also pertain to Small Claims matters.

B. Identification of Authorized Agent for Service

If plaintiff requests, and pays for, the clerk to provide service upon defendant(s) pursuant to Code of Civil Procedure §116.340(a)(1) and one or more of the defendants is a business, plaintiff shall include the names(s) and address(es) of the authorized agent(s) for service, identified as such, in parentheses beneath the name of each defendant business.

C. Law and Motion

All law and motion matters in small claims actions shall be scheduled as designated by the Civil Division Supervising Judge. Hearing dates may be obtained as indicated in Rule 5.2.A herein.

D. Trial Setting

A trial date will be assigned by the clerk upon the filing of the Plaintiff's Claim (use of the adopted Judicial Council Form is mandatory). The trial date will be set in accordance with Code of Civil Procedure §116.330(c).

Small Claims matters are heard by judges pro tempore pursuant to stipulation of the parties. Where parties are unwilling to so stipulate, the matter will be reassigned for hearing, on a different date and at a different time, before a judge or court commissioner.

E. Proof of Service

All proofs of service must be filed with the Court at least seven (7) calendar days prior to the scheduled trial date. Failure to comply may result in the case being dismissed without prejudice by the Court.

F. Lack of Service or Failure to Appear at Trial

It is the policy of the Court that all small claims cases which are not properly served by the date assigned for trial or in which all of the parties fail to appear, shall be dismissed without prejudice by the Court.

G. Exhibits after Trial

Upon the conclusion of the trial, the Clerk's Office will not accept additional exhibits for the Court's consideration unless specifically requested by the Court at the time of trial. Pursuant to Code of Civil Procedure §1952(c) the exhibits introduced in a small claims case will be destroyed in sixty

(60) calendar days following the final determination of the action unless return is personally requested by the litigant.

H. Appeals

Small claims appeals will be heard as designated by the Supervising Judge of the Civil Division.

Upon the filing of a notice of appeal and payment of the required filing fees, the Clerk's Office will schedule a trial de novo pursuant to Code of Civil Procedure §116.770, usually at a date least thirty (30) calendar days from the filing of the notice of appeal.

A Substitution of Attorney–Civil [Judicial Council form #MC-050] indicating representation by counsel at the trial de novo pursuant to Code of Civil Procedure §116.530(c)(3) must be filed with the Court at least seven (7) calendar days prior to the scheduled hearing date.

I. Qualifications for Attorneys Serving as Judges Pro Tem

Attorneys serving as judges pro tem shall meet the minimum qualifications established in the Constitution of the State of California, Article VI, section 15, and shall attend the Small Claims Court Judges Pro Tem Training provided by the Sonoma County Superior Court at least once every two years. (Eff. 1/1/1997; Rev. 1/1/2005)

2.2 UNLAWFUL DETAINER CASES

It is the policy of this Court that neither a property manager nor a lease holder can file an unlawful detainer complaint on behalf of the property owner. Corporations, as well as property managers, need attorneys at law to appear in Superior Court.

If the clerk, inadvertently files a complaint brought by a management company or corporation in pro per, the clerk is ordered to refuse to enter defendant's default or to enter a clerk's judgment for possession unless and until the management company or corporation substitutes in an attorney of record.

A. Trial Setting

1. When a case is ready for trial any party to the action (by and through their attorney of record if represented) may file and serve a request to set the time of the trial which shall include the following trial information:

a. Time estimate for trial in hours or days;
b. Whether or not a jury is requested;
c. Whether there has/have been any previous request(s) for trial and the file date(s), if any; and
d. Whether or not an official court reporter is requested at trial.

2. Any party may (by and through their attorney of record, if represented), following notice of a request to set the time of the trial and not less than five (5) calendar days prior to the date set for trial, separately demand trial by jury. Such demand shall state whether there has been a previous request for trial and the file date (if known), whether or not an official court reporter is requested at trial, and may include a separate time estimate for trial. Failure to deposit jury

fees at least five (5) days prior to the date set for trial shall constitute a waiver of jury trial pursuant to Code of Civil Procedure §631.

3. Unlawful Detainer actions shall be assigned directly for trial by the clerk and without the appearance of counsel.

B. When an unlawful detainer becomes an ordinary civil case and plaintiff has filed an amended complaint, the clerk shall re-designate the case and it shall proceed as a general civil case in either the limited or unlimited jurisdiction, as appropriate.

C. Default and Compromise

1. Presentation of Default Judgment

Pursuant to Code of Civil Procedure §585(d), any default judgment may be proven upon proper presentation of declarations or affidavits without appearance of the party seeking default judgment or the necessity of scheduling a hearing, unless after reviewing the application the Court requests otherwise.

2. Time Frames for Presentation of Defaults

Requests to enter default and default judgments are to be presented to the Court or the clerk when applicable no later than 90 calendar days from the filing of the complaint. If no default judgment or order granting an extension of time is on file by the 90th day from the filing of the complaint, the unlawful detainer action will be dismissed, upon the Court's own motion, without prejudice.

3. Disposition of Fictitious Defendants (Cross-Defendants)

All unnamed parties (unknown defendants as described in Code of Civil Procedure §474) must be disposed of, i.e., dismissed with or without prejudice, prior to entry of final judgment. Failure to comply may result in any judgment being returned unsigned or in the issuance of an order to show cause entailing possible sanctions.

D. Law and Motion

All law and motion matters in unlawful detainer actions shall be scheduled on the Unlawful Detainer Law & Motion Calendar as designated by the Supervising Judge of the Civil Division. Hearing dates may be obtained as indicated in Rule 5.2A herein. No tentative rulings will be made available for matters on this calendar.

E. Schedule of Attorney's Fees

Rule 7.3 of these rules is inapplicable to unlawful detainer actions because the gravamen of the complaint is possession and because Code of Civil Procedure §1169 applies. Only the Court can enter money judgments, including attorney fees, in unlawful detainer actions. Generally, where attorney fees are due, the Court will fix them at $300.00 for default judgments and $375.00 for court trials absent satisfactory proof to the Court that the difficulty, risk, course of negotiations, necessary discovery, etc., justify a higher award.

F. Stipulations for Entry of Judgment

Any stipulation between parties that sets terms and conditions for settlement of an unlawful detainer action must include:

1. A statement, pursuant to California Rules of Court, Rule 3.1385, that plaintiff will file a Request for Dismissal, Entire Action, either within 45 days of the date of the filing of the stipulation or upon some other specified date;

2. A place for the court to set a review date at which the parties may appear if the terms and conditions are not met and upon which the Court may dismiss if the parties fail to appear and the plaintiff has not filed a Request for Dismissal as required by F(1) above;

3. If the stipulation is presented for Court approval prior to the trial date and the parties do not intend to appear at trial, an order dropping the case from the trial calendar;

4. A clear and concise statement of the ex parte application, opposition, and order process by which remedies are available to either party in the event of a default on any of the terms and conditions of the stipulation. The clerk will not enter judgment upon declaration of the judgment creditor.

The use of Judicial Council Form UD-115 entitled "Stipulation for Entry of Judgment" may be used. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 7/1/2008)

~~RULE 3 MASTER CIVIL TRIAL CALENDAR~~ (This Rule has been Deleted as of 7/1/2004)

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RULE 4 RULES APPLICABLE TO ALL CIVIL CASES

These Sonoma County Superior Court Local Rules confirm that the court shall have all powers for sanctions, etc., as set forth in Code of Civil Procedure sections 128, 128.5, 128.6, 128.7 and 575.2 and California Rules of Court, rule 2.30. (Eff. 1/1/1997; Rev. 7/1/2008, 1/1/2014)

4.1 DIFFERENTIAL CASE MANAGEMENT

A. The following rules are adopted to advance the goals of the Trial Court Delay Reduction Act set forth in Government Code sections 68603, et seq., and addressed by sections 2.1 and 2.2 of the Standards of Judicial Administration and California Rules of Court, rules 3.710 et seq., all incorporated herein by reference. It is the intent of this court that these rules satisfy the court's obligations under the Trial Court Delay Reduction Act, and the requirement of the California Rules of Court that the court adopt local rules on differential case management consistent with the California Rules of Court and the Standards of Judicial Administration.

1. Upon the filing of every complaint the clerk shall provide to the plaintiff Notice of the Case Management Conference, ADR packet and Judge Pro Tem Program information, which plaintiff is required to serve with the complaint;

2. The complaint must be served on all named defendants, and proof of service filed with the court within 60 days after filing the complaint. The time periods for service and filing of the proof of service for an amended complaint, an answer, and a cross-complaint are otherwise in accordance with the California Rules of Court. When the complaint is amended to add a new defendant, the added defendant must be served and proof of service filed within 30 days of after the filing of the amended complaint. The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint. If a cross-complaint adds new parties, the added defendant must be served and proof of service filed within 30 days after the filing of the amended cross-complaint;

3. The first Case Management Conference shall be held not later than 180 days after the filing of the complaint. Any party who adds a party to the proceeding must inform the new party of any pending dates set by the court including a pending case management conference date, a pending settlement conference date and a pending trial date.

4. Requests to continue a Case Management Conference must be set forth in the Case Management Conference Statement;

5. At the first Case Management Conference or at an earlier time deemed appropriate by the court, the court shall evaluate each case and assign a case management plan;

6. The court may modify the assigned case management plan at any time for good cause shown;

7. **Uninsured and Underinsured Motorist Actions.** At the time the complaint or petition is filed, or within 30 days after discovering that the case is an uninsured or

underinsured motorist case, plaintiff /petitioner shall file an ex parte application with a supporting declaration and proposed order requesting that the case be designated as an uninsured or underinsured motorist case. To allow for arbitration of the plaintiff/petitioner's claim, the Civil Case Management Rules do not apply to a case designated by the court as "Uninsured Motorist" or "Underinsured Motorist" as defined in Government Code section 68609.5 and Insurance Code section 11580.2 until 180 days from the date of the designation. The clerk's office shall set a Case Management Conference on the earliest available CMC calendar after 180 days from the designation of the case as an uninsured or underinsured case.

8. Upon filing of the complaint or at anytime thereafter as appropriate the court may designate a case as complex at a Case Management Conference or otherwise as the court may deem proper;

9. When a party to a case dies, the attorney for that party shall promptly serve and file a notice with the court;

10. The court may issue any order modifying routine processes that is consistent with reducing costs of litigation and ensuring timely disposition of all cases.

B. All general civil cases shall be deemed to be cases as described in California Rules of Court, Rule 3.714(b)(1) unless otherwise requested in a Case Management Statement (Judicial Council form #CM-110) filed by counsel or any self-represented party and thereafter ordered by the court.

C. All other civil cases, unless a separate management plan is defined in the California statutes or in the California Rules of Court, shall be placed in the local case management plan as follows:

1. Plan "a": 6 months

a. Unlawful detainer actions

b. Injunctive proceedings pursuant to code of Civil Procedure §§527.6, et seq.

2. Plan "b": 9 months

All other civil actions identifiable on the Civil Case Cover Sheet (Judicial Council form #CM-010) under the headings of Judicial Review, Enforcement of Judgment, or Miscellaneous Civil Petition. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 1/1/2008, 7/1/2011, 1/1/2014, 7/1/14, 1/1/15).

4.2 ASSIGNMENT TO ONE JUDGE FOR ALL PURPOSES AND CASE MANAGEMENT CONFERENCE

A. In every general civil case, at the time of filing a complaint, by order of the Presiding Judge, the Clerk of the Court will issue a Notice of Assignment of Case to One Judge for All Purposes and Notice of Case Management Conference. The Notice will include the name of the Assigned Judge and the date, time and location of the Case Management Conference (approx. 120 days from filing). A copy of the Notice must be served with the summons and complaint, and with any cross-complaint.

B. Civil cases in Plans "a" and "b" will only be assigned to one judge for all purposes if the need for such an assignment arises.

C. Pre-approved Dispositions: Three (3) court days preceding each scheduled Case Management Conference calendar, the Assigned Judge or his/her designee will cause to be recorded a pre-approved disposition of any case set on the Case Management Conference calendar. The pre-approval may be obtained by telephoning (707) 521-6881 (tape-recorded message) or on the court's web page at www.sonoma.courts.ca.gov. The pre-approved disposition will become the ruling of the court at the conference unless any party desiring to be heard so advises the judicial assistant in the Assigned Judge's chambers no later than 48 hours before the scheduled conference and also notifies all parties or their attorneys. Appearances will be required or dispensed with by the court as indicated in the pre-approved dispositions. Where appearances are required by the court, or no pre-approved disposition is indicated on any case, then all principal trial counsel and self-represented parties shall appear at the conference at the time scheduled in any notice, order to show cause, or as otherwise directed by the court.

D. Stipulation for Alternative Dispute Resolution: The policy statement and rules pertaining to the Sonoma County Superior Court Alternative Dispute Resolution Program are set forth in Rule 16. The rules pertaining to the Sonoma County Superior Court Judicial Arbitration Program are set forth in Rule 4.4 below. Parties who submit a completed and fully signed Stipulation and Order Referring Matter to Alternative Dispute Resolution (Sonoma County form CV-7) more than five (5) court days prior to the scheduled date for the Case Management Conference need not appear at the Case Management Conference. A completed and fully signed stipulation must contain all of the following:

1. The type of ADR process that has been selected;
2. The name of the person acting as neutral;
3. The date upon which the ADR process will take place;
4. A representation that an agreement has been reached as to the payment of the fees of the neutral.

Upon receipt of a completed and fully signed Stipulation and Order Referring Matter to Alternative Dispute Resolution (Sonoma County form CV-7) the court will notify the parties of the date upon which a Review Hearing will be held. The Review Hearing will be dropped in the event that a notice of settlement (pursuant to California Rules of Court, Rule 3.1385) or a dismissal of all causes of action as to all defendants is filed not later than ten (10) calendar days prior to the date set for the review hearing. (Eff. 1/1/1997; Rev.7/1/2005, 1/1/2007)

4.3 APPLICATION TO EXTEND TIME

An application for a court order extending the time to serve a pleading under this rule shall be filed before the time for service has elapsed. In actions where monetary damages are sought, "good cause" for an extension of time to serve the defendant with the complaint is established where plaintiff's declaration form filed with the complaint affirmatively shows that (a) the defendant or the defendant's insurance carrier has been advised that an action has been filed and that settlement negotiations are in progress which are likely to resolve the case without further litigation, or (b) after diligent search the defendant has not been identified or located. Upon such showing, it is the policy of the court to extend the time for service of the complaint to a date certain, within which time it appears reasonable that negotiations can be concluded, or the defendant can be served, but in no case more than 60 days.

"Good cause" includes existence of those conditions stated in Code of Civil Procedure §583.240. When applying to the Court to extend time for service of process based on the conditions stated in Code of Civil Procedure §583.240, plaintiff shall suggest to the court the earliest time within which the impediment to service may reasonably be eliminated so that the Court is able to continue its supervision of the case on a date certain. The application shall be supported by a form declaration. (Eff. 1/1/1997; Rev. 1/1/2003, 7/1/2004, 1/1/2014)

4.4 JUDICIAL ARBITRATION

Pursuant to Code of Civil Procedure §§1141.11(b)-(d) and 1141.12(b) and California Rules of Court, rule 3.810, all of the following actions shall be subject to arbitration.

A. All limited civil cases unless exempted by California Rules of Court, rule 3.811.

B. All unlimited civil cases where the amount in controversy does not exceed $50,000 as to any plaintiff unless exempted by California Rules of Court, rule 3.811.

C. Upon stipulation (parties may use the Stipulation and Order Referring Matter to Alternative Dispute Resolution (Sonoma County form #CV-7) of any action regardless of the amount in controversy.

D. Upon filing of an election by a plaintiff, any action in which the plaintiff agrees that the arbitration award shall not exceed $50,000.00 as to any plaintiff.

Pursuant to Code of Civil Procedure §1010.6(a)(6), the Sonoma County Superior Court will allow service of the Notice of Appointment of Arbitrator upon the arbitrator if the arbitrator has given written consent to the Arbitration Administrator for service in such a manner.

All arbitrations shall be governed by and shall proceed in accordance with the Code of Civil Procedure §§1141.10 - 1141.31 and California Rules of Court, rules 3.810 - 3.830.
(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 1/1/2014)

4.5 ORDERS TO SHOW CAUSE

A. Each case included by this Rule will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply.

B. Orders to show cause will be scheduled on calendars at such times and places as designated by the Assigned Judge.

C. At any time the court issues an order to show cause for failure to comply with any of the rules, the party(s) or attorney(s) to whom the order is directed shall file a response to the order to show cause and an updated Case Management Statement (Judicial Council form #CM-110) not later than fifteen (15) calendar days before the date set for the hearing on the order to show cause; and they shall appear at the scheduled hearing thereon.

D. In the afternoon two (2) court days preceding the Order to Show Cause hearing, commencing at 2:00 p.m., the Assigned Judge or his/her designee will cause to be recorded a tentative ruling of any case set on the Order to Show Cause calendar. The tentative ruling

may be obtained by telephoning (707) 521-6881 (tape recorded message) or at the Web page of the Superior Court: www.sonoma.courts.ca.gov. (Eff. 1/1/1997; Rev. 7/1/2004)

4.6 SANCTIONS

Failure to comply with these rules or with the California Rules of Court may result in the imposition of sanctions.

In the event that any attorney, any party represented by counsel, or any party appearing in pro per fails to comply with any of the requirements of, or orders made, pursuant to Rules 2, 4, 5, 7 or 9, or the California Rules of Court, the Court may impose sanctions upon motion of a party or on its own motion. Sanctions may be imposed pursuant to Government Code Section 68609(d); Code of Civil Procedure Sections 128.5, 128.7, 177.5; and 575.2; and California Rules of Court, Rule 2.30.

Unless otherwise ordered, any monetary sanctions imposed by the Court shall be paid forthwith and payable to the Sonoma County Superior Court. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 7/1/2008)

4.7 MANDATORY SETTLEMENT CONFERENCE

At the discretion of the Assigned Judge a mandatory settlement conference shall be held in all cases set for trial. These settlement conferences shall be at such times and places as designated by the Assigned Judge.

All parties are required to comply with the standing "Supplemental Order Re Mandatory Settlement Conference Pursuant to California Rules of Court, Rule 3.1380". The standing order will be sent to the parties by the court in all cases in which a settlement conference is scheduled along with the Notice of Settlement Conference and Trial Call.

Not later than five (5) court days before the date set for the settlement conference, each party shall do the following: Deliver their Settlement Conference Statement directly to the pro tem panelist(s); lodge the original with the appropriate Court Settlement Conference Coordinator; and serve a copy on opposing counsel. Settlement conference statements shall be available to the court. At the conclusion of the settlement conference, the pro tem panelist(s) shall make a report to the court as to whether the case settled, and, if not, the last settlement offer(s) and demand(s), the likelihood of settlement, any identifiable obstacles to settlement, and other matters as requested by the court.

The date, time, and location of the settlement conference must be typed on the first page of the statement. The parties shall notify the panelist(s) and appropriate settlement conference coordinator of a pre-conference settlement. Failure to comply will result in monetary sanctions being imposed.

For a current list of scheduled settlement conferences, along with the name and telephone number of the pro tem panelist(s), go the Court's website at www.sonoma.courts.ca.gov, "Calendars (all)", "Civil Settlement Conference Main Page." Parties are encouraged to check the website frequently as changes may occur. (Eff. 1/1/1997; Rev. 7/1/2006, 1/1/2007, 7/1/2008, 1/1/2014)

4.8 DEPOSIT OF JURY FEES

A. If a jury trial is desired, it must be demanded in the Case Management Statement. For purposes of these rules, the date of the Trial Call as described herein in Rule 4.9.A will be construed as the date of trial.

B. Jury fees in civil cases must be deposited with the Superior Court Clerk in accordance with the dictates of Code of Civil Procedure section 631.

C. Unless superseded by Code of Civil Procedure section 631(b), written application for refund of jury fees for any reason must be made within twenty (20) calendar days from the filing date of the Notice of Settlement, Dismissal or Order Granting Continuance, pursuant to Code of Civil Procedure §631.3.

D. Jury fees on deposit will be forfeited and will not be applied to a future trial date if: the matter is settled without notice to the court, the jury is waived without two (2) court days' notice to the court, or the trial date is continued without two (2) court days' notice to the court, pursuant to Code of Civil Procedure §631.3.

E. Notice to the court under this rule must be in writing. The file date is used to determine compliance with time lines contained herein.

F. After completion of the trial, any remaining jury fees on deposit will be returned only upon written request to the Clerk of the Court. The request for refund must be submitted within thirty (30) calendar days of the completion of the trial, otherwise any funds remaining on deposit shall be forfeited. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2014, 7/1/2014)

4.9 TRIAL CALL AND TRIAL-RELATED MOTIONS

A. Trial Call Calendar

Trials, both long cause and short cause, will be called on such dates and at such times as shall be set by the Assigned Judge. Attendance by counsel at the Trial Call is mandatory unless excused by the Assigned Judge.

B. Continuances

Continuances of trials may be granted, upon good cause show, by stipulation of the parties or upon written notice of motion. FAILURE TO COMPLETE DISCOVERY IS NOT GOOD CAUSE. Any motion for continuance must be calendared for hearing before the Assigned Judge on the Trial Call calendar at least seven (7) calendar days in advance of the trial date, unless good cause is shown for a shortening of such time. Stipulation of trial counsel by itself does not constitute good cause for granting a continuance.

C. Requests for continuance of trials or trials de novo in small claims cases must follow the procedure set out in Code of Civil Procedure §116.570. (Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2011, 1/1/2014)

4.10 PRETRIAL MATTERS AND COMMENCEMENT OF TRIAL

A. Uniform Procedures

The procedures prescribed in this rule apply uniformly to trials throughout the Civil Division except in expedited jury trials under Code of Civil Procedure section 630.01 et seq., which are governed by California Rules of Court, rules 3.1545–

3.1552. Judges may, in the exercise of discretion, order different procedures based on the particular requirements of an individual case.

B. Trial Call

Trial call is on the Friday as specified by the court in its Notice of Settlement Conference and Trial Call as served on all parties. Unless otherwise ordered, parties should expect and be prepared to begin the trial of a case at the trial call. (Cf. Gov. Code, § 68607(f): Judges should "[c]ommence trials on the date scheduled.")

C. Duty to Meet and Confer

At least seven court days before trial call, all attorneys of record and unrepresented parties must meet and confer in a good faith effort to reach agreement and enter into written stipulations or written joint statements on the matters described in subdivisions D and G of this rule. All such stipulations and statements must be filed, and courtesy copies delivered, at the time and in the manner stated in subdivisions D and G. A stipulation or joint statement may be filed instead of any submission of an individual party that this rule requires or permits.

D. Pretrial Documents

By 4:00 p.m. on the third court day before trial call, the parties must file the documents listed below with the judicial assistant in the assigned department and deliver courtesy copies to the assigned judge.

1. Any proposed voir dire questions which, due to unusual or sensitive circumstances, a party requests the judge to ask prospective jurors.

2. Any proposed jury questionnaire.

3. A joint list, in alphabetical order, of all witnesses to be called, indicating which party intends to call each witness. The list should also note any anticipated issue concerning a witness that might require the court's attention, including but not limited to scheduling constraints, health problems, security precautions, and the need for a translator or interpreter.

4. A joint estimate of the length of the trial.

5. A joint, neutral statement of the case to be read to the jury.

6. All motions in limine. Any written opposition to a motion in limine must be filed with the judicial assistant in the assigned department, and a courtesy copy delivered to the assigned judge, by 4:00 p.m. one court day before trial call.

7. Identification by each party of all deposition testimony that the party intends to offer in evidence on the ground that the witness is unavailable to testify at trial, designated by witness, date or volume, and pages and lines.

8. A list of all requested California Civil Jury Instructions (CACI) by number, in numerical order, with titles.

9. Signed copies of the Trial Orders of the Court, containing those provisions to which the parties have stipulated.

E. Exhibits to Be Used in Opening Statement and/or Trial

On the day that motions in limine are heard, prior to that hearing, each party must show all other parties all electronic presentations, demonstrative exhibits, charts, diagrams, photographs, enlargements, and all other tangible things that the party intends to use in the party's opening statement and/or during trial. Any party who objects to any such material must make the objection at the hearing of the motions in limine, and the judge will rule on all such objections presented.

F. Trial Briefs

The court finds trial briefs to be very helpful and encourages their submission. Any trial brief must be filed with the judicial assistant in the assigned department, and a courtesy copy delivered to the assigned judge, by 12:00 p.m. one court day before trial call. This does not preclude supplemental briefs on specific issues that arise during the trial.

G. Jury Instructions and Verdict Forms

1. In every jury trial, before the first witness is sworn, each party must deliver to the judge, and serve upon all other parties, proposed jury instructions on all applicable law disclosed by the pleadings.

2. Before closing argument begins, each party must deliver to the judge and serve upon all other parties forms of verdict and any additional proposed jury instructions on questions of law arising from the evidence that were not disclosed by the pleadings.

3. Each proposed jury instruction~~s~~ must be printed in black ink on a separate piece of paper. Proposed instructions must not identify the requesting party or any party or counsel in the case. The jury instruction~~s~~ must be assembled in a packet with a face sheet that lists all requested instructions and the requesting parties.

H. Service of Trial Documents

All documents authorized by this rule that a party files with or otherwise submits to the court must be served by a means that is reasonably calculated to assure delivery to all other parties by the earlier of (1) the time when delivery to the court is due under this rule, or (2) the time when the document is actually delivered to the court. Such means include, but are not limited to, personal delivery, facsimile transmission (fax), email, and other means of electronic transmission that are no slower than fax. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2012, 1/1/2014)

4.11 VOIR DIRE

The trial judge shall conduct general voir dire. Counsel will be permitted to conduct supplemental questioning. (Eff. 1/1/1997; Rev. 7/1/2004)

4.12 DISPOSITION OF FICTITIOUS DEFENDANTS (CROSS-DEFENDANTS)

All unnamed parties (unknown defendants as described in Code of Civil Procedure §474) must be disposed of, i.e., dismissed with or without prejudice, prior to entry of judgment. Failure to comply may result in any judgment being returned unsigned or in the issuance of an order to show cause entailing possible sanctions. (Eff. 1/1/1997; Rev. 7/1/2004)

4.13 TEMPORARY JUDGE (PRO TEM) TRIALS

A. **Stipulation:** A civil case may be tried by a temporary judge, with or without jury, pursuant to the stipulation of the parties, and subject to approval by the court. Each temporary judge must be an active member of the State Bar with at least five (5) years' experience or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

B. **Court Facilities and Personnel:** Court facilities (including the courtroom at any location in Sonoma County), court personnel and juror services may be used for the trial; subject to a finding by the presiding judge that such use would further the interests of justice. The court personnel in attendance at the trial will include a pro tem court clerk and court reporter, unless otherwise stipulated by the parties and approved by the Presiding Judge or Supervising Judge of the Civil Division.

C. **Compensation:** The stipulation must include the rate of compensation to be paid by the parties for the services of the pro tem court clerk and court reporter; and the rate of compensation to be paid for the temporary judge, if any. The rate of compensation must be allocated between the parties as set forth in the stipulation for each trial, and paid upon demand of the pro tem court clerk.

D. **Notice of Pro Tem Calendar:** The Assigned Judge may, from time to time, notify parties in pending civil cases in advance of the availability of temporary judges and the location of court facilities for the trial of civil cases and available trial dates.

E. **Other Rules:** The stipulation and civil trial by any temporary judge shall be in accordance with Rule 2.831, California Rules of Court, which latter rule shall govern in the event of any conflict with these local rules. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 1/1/2014)

4.14 DISCOVERY FACILITATOR PROGRAM

A. **Policy of the Sonoma County Superior Court:** It shall be the policy of the Sonoma County Superior Court to encourage use of the Discovery Facilitator Program in connection with any discovery dispute that arises in a civil case. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Discovery Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the Assigned Judge's judicial assistant in chambers for review and processing. Should counsel require an endorsed filed copy of such document, a self-addressed stamped envelope should be left

with the judicial assistant. It is intended that participation in the Discovery Facilitator Program shall not delay the scheduling or hearing of any discovery motion.

B. **Discovery Facilitator Panel:** A list of qualified discovery facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association.

Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

C. **Participation by Stipulation:** A discovery dispute or potential dispute may be referred to the Discovery Facilitator Program pursuant to stipulation by the parties or their counsel of record.

D. **Mandatory Participation:** The court may require participation in the Discovery Facilitator Program in the following instances:

1. At any time after the filing of a discovery motion, the court may, in its discretion, issue an Order referring the motion to the Discovery Facilitator Program. In the event any party desires not to submit the motion to the Discovery Facilitator Program, such party may file with the Assigned Judge's judicial assistant a "Notice of Intent to Opt Out of Discovery Facilitator Program", and the order issued pursuant to this subparagraph shall be vacated.

2. In the event any party desires a dispute or potential dispute to be included in the Discovery Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The court shall hear from all parties on the issue at the case management conference, and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Discovery Facilitator Program.

3. In the event a party desires that a dispute or potential dispute be included in the Discovery Facilitator Program prior to the time of the next scheduled case management conference, or at a time when no further case management conferences are scheduled, such party may bring a motion in accordance with Sonoma County Local Rules, rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Discovery Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

E. **Selection of a Discovery Facilitator:** The moving party shall contact opposing party (ies) and make a reasonable and good faith attempt to informally select a discovery facilitator from the list of potential discovery facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the court by filing a stipulation with the Assigned Judge's judicial assistant if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the Assigned Judge's judicial assistant and the discovery facilitator shall be selected as follows:

1. The judicial assistant shall select, at random, a number of names from the list of potential discovery facilitators equal to the number of sides, plus one, and mail and

fax to the parties or their counsel of record, the "Notice and Order Re: Inclusion in Discovery Facilitator Program".

2. Each side has five (5) calendar days from the date of service by mail and fax of the "Notice and Order Re: Inclusion in Discovery Facilitator Program" to file a written rejection entitled "Notice of Rejection of Discovery Facilitator" (to be submitted to the Assigned Judge's judicial assistant in chambers), of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.

3. Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.

4. The judicial assistant shall assign the case to a discovery facilitator and shall serve by mail and fax the "Notice and Order of Appointment of Discovery Facilitator" on all parties or their counsel of record. Upon receipt of the "Notice and Order of Appointment of Discovery Facilitator", the parties shall forthwith deliver to the facilitator copies of all pleadings concerning the discovery dispute.

The discovery facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the discovery dispute.

F. **Compensation:** The discovery facilitator shall devote up to two hours, without charge to any of the parties, in an attempt to facilitate resolution of the discovery dispute. In the event a resolution cannot be achieved within that period of time, the parties may agree to continue with the discovery facilitator provided that agreement is reached between and among the parties and the discovery facilitator as to compensation of the discovery facilitator.

G. **Resolution:**

In the event a resolution of the discovery dispute is achieved, a pleading entitled "Stipulation and Order Re: Discovery Facilitator Program Issues" shall be executed by the parties, through legal counsel, memorializing the terms of such resolution, and shall be presented to the Assigned Judge's judicial assistant in chambers for execution and filing no later than ten (10) calendar days before the scheduled law and motion hearing date, if any.

In the event the parties are unable to resolve the discovery dispute with the discovery facilitator, the discovery facilitator shall prepare and serve on all parties or their counsel of record a report which contains the following information:

1. A brief summary of the dispute and contentions of the parties;

2. Any legal or factual analysis made by the discovery facilitator in connection with his/her role in attempting to resolve this dispute;

3. A statement indicating whether moving and/or opposing parties met and conferred in good faith.

The moving party shall file such report with the court at the time the discovery motion is filed, or, in the event the discovery motion is already pending, no later than ten (10) calendar days before the scheduled law and motion hearing date, if any, for this discovery issue.
(Eff. 1/1/2008; Rev. 1/1/2009, 7/1/2009, 1/1/2014)

4.15 READINESS CONFERENCE

At the discretion of the Assigned Judge a readiness conference shall be held in all cases set for trial. These readiness conferences shall be at such times and places as designated by the Assigned Judge.

All counsel and self-represented litigants are required to attend the readiness conference. Telephonic appearance at the readiness conference is permitted.

The purpose of the readiness conference shall be to discuss courtroom availability, the nature of any pretrial motions, and any issues that may affect the conduct of the trial. (Eff. 7/1/2010)

4.16 MATTERS AFFECTED BY BANKRUPTCY

A. Any party or counsel for a party in a matter pending before this court who acquires knowledge of a proceeding in bankruptcy which may cause or impose a stay of proceedings in this court shall promptly give notice of such bankruptcy proceedings as set forth below.

1. The notice required by subdivision (A) above shall be filed with the court. Said notice shall also be provided to the affected department directly, by presenting an endorsed filed copy of the filing to the judicial assistant for the affected department. Said notice shall also be served on all parties to the litigation. The subject notice shall include: (a) a copy of the most recent order of the bankruptcy court and of any stay order issued by that court; and (b) An explanation of whether a stay order or an automatic stay is in effect and why the stay applies to the pending litigation, appeal, or writ proceeding. Any party disputing the notifying party's documentation or explanation shall promptly serve and file an opposing statement addressing all such concerns.

2. Any party may, at any time, file and serve notice of any circumstances or orders permitting the proceeding to proceed, including evidence that the bankruptcy stay has been lifted, the bankruptcy proceeding has been dismissed, or a party has obtained relief from the stay. (Eff. 1/1/2013)

4.17 DEMURRER FACILITATOR PROGRAM

A. Policy of the Sonoma County Superior Court: It shall be the policy of the Sonoma County Superior Court to encourage use of the Demurrer Facilitator Program in connection with any demurrer that is filed with respect to any pleading in a civil case. Participation in the Demurrer Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Demurrer Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the Assigned Judge’s judicial assistant in chambers for review and processing. Should counsel require an endorsed filed copy of such document, a self-addressed stamped envelope shall be left with the judicial assistant. It is intended that: 1) participation in the Demurrer Facilitator Program shall not delay the scheduling or hearing of any demurrer; and 2) demurrer facilitators shall not render substantive findings of fact or law, as their purpose shall be to encourage voluntary resolution through a facilitative process.

B. Demurrer Facilitator Panel: A list of qualified demurrer facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association. Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

C. Participation by Stipulation: A dispute or potential dispute regarding a demurrer and any corresponding motion (i.e., demurrer and motion to strike) may be referred to the Demurrer Facilitator Program pursuant to stipulation by the parties or their counsel of record.

D. Mandatory Participation: The court may require participation in the Demurrer Facilitator Program in the following instances:

1. At any time after the filing of a demurrer the court may, in its discretion, issue an order referring the demurrer to the Demurrer Facilitator Program. In the event any party desires not to submit the motion to the Demurrer Facilitator Program, such party may file with the Assigned Judge's judicial assistant a "Notice of Intent to Opt Out of Demurrer Facilitator Program," and the order issued pursuant to this subparagraph shall be vacated.

2. In the event any party desires a dispute or potential dispute to be included in the Demurrer Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The court shall hear from all parties on the issue at the Case Management Conference and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Demurrer Facilitator Program.

3. In the event a party desires that a dispute or potential dispute be included in the Demurrer Facilitator Program prior to the time of the next scheduled Case Management Conference, or at a time when no further Case Management Conference is scheduled, such party may bring a motion in accordance with Sonoma County Local Rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Demurrer Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

E. Selection of a Demurrer Facilitator: The moving party shall contact opposing party(ies) and make a reasonable and good faith attempt to informally select a demurrer facilitator from the list of potential demurrer facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the court by filing a stipulation with the Assigned Judge's judicial assistant if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the Assigned Judge's judicial assistant and the demurrer facilitator shall be selected as follows:

1. The judicial assistant shall select, at random, a number of names from the list of potential demurrer facilitators equal to the number of sides, plus one, and mail and fax or email to the parties or their counsel of record the "Notice and Order Re: Inclusion in Demurrer Facilitator Program."

2. Each side has five (5) calendar days from the date of service by mail and fax of the "Notice and Order Re: Inclusion in Demurrer Facilitator Program" to file a written rejection entitled "Notice of Rejection of Demurrer Facilitator" to be submitted to the Assigned Judge's judicial assistant in chambers, of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.

3. Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.

4. The judicial assistant shall assign the case to a demurrer facilitator and shall serve by mail and fax or email the "Notice and Order of Appointment of Demurrer Facilitator" on all parties or their counsel of record. Upon receipt of the "Notice and Order of Appointment of Demurrer Facilitator," the parties shall forthwith deliver to the demurrer facilitator copies of all pleadings concerning the discovery dispute. The demurrer facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the dispute.

F. Compensation: The demurrer facilitator shall devote up to (2) hours, without charge to any of the parties, in an attempt to facilitate resolution of the dispute. In the event a resolution cannot be achieved within that period of time, the parties may agree to continue with the demurrer facilitator provided that agreement is reached between and among the parties and the demurrer facilitator as to compensation of the demurrer facilitator.

G. Resolution: In the event a resolution of the dispute is achieved by the filing of an amended pleading or the withdrawal of the demurrer, the parties, through legal counsel, shall promptly present written notice of such resolution to the Assigned Judge's judicial assistant. In the event the parties are unable to resolve the dispute with the demurrer facilitator, the demurrer facilitator shall prepare and serve on all parties or their counsel of record a report which contains the following information:

1. A brief summary of the dispute and contentions of the parties;

2. Any legal or factual analysis made by the demurrer facilitator in connection with his/her role in attempting to resolve this dispute; and

3. A statement indicating whether moving and/or opposing parties met and conferred in good faith.

The moving party shall file such report with the court at the time the demurrer is filed, or, in the event the demurrer is already pending, no later than ten (10) calendar days prior to the scheduled law and motion hearing date, if any, regarding the subject dispute. (Eff. 7/1/14)

4.18 POST-TRIAL MATTERS

All post-trial motions are to be filed directly with the judicial assistant for the Assigned Judge in the department where the matter was tried, and not in the Civil Clerk's Office. At the time of filing the judicial assistant will set the hearing date. The party filing the motion(s) will then have to serve the motion(s) on all parties and file the appropriate Proof of Service with the court prior to the hearing. All opposition and/or reply briefs in regard to post-trial motions shall also be filed directly with the judge's judicial assistant as set forth herein. (Eff. 7/1/14)

RULE 5 RULES APPLICABLE TO CIVIL LAW AND MOTION PROCEEDINGS

5.1 SCHEDULING

A. Civil law and motion matters will be heard at such times and places as designated by the Assigned Judge. The calendar will include all civil law and motion matters except DMV Writs of Mandate, Unlawful Detainer matters (see these rules, Rule 2.2D), Orders of Examination (see these rules, Rule 5.3), and Orders to Show Cause for Injunctions Prohibiting Harassment, which will be heard in other courtrooms as designated by the Presiding and/or Supervising Judge

B. All civil law and motion matters will be scheduled for a hearing date, time, and location at the Clerk's Office upon filing all moving papers.

C. No law and motion matter shall be entitled to a preferential setting, concurrent setting with another motion or order shortening time, except as may otherwise be provided by statute, California Rules of Court, or for good cause shown and approved in advance by the court. The fact that a case is designated as included in the Trial Court Delay Reduction Act (Government Code §68600, et seq.) is a factor for the court to consider in its discretion, among other facts, in determining whether good cause is shown in any application for order shortening time. Motions for summary judgment and/or summary adjudication which must be heard, pursuant to Code of Civil Procedure §437c(a), may, for good cause when the court's calendars are full, be set for hearing by the court upon ex parte application and order.

The court recommends that the moving party, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any motion filed twenty-one (21) court days or less prior to the hearing. The court recommends that the responding party, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any opposition papers. Finally, the court recommends that the moving party, on the date of filing, hand-deliver to the Assigned Judge a courtesy copy, which need not be file-endorsed, of any reply papers.

1. If any matter scheduled on the law and motion calendar is resolved, dismissed, settled or becomes moot for any reason, the moving party shall immediately notify the judicial assistant for the Assigned Judge if the motion is to be dropped from the law and motion calendar. Said notification may be made by telephone, followed by a letter of confirmation. (Eff. 1/1/1997; Rev. 1/1/2006, 7/1/2007, 7/1/2008, 7/1/2014)

2. When a party is required to provide an appendix of authorities other than California cases, statutes, constitutional provisions, or state or local rules pursuant to California Rules of Court, rule 3.1113(i)(1), the appendix shall be lodged in the courtroom of the Assigned Judge, and not in the clerk's office. (Eff. 1/1/2013)

5.2 ORDER OF EXAMINATION CALENDAR

A. The Order of Examination Calendar will be heard as designated by the Supervising Judge of the Civil Division. Hearing dates will be designated by the department assigned to hear the matter and indicated when the order is returned to the applicant for service; the court cannot accommodate requests for specific dates. No tentative rulings will be made available for matters on this calendar.

B. Representation of Corporations

Corporations in civil actions must be represented by legal counsel at the order of examination hearing.

C. Judgment Debtor's Failure to Appear

If the party named in the Application and Order for Appearance and Examination fails to appear at the time and place specified in the order, and proper proof of service of the order has been filed with the clerk, a warrant for the arrest of the party may issue. The judgment creditor must prepare a declaration and warrant for the judge's signature. Such declaration and warrant must be delivered to the clerk's office within six (6) months of the issuance order. A new Order of Examination will be required if the warrant is not issued within the six (6) months' time period. Subsequent warrants must be accompanied by an original declaration.

D. Service of Warrants

All warrants must be served by the Sheriff's Department. Pursuant to Penal Code §836.5, a warrant of attachment can only be served on the judgment debtor between 6:00 a.m. and 10:00 p.m.

E. In-Custody Judgment Debtors

The Sheriff's Office will notify the Clerk's Office if the judgment debtor is taken into custody. Upon receipt of this notification, the Clerk's Office will arrange a bail hearing date on the next misdemeanor calendar in the Criminal Division. Within his/her discretion, the judge presiding at the misdemeanor calendar hearing shall effect the release of the judgment debtor upon the condition that he/she appear at a designated Order of Examination Calendar in the future. The clerk shall give notice to the judgment creditor of the date, time, and location of that hearing by mailing a copy of the minute order of the bail hearing.

F. Warrant of Attachment/Contempt of Court Hearings

A fine will be ordered upon the court's finding of contempt for failure to appear at the Order of Examination. When bail has been posted by the judgment debtor, the fine will be deducted from the bail. The balance of the bail will be returned to the judgment debtor unless the parties stipulate or the court enters a turnover order transferring all or part of the bail to the judgment creditor or another third party. Bail posted by an individual other than the judgment debtor will be returned to the depositor and the judgment debtor will be ordered to pay the contempt fine to the court. Failure to pay said fine may subject the

judgment debtor to further sanctions. (Eff. 1/1/1997; Rev. 7/1/2002, 7/1/2008, 7/1/2011, 1/1/2014)

5.3 CONTINUANCES

Requests for continuances by stipulation (along with the required fees) or notification of dropping of law and motion matters must be presented by the parties to the judicial assistant for the Assigned Judge by 4:00 p.m. at least three (3) court days prior to the scheduled hearing date. Only one continuance by stipulation will be granted; after that, if the case cannot proceed the court may drop the matter or require that it be re-noticed.

It is the responsibility of the moving party to notify the judicial assistant for the Assigned Judge when a pending motion may be dropped due to a stipulation or for any other reason. No hearing will be automatically dropped from the calendar. (Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008, 1/1/2014)

5.4 MEET AND CONFER CONFERENCE

A. Prior to the hearing date on all motions, the moving party must make a reasonable and good faith attempt to informally resolve the motion with the opposing party(s) or attorney(s) in person or by telephone, and in accordance with applicable law. The conference must occur not less than five (5) calendar days preceding the noticed or continued date of hearing as to all motions, except motions for summary judgment and/or motions for summary adjudication of issues. With reference to any motion for summary judgment and/or motion for summary adjudication of issues, the conference must occur not less than ten (10) calendar days preceding the noticed or continued date of hearing on such motion.

B. In response, the opposing party(s) or attorney(s), during the conference, must also make a reasonable and good faith attempt to informally resolve the motion with the moving party or his attorney in person or by telephone and in accordance with applicable law. In the event the motion is not so resolved, then the moving party must file not less than two (2) court days before the hearing date a declaration pursuant to CCP section 2016.040 setting forth facts applicable to the meet and confer conference. Orders of Examination are exempt from the requirement of this section. (Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008)

5.5 HEARINGS, TENTATIVE RULINGS AND ORAL ARGUMENTS

A. On the afternoon of the court day preceding each law and motion calendar commencing at 2:00 p.m., the Assigned Judge will cause to be recorded a tentative ruling (if available) on each motion on the next day's law and motion calendar. The tentative ruling may be obtained by telephoning (707)521-6881 (tape-recorded message) or at the court's web page www.sonoma.courts.ca.gov. A copy of the tentative ruling will also be posted at the Assigned Judge's courtroom. The tentative ruling shall become the ruling of the court, unless any party desiring to be heard so advises the judicial assistant for the Assigned Judge no later than 4:00 p.m. on the court day preceding the law and motion calendar, and further advises the judicial assistant for the Assigned Judge that such party has notified all opposing parties of her/his intention to appear. Where appearance has been required or invited by the court, then oral argument may be presented. Appearance is always required on small claims law and motion matters and on all claims of exemption, unless otherwise stated on the tentative ruling.

B. Oral argument of all counsel and parties in any law and motion matter shall not exceed 20 minutes in length.

C. Evidence received at a law and motion hearing must be by declaration and affidavit and by request for judicial notice without testimony or cross-examination, except as allowed in the court's discretion for good cause shown or as permitted by these rules. A party seeking permission to introduce oral evidence, except for oral evidence in rebuttal to oral evidence presented by the other party, must file, no later than three (3) court days before the hearing, a written statement setting forth the nature and extent of the evidence proposed to be introduced and a reasonable time estimate for the hearing.

D. When the moving party fails to appear at the date and time scheduled for a hearing, the matter may be dropped, continued or ruled upon at the discretion of the Assigned Judge with or without the request of the responding party(ies). (Eff. 1/1/1997; Rev. 7/1/2004, 7/1/2008)

E. Subject to the court's discretion, a party or counsel may make telephonic appearances before the court as set forth in California Rules of Court, rule 3.670. Strict compliance with the subject California Rule of Court will be required. (Eff. 1/1/2014).

5.6 EX PARTE APPLICATIONS

A. All ex parte civil law and motion applications including applications for temporary relief, orders to show cause, orders shortening time or extending time, extraordinary writs, and other provisional remedies, except as otherwise provided, must be presented to the Assigned Judge at the times and locations as designated except as shown in Rule 17.7 herein.

1. The following matters shall be deemed excluded from the ex parte applications presented under this rule and shall be governed by other applicable sections of the Sonoma County Superior Court Rules, to wit: family law matters, domestic violence and civil harassment matters.

B. Each application must include a written declaration showing that notice of the ex parte application has been given to the opposing party(ies) or counsel no later than 10:00 a.m. the court day before the ex parte [see California Rules of Court, rules 3.1200 - 3.1207] previous to the time of presentment of the application and the details thereof, including whether the opposing party is represented by counsel, the nature of the contact, and whether such party has agreed to the requested order or a factual showing in support of any application requested to be issued without notice.

C. Each application must also include a declaration showing that there is a compelling need for emergency handling of the ex parte application and why it should not be processed routinely by presentation to the clerk of the court at the office of the clerk.

D. If the application is opposed, the attorneys must meet and confer prior to the ex parte hearing.
(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2008, 1/1/2014)

5.7 TRANSCRIPTS OF ADMINISTRATIVE RECORDS

Whenever any transcript of a deposition or other testimony is an attachment, the relevant part must be highlighted in such manner that calls attention to the relevant testimony.

Any administrative record filed in conjunction with a special proceeding as described in Code of Civil Procedure, Part 3, Title 1, must be thermal bound separately, along the left margin, in volumes of not more than 300 pages. (Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2007, 7/1/2007, 7/1/2008)

5.8 ORDERS AFTER HEARING OR UPON EX PARTE MOTION

Each proposed order must specify on the face page, immediately below the case number, the date the matter was heard and the name of the judge who presided at the hearing. Any proposed order on a motion for summary judgment or summary adjudication must comply with Code of Civil Procedure §437c(f) & (g). (cf. California Rules of Court, rule 3.1312)

It is the court's policy not to sign proposed orders pertaining to the filing of amendments to pleadings, amended pleadings, or to the filing of cross-complaints or complaints-in-intervention, which require the clerk to remove and file the copy of the proposed pleading attached to the motion as required by California Rules of Court, rule 3.1324. Proposed orders granting leave to file amendments to pleadings, amended pleadings, cross-complaints, or complaints-in-intervention must specify that the original of the proposed pleading will be submitted for filing following the granting of the order.

A. Protective Orders (Discovery, etc.)

Any language incorporated in such an order that pertains to the filing with the court of material under seal must state that the party submitting confidential material to the Court to be filed must put that material in a sealed manila envelope no smaller than 9" x 12" and no larger than 10" x 13"; that the envelope must have on its back (on the unsealed side) the warning: "CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER," the case number and caption, and the title(s) of the paper(s) enclosed; that in parentheses beneath the title(s) of the paper(s) as they appear on the envelope, there must be a reference to the confidentiality order, by file date and title [as, for example, (FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER FILED JANUARY 1, 2000)], under which the papers are submitted. These papers must then be maintained in the Court's regular public file but in their sealed envelopes. If the papers are exhibits to a motion or other paper, the manila envelope, with the stated identifying features, must not be attached to the principal paper, but there must be reference made in the motion, memorandum of points and authorities, or declaration, as appropriate, to the confidential materials filed under seal.

B. Orders to Consolidate

An order on motion to consolidate must specify which case number is to be the lead case. In any instance in which the order does not specify the lead case number, the clerk must designate as the lead case the one with the lowest file number in the highest jurisdiction. (Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2008, 1/1/2014)

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RULE 6 RULES APPLICABLE TO PROBATE PROCEEDINGS

6.1 INTRODUCTION

A. General

The Probate Rules for Sonoma County Superior Court set forth local policies and procedures of the probate department. These rules do not attempt to restate or summarize statutory or case law or estate administration in general. Guidance on probate law and practice may be found in publications such as California Decedent Estate Practice, California Trust Administration, and California Conservatorship Practice, which are published by CEB Continuing Education of the Bar - California.

These rules, although binding on parties, may be departed from in the discretion of the Court.

B. Contact Information

Website: For current contact information, tentative rulings, and the online probate calendars parties should refer to the court's website at: www.sonoma.courts.ca.gov (Click on the "Divisions" tab, then "Probate" in the drop-down list, to Access the probate page). All local forms referred to in this rule are available at and can be downloaded from the court website. (Click on the "Forms and Filing" tab on the courts home page, then " Common Local Forms" in the drop-down menu.)

One or more of the following may be helpful in matters presented to the Probate Court.

1. Clerk of the Probate Court: The address of the Probate Clerk is 600 Administration Drive, Santa Rosa, CA 95403. The physical address of the Probate Clerk's Office is 3055 Cleveland Avenue, Santa Rosa, CA 95403 (first floor).

2. Probate Court Examiner: The address for the Probate Court Examiner is 3055 Cleveland Avenue, Santa Rosa, CA 95403. The email address is ProbateExaminer@sonomacourt.org.

3. Office of the Probate Court Investigator: The address for the Office of the Probate Court Investigator is 600 Administration Drive, Santa Rosa, CA 95403. The telephone number is (707) 521-6586.

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2007, 7/1/2009, 1/1/2010, 7/1/2010, 1/1/2011, 1/1/2014, 1/1/2015)

6.2 CALENDAR AND PROCEDURAL MATTERS

The current Probate, Conservatorship (including Limited and LPS Conservatorships), and Guardianship calendars are posted on the court's website. (Click on the link to "Current Probate Calendars" on the probate page).

A. General Guidelines

1. General Probate Matters

One department of the Superior Court shall be designated by the Presiding Judge of the Superior Court to hear general probate matters. General probate matters will be calendared and heard at such times and places as shall be designated by the Supervising Judge of the Civil Division (the "Regular Probate Calendar").

2. Probate Calendar Day on Judicial Holiday

When the date for the Regular Probate Calendar is a court holiday the calendar will be heard on a date and time as designated by the Supervising Judge of the Civil Division.

B. Calendaring Guidelines

PROBATE CALENDARS (Effective January 1, 2015)

Regular Probate Calendar: Called in Department 18, located at 3055 Cleveland Avenue, Santa Rosa, CA 95403.

Guardianship Calendar: Called in Department 12, located at 600 Administration Drive, Santa Rosa, CA 95403.

LPS Calendar: Called in Department 23, located at 3055 Cleveland Avenue, Santa Rosa, CA 95403.

Sonoma Developmental Center ("SDC") Calendar:
Called at the Sonoma Developmental Center, 15000 Arnold Drive, Eldridge, CA 95431.

1. Regular Probate Calendar Matters

Except as otherwise indicated in these rules, all probate petitions concerning the following are to be calendared for hearing on the Regular Probate Calendar:

- decedent's estates,
- trusts,
- conservatorships of the person and of the estate (other than limited conservatorships unless there is an estate involved and "LPS conservatorships"),
- guardianships of the estate
    - Petitions for the appointment of a guardian of the estate only, and all petitions concerning the administration of an existing

guardianship of the estate, are to be calendared for hearing on the Regular Probate Calendar.

- Special Needs Trusts
  - All petitions for an order approving a Special Needs Trust or for an order directing payment or delivery of any property or funds to a Special Needs Trust, pursuant to Probate Code §§ 3602, 3611, or other authority, shall be scheduled for hearing on the Regular Probate Calendar. When such a petition is a first-filed paper or arises out of a civil matter not pending before the Probate Court, the petition shall be filed with the Probate Clerk as a new case and given a new case number.

2. Petitions for Guardianship of the Person

Petitions for the appointment of the guardian of the person are to be calendared for hearing on the Guardianship Calendar.

3. <u>Limited Conservatorships</u>

a. Petitions for the appointment of a limited conservator of the person or of the person and estate of an adult alleged to be developmentally disabled who is in placement at the Sonoma Developmental Center (SDC) are to be calendared for hearing on the SDC Calendar, to be heard at such times and places as shall be designated by the Supervising Judge of the Civil Division.

b. All other petitions for the appointment of a limited conservator of the person or limited conservator of the person and the estate for an adult alleged to be developmentally disabled are to be calendared for hearing on the LPS Calendar.

4. <u>LPS Calendar</u>

All matters involving proceedings under the Lanterman-Petris-Short Act are to be calendared on the LPS Calendar.

C. <u>Filing, Hearing, and Continuance Procedures</u>

All petitions and supporting documents in matters to be heard on the probate calendar shall be filed with the Probate Clerk, at least twenty-two (22) days prior to the hearing, allowing sufficient time for notice and publication as required by law.

1. <u>Procedure for Obtaining a Hearing Date</u>

In conservatorship matters and guardianships of the estate, petitioners shall comply with Local Rule 6.4 regarding contacting the Office of the Probate Court Investigator to obtain a hearing date. In all other matters, petitioners shall contact the Office of Probate Examiner to request assignment of a hearing date. If the Probate Examiner has not responded within three (3) **court days** after the request is

made, petitioners may contact the Probate Clerk to request assignment of a hearing date. In requesting a hearing date, Petitioner shall take into consideration the requirements of notice, publication and filing proofs of service. For contact information for the Probate Examiner and the Probate Court Investigator see Rule 6.1.B, above.

2. **Procedure for Obtaining a Continuance**

a. Continuance Requested by Counsel in Advance of Hearing:

Requests for continuances may be made up to five (5) **court days** prior to the hearing by contacting the Probate Examiner or Court Investigator, as applicable. If an opposition has been filed, the agreement of all counsel to a specific continuance date also must be provided to the Probate Examiner or Court Investigator in writing or by email.

b. Continuance Requested at Hearing:

Requests for continuances may be made at the hearing, and may be granted in the discretion of the Court.

c. Limitation on Continuances:

Normally no more than three continuances will be allowed before the matter is dismissed without prejudice.

d. Continuances for Probate Matters Assigned to Short Cause or Civil Master Calendar:

Any matter assigned to or set on the Short Cause Calendar or the Civil Master Trial Calendar shall be governed by the California Rules of Court and Superior Court Rules applicable to those calendars.

D. Submission of Proposed Orders and Other Pleadings Before Hearing Date

1. Orders

Proposed orders shall be submitted to the Probate Clerk at the time of filing the petition. If a self-addressed, pre-paid envelope is provided when the order is submitted, the clerk will return a file endorsed copy by mail; or if requested in writing, the clerk will deliver a file endorsed copy to an Attorney Box at the Civil and Family Courthouse, 3055 Cleveland Avenue, Santa Rosa.

2. Supporting Papers

Supporting papers shall be filed at the time of filing the Petition, except as otherwise provided in the Probate Code or these Local Rules.

3. Proofs of Service

Proofs of Service for the initial petition shall be filed with the Clerk at least five (5) days prior to the day of hearing. Any other Proofs of Service shall be filed with the Clerk contemporaneously with the papers to which they pertain.

4. Proofs of Publication

Proofs of Publication shall be filed with the Clerk at least five (5) days prior to the day of hearing.

5. Copies Required for Court Staff

Copies of all filed pleadings and proposed orders in guardianship of the estate and conservatorship matters are required to be served on the Office of the Probate Court Investigator. Copies of all filed pleadings and proposed orders in decedent's estate and trust matters are required to be served on the Probate Examiner's Office. A drop box for copies hand-delivered to the Office of the Probate Examiner is provided for the convenience of the parties at the Probate Clerk's Office at 3055 Cleveland Avenue, Santa Rosa, CA 95403 and another drop box for copies hand-delivered to the Office of Probate Court Investigator is provided for the convenience of the parties at the Civil Clerk's Office, located at 600 Administration Drive, Santa Rosa, CA 95403.

E. Supplemental or Opposition Papers

In order for supplemental or opposition papers to be considered by the Court prior to the hearing, the documents must be first filed with the Court, and served as follows:

1. Guardianships of the Person

Copies of all supplemental or opposition papers must be served on the Probate Court Investigator at least five (5) **court days** before the hearing, with the scheduled hearing date noted on the face sheet.

2. All Conservatorships and Guardianships of the Estate Only

Copies of all supplemental or opposition papers must be served on the Office of the Probate Court Investigator at least five (5) **court days** before the hearing, with the scheduled hearing date noted on the face sheet.

3. Decedent's Estates and Trust Matters

Copies of all supplemental or opposition papers must be served on the Probate Court Examiner at least five (5) **court days** before the hearing, with the scheduled hearing date noted on the face sheet.

F. Hearings and Tentative Rulings

1. Notices of Hearing

Notices of hearing on cases scheduled for hearing on the Regular Probate Calendar shall indicate that the time for the commencement of the calendar is 8:30 a.m.

2. Tentative Rulings – Regular Probate Calendar

During the court day preceding each weekly Regular Probate Calendar, at 11:00 a.m. or as soon thereafter as possible, the Court will cause to be recorded a tentative ruling for each matter noticed on such calendar. The tentative ruling may be obtained by telephoning (707) 521-6881 (chose Option #1) or online on the Court's website at www.sonoma.courts.ca.gov (Click on the "Online Services" tab on the home page, select "Tentative Rulings" in the drop-down menu, and the click on the link to "Probate"). The Tentative Rulings will also be posted at the probate department.

a. Parties who do not object to the tentative ruling need not appear at the hearing, unless the ruling requires appearances or another party has requested a hearing pursuant to the procedure in subdivision (b) below.

b. Any interested party who wishes to be heard in relation to the tentative ruling must call 707-521-6893 and leave a brief message that includes the name and telephone number of the party calling and the case name and number. Any interested party who wishes to be heard in opposition to a petition must also notify the attorneys for all represented parties as well as all unrepresented parties of their intent to appear. Notifications to the court and all attorneys and unrepresented parties must be completed no later than 4:00 p.m. on the court day immediately preceding the day of the hearing.

c. Unless notification has been given as provided in b, above, the tentative rulings shall become the rulings of the court at 8:45 a.m. on the day of the hearing. Signed orders on approved matters are generally available at that time at the Probate Clerk's office for filing in person.

3. Tentative Rulings - Guardianship Calendar

During the court day preceding each weekly guardianship calendar, commencing at 11:00 a.m., or earlier if feasible, the Court will cause to be recorded a tentative ruling for each matter noticed on such calendar. The tentative ruling may be obtained by telephoning (707) 521-6881 (Opt. #1) or by accessing the Court's website at www.sonoma.courts.ca.gov and selecting the option for Tentative Rulings. The tentative rulings will also be posted at the guardianship department.

a. Parties who do not object to the tentative ruling need not appear at the hearing, unless the ruling requires appearances or another party has requested a hearing pursuant to the procedure in subdivision (b), below.

b. Any interested party who wishes to be heard in relation to /the tentative ruling must call 707-521-6893 and leave a brief message that includes the name and telephone number of the party calling and the case name and number. Any interested party who wishes to be heard in opposition to a petition must also notify the attorneys for all represented parties as well as all unrepresented parties of their intent to appear. Notifications to the court and all attorneys and unrepresented parties must be completed no later than 4:00 p.m. on the court day immediately preceding the day of the hearing.

c. Unless notification has been given as provided in b, above, the tentative rulings shall become the rulings of the court when announced by the courtroom clerk at 9:15a.m. on the day of the hearing.

4. Appearances

No appearances are required for pre-approved matters unless an interested person has asked to be heard in response to the tentative ruling and has given the required notice of such a request.

G. Contested Matters

1. Written Objections

a. Before the Court will conduct a hearing in any contested proceeding, the party(ies) opposing or objecting to a petition, accounting or other matter scheduled for hearing shall file verified, written objections specifying the grounds for such objection or opposition. If oral objections are made at a hearing, the court may continue the matter in order to have the objections submitted in writing.

b. Interested persons who oppose the granting of a petition for appointment of a guardian are encouraged to use Sonoma County form PR-9 (Objection(s) to Appointment of Guardian of the Person) to file objections.

2. Meet and Confer Requirement

In the event of any contest or objection to any petition on the probate calendar, the parties or his or her respective attorneys shall make a reasonable and good faith attempt to informally resolve the controversy at a face-to-face conference, if possible, otherwise by telephone conference, before any hearing of the contested petition. If such resolution is not possible, then each party shall file a Statement of Issues as provided in 3, below.

3. Statement of Issues or Settlement

At least five (5) **court days** before the hearing, each party shall either (1) notify the Probate Clerk in the Superior Court Clerk's office or the probate department that the controversy has been resolved; or (2) file and serve the Statement of Issues. Each Statement of Issues must:

a. Indicate that the parties or his or her respective attorneys have met face-to-face or, if that is not possible, have participated in a telephone conference to discuss the issues in dispute,

b. identify the substantial issues in the controversy, with references to any supporting evidence and/or legal authority,

c. include each party's opinion of any barriers to settlement,

d. Provide an estimate of the time requirement for the hearing or resolution,

e. Include each party's opinion as to the appropriate method for resolving the controversy (i.e., mediation, arbitration, short cause trial, etc.).

4. Contested Matters on Probate Calendar

When the hearing on a contested matter is estimated to be 20 minutes or less, the hearing will be held before the Probate Judge on the Regular Probate Calendar if time permits. Otherwise, the matter will be set for an extended hearing.

5. Transfer to Trial Calendar

If the hearing on a contested matter is estimated to exceed twenty (20) minutes or a jury trial is demanded, and counsel appear at the probate calendar, the matter may be transferred to the short cause calendar or may be assigned directly to one judge for all purposes.

H. Ex Parte Matters

1. Presentation of Emergency Probate Petitions

If a party has reason to believe that orders are urgently needed to prevent irreparable harm to person or property, the petition may be presented on the civil/probate ex parte calendar. The petition must be accompanied by a declaration setting forth the facts upon which the petitioner is basing the allegation. The petition must be accompanied by a declaration identifying the persons entitled to notice under the applicable sections of the Probate Code or these rules, and either proof of service of notice or a statement of the facts which the petitioner believes justify an order dispensing with notice. Filing fees must be paid and a case number assigned before a party presents an ex parte application.

All ex parte probate matters shall be presented to the Probate Judge at the times and locations designated in Rule 17. Filing fees must be paid and a case number assigned before a party presents an ex parte application.

2. Contents of Petition

A petition for an ex parte order must be verified and must contain sufficient evidentiary facts to justify issuing the order. Conclusions or statements of ultimate facts are not sufficient, and a foundation should be shown for the petitioner's personal knowledge.

3. Special Notice Allegation

All petitions for ex parte orders must contain a statement on requests for special notices. The statement shall either recite that no request for special notice is in effect or shall list the parties requesting special notice and attach the specific waivers of notice by such parties or proof of service on such parties.

4. Notice to Counsel/Opposing Party

Notice shall be provided in accordance with the Califonia Rules of Court applicable to civil ex parte matters.

5. Notice to Probate Court Investigator

Notice to the Probate Court Investigator shall be given when required under Local Rule 6.4.

6. Order Must Accompany Petition

Except where a Judicial Council or a local form is used that includes an order, a petition for an ex parte order must be accompanied by a separate order that is complete in itself. It is not sufficient for such order to provide merely that the application has been granted, or that the sale of property or security set forth in the petition has been approved. The order must specify all relief ordered by the court.

I. Orders on Matters Not Requiring Hearing

Petitions may be presented to the Probate Clerk for submission to the Probate Judge without a hearing, when the following circumstances exist:

1. The Order requested is one for which no hearing is required, or the Order is necessary in less time than is required to obtain a hearing date on the -Regular Probate Calendar, and

2. Either notice is not required in accordance with the Probate Code or these Rules, or notice has been waived by all persons entitled to notice, and

3. The petition or other relief requested is not contested.

J. Appointment of Probate Referee

Where the relevant Judicial Council form order includes a provision for the appointment of the probate referee, the appointment of the probate referee will be made on the form (e.g., Order for Probate, Order Appointing Conservator, etc). Unless the appointment of a particular referee is requested by the fiduciary in a petition as per Probate Code section 8921 et seq, and designated by the court, the appointment of the probate referee will be made on a rotating basis among the probate referees appointed for the county. In pending cases for which a probate referee has not been appointed in the initial order appointing the fiduciary, an application for appointment of a probate referee shall be submitted to the office of the

Clerk on Sonoma County Local Form PR-1. The Application for appointment of a probate referee may be submitted as an "Order on Matter Not Requiring Hearing" under Local Rule 6.2.I.,.

K. Compliance with Filing Deadlines

All Probate Code and Court ordered due dates for filing shall be strictly observed (e.g., inventories, accountings, status reports and receipts on blocked accounts). Failure to comply with statutory or Court ordered filing deadline requirements may result in imposition of surcharges and/or sanctions absent a showing of good cause for the late filing. (Eff. 1/1/1997; Rev. 7/1/2006, 1/1/2007, 7/1/2007, 7/1/2009, 1/1/2010, 7/1/2010, 7/1/2013, 1/1/2014; 1/1/2015)

6.3 RULES REGARDING DECEDENTS' ESTATES

A. Duties and Liabilities of Personal Representative

The Sonoma County Superior Court does not require filing of the Confidential Supplement to Duties and Liabilities of Personal Representative, as authorized in Probate Code §8404(a).

B. Continuance to Permit Filing of Contest

When a petition for the probate of a Will is called for hearing and an attorney or party appears and orally objects and declares that a written contest will be filed, the Court may continue the hearing for a reasonable length of time not less than four (4) weeks with the condition that if such written contest has not been filed prior to the continued date, the hearing will proceed as if no objection had been made by said attorney or party, unless the court finds good cause exists for a further continuance.

C. Claims of Personal Representative and Attorneys of Record

1. Noticed Hearing

A noticed petition for approval of a creditor's claim of the personal representative or of his attorney of record is required, except as provided below. All parties must receive at least fifteen (15) days' notice of the hearing. The creditor's claim shall be complete with approval signed by all personal representatives in the proceeding.

2. Ex parte approval

A petition and creditor's claim for any of the following claims that complies with the above rule (except for the fifteen (15) day notice requirement) may be presented and considered by the court ex parte.

a. The claim is for reimbursement of funeral and last illness expense, and proof of payment is attached to the claim;

b. The claim, together with all other claims of that personal representative or attorney, except for reimbursement of funeral and last illness expenses, is less than $2,500.00;

c. A written approval signed by all persons whose interest might be affected by the approval is attached to the claim;

d. The personal representative has complied with the provisions of the Independent Administration of Estates Act with respect to the proposed payment of said claim; or

e. A claim is for an amount certain and based upon a prior court order, which is attached to the creditor's claim.

D. Content of Orders of Distribution

Every order of distribution, whether or not an accounting has been waived, must set forth specifically the manner in which the estate is to be distributed by showing each distributee's name and a description of the property, including the full legal description and assessor's parcel number for real property, and the amount of cash (as of a date certain) to be distributed. Descriptions must be complete and must not require reference to the petition or to any extrinsic document.

E. Accountings

1. General Format

Accounting format details and contents shall be in strict conformance with California law, including but not limited to the Probate Code and California Rules of Court.

2. Supplemental and Amended Accounts

A supplemental account in a decedent's estate shall include only receipts and disbursements occurring since the ending date of the last filed account. Generally a supplemental account is not to be used to amend or correct the last filed account. An amended account may be filed to amend or correct such last account. Any supplemental or amended account shall be noticed for hearing unless the Court by order dispenses with notice. (Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2007, 1/1/2009, 7/1/2010, 1/1/2015)

6.4 CONSERVATORSHIPS AND GUARDIANSHIPS

A. Conservatorship Petitions and Selection of Hearing Date

In all cases, a Petition for Appointment of Probate Conservator must be filed with the Clerk of the Court and a case number issued. Conservatorship petitions and hearings should be set for hearing, based upon the severity of the proposed conservatee's impairments and risk of harm pending hearing, as follows:

1. Probate Conservatorships Generally

Prior to selecting a hearing date, petitioner shall contact the Office of the Sonoma County Court Investigator to determine the amount of time it will require to complete the required investigation and report.

2. Temporary Conservatorship

Where the petitioner believes that the proposed conservatee will suffer harm or substantial loss prior to the hearing date on the Petition for Appointment of Probate Conservator, petitioner may also file a Petition for Temporary Conservatorship. In all such cases, the Petition for Appointment of Probate Conservator must first be on file in the clerk's office and a case number issued before a Petition for Temporary Conservatorship will be heard.

a. Regular Notice:

Normally, a Petition for Temporary Conservatorship should be noticed for hearing at the time normally set aside for probate matters. Petitioner should contact the Office of the Sonoma County Court Investigator to determine a hearing date next available allowing for at least ten (10) days' notice of the petition.

b. Emergency Circumstances Ex Parte Application:

In very rare circumstances where the proposed conservatee is in immediate and grave danger of physical or irreparable financial harm, petitioner may notice the Petition for Temporary Conservatorship to be heard on the ex parte calendar. Petitioner should contact the Office of the Sonoma County Court Investigator as soon as the necessity for such a hearing becomes apparent.

B. Required Documents in Conservatorship Cases

In addition to the pleadings and papers normally required in a conservatorship matter, the following special instructions apply:

1. Appointment of Court Investigator

The Sonoma County Court Investigator shall be appointed for all conservatorship cases (excluding LPS conservatorships). Petitioner must submit the proposed Order Appointing Court Investigator to the Clerk with the first-filed Petition for Appointment of Probate Conservator, requesting appointment of the Office of the Sonoma County Court Investigator, with Boxes next to paragraphs 1 and 3 checked, at a minimum. (Judicial Council form GC 330)

2. Conservatorship Handbook

The required DUTIES OF CONSERVATOR AND ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK (Judicial Council Form GC 348) shall be submitted with the first filed Petition for Appointment of Probate Conservator. The HANDBOOK FOR CONSERVATORS is available at: http://www.courts.ca.gov/documents/conservatorship_handbook.pdf.

3. Notification of Change of Contact Information

Any time the conservator or guardian or the conservatee or ward has a change of contact information, the Notification of Change of Contact Information shall be filed and served on the Office of the Probate Court Investigator. (Sonoma County Local Form PR-3)

4. Confidential Contact Information Form

The Confidential Contact Information Form must be filed with all petitions for appointment of a conservator, including appointment of temporary, successors or co-conservators, and all petitions for approval of accounts of a conservatorship estate. The Confidential Contact Information Form shall be marked as "CONFIDENTIAL" and placed in the "SECRET" section of the court file. (Sonoma County Local Form PR-12)

C. Court Investigator Procedures

1. Calendaring Conservatorship Hearings When Investigation Required

When an investigation is required pursuant to Probate Code § 1826 and 1851, the petitioner or his/her attorney shall contact the Office of the Sonoma County Court Investigator to determine the amount of time required to complete the investigation and report and to select a hearing date.

2. Documents to Be Served on Court Investigator

a. Copies of ALL papers filed in each conservatorship proceeding, and the proposed Order for any petition filed, shall be served on the Office of the Sonoma County Court Investigator at the time of filing. Service on the Court Investigator shall be shown on the Proof of Service filed with the clerk.

b. Where a party intends to submit a Petition for Temporary Conservatorship on an ex parte basis, copies of ALL papers filed or presented to the court in support of such a petition shall be served on the Office of the Sonoma County Court Investigator no later than five (5) **court days** prior to the ex parte hearing.

c. Any opposition to an ex parte petition shall be served on the Office of the Probate Court Investigator no later than one full day prior to the ex parte hearing.

D. Procedures Specific to Guardianship Matters

1. Probate Court Investigator

The Office of the Probate Court Investigator oversees initial and subsequent probate petitions involving the guardian of the person, including cases involving both guardianship of the person and estate.

2. Report of Proposed Guardian

A Report of Proposed Guardian Form shall be filed with any Petition for Appointment of Guardian. (Sonoma County Local Form PR-2)

3. Documents to Be Served on Court Investigator

a. Copies of ALL papers filed in cases involving guardianship of the person, including cases involving guardianship of both person and estate, shall be served on the Office of the Probate Court Investigator at the time of filing, including proposed Orders for any Petition filed. Service on the Probate Court Investigator shall be shown on the proof of service filed with the clerk. The Office of the Probate Court Investigator may recommend whether or not the Court should require an investigation under Probate Code § 1513.

b. Copies of ALL papers filed in cases involving guardianship of the estate only, and proposed Orders for any petition filed, shall be served on the Office of the Probate Court Investigator at the time of filing. Service on the Office of the Probate Court Investigator shall be shown on the proof of service filed with the clerk.

4. Temporary Guardianship Petitions

a. Applications for Temporary Guardianships of the Person may be submitted to the Sonoma County Court Clerk's Office, Probate Division, Monday through Friday, during normal business hours.

Applications must be submitted between 8:00a.m. and 8:30a.m. Orders will be available for pickup after 2:00 p.m. the day after the order is submitted.

A party or attorney for a party can call (707) 521-6893 to be informed of the status of the application.

b. Opposition papers may be submitted in person at the Sonoma County Court Clerk's Office, Probate Division. A copy of the opposition papers shall also be served personally or by fax on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, an ex parte declaration shall be filed providing the reasons for the lack of service. (Sonoma County Form FL9).

c. Judicial review of the applications for ex parte orders shall be conducted Monday through Friday beginning at 8:30 a.m.

d. Notice: The moving party must give notice of the ex parte request. The notice SHALL include copies of ALL papers submitted to the court. This notice requirement can be waived by the court if (1) notice is impossible, or (2) notice would frustrate the very purpose of the order, or (3) immediate and irreparable harm could be suffered if notice were given. (Sonoma County Local Form FL10 should accompany the application.)

5. Petition for Visitation

A request for an order of visitation will be filed using Local Form PR-15, which can be located on the court's public website. The petition will be filed and served on all parties following the Probate Code, California Rules of Court and Local Rules for Conservatorships and Guardianships.

E. Independent Powers under Probate Code §2591 et. seq.

The provisions of this section apply both to conservatorship and guardianship matters. For simplicity only, the terminology for conservatorships is used.

1. Necessity Required

The conservator of the estate has broad powers to act for the conservatee's benefit under the Probate Code. The Court will generally limit a grant of Independent Powers under Probate Code §2590 et. seq. to specific factual situations where necessity requires independent powers.

2. Special Rules for Independent Powers

The following rules shall apply to all cases involving requests for independent powers, except LPS conservatorships:

a. Temporary Conservatorship of the Estate:
Independent powers will be granted in a temporary conservatorship of the estate only in unusual situations upon a showing of good cause.

b. Factual Showing:
Any request for independent powers shall be accompanied by an affidavit or declaration setting forth the facts which explain why: (1) the power requested is needed to administer the estate or protect the conservatee; and (2) granting such power would be to the advantage, benefit and in the best interests of the estate and the conservatee.

c. Specific Enumeration of Powers:
Each power must be described in detail. Quoting the specific language of the subsection enumerating the requested power is preferred. It is not sufficient to incorporate by reference Probate Code §2591 in the petition.

d. Real Property Description:
Where the power to sell real property is requested, the request shall describe the real property to be sold by the street address or legal description, and

whether or not the property is the conservatee's home or former home. The notices of the request shall include the street address.

e. Court Confirmation of Real Property Sales:
Where the independent power to sell real property is granted, the Court will normally require the sale be returned to the court for confirmation. This requirement may be waived by the Court upon showing of good cause.

f. Enumerated Special Powers in Order and Letters:
Any special powers granted must be set forth in detail in the Order and in the Letters of Conservatorship. In addition, if the power to sell real property has been granted, the Order and Letters shall describe the property to be sold by street address or legal description, and whether court confirmation of the sale is required.

F. Conservatorship/Guardianship Accountings

1. Format

Accounts of conservators and guardians shall follow the format prescribed in these Local Rules for decedents' estates in the Probate Code and California Rules of Court.

2. Adequacy of Bond

Reports of conservators and guardians shall state the total amount of the current bond and whether additional bond is necessary. The report shall set forth the calculation of the minimum bond amount, including the amount for recovery. Each report should also specify any blocked bank accounts or assets and the current value of any such assets. Any significant changes in the value of assets should be reported, together with the effect on the adequacy of the bond.

3. Requests for Extension of Accountings

Extensions to file accounts in conservatorships and guardianships may be approved in the court’s discretion. When requesting an extension, the conservator/guardian shall do so by filing an ex parte application and declaration in support of the extension as an“Order on Matter Not Requiring a Hearing” under Local Rule 6.2.I.

4. Original Account Statements in Conservatorship and Guardianship Matters

Wherever the Probate Code requires the filing of original financial account, billing and/or escrow statements, such statements will be “lodged” with the clerk and not filed. The original statements will be returned to the party filing the account after the Court’s determination of the Account becomes final. Statements shall be organized by account, and then chronologically for each account. The account statements shall not be attached to the pleadings but contained in an 9" x 12" envelope with the case title and number written on it, together with a brief description of the contents (e.g. “Original bank statements for the account period XXXXX to XXXXX”), which envelope shall be prominently marked “CONFIDENTIAL”. The statements shall also be accompanied by a self-addressed

envelope of sufficient size and with sufficient postage affixed for the return of the statements after the determination of the account becomes final.

5. Waiver of Accounts

a. General Rule. Except as noted below, no request or petition for waiver of any account or final account (upon the death of the conservatee or minor) in any conservatorship or guardianship will be approved.

b. Small Estates. Waivers of Account in conservatorships and guardianships may be approved for small estates in the court's discretion under the provisions of Probate Code §2628. The conservator/guardian shall request the waiver of account by completing and filing the local form PR6, and submitting the request as an "Order on Matter Not Requiring Hearing" as described in Local Rule 6.2.I. After the court has ordered a waiver of accounting in either a conservatorship or guardianship, the conservator/guardian shall either biennially file the local form PR-6 if the estate continues to meet the conditions of Probate Code §2628 to waive an account, or file an account and report.

c. Guardianship Final Account Waivers. Waivers of final guardianship accounts on termination are discouraged. Where the ward waives the final account, the court may require the ward to be present at the hearing.

G. Final Distribution in Conservatorships and Guardianships.

1. Investigator's Assessment on Final Accounting

Prior to the filing of a Petition for Termination of a conservatorship, counsel shall contact the Court Investigator to determine the Court Investigator's assessment of the conservatorship estate for services rendered. A request to pay the assessment and the amount of the assessment shall be included in the petition and final account and order thereon.

2. Small Estates

If the value of the conservatorship/guardianship estate does not exceed the amount determined under Probate Code § 13100 and distribution is intended by affidavit procedure pursuant to Probate Code § 13101, notice of hearing, a copy of the final account and report of the conservator/guardian, and a copy of the petition for final distribution~~,~~ shall be served on the successor(s) of the deceased conservatee/ward.

3. Other Probate Estates

In all other cases, a petition for final distribution upon the death of conservatee or ward shall be approved only after appointment of a personal representative of the estate of the conservatee/ward. The final account and petition for distribution of the conservator/guardian shall identify the personal representative and the court and case number of the probate proceeding for the deceased conservatee/ward. Notice of hearing, a copy of the final account and report of conservator/guardian, and a

copy of the petition for final distribution, shall be served on the personal representative of the estate of the deceased conservatee/ward.

H. Limited and LPS Conservatorships

1. Limited Conservatorship Filings

Every conservatorship involving a developmentally disabled proposed conservatee shall be filed as a limited conservatorship proceeding.

2. Disclosure of Developmental Disability

The involvement of a developmentally disabled conservatee shall be clearly set forth in all conservatorship and guardianship petitions and accountings.

3. Limited Conservatorships Regional Center

a. Calendar Setting if Regional Center Report Required

Any conservatorship proceeding requiring a Regional Center report shall be set at least thirty (30) days after mailing notice of the proceeding to the Regional Center, to allow the Regional Center report to be filed prior to the hearing.

b. Regional Center and Public Defender Appointment

The Order Appointing Regional Center (Sonoma County Local Form # PR-4) may be utilized to facilitate ordering the Regional Center report and appointment of the Public Defender to represent the conservatee. Such Orders shall be submitted with the initial Petition.

4. Review of General Conservatorships

In existing general conservatorships involving a developmentally disabled conservatee the court may direct that a new petition for conservatorship be filed under the limited conservatorship code provisions.

5. Accountings

Any accounting required in LPS or limited conservatorship matters shall comply with accounting requirements in other Sonoma County conservatorship estate matters unless otherwise directed by the court designated to hear the LPS calendar. A copy of limited conservatorship or LPS accountings shall be furnished to the Office of the Probate Court Investigator at the time of filing.

6. Closed Status of Reports

Reports by a Regional Center and the Office of the Probate Court Investigator, and other documents or materials containing sensitive information filed in LPS and limited conservatorship hearings, shall be maintained in a confidential status in the case file with disclosure only to authorized persons pursuant to Court order.

(Eff. 1/1/1997; Rev.7/1/2006, 1/1/2007, 7/1/2007, 1/1/2008, 7/1/2009, 1/1/2010, 7/1/2010, 1/1/2011, 7/1/2012, 1/1/2014, 1/1/2015)

6.5 COMPENSATION OF FIDUCIARIES AND ATTORNEYS

A. Fees and Commissions in General

All requests for compensation of fiduciaries and attorneys in decedent's estates, guardianship, conservatorship and trust proceedings shall be submitted in strict compliance with the Code of Civil Procedure, Probate Code, California Rules of Court, and these local rules.

B. Fees for Extraordinary Services in Decedents' Estates

1. General Rule

Each request for fees for extraordinary services will be considered on its individual merits. Such services may include, but shall not be limited to, leases and foreclosures of real property, tax matters (including preparation of returns, audits and tax litigation), operating a business, heirship proceedings, special services that may be necessary for the personal representative or attorney to perform, and those matters specifically mentioned in the California Rules of Court.

2. Determination of Entitlement and Amount

In addition to the factors set forth in California Rules of Court, the Court may consider the following factors, among others, in exercising its discretion in any application for fees for extraordinary services:

a. Time devoted to the matter categorized by subject matter of services provided. The Court must be provided with a statement of facts containing sufficient information in order to enable it to analyze the reasonableness of the rate and the amount of time devoted to the matter. Detailed time records may be provided to support the statement of facts, but are not required in all cases.

b. The benefits of the services to the estate. It is recognized that the representative or his or her attorney may occasionally be under a duty to pursue certain matters which do not provide a financial gain to the estate. Such services may nevertheless be compensable.

c. Whether, if not performed by the attorney or personal representative, the extraordinary services would have been performed by an independent professional and the reasonable expected cost of such independent services.

3. Service of Copy of Petition for Compensation

In addition to other papers required to be served, copies of any petitions requesting allowance of fees or commissions for extraordinary services in decedents' estates shall be served on all persons entitled to receive notice of the hearing on the petition

(except beneficiaries of specific gifts whose interests are not affected by the compensation requested).

C. Compensation of Conservators, Guardians and Their Legal Counsel

1. Court Appointed Counsel for Conservatees

Hourly rates for court appointed counsel for conservatees will be set at the time of appointment.

2. Allowance of Fees

Each request for fees in guardianship and conservatorship matters will be considered on its individual merits.

3. Factors in Allowing Compensation

In addition to the factors set forth in California Rules of Court, the Court may consider the following factors, among others, in exercising its discretion in any application for fees for services:

a. Time devoted to the matter categorized by subject matter of services provided. The Court must be provided with a statement of facts containing sufficient information in order to enable it to analyze the reasonableness of the rate and the amount of time devoted to the matter by each person whose time is charged. Time records may be provided to support the statement of facts, but are not required in all cases. However, if the court has questions about fees, time records may be requested. To avoid delay in approval of fees, counsel may want to submit time records at the time of filing their fee request.

b. The quality and extent of services performed.

c. The responsibility assumed and exercised.

d. In a final account, a reasonable estimate of work and time to complete estate affairs and distribution.

4. Attorney Representing Conservatee or Ward

An attorney representing the conservatee or ward may file a petition for fees at any time after the hearing on the petition for appointment of probate conservator or guardian.
(Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2009, 7/1/2010, 01/01/2015)

6.6 BONDS

A. Increasing or Decreasing Bond Amount

The fiduciary may normally petition to increase or decrease the required amount of bond on an ex parte basis, using the procedure for obtaining an "Order on Matter Not Requiring

Hearing" described in Local Rule 6.2.I. Where objections to the amount of bond are expected, the petition should be noticed for hearing on the regular probate calendar.

B. Use of Blocked Accounts

A fiduciary shall evaluate whether holding liquid assets in blocked accounts with financial institutions would be advantageous to the estate and request authorization for such holdings, where appropriate.

C. Waiver of Bond in Conservatorships and Guardianships

The Court generally will not waive bond for conservatorships or guardianships except in the following circumstances:

1. Conservator Spouse of Conservatee

Where the conservator is the spouse of conservatee, all or most of the property of the conservatee is shown to be community property, to the Court's satisfaction, and the community property is to be excluded from estate administration.

2. Conservatee Waiver

In matters where the conservatee gives consent, as a competent person, to waiver of bond.

3. Small Estates

In small estates as defined in the Probate Code. Sonoma County Local Form PR-6 is available for this purpose.

D. Reducing Bond Through Use of Blocked Account.

1. Issuance of Letters

Where assets are to be placed in a blocked account, the fiduciary shall file the Receipt and Acknowledgment of Order Restricting Release of Property of the Financial Institution within thirty (30) days of issuance of Letters. Sonoma County Local Form PR-5 is available for this purpose.

Proposed orders pertaining to blocked accounts should contain appropriate language to allow deposits in conformance with the Probate Code and Financial Code § 1586.

2. After Appointment

Bond~~s~~ may be reduced at any time after appointment by an ex parte petition and order reducing bond, together with the Receipt and Acknowledgment of Order Restricting Release of Property of the Financial Institution showing that assets have been deposited. Such a petition must set forth the total assets of the estate and designate those held in blocked accounts. The reduced bond must satisfy the minimum bond requirements. Such a petition may be presented as an “Order on Matter Not Requiring Hearing”, as described in Local Rule 6.2.I.

3. Direct Transmittal to Financial Institution

If the assets to be deposited are in the possession of a financial institution other than the named financial institution, the order should direct the entity in possession to deliver such assets directly to the named financial institution and further direct the financial institution, on receiving such assets, to issue its receipt and agreement to the fiduciary, who shall forthwith file the same with the Court.

4. Withdrawals or Releases from Blocked Accounts

An application for an order authorizing release of assets from a blocked account may be submitted ex parte as an "Order on Matter Not Requiring Hearing" as described in Local Rule 6.2.I. The petition should set forth the approximate value of the assets on hand, the approximate value of all assets in blocked accounts, the amount of the existing bond and the purpose for which the withdrawal is requested.

E. Discharge of Bond and Exoneration of Surety

1. Receipts Must be Filed

Bond shall not be discharged and surety exonerated until all Receipts on Distribution have been filed with the Court.

2. Guardianship Bonds on Termination

The guardian of the estate shall maintain the guardianship bond during the one (1) year period that commences when the ward reaches the age of majority. The Order terminating the guardianship of the estate may include an authorization to retain a reserve for payment of the bond premium for the additional one year period and related fees and costs.

The Order terminating the guardianship of the estate may recite that the bond is discharged and the surety on the bond exonerated on the date that is one (1) year after the ward's 18th birthday, unless suit has been filed within that one (1) year period.
(Eff. 1/1/1997; Rev. 1/1/2003, 1/1/2010, 7/1/2010, 01/01/2015)

6.7 SALES OF REAL PROPERTY

A. Overbids in Court Confirmation of Sale

When there is successful overbid in open court on a sale of real property, counsel must complete and the successful bidder must sign an "Increased Bid In Open Court" form and file same. (Sonoma County Local Form PR-14) The order will not be signed unless the form is filed. Copies of the Increased Bid In Open Court form will be available in the Probate Department when a sale of real property is on calendar.

B. No Commission -- Special Situations

No real estate commission shall be allowed or credited to or for the benefit of a personal representative or fiduciary in the subject probate proceeding who is a licensed real estate broker or salesperson in any probate sale of real property in the proceeding, directly or indirectly. The petition for confirmation of sale shall state any known claim of the personal representative, fiduciary or purchaser to all or any part of the proposed real estate commission, directly or indirectly.

C. Disputes Between Agents or Brokers Regarding Compensation

Should a dispute arise between agents or brokers seeking compensation upon the sale of real property under the purview of Section 10161 and/or Sections 10162.5 through 10166 of the Probate Code, there shall be a separate evidentiary hearing to resolve the dispute. Before the hearing the agents or broker, or their respective attorney, shall "meet and confer" (face-to-face) in a reasonable and good faith attempt to resolve the dispute, informally or by other means, and notify the court of the results at least two (2) **court days** before the hearing. The sale of real property may be confirmed at the hearing on the sale and need not be delayed by virtue of any dispute for compensation by or between real estate agents or brokers.

D. Contracts With Broker or Agent

Any application for order approving an exclusive listing agreement with a real estate broker or agent shall include a completed copy of the proposed written listing as an attachment. Such application may be submitted ex parte as an “Order on Matter Not Requiring Hearing” as described in Sonoma County Local Rule 6.2.I. (Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2010, 01/01/2015)

RULE 7 RULES APPLICABLE TO DEFAULT, UNCONTESTED, AND COMPROMISE PROCEEDINGS

7.1 DEFAULT CALENDAR

Default, uncontested, and compromise hearings will be conducted at such times as scheduled by the Assigned Judge. (Eff. 1/1/1997; Rev. 7/1/2004)

7.2 PROCEDURE

Default and uncontested hearings will be scheduled through the Superior Court Clerk's office. A letter of confirmation of the date, time and location of the hearing shall be sent to the Clerk of the Court not less than ten (10) calendar days prior to the scheduled hearing and shall be accompanied by all documents listed in California Rules of Court, Rule 3.1800(a). Failure to do so shall result in the hearing being dropped from the default calendar on the date scheduled. IN NO CASE WILL THE MATTER BE CALENDARED BY THE CLERK UNLESS THE DEFAULT HAS BEEN ENTERED AND FILED. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007)

7.3 ATTORNEY'S FEES IN DEFAULT PROCEEDINGS

A. In limited civil cases, whenever the obligation sued upon provides for an attorney's fee, the fee in each case where judgment is entered by the clerk pursuant to Code of Civil Procedure §585(a) shall be fixed pursuant to the following schedule:

35% of the first $1,500.00 principal prayed for in complaint

30% of the second $1,500.00 or any part thereof

25% of the third $1,500.00 or any party thereof

10% of the sum in excess of $4,500.00

SCHEDULE OF ATTORNEY'S FEES

PRINCIPAL	FEES	PRINCIPAL	FEES
$50.00	$17.50	$9,000.00	$1,800.00
$100.00	$35.00	$9,500.00	$1,850.00
$200.00	$70.00	$10,000.00	$1,900.00
$400.00	$140.00	$10,500.00	$1,950.00
$600.00	$210.00	$11,000.00	$2,000.00
$800.00	$280.00	$11,500.00	$2,050.00
$1,000.00	$350.00	$12,000.00	$2,100.00
$1,500.00	$525.00	$12,500.00	$2,150.00
$1,600.00	$555.00	$13,000.00	$2,200.00
$1,800.00	$615.00	$13,500.00	$2,250.00
$2,000.00	$675.00	$14,000.00	$2,300.00
$2,200.00	$735.00	$14,500.00	$2,350.00
$2,400.00	$795.00	$15,000.00	$2,400.00
PRINCIPAL	**FEES**	**PRINCIPAL**	**FEES**
$2,600.00	$855.00	$15,500.00	$2,450.00

$2,800.00	$915.00	$16,000.00	$2,500.00
$3,000.00	$975.00	$16,500.00	$2,550.00
$3,200.00	$1,025.00	$17,000.00	$2,600.00
$3,400.00	$1,075.00	$17,500.00	$2,650.00
$3,600.00	$1,125.00	$18,000.00	$2,700.00
$3,800.00	$1,175.00	$18,500.00	$2,750.00
$4,000.00	$1,225.00	$19,000.00	$2,800.00
$4,200.00	$1,275.00	$19,500.00	$2,850.00
$4,400.00	$1,325.00	$20,000.00	$2,900.00
$4,600.00	$1,360.00	$20,500.00	$2,950.00
$4,800.00	$1,380.00	$21,000.00	$3,000.00
$5,000.00	$1,400.00	$21,500.00	$3,050.00
$5,500.00	$1,450.00	$22,000.00	$3,100.00
$6,000.00	$1,500.00	$22,500.00	$3,150.00
$6,500.00	$1,550.00	$23,000.00	$3,200.00
$7,000.00	$1,600.00	$23,500.00	$3,250.00
$7,500.00	$1,650.00	$24,000.00	$3,300.00
$8,000.00	$1,700.00	$24,500.00	$3,350.00
$8,500.00	$1,750.00	$25,000.00	$3,400.00

B. In an action on book account, attorney fees shall be fixed at the maximum permitted under Civil Code §1717.5. (Eff. 1/1/1997; Rev. 7/1/2008)

RULE 8 RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.1 CRIMINAL COURTS: ASSIGNMENT OF CASES

All criminal felony matters, with the exception of 1210 PC Court, shall be initially set in the designated Early Case Resolution Department (ECR). If a felony case is not resolved in the Early Case Resolution Department, it shall be assigned for "all purposes" to another department on a predetermined alphabetical split basis.

All criminal misdemeanor matters, with the exception of misdemeanor Domestic Violence and 1210 PC cases, shall be assigned for "all purposes" to a misdemeanor department on a predetermined alphabetical split basis.

A copy of the Criminal Division Schedule may be obtained from the Superior Court Clerk's Office Criminal Division, or on our website: www.sonoma.courts.ca.gov (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2009)

8.2 VIOLATION OF PROBATION

A. Assignment of Cases

All violations of probation shall be assigned to a criminal department on an alphabetical split basis.

B. Disclosure of Non-Confidential VOP Probation Records

The Court authorizes the Sonoma County Probation Department to produce copies of non-confidential probation records that form the basis of allegations contained in a Request Probation be Summarily Revoked (aka, the "Universal Memo") to the defense and prosecution in any violation of probation proceeding.

Any request for confidential records, or records of probation not otherwise produced by the Probation Department, may be sought through the Court in any Violation of Probation proceeding after providing reasonable notice to the Probation Department and District Attorney's Office." (Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2008)

8.3 CRIMINAL PRETRIAL LAW AND MOTION

Criminal pretrial law and motion hearings shall be heard by the judge assigned the case at such time and place scheduled by the judge.

A. Written Motion Procedures

1. All motions shall be made in writing. With the exception of 1050 PC continuance motions, Notice of Motion and Motion for Transfer pursuant to PC 1203.9 and motions to vacate bail bond forfeitures, or upon order of the court, **ALL** motions must be filed in court, except that the judge may authorize filing of a motion in the Clerk's Office by minute sheet entry. 1203.4 PC motions to expunge/reduce will be received in the Clerk's Office and filed in court. The court shall set a hearing date

for all motions. Appearances for filing of motions in court may be calendared through the Clerk's Office.

All motions, including all Penal Code section 1538.5 motions, shall clearly state the grounds for the motion and be accompanied by points and authorities; which shall include a concise statement of the facts supporting the motion.

2. All moving papers and all responding documents shall have the hearing date prominently displayed and underlined in red on the documents together with the moving party's estimates of the time required for the hearing.

3. Courtesy copies of all pleadings shall be delivered to the assigned judge's judicial assistant or courtroom clerk at the time of filing.

4. Any person submitting or filing documents with the court shall redact personal and financial identifying information.
(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007, 7/1/2008, 1/1/2010, 7/1/2013, 1/1/15)

8.4 PRETRIAL DISCOVERY

The District Attorney's Office and the Public Defender's Office shall disclose and make available to the opposing counsel those materials described in the Stipulation and Agreement re: Reciprocal Discovery Duties between the Sonoma County District Attorney's Office, the Public Defender's Office, and the Sonoma County Superior Court, dated November 8, 2002. (Eff. 1/1/1997; Rev. 1/1/2005)

8.5 APPOINTMENT AND PAYMENT OF COUNSEL IN CONFLICT CASES

A. In cases where the Public Defender's Office declares a conflict in Adult and Juvenile criminal matters, the Court shall appoint conflicts counsel. (Penal Code section987.2) The County of Sonoma may provide a list of contract conflict counsel for the court to make appointments. If any attorneys from the contract list declare a conflict, the Court shall appoint the next attorney on the list. If the list is exhausted, the Court in its discretion shall appoint other competent conflict counsel outside of the contract conflicts list.

B. In cases where the Public Defender's Office declares unavailability, the Court shall appoint conflicts counsel. (Penal Code section 987.2) The County of Sonoma may provide a list of contract conflict counsel for the court to make appointments. If any attorneys from the contract list declare a conflict, the Court shall appoint the next attorney on the list. If the list is exhausted, the Court in its discretion shall appoint other competent conflict counsel outside of the contract conflicts list.

C. "Reasonable necessary ancillary defense services" shall also be ordered upon request by conflicts counsel. (Penal Code section 987.8(g), and section 987.9; Evidence Code section 730) These requests are confidential and may be made ex-parte to the Superior Court. The application for appointment and funds shall be accompanied by an affidavit and other supporting documents that specifically outline the reasonableness of the request and the appropriate amount of funds requested.

D. After the appointments are made and applications for other defense services fees are approved, bills for payment shall be forwarded to the County of Sonoma for review and payment, if appropriate. (Penal Code section 987.3). (Eff. 1/1/1997; Rev.1/1/2006, 1/1/2007, 7/1/2007, 7/1/2010)

8.6 APPOINTMENT OF SECOND COUNSEL

Applications for second counsel in special circumstances cases shall be made to the "P.C. 987.9" judge of the Superior Court. The application shall specify how the lead counsel intends to use the second counsel. (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007)

8.7 EX PARTE APPLICATIONS FOR ORDERS

A. All applications involving criminal matters shall be presented to the assigned criminal department.

B. All applications for a court order for the temporary release of inmates from the Sonoma County Jail shall be filed and presented in writing along with a proposed order to the assigned criminal department.

1. Each application shall include a written declaration showing that notice of the application has been given to the District Attorney and to the Sonoma County Sheriff's Office not less than forty-eight (48) hours before the application is presented to the Court.

2. Unless the District Attorney agrees in writing, the application shall be heard and decided by the Court after considering the views of all parties. The Court may under appropriate circumstances consider in camera declarations concerning the merits of the request.

3. Any order granting the application shall include an order that the Sonoma County Sheriff shall provide security and transportation for the applicant. Alternatively, the Court may choose to release the inmate on his own recognizance or supervised own recognizance if there is good cause to do so.

4. Upon submission of a declaration of indigence, the order may include a waiver of costs or fees by the Sheriff for transportation and security.

5. In the event that the defendant requests confidentiality the court order may include a protective order to preserve confidentiality, upon a showing of good cause. (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007)

8.8 CONTINUANCES

A. No trial or preliminary hearing may be continued, except upon written motion establishing good cause as required by P.C. 1050, unless otherwise required by statutory or decisional law.

1. The uniform P.C. 1050 form, available at the Criminal Division of the Clerk's Office, is to be used by the moving party. (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007)

8.9 COURT SYSTEM

It is the goal of Sonoma County Superior Court that each department handle its assigned cases from start to finish regardless of the custodial status of the defendant. A copy of the Criminal Division Schedule may be obtained from the Clerk's Office, Criminal Division, or visit the court's website at www.sonoma.courts.ca.gov. (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007)

8.10 ARRAIGNMENTS

Arraignments will be assigned alphabetically. The alphabetical designation will be determined by Superior Court and is subject to change, with the exception of Domestic Violence Court and 1210 PC Court cases.

In multiple defendant cases, the assignment shall be made by the first defendant listed on the complaint. Once assigned, the case remains with the assigned judge until it is completed.
(Eff. 1/1/1997, Rev. 1/1/2005, 7/1/2007)

8.11 CALENDARING SYSTEM

A. First Appearance Date

First appearance date for out of custody felony defendants will be two weeks after arrest.

First appearance date for out of custody misdemeanor defendants will be four (4) weeks after arrest except in cases where defendant is charged with violations of §§11550 and 11377 of the Health and Safety Code in which the first appearance date shall be ten (10) days after arrest. See, Penal Code §853.6

When a defendant is charged with violations of Penal Code §§243(e)(1), 273.5, 273.6, 166(a)(4) or 422, the first appearance date shall be fourteen (14) days after date of arrest when the defendant is not in custody.

B. Arraignments

Public Defender and District Attorney shall be present at all arraignments.

Any person appointed an attorney shall be assessed fees if that person is found able to pay them.

C. Schedule of Events

Misdemeanors: After the entry of a plea of not guilty, the case shall be set for a settlement conference. If there is no settlement and no motions to be filed, the next event set shall be a readiness conference and jury trial.

D. Calendar Events

1. Arraignments

The District Attorney shall give a defendant, designated by the court as in pro per, or an attorney appearing generally, a copy of all police and laboratory reports and the complaint.

District Attorney shall file P.C. 1000 declarations if applicable.

2. Jury Trials

Defendant is to be present at jury trial unless waived. Each judge shall conduct a pretrial conference to discuss in limine motions, jury instructions, witness schedules and voir dire procedures. (Eff. 1/1/1997; Rev. 1/1/2006, 7/1/2007)

8.12 VACATING CIVIL ASSESSMENT

A. After a case is referred to Court Collections or GC Services for failure to appear, and a civil assessment is imposed, the agency shall issue a ten (10) day warning notice plus five (5) days for mailing, pursuant to Penal Code §1214.1.

B. A petition must be obtained from and filed with Court Collections or GC Services to request that the civil assessment be vacated. A money order or cashier's check in the amount of the original total bail, which includes base fines plus applicable penalty assessments and fees, shall be attached to the petition.

C. The judicial officer will grant or deny the petition. If the petition is granted, the civil assessment shall be vacated, and the judicial officer shall rule on the underlying violations. The money order or cashier's check shall be applied to the court ordered fine amount. If the petition is denied, all or a portion of the civil assessment shall remain, and the judicial officer may rule on the underlying violations. The account shall remain with Court Collections or GC Services, and money posted shall be applied to the account balance.

D. Defendant has five (5) days, upon receipt or denial of the petition, in which to notify the court to set the matter for a further hearing or the denial becomes final. (Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2007)

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RULE 9 RULES APPLICABLE TO FAMILY LAW PROCEEDINGS

GENERAL PROVISIONS

9.1 APPLICATION

Except as specifically provided in Sonoma County Local Rules, Rule 9 or otherwise provided in the Sonoma County Superior Court Rules, all provisions of these rules applicable to civil actions generally apply to family law proceedings. To the extent that Sonoma County Local Rules, Rule 9 conflicts with other provisions of these rules, the specific provisions of Rule 9 shall prevail. (Eff. 1/1/1997; Rev. 1/1/2004, 7/1/2010)

9.2 CASE ASSIGNMENT

A. General Case Assignment

All Family Law cases will be assigned to a Family Law department upon the filing of the initial pleading. Exceptions include those cases required to be heard by the Title IV-D commissioner pursuant to Family Code section 4251 and cases filed pursuant to the Domestic Violence Prevention Act, Family Code section 6200 et seq. The assigned department shall continue to hear the case through its course unless the department is disqualified, recuses itself, there is a change in judicial assignments, or the Department of Child Support Services has intervened in the action at which time all pending support-related hearings will be re-calendared to the Child Support Commissioner. If the case must be moved for any of the above reasons, the case shall be re-assigned to another Family Law department.

B. Assignment to a Commissioner or Judge Pro Tempore

1. In some proceedings assigned to a Family Law department the parties may be asked to stipulate that their matter be heard and decided by a commissioner of the Superior Court, acting as a temporary judge pursuant to Code of Civil Procedure section 259, Family Code section 4251, and Sonoma County Local Rules, Rule 12 or by a judge pro tempore acting as a temporary judge of the Superior Court pursuant to appointment under Cal. Rules of Court, Rule 2.831.

2. Where a party refuses to stipulate to a commissioner to act as a temporary judge in hearing and ruling on a motion or Order to Show Cause or any other matter delineated in Code of Civil Procedure section 259, the matter will be heard by the commissioner pursuant to Code of Civil Procedure section 259(e). A judge of the Superior Court will thereafter approve, reject, or change the findings and conclusions of the commissioner. (See Sonoma County Local Rules, rule 12.4.D and Sonoma County form #FL-021).

3. Where a party objects to the child support commissioner pursuant to Family Code section 4251(b), the matter shall be heard over the objection of the party and a recommended order shall be issued pursuant to Family Code section 4251(c). The objecting party shall have 10 days after issuance of the recommended order, to file and serve written objections on all parties.

4. The refusal of a party to stipulate to a commissioner (other than the child support commissioner) acting as a temporary judge for a trial or post-judgment motion or Order to Show Cause will result in a resetting of the matter. (Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2007, 7/1/2010, 7/1/2012)

9.3 SANCTIONS IN RESPECT TO RULES

A. In General

Failure to comply with any of these rules or any of the rules in the California Rules of Court (CRC) may subject the noncomplying party, the attorney for the noncomplying party, or both, to sanctions pursuant to Code of Civil Procedure sections 575.2, 128.6, 128.7, and CRC 5.14.

B. Responsibility

If a failure to comply with an applicable rule is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.

C. Notice and Procedure

Sanctions must not be imposed under this rule except upon notice in a party's motion papers or upon the court's own motion after the court has provided notice and an opportunity to be heard. A party's motion for sanctions must (1) set forth the applicable rule that has been violated, (2) describe the specific conduct that is alleged to have violated the rule, and (3) identify the attorney, law firm, party, witness, or other person against whom sanctions are sought. The court on its own motion may issue an order to show cause that shall (1) set forth the applicable rule that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, witness, or other person to show cause why sanctions should not be imposed against them for violation of the rule.

D. Award of Expenses

In addition to the sanctions awardable under A., the court may order the person who has violated an applicable rule to pay to the party aggrieved by the violation that party's reasonable expenses, including reasonable attorney fees and costs, incurred in connection with the sanctions motion or the order to show cause.

E. Order

An order imposing sanctions must be in writing and must recite in detail the conduct or circumstances justifying the order. (Eff., 1/1/2004; Rev. 7/1/2010, 7/1/2013)

9.4 FAMILY LAW FACILITATOR

A. Services Provided by the Family Law Facilitator:

1. Provide educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the Courts;

2. Provide educational materials and information to parents concerning the process of establishing child custody and parenting plan orders, particularly regarding how custody and parenting plans relate to child support, to the extent that funding is provided.

3. Distribute necessary court forms and voluntary declarations of paternity;

4. Provide assistance in completing forms;

5. Prepare support schedules based upon statutory guidelines;

6. Provide referrals to the local child support agency, Family Court Services, and other community agencies and resources that provide services for parents and children.

B. <u>Additional Services Designated by Local Rule</u>

1. Meet with the litigants to mediate issues of child support, spousal support, and maintenance of health insurance, where at least one of the parties is not represented by an attorney;

2. Draft stipulations and stipulated judgments regarding all Family Law issues, where neither party is represented by an attorney;

3. At the request of the court, prior to or at the Domestic or Child Support Calendar or other hearing, review paperwork, examine documents, prepare support calculations, and advise the judge or commissioner whether or not the matter is ready to proceed;

4. Prepare formal orders consistent with the court's announced orders where neither party is represented by an attorney;

5. Assist and advise the Family Law clerk with procedures and maintenance of records;

6. When requested by the court, serve as a special master and make findings and recommendations to the court, unless the Family Law Facilitator has served as a mediator in that case;

7. When requested by the court, provide the services specified in Family Code section 10004 concerning the issues of child custody and parenting plans as they relate to calculating child support, if funding is provided for that purpose.

8. Assist the court with research and any other responsibilities which will enable the court to be responsive to the needs of unrepresented parties;

9. Develop and provide programs for Bar and Community Outreach that will assist unrepresented and financially disadvantaged parties to gain equal access to the Family Law Court. (Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 7/1/2012)

9.5 COLLABORATIVE LAW CASES

The Sonoma County Superior Court recognizes the unique nature of family law disputes and the fact that family law issues are best resolved by the parties reaching agreement over such critical matters as child custody, support, and property, without engaging in the traditional adversarial litigation process. The Sonoma County Superior Court strongly supports the use of the collaborative law process as well as other alternative dispute resolution tools for the purpose of developing both short-term and long-term workable agreements that meet the best interests of the entire family, particularly the children whose lives will be affected by the resolution.

A. Designation

No case will be entitled to a designation as a "collaborative law" case unless all of the following requirements are met:

1. The parties have signed a collaborative law stipulation and order that provides for a full and candid exchange of information, that advisory counsel shall not subsequently represent either party, and the prohibition for further work on this matter by all experts and other professionals retained for the process, if the use of the collaborative law procedures are terminated.

2. All documents filed in the case are to be submitted by the parties as self-represented parties. Notwithstanding this provision, the attorneys may appear by agreement as counsel of record for the sole purpose of filing a bifurcated judgment regarding status, the final judgment and/or other final documents reflecting the agreement of the parties, upon the entry of which they shall immediately withdraw.

3. No contested matters are presented by a Request for order that require judicial resolution.

4. The term collaborative law case is included in the caption of any document filed with the court from and after the filing of the collaborative law stipulation and order.

B. The collaborative law process is by its very nature, a series of intense settlement negotiations, therefore:

1. Other than as may be agreed in the collaborative law stipulation and order, no evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to the collaborative law proceeding is admissible or subject to discovery, and disclosure of the evidence must not be compelled in any non-criminal proceeding.

2. Other than as may be agreed in the collaborative law stipulation and order, no writing, as defined in Evidence Code section 250 that is prepared for the purpose of, in the course of, or pursuant to a collaborative law case is admissible or subject to discovery, and disclosure of the writing must not be compelled in any non-criminal

proceeding. This does not include documentary items such as account statements, bank statements, records of title, etc., that reflect on the existence and value of the assets or debts.

3. Other than as agreed in the collaborative law stipulation and order, all communications, negotiations or settlement discussions between participants in the course of a collaborative law proceeding must remain confidential.

C. **As to any case designated as a collaborative law case, the court will:**

1. Consider collaborative counsel to be advisory and not attorneys of record, except as provided in paragraph A.2. of this rule.

2. Refuse to set any hearings, impose discovery deadlines or enter scheduling orders.

3. Give priority in processing of stipulated orders.

4. Waive any requirement for payment of the respondent's first appearance fee with the collaborative law stipulation and order.

5. Provide notice and an opportunity to be heard prior to any dismissal based upon a failure to prosecute or for delay.

D. The designation of a case as a collaborative law case is totally voluntary and requires the agreement of all parties. The collaborative law case designation will be removed upon stipulation or filing and service of a termination election as provided in the collaborative law stipulation and order. In the event collaborative law procedures are terminated, any party filing a Request for Order shall include a request for scheduling of a case management conference prior to the hearing.

E. Except as otherwise provided in this rule, collaborative law cases are governed by the Family Code and the California Rules of Court. (Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 1/1/2013)

9.6 APPEARANCE BY TELEPHONE

A. **Application**

This rule does not limit the operation of Family Code section 4930 or apply to Family Court Services Appointments. To request to appear telephonically for mediation at Family Court Services, refer to Rule 9.15.A.2. This rule does not apply when the Department of Child Support Services is requesting the telephonic appearance on behalf of one of the parties. If Department of Child Support Services is the requesting party, they shall make the request as soon as possible after the request is made of them by the party.

B. **General Provision**

A party, an attorney, a witness, or a representative of the child support enforcement agency or other governmental agency may request permission of the court to appear by telephone in any hearing or conference. The Court shall ensure that the appearance of one or more parties by telephone does not result in prejudice to the parties appearing in person.

C. Requests

Absent good cause, request for appearance by telephone shall be made by submitting a separate local form, form #FL-075, to the Family Law Clerk's Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk's Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.

D. Opposition

Opposition to the application must be made in writing no later than five (5) court days from the submission and service of the application for telephone appearance.

E. Court Order on Application

Application and/or opposition shall be submitted to the judicial assistant for the designated family law judicial officer. All requests and opposition papers must include a day time telephone number and a fax number, if available, for notification purposes. The court will rule on the application at least (5) five court days before the hearing. If the application is not contested and the court has not ruled on the application by that time, the application is deemed granted. If opposition is filed, the parties will be notified of the judicial officer's decision at least 48 hours before the hearing.

If a litigant's request to appear telephonically is denied less than (5) five days before the hearing, the litigant shall have the right to a continuance in order to make travel arrangements to attend the hearing.

The determination as to whether a party may appear by telephone shall be made by the court on a case-by-case basis. At any time before or during a proceeding or hearing, the court may determine that a personal appearance would materially assist it in deciding the proceeding or hearing and order the matter continued.

F. Costs

The party appearing by telephone will be required to pay a fee directly to the vendor who provides the telephonic appearance services. The fee may be waived if an Order Granting Fee Waiver has been issued by the court. (Eff. 7/1/2005; Rev. 7/1/2007, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; 1/1/2012. 7/1/2012, 7/1/14))

9.7 ACCEPTANCE OF HANDWRITTEN PLEADINGS

The Judges of the Superior Court recognize that improving the public's access to the Courts is a high priority. Litigants may submit handwritten pleadings in blue or black ink that are neat and legible. The Clerk's Office will accept handwritten pleadings in blue or black ink that are neat and legible from litigants. The judicial officer and/or Clerk's Office have the discretion to reject handwritten pleadings that are not neat or legible. (Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010)

9.8 LIMITED LEGAL REPRESENTATION

If representation by an attorney is limited in scope, Judicial Council form, Notice of Limited Scope Representation (Judicial Council form FL-950) specifying the scope of the representation, shall be filed with the court . All communications and notices relating to the limited purpose shall be made or sent to all attorneys of record and self-represented parties. When the task specified in the Notice of Limited Scope Representation has been completed, the attorney shall file a Substitution of Attorney-Civil (Judicial Council Form MC-050) or proceed pursuant to Cal. Rules of Court, rule 5.425. (Eff. 1/1/2003; Rev. 7/1/2005, 1/1/2007, 7/1/2009, 7/1/2010, 7/1/2013)

9.9 DOCUMENTS NOT TO BE FILED WITH THE COURT

In family law cases only, notices of unavailability shall not be filed with the court.
(Eff. 1/1/05; Rev. 7/1/05, 7/1/09; Retracted 7/1/10; Reinstated 7/1/11)

CASE FLOW PROVISIONS

9.10 EXCHANGE OF PRELIMINARY DECLARATIONS OF DISCLOSURE

The petitioner shall serve the other party with the preliminary declaration of disclosure either concurrently with the petition for dissolution, or within 60 days of filing the petition. The respondent shall serve the other party with the preliminary declaration of disclosure either concurrently with the response to the petition, or within 60 days of filing the response.

These specified time periods may be extended by written agreement of the parties or by court order. (Eff. 7/1/2009; Rev. 7/1/2010; Revised and Renumbered 7/1/2011 (Formerly Rule 9.9), Rev. 7/1/12.)

9.11 CASE RESOLUTION CONFERENCE

A. Purpose:

The purpose of a Case Resolution Conference is to provide judicial management in family law matters in order to expedite the process of the case, reduce expense of litigation, and focus on early resolution by assisting the parties in establishing processes and procedures to bring a case to a final disposition in an effective and timely manner pursuant to CRC 5.83 and FC 2450.

At the Case Resolution Conference, the court may:

- Provide early neutral case evaluation;
- Suggest Alternative Dispute Resolution;
- Bifurcate issues and set these issues for trial;
- Make special referrals such as co-parent counseling;

- Order completion of Declarations of Disclosure if they have not been timely exchanged pursuant to Rule 9.10;
- Limit, schedule or expedite discovery, including disclosure of expert witnesses
- Appoint joint experts upon stipulation of the parties and order allocation of payment for experts;
- File stipulations the parties reach on temporary issues or that narrow the other issues;
- Schedule a hearing on issues that are critical to the progress of the case; for example, appointment of minor's counsel, appointment of experts;
- Set the case on a dismissal calendar for failure to serve (CCP 583.210) or failure to adjudicate (CCP 583.310), unless CCP 583.161 applies;
- Review other case management options under Family Code section 2451 with counsel, their clients and self-represented parties;
- Take such other actions and make orders regarding case flow management which would tend to promote a just and efficient disposition of the case.

B. <u>Requests to Reset/Advance/Set Case Resolution Conference:</u>

The Court may set a Case Resolution Conference by issuing a Setting Order (FL-073).Parties, upon a showing of good cause, may request to set, reset or advance the Case Resolution Conference by submitting the Case Resolution Conference form (FL-092). Setting Orders shall provide at least 45 advance notice of the court date. All parties must complete the Case Resolution Conference Statement portion of form FL-092, and have it filed and served on all parties at least 10 calendar days prior to the Case Resolution Conference.

Parties requesting to set, advance or reset a Case Resolution Conference are required to complete page two (2) of form FL-092.

The parties may not stipulate to a reset/advance/set of the Case Resolution Conference without leave of court.

If the case is progressing to the satisfaction of the court, these requests will be granted.

C. <u>Appearances</u>

Self-represented parties and attorneys of record must appear at the Case Resolution Conference unless excused by the Court. Failure to appear at the Case Resolution Conference may result in sanctions. If the Department of Child Support Services is a party to the action, their appearance is not required unless requested by the Court.

D. Drops from the Case Resolution Conference Calendar

A case shall not be dropped from the Case Resolution Calendar until a final judgment addressing all issues in the case has been filed with the court.

(Eff. 1/1/2008; Rev. 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.10; Rev. 1/1/2012, 7/1/2012, 1/1/2013, 2/24/14, 1/1/15)

9.12 DOMESTIC VIOLENCE RESTRAINING ORDERS (FAMILY CODE §§ 6200-6389)

Notice and Delivery of Applications for Domestic Violence Temporary Restraining Orders, including copies of all documents to be submitted must be given to the opposing party or attorney by 10:00 a.m. the day before the application is scheduled to be reviewed by the assigned judicial officer. For details see local form FL-016.

Opposition papers may be submitted in person at the Sonoma County Court Clerk's Office, Family Law Division, 3055 Cleveland Avenue, Santa Rosa, or faxed to the court at (707) 521-6763 by 8:30 a.m. on the day of the review. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, an ex parte declaration shall be filed providing the reasons for the lack of service. (Sonoma County form FL-016).

Judicial review of the requests for temporary orders shall be conducted Monday through Friday beginning at 8:30 a.m. by a judicial officer designated by the presiding judge. At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the morning of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

(Eff. 7/1/13)

9.13 EX PARTE/EMERGENCY FAMILY LAW ORDERS

It is the policy of this court not to grant ex parte/emergency orders changing the status quo with respect to child custody, parenting plans or residence exclusion without a very strong factual showing of grave danger or severe detriment to the child prior to the time the issues can be properly set for a noticed hearing with both parties present and afforded an opportunity to be heard. The court may in its discretion refer the matter to Family Court Services for a child custody recommending counseling appointment prior to signing an order shortening time for the prompt calendaring of the matter at the earliest available OSC calendar.

A. Declarations

1. Factual Basis

All declarations shall be based upon personal knowledge of the declarant. Declarations containing hearsay are subject to a motion to strike the whole unless the hearsay is substantiated by a supplemental declaration by the hearsay declarant.

2. Extraordinary Relief

A very specific declaration must be given when extraordinary relief is sought. A specific declaration includes the dates of incidents, detailed descriptive facts and specific harm threatened or actually caused. Conclusions, feelings, wishes or fears alone will not support an ex parte/emergency order. Extraordinary relief includes without limitation: temporary custody of children, temporary possession and use of personal property, limited contact with children, or removal of one party from the family residence.

3. Declarations Upon Ex Parte/Emergency Application

Ex parte/Emergency orders are sometimes rendered without giving an opportunity for the parties to be personally seen and heard. The temptation to indulge on paper in unrestrained exaggeration is ever-present. Concealment of relevant facts is a danger. Accordingly, attorneys, parties and persons employed to type pleadings (typing services) shall adhere to the highest standards of full disclosure in preparing the declarations in support of ex parte/emergency orders.

4. Change of Status Quo

THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT A REQUESTED EX PARTE/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.

B. Notice

Notice of the intent to file an ex-parte/emergency request for temporary family law orders must be given to the opposing party or attorney by 10:00 a.m. one court day before the application is scheduled to be reviewed by the assigned judicial officer. For details see local form FL-016. This notice requirement can be waived by the court if (1) notice is impossible, or (2) notice would frustrate the very purpose of the order, or (3) immediate and irreparable harm could be suffered if notice were given.

C. Delivery of Application

The application, including all declarations, attachments, and documents intended for court review shall be delivered to the opposing party/attorney by 11:00 a.m. one court day before the application is scheduled to be reviewed by the assigned judicial officer.

D. Opposition

All opposition documents, including declarations, attachments, and documents intended for court review shall be served and delivered to the Court by 10:00 a.m. the day the application is scheduled to be reviewed by the assigned judicial officer.

E. Judicial Review

Judicial review of the applications for ex parte/emergency family law orders shall be conducted Monday through Friday beginning at 10:00 a.m. by a judicial officer designated by the Presiding Judge.

At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon a.m. on the day of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

F. Set Aside of Ex Parte/Emergency Order (Domestic Violence and Family Law)

If a responding party requests an ex parte/emergency order be set aside prior to the date set for hearing on the Domestic Calendar, notice shall be given to the moving party in the same manner as described in Sonoma County Local Rules, rule 9.12 and 9.13. The judicial officer may order an earlier hearing date or modify the orders on a proper showing in lieu of setting aside the orders. (Eff. 7/1/2005; Rev. 1/1/2007, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.11; Rev. 1/1/2012, 7/1/2012, 7/1/2013, 7/1/14)

9.14 DOMESTIC AND CHILD SUPPORT CALENDARS

A. Calendar (Domestic and Child Support)

1. Domestic and Child Support matters shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained from the Clerk's Office or the Sonoma County Superior Court website at www.sonoma.courts.ca.gov. Domestic matters shall be heard by a judge, court commissioner, or persons specified by the Presiding Judge.

Request for Orders shall be heard by judicial officers at the times specified. Any disqualifications or objections must be made within the time limits specified in Code of Civil Procedure section 170.6 or Family Code section 4251.

2. Matters will be scheduled for a hearing date, time and courtroom at the Clerk's Office upon the filing of moving papers.

3. **Format of Motions:** All documents presented for filing shall comply with Cal. Rules of Court, rules 3.1110-3.1115. Any document filed relating to a matter which is set for hearing must have the hearing date and time prominently displayed on the face of the document. The court need not consider documents which do not comply with these requirements.

4. Unless agreed to by all parties, contempt proceedings shall not proceed at the initial calendar date. The moving party need not have witnesses available at that time. The initial calendar date shall be for the appointment of counsel if necessary, entry of plea, and the setting of a trial date.

B. Responsive Pleadings

Responsive pleadings to a Request for Order shall be filed and served within the time provided by law. An order shortening time for service may specify a different time for filing responsive documents.

An exception to these pleading rules may be allowed by the court to allow more time to file a response if the matter is an initial Request for Order on a new matter or a post judgment motion or for good cause shown. If additional time is permitted to file a response, the moving party may request that the hearing be continued.

Sanctions for failure to comply with the rules may include the hearing being conducted as a default matter, or if a continuance is requested, the party whose pleadings are untimely filed may be required to pay the costs of the opposing party's appearance.

C. Meet and Confer Requirements

No case on the Domestic Calendar, Case Resolution Calendar, Settlement Conference Calendar, Trial Calendar, or the Child Support Calendar will be heard unless and until ALL THE PARTIES, COUNSEL, AND THE LOCAL CHILD SUPPORT AGENCY (when involved in the case) have met and conferred, face to face, in a good faith effort to resolve all issues. All relevant documents shall be exchanged by all the parties, their counsel, and the local child support agency while conferring, absent good cause to the contrary.

The requirement to meet and confer may be satisfied by a meeting on the day of the hearing prior to the case being heard except in cases in which one or more parties will appear by telephone.

Failure to so meet and confer may result in the matter being dropped from calendar or continued, or rejection of documents not so exchanged, or other appropriate sanctions. Contempt proceedings shall not be subject to this rule.

D. Continuance or Drops

1. Continuances on Domestic and Child Support Matters

To request a continuance, a NOTICE OF STIPULATED CONTINUANCE (FAMILY LAW) (Sonoma County form FL015) executed by all parties or their attorneys and the continuance fee must be submitted to the family law clerk no later than noon (12:00 p.m.) one (1) court day prior to the hearing date. Signatures transmitted by facsimile transmission (fax) are acceptable.

At the time of submission of a notice of stipulated continuance, all parties must:

a. State the number of times the matter has been continued previously.

b. State the date(s) that the parties met and conferred on the issue(s).

c. Review Sonoma County Local Rules, rule 9.18 and acknowledge that they have considered participation in a Settlement Conference.

Stipulated continuances prior to the court date will be allowed a maximum of two (2) times. Thereafter, a court appearance is required to request a continuance. The party(ies) requesting a continuance after two continuances have already been granted shall be required to show good cause and/or an emergency. Orders to show cause and motions shall be heard and resolved within four (4) months of the original hearing date absent a showing of good cause and/or an emergency.

If a party is unable to submit a Notice of Stipulated Continuance, Sonoma County local form FL015, to the court by noon (12:00 p.m.) one (1) court day prior to the scheduled hearing, then good cause and/or an emergency must be shown to the court on the day of the hearing. Furthermore, a courtesy call to the Judge's judicial assistant is required by 3:00 pm one (1) court day prior to the scheduled hearing. The content of the call shall be limited by providing only notice that an in court continuance will be requested and that good cause and/or an emergency will be presented.

2. Continuances on the Title IV-D Calendar

Requests for continuances on the Child Support calendar may be effected via NOTICE OF STIPULATED CONTINUANCE pursuant to the rules above, OR may be made via personal appearance on the scheduled hearing date. If the continuance will be requested by personal appearance at the scheduled hearing, a courtesy call to the Commissioner's Judicial Assistant by 3:00 pm the prior court day is encouraged, but not required. Litigants who wish to have IV-D matters continued must contact the Department of Child Support Services to verify available calendar dates. There is no fee for continuing a child support matter on this calendar

3. Dropping a Case from the Domestic Child Support Calendars

The moving party may drop a case from the Domestic or Child Support Calendar by contacting the Family Law Clerk at 521-6500 by noon (12:00 p.m.) one (1) court day prior to the hearing date. The following matters may not be dropped without a written stipulation covering the status of existing court orders:

a. Restraining orders.

b. Child custody and visitation parenting plans or orders which have been issued in conjunction with a domestic violence restraining order and transmitted to the Department of Justice through the California Law Enforcement Telecommunications Systems (CLETS).

E. Financial Matters

1. Financial Documents

If financial matters are at issue, pursuant to CRC 5.92, the parties shall serve an Income and Expense Declaration or Financial Statement (Simplified) with the Request for Order or the Responsive Declaration, if spousal support or attorney fees F9.20

are an issue. If the moving party is only seeking Family Code Section 271 fees (and no other financial relief), the moving party need not file an Income and Expense Declaration. However, a party objecting to an attorney fee request based on their inability to pay attorney's fees shall be required to file an Income and Expense Declaration. The Income and Expense Declaration shall have the following documents attached:

a. W-2's or 1099 forms if the income tax return is unavailable; and

b. Last three (3) pay stubs.

c. Self-employed individuals shall attach a profit and loss statement for the preceding twelve (12) months, or other appropriate time period, at least as detailed as the IRS form Schedule C, to their Income and Expense Declaration.

In addition, if more than three (3) months have elapsed since the filing of the Income and Expense Declaration, self-employed individuals shall prepare a supplemental profit and loss statement, again at least as detailed as the IRS form Schedule C, for the period of time between the ending date of the profit and loss statement attached to the Income and Expense Declaration and the time of the hearing. Any supplemental profit and loss statement shall be delivered to the other party no later than three (3) court days preceding the hearing date.

The parties shall also exchange the last two (2) years income tax returns, including all attachments.

2. Format and Timing

All supporting documents shall be attached to the Income and Expense Declaration or Financial Statement (Simplified), except that income tax returns shall be exchanged between the parties and provided to the court as required by this rule, but shall not be filed with the court. If the court determines that it wants to retain the tax returns they shall be sealed and maintained as a confidential record of the court pursuant to Family Code section 3552(c).

It is not necessary to deliver a copy of any documents obtained from the other side or known to be in their possession.

Income and Expense Declaration or Financial Statement (Simplified) forms filed three (3) months or more before the date of the hearing are considered by the court out of date and require the filing of a new Income and Expense Declaration or Financial Statement (Simplified).

In the event that depositions are necessary in connection with a Request for Order relating to financial matters, the deposition of any party may be bifurcated and taken as to financial issues without violating the statutory limitation of a single deposition, provided the notice of taking deposition specifies that only financial matters will be investigated and that the deposition will be adjourned to a later date for all other issues. This procedure also may be applied to a deposition regarding issues which have been bifurcated for trial.

F. Attorney Fees

With respect to requests for attorney's fees and costs based on financial need this section has been superseded by California Rules of Court, Rule 5.427. Please note, three new *optional* Judicial Council forms for requesting and responding to requests for attorney's fees were approved effective January 1, 2012: FL-158 (Supporting Declaration), FL-319 (Request), and FL-346 (Order Attachment).

Requests for attorney's fees as sanctions pursuant to Family Code § 271 must comply with the provisions of Rule 5.93 except that a request *for* § 271 sanctions need not be accompanied by a current Income and Expense Declaration. However, a reply to a request for § 271 sanctions based on the inability to pay all or part of the fees requested as sanctions must be accompanied by a current income and Expense Declaration.
(Eff. 7/1/2005; Rev. 1/1/2007, 7/1/2007, 1/1/2008, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010, 1/1/2011; Revised and Renumbered 7/1/2011 – formerly Rule 9.12; Rev. 1/1/2012, 7/1/12, 1/1/2013, 7/1/2013, 7/1/14, 1/1/15)

9.15 CHILD CUSTODY

A. Referral to the Online Orientation Program and Family Court Services

All Orders regarding custody or parenting plan issues must be filed and served with local form FL-017, entitled "Custody and Visitation Orders." Appointment dates for child custody recommending counseling (hereafter referred to as recommending counseling) appointments may be obtained through the Clerk's Office on the date of filing. No contested child custody or parental contact cases, including requests for review dates and requests for modifications, will be heard by the court unless and until the parties have been provided appropriate opportunity to attend an orientation class and a recommending counseling appointment.

All parties are to complete the online orientation program and attend the recommending counseling appointment as directed on the order entitled "Custody and Visitation Orders" (Sonoma County form FL-017). The online orientation program cannot be waived and is to be completed before the recommending counseling appointment at Family Court Services.

1. Documents to be Delivered and Reviewed by the Child Custody Recommending Counselor

All relevant materials to be considered by Family Court Services must be delivered to the opposing party in a timely manner as follows:

a. Moving documents must be filed and personally delivered, faxed or e-mailed no less than seven (7) court days prior to the recommending counseling appointment. If delivery is by US Mail, documents must be mailed to opposing party seven (7) court days plus five (5) calendar days prior to the recommending counseling date. Proof of delivery is required. Responding documents must be filed and personally delivered, faxed or e-mailed no less than two (2) court days prior to the recommending counseling appointment. If delivery is by US Mail, documents must be mailed to opposing party two (2) court days plus five (5) calendar days prior to the recommending counseling date.

b. For review hearings, documents must be personally delivered, faxed or e-mailed five (5) court days in advance of the FCS appointment. If sent by mail, then documents must be mailed five (5) additional calendar days in advance. Any courtesy copies provided must be submitted two (2) court days in advance of the FCS appointment.

c. No court documents shall be served or exchanged at Family Court Services. Videotapes, recordings, electronic communication and photos shall not be brought to the child custody recommending counseling session.

Only the following types of documents showing compliance with prior court orders may be presented at Family Court Services at the time of the appointment without being previously filed and served if they were not available to be served and delivered in compliance with paragraph 9.15A.1.a: Counseling, education, self-help programs, drug test results, law enforcement records, supervised visitation, day care, anger management/domestic violence/ psychological/substance abuse assessments and medical records. Other necessary documents may also be presented if they are relevant and unavailable to be served and delivered within the time frame set forth in paragraph 9.15.A1.a. Copies shall be provided to the other party before or at the Family Court Services appointment.

The Court may impose a financial penalty on a party or attorney who failed to provide documents to the opposing party in a timely manner.

When the parties have reached an agreement concerning any issues, Family Court Services shall report any agreement to the court in writing.

If the parties fail to reach any agreements, Family Court Services shall provide the court with its recommendation as to custody, parenting plans and restraining orders pending further proceedings, pursuant to Family Code section 3183. Such recommendations shall be in writing and may include referral for an investigation and/or a child custody evaluation and report pursuant to Evidence Code section 730. The court may consider the Family Court Services recommendation when making any custody or parenting plan orders.

Copies of all reports to the court regarding Family Court Services agreements and/or the child custody recommending counselor's recommendations will be delivered to the parties and/or their attorneys as soon as practical prior to the hearing.

2. <u>Appearing by Telephone</u>

Party(ies) may appear telephonically for their appointment at Family Court Services if they are 60 miles or more driving distance, in one direction, from the Family Court Services Office. Party(ies) shall contact Family Court Services by telephone at (707) 521-6800 no later than one day before the scheduled appointment to make arrangements to appear by telephone for the appointment.

3. <u>Failure to Attend Recommending Counseling Appointments at Family Court Services</u>

The court may impose a fine on a party who receives reasonable notice of the appointment and fails to appear. Inquiry may be made by the court on the reasons why one or all the parties missed their appointment. Fines as deemed appropriate by the judicial officer may be levied and collected by the Court Collections Division. A "Failure to Appear" report will be filed by Family Court Services prior to the imposition of any fine.

Failure to cancel or re-schedule an appointment at least 48 hours before the appointment may result in sanctions.

4. Requests for Change of Recommending Counselor, or Complaints Regarding Recommending Counselors

Any request for a change of recommending counselors or any complaints relating to general problems with recommending counseling must be received by Family Court Services no later than thirty (30) calendar days after the recommending counseling session and should be addressed to the Family Court Services Manager. Requests or complaints received after this time frame will not be considered. The request or the complaint should be in writing and should set forth the case name, case number, and the nature of the request for a change in recommending counselor, and should set forth all of the facts and circumstances with as much clarity and specificity as possible. If the complaint or request for change in recommending counselor involves the Family Court Services Manager, the necessary information should be directed to the Deputy Court Executive Officer. A response to the complaint will be issued in writing thirty (30) calendar days after the complaint is received by the Department. The other party will be copied on the communication.

Complaints or disagreements related to the content of the recommending counseling report should be addressed with the Court.

5. Contact with Family Court Services

No party, attorney, or the court is permitted to have any ex parte contact with the assigned Family Court Services recommending counselor about the pending case. Communication with the Family Court Services staff shall be conducted by a mutually agreed upon conference between each party, or if represented, his or her attorney, and the recommending counselor. Family Court Services' staff other than the assigned recommending counselor may be contacted regarding scheduling and timing of the recommending counseling process.

Minor's counsel may contact Family Court Services pursuant to Family Code section 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the minor's counsel pursuant to California Rule of Court 5.235.

Unsolicited communications (facsimiles, e-mails and correspondence via regular mail) are not permitted and will not be reviewed or considered.

B. Private Child Custody Recommending Counseling

As an alternative to the referral to Family Court Services, the parties may engage in Private Child Custody Recommending Counseling by submitting to the Court the Stipulation and Order Assigning Private Child Custody Recommending Counselor. (Sonoma County form FL-035)

C. Appointment of Child Custody Evaluators

a. Referral

i. In the event of a referral to a private psychological expert for a custody evaluation and report, the parties shall complete the Order Appointing Child Custody Evaluator (FL-327) and the court shall make an order regarding the payments of the costs of such evaluation at the time the evaluation is ordered.

b. Time Limits

Custody Evaluation Reports will be filed with the court within ninety (90) days of the date such investigation has commenced (120 days if one party resides outside the county). The "commencement date" for a report by a private psychological expert shall be when the parties have paid the required deposit/retainer and submitted any required paperwork.

Custody Evaluation Reports are confidential and shall be distributed to parties, attorneys, experts, and the Court. The report, or any portions thereof, shall not be shown or distributed to any other person or used or attached to any document filed with the Court, except as authorized by the Court. Upon a request by the evaluator or a party, the Court may make additional and/or more limited restrictions regarding the release and distribution of the report. The Court shall sanction unauthorized distribution or use of the report.

c. Requests for Change of Evaluator or Complaints Regarding Evaluators

i. Private Psychological Evaluators

Each party shall be entitled to one peremptory challenge for the choice of evaluator. The challenge must be exercised at the time of the hearing on the appointment of an evaluator unless the appointment is made by written order without a hearing, in which case the challenge must be exercised within thirty (30) days from the issuance of the order of appointment.

An evaluator may otherwise only be disqualified or removed at the request of a party on grounds that are similar to the disqualification or removal of a judicial officer, referee or arbitrator (Code of Civil Procedure. section 170.1).

An evaluator may decline appointment. Once appointed, an evaluator may petition the court for withdrawal by submitting a letter to the court, with copies to counsel and/or self-represented parties. The letter shall state the reasons for the request for withdrawal. The court shall thereafter set a hearing to determine whether the request will be granted and if granted, to appoint a new evaluator.

A party with a grievance regarding an evaluator shall first meet with the evaluator to attempt to resolve the issue, if the evaluator is willing to meet. If the evaluator is not willing to meet, or if after meeting with the evaluator, the grievance is unresolved, complaints regarding an evaluator shall be directed to the Family Law judge or court commissioner who is, or has been hearing the case. The complaint shall be in writing and should set forth the case name, number and the nature of the complaint, including all the facts and circumstances with as much clarity and specificity as possible.

d. **Contact with Child Custody Evaluator**

No party, attorney, or the court is permitted to have any ex parte contact with the assigned child custody evaluator about the pending case, except as directed by the child custody evaluator during the custody evaluation procedure.

D. Appointment of Parent Coordinator

a. Parties may stipulate to the appointment of a Parent Coordinator Team.

b. Parent Coordinators Team: If the parties stipulate to the appointment of a Parent Coordinator Team (hereafter "Team"), the parties or their attorneys, if represented by counsel, shall contact the proposed mental health and attorney members of the Team to obtain his/her consent to act as a Team. The Team may only be appointed by agreement of both parties and upon each Team member signing the Stipulation and Order Regarding Appointment of Parenting Coordinator FL-030 and the attorneys for the parties signing The Role of the Client's Attorney document, Sonoma County Local Form FL-031. Any requested modifications to the provisions of the local forms must be approved by each Team member. A Stipulation and Order for Appointment of Parent Coordinator Team may only be submitted to the Court for approval and signature after obtaining the confirming signatures of the mental health and attorney members of the Team.

c. If either party requests the appointment of a Parent Coordinator and there is no stipulation, that party may request the appointment of a Special Master.

d. Attorneys and mental health professionals who want to be appointed as parent coordinators must complete the application for approval to serve as a parent coordinator (FL-037) and submit it to the Court.

e. The Court shall maintain a list of approved parent coordinators who have satisfied the requirements set forth in the application.

f. The Court shall annually contact the parent coordinators on the list and request a declarations from them stating their current education and licensing status.

E. Appointment of Minor's Counsel

a. Family Code section 3150 Appointments

i. The Court may appoint counsel to represent a child in a custody proceeding. The Court shall require the parties to submit financial information, such as an Income and Expense Declaration, in order to consider whether the parties are able to pay the minor's counsel fees. The appointed attorney shall receive a reasonable sum for compensation and expenses. The court shall set the attorney's hourly rate taking into consideration the parties' financial circumstances. The rate may be up to the attorney's full hourly rate. The court shall apportion payment of the hourly rate between the parties depending on the parties' respective financial circumstances. The court may order the parties to submit updated financial information.

ii. If the Court finds that the parties cannot afford to compensate the minor's counsel, appointed counsel shall be compensated at the rate established by the Superior Court of Sonoma County. Fees and expenses including, but not limited to, travel time, mileage to or from any location, tolls, photocopy charges, telephone or fax costs, secretarial or document processing fees, postage, preparation of billing package, and court runner and messenger fees, shall not be reimbursed. Fees shall not be charged by the Court for the filings of appointed counsel. The Court shall make an order of appointment, which will include the rate of payment and an expiration date for the appointment. Minor's counsel, appointments will be reviewed annually, and the Court may require additional Income and Expense Declaration submissions by the parties to determine whether a change in circumstances has enabled the parties to pay future minor's counsel fees.

The appointed counsel shall submit invoices for payment on a quarterly basis. The court uses a fiscal year that operates from July 1st - June 30th. Request for payment by appointed counsel must be submitted within the fiscal year that the services were performed or the invoice will not be paid. The only exception is at the close of the fiscal year (June 30th), where the appointed counsel may submit an invoice for work performed in the last quarter of the fiscal year by July 31st of that calendar year.

When submitting an invoice to the court for reimbursement the appointed counsel must include: (1) the order indicating the appointment and the terms of compensation, (2) a declaration of the attorney and detailed invoice which clearly describes the services provided and the hours assigned to each service, and (3) a proposed order for payment.

All requests for payment are subject to judicial review. If the reviewing judge deems the charges excessive or not conforming to this rule, charges may be reduced or disallowed.

iii. **Application for Appointment for Family Code section 3150 Appointments**

aa. To apply to be on the court approved attorney appointment panel for Family Code section 3150 appointments, an attorney must file an application which includes a resume, and confirmation that they have met the educational requirements with the family law supervising judge.

bb. The court will evaluate the application and notify the applicant within 30 days of the court's decision.

cc. The court will only appoint attorneys who are members of the court approved counsel panel.

iv. **Annual Review**

aa. Upon appointment of minor's counsel the court will set an annual review of the appointment of minor's counsel. This date will be approximately twelve 12 months after the first appearance of minor's counsel in the case.

bb. At the annual review, the court will determine whether the minor's counsel has satisfied his/her education requirements as set forth in CRC 5.242(c-e).

cc. The annual review will be scheduled in the order of appointment or at the child's counsel's first court appearance of the case.

v. **Inter-Agency Exchange of Information**

aa. This rule addresses the exchange of information between Family Court Services, Probation Department, Department of Human Services, Case Management Council, minors counsel and the Court Investigator in juvenile delinquency, juvenile dependency, child custody, conservatorship, guardianship, and criminal proceedings. The disclosure of information concerning children and their parents by any of these agencies is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in certain circumstances will serve the best interests of the child who is before the court. The court hereby finds that the best interests of children and victims appearing in court, the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts and the value of having relevant information gathered by a court agency outweighs the confidentiality interests reflected in Penal Code sections 11167 and 11167.5 and W&I sections 827 and 0850 et seq., Family Code section 1818, and Probate Code section1513, and therefore good cause exists for this rule.

bb. The representatives of the above-listed agencies who are investigating or supervising cases involving children may orally disclose information to each other as follows:

Whether the child before the court, his/her parents, guardians, or caretakers are or have been the subject of a child custody, delinquency, dependency criminal or probate investigation, the findings and status of that investigation the recommendations made or anticipated to be made to the court by the agencies listed above, and the progress while under court supervision including compliance with court orders, and any court orders in existence with respect to the child, parents, guardians, or caretakers.

Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending case.

Each agency may include this information in court reports and keep such information in their case files.

All of the above listed agencies may provide written documents to each other. These documents may include but are not limited to relevant portions of investigation notes, progress notes and summaries, and court reports containing information described in (a) and (b) above. However, child abuse and neglect reports described by Penal Code section 11167.5 (Suspected Child Abuse Report form #S-8572),

information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of HSD or Juvenile Probation Department documents used by the above-listed agencies will not be made available to the public without a court order.

cc. Any disclosure authorized by this rule shall be subject to the following conditions: The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above; all information shall be provided orally; if an agency desires written documentation, it shall make written application for a court order releasing that documentation; the information gathered shall be used exclusively in the investigation being conducted and the subsequent court proceedings, and shall not be repeated to anyone not a party to those proceedings without court order.

dd. Nothing in this rule is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other court orders.

ee. The release of information by Family Court Services is subject to limitations imposed by state and local rules.

vi. **Relieving Minor's Counsel of Appointment**

The court, in its discretion, will consider relieving minor's counsel of appointment under the following circumstances:

aa. At the time of a final order or judgment has been filed, or 90 days thereafter, or;

bb. A motion filed by any party for good cause; or

cc. A motion to be relieved filed by the minor's counsel if the minor's counsel does not believe that he or she can effectively represent the child; or

dd. At the annual review.

ee. Minor's counsel will not be relieved if the court, upon a showing of good cause, deems it necessary to extend the appointment, or if the court requests periodic review or monitoring of the child related issues before the court. At any hearing where the Court is considering relieving minor's counsel, the Court will address the issues of reimbursement of fees paid to minor's counsel by the Superior Court. All parties must file current income and Expense Declarations at the hearing.

vii. **Grievance**

A party or counsel who wishes to lodge a complaint regarding the performance of a minor's counsel appointed by the court must do so in writing and serve the original of the complaint on the minor's counsel no later than 20 days after the event giving rise to the complaint or within 20 days of receiving any written report of the minor's counsel.

No later than 10 court days after the receipt of the complaint, the minor's counsel must serve the complainant with a written response to the complaint. Without conceding the accuracy of the contents of the complaint, minor's counsel may ask the court to relieve him or her of the appointment and, if appropriate, appoint a new minor's counsel.

If the response served by the minor's counsel does not resolve the complaint, the complainant must serve a copy of the complaint and the response of the minor's counsel, if any, on the supervising family law judge whose decision concerning the complaint, which may include removing the minor's counsel from the panel of minor's counsel used by the court, will be final. The decision by the supervising judge must be served on the complainant and minor's counsel within 15 court days of receipt.

viii. Minors counsel may contact Family Court Services pursuant to Family Code section 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the minors counsel pursuant to California Rule of Court 5.235.

ix. All other aspects of Family Code Section 3150 appointments are governed by California Rules of Court 5.240 - 5.242.

b. **Family Code section 7860 Appointments**

The court may appoint counsel to represent a child or parent in a freedom from parental custody and control proceeding. The appointed attorney shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in proportions the court deems just.

If the court finds that the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

All requests for payment are subject to judicial review. If the charges are deemed excessive by the reviewing judge, charges may be reduced or disallowed.
(Eff. 7/1/13, rev. 7/1/14)

9.16 CHILD SUPPORT

A. Guidelines for Child and Spousal Support

1. Child support shall be awarded in accordance with Family Code section 3500 et seq. and shall be determined by the use of a Judicial Council approved computer generated calculation that complies with the formula set forth in Family Code section 4055.

2. Temporary spousal support shall be awarded in accordance with Family Code section 3600 et seq. and may also be determined by the use of a computer generated calculation that applies the "Alameda Rule".

The "Alameda Rule" provides:

(a) In cases in which there is no child support, the guideline shall be 40% of the net income of the payor minus 50% of the net income of the payee.

(b) In cases in which there is to be child support, the guideline shall be 35% of the payor's net income, after deducting the child support amount, minus 40% of the payee's net income.

(c) If the amount produced is a negative number, the spousal support is zero.

B. Computer Generated Support Calculations

In all proceedings in which support, other than permanent spousal support, is an issue, immediately prior to the hearing the parties shall submit an approved computer generated calculation that sets forth their proposal for child support and/or temporary spousal support.

If a support modification is at issue, the parties shall indicate on their respective proposals the date and amount of the order that the court is being asked to modify.

All orders after hearing, including stipulations, that contain child and/or temporary spousal support provisions, including orders for $0 support, shall have attached a computer generated support calculation setting forth the guideline amount and the assumptions used by the court in determining the support amount. If the parties do not agree upon a single calculation, each party may attach a computer generated calculation.

C. Reimbursement Issues

Request for reimbursement of out-of-pocket costs for health care and/or child care must include a summary detailing the cost paid and reimbursement requested. Copies of evidence/exhibits in support of the request for reimbursement shall be submitted with the moving papers.

(Eff. 7/1/13)

9.17 PUBLIC ASSISTANCE

If one party is receiving public assistance or if the local child support agency is otherwise providing support enforcement services pursuant to Family Code sections 17400 and 17406, all of the following shall apply:

A. A copy of the Request for Order and all supporting documents shall be served on the local child support agency at the same time the papers are served on the opposing party;

B. The fact that any party is receiving public assistance shall be revealed on the financial declarations filed with the court;

C. All orders shall comply with Family Code sections 4200 and 4201;

D. All stipulations for temporary or permanent orders shall be presented to the local child support agency for approval pursuant to Family Code section 4065(b) in sufficient time for the local child support agency to object if it deems it necessary to do so. (Eff. 7/1/2005; Rev 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.13, Rev. 7/1/12, Rev. 7/1/13)

~~9.18 CASE MANAGEMENT CONFERENCE~~

(Eff. 7/1/2005; Rev.7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.17; Repealed 1/1/2012)

9.18 PREPARATION OF ORDERS AFTER HEARING

A. Unless otherwise ordered by the court, the moving party must, within ten (10) days of the ruling, prepare a written order following any hearing.

The preparing party must serve the order upon the responding party and the responding party shall within 20 days of the ruling, approve or refuse the order stating an alternative proposed order.

If the responding party fails to respond within 20 days of the ruling, the preparing party must, within 25 days of the ruling, mail the order to the hearing judicial officer for signature, accompanied by a letter stating the events and circumstances surrounding the failure to approve the order or judgment and asking the judicial officer to sign it.

If the preparing party fails to prepare, circulate and submit an order as required above, the responding party may prepare the order and serve it upon the other side for approval. If the order is not approved nor suggestions made for its revision within 5 days of service of the proposed order, it may be submitted to the judicial officer for signature along with a letter describing the circumstances leading to the submission of the order.

If there is a disagreement between the parties concerning the accuracy of a prepared order, the parties shall each submit their proposed order along with a copy of the court transcript, if needed, and the Court shall either issue its order or set the matter for a further hearing. (Rev. 01/01/2015)

9.19 REVIEW HEARINGS

With regard to any matters set for review on the Domestic or Child Support Calendars, any declarations, including income and expense declarations, or other pleadings to be considered by the court shall be filed with the court and served on all other parties no less than ten (10) calendar days before the date the matter is set for review. Any reply declarations shall be filed with the court and served on all other parties no less than five (5) calendar days before the date the matter is set for review. (Eff. 1/1/2003; Rev. 7/1/2005, 7/1/2009; Renumbered 7/1/2011 – formerly Rule 9.15)

9.20 LAW AND MOTION MATTERS

A. Application

The provisions of this division of the Sonoma County Superior Court Rules shall apply to all family law and motion matters before trial or as otherwise provided in any other division of these rules. All law and motion matters shall be governed by Cal. Rules of Court, rule 3.1100 - 3.1362 and 5.92 et seq. The following motions shall be considered law and motion matters:

Bifurcation of Any Issue
(If a bifurcation of status only motion is filed with any other issue, the motion will be set on the domestic calendar);
Change of Venue;
Claims of Exemption;
Discovery;
Enforce or Compel Discovery Requirements Pursuant to Family Law 2105 et seq.;
Enforce Settlement;
Execute Documents In Family Law Cases;
Motions for Reconsideration or Motions for New Trial;*
Quash;
Summary Judgment–Including Status Only;
Vacate or Set Aside Defaults, Judgments or Orders;
Withdraw as Counsel.

*These Motions shall be scheduled before the original judicial hearing officer on the appropriate law and motion calendar.

All law and motion matters in cases involving the Department of Child Support Services and issues related to support shall be placed on the Child Support calendar.

B. Scheduling

1. Family law and motion matters will be heard at such times and places as designated by the Supervising Judge of the Family Law Division. The calendar will include all family law and motion matters as listed in Sonoma County Local Rules, rule 9.20. A. A schedule may be obtained from the Family Law Clerk or through the Sonoma County Superior Court website.

2. All family law and motion matters will be scheduled for a hearing date, time, and location at the Clerk's Office upon filing of all moving papers.

3. No hearing will be held unless a request has been made pursuant to subsection E.1 after the tentative ruling.

C. Memorandum of Points and Authorities

All law and motion matters listed in Sonoma County Local Rules, rule 9.20.A, may be accompanied by a memorandum of points and authorities.

No opening or responding memorandum may exceed 10 pages. No reply or closing memorandum may exceed 7 pages. The page limit does not include exhibits, declarations, attachments, a table of contents, a table of authorities, or the proof of service.

A party may apply to the court for permission to file a longer memorandum. The application may be made ex parte, but with written notice of the application to all other parties at least 24 hours before the memorandum is due. The application must state reasons why the argument cannot be made within the stated limit.

A memorandum that exceeds the page limits of these rules will be filed and considered in the same manner as a late-filed paper.

To the extent practicable, all supporting memoranda, declarations, and affidavits must be attached to the Request for Order.

All references to exhibits or declarations in supporting or opposing papers must reference the number or letter of the exhibit, the specific page, and, if applicable, the paragraph or line number.

Any request for judicial notice must be made in a separate document listing the specific items for which notice is requested. A party requesting judicial notice must provide the court and each party with a copy of the material requested to be judicially noticed. If the material is part of a file in the Superior Court of California, County of Sonoma, the party must (1) specify in writing the part of the court file sought to be judicially noticed; and (2) make arrangements with the clerk to have the file in the courtroom at the time of the hearing.

If a proposed order or judgment is submitted, it must be lodged and served with the moving papers but must not be attached to them.

D. Meet and Confer Conference

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case pursuant to Sonoma County Local Rules, rule 9.14.C. The meet and confer session may take place by telephone conference call. The meet and confer shall occur in a timely fashion so that the parties will be prepared to file a declaration regarding compliance with California Code of Civil Procedure Section 2016.040 no later than five (5) court days prior to the date set for the hearing. All relevant documents must be exchanged by the parties while conferring, absent good cause to the contrary.

E. Hearings, Tentative Rulings and Oral Arguments

1. On the afternoon of the court day preceding each Law and Motion calendar commencing at 2:00 p.m., the court will cause to be recorded a tentative ruling (if available) on each motion on the next day's Law and Motion hearing. The tentative ruling may be obtained by telephoning (707) 521-6881 (tape-recorded message) or at the court's website http://www.sonoma.courts.ca.gov. The tentative ruling shall become the ruling of the court, unless any party desiring to be heard so advises the judicial assistant for the designated family law judicial officer no later than 4:00 p.m. on the court day preceding the law and motion calendar, and further advises the judicial assistant for the designated family law judicial officer that such party has notified all opposing parties of her/his intention to appear. Where appearance has been required or invited by the court, oral argument may be presented.

2. Evidence received at a law and motion hearing shall be by declaration and affidavit and by request for judicial notice without testimony or cross-examination, except as allowed in the court's discretion for good cause shown or as permitted by these rules.

F. Continuances

Requests for continuances by stipulation or notification of dropping of law and motion matters must be presented by the parties to the clerk by 3:00 p.m. at least five (5) court days prior to the scheduled hearing date. Only one continuance by stipulation will be granted; after that, if the case cannot proceed, the court may drop the matter or require that it be re-noticed.

It is the responsibility of the moving party to notify the clerk when a pending motion may be dropped due to a stipulation or for any other reason. No hearing will be automatically dropped from the calendar by the clerk.

G. Orders of Examination

Orders of Examination shall follow Sonoma County Local Rules, rules 5.2.C. and D.

The Sheriff's Office will notify the Family Law Division Clerk's Office if the judgment debtor is taken into custody. Upon receipt of this notification, the clerk's office shall arrange a bail hearing. The clerk shall give notice to the judgment creditor of the date, time and location of the bail hearing by telephone.

H. Hearings on Claims of Exemption

Hearings on Claims of Exemption pursuant to Code of Civil Procedure section 703.570 and section 706.105 shall be set at such times and places as designated by the Supervising Judge of the Family Law Division. Hearing dates shall be obtained from the clerk as described above in Sonoma County Local Rules, rule 5.1.B. No tentative rulings will be made available for these matters on this calendar.

I. Protective Orders (Discovery, etc.)

Any language incorporated in such an order that pertains to the filing, with the court, of material under seal shall state that the party submitting confidential material to the court to be filed shall put that material in a sealed manila envelope no smaller than 9" x 12" and no larger than 10" x 13"; that the envelope shall have on its back (on the unsealed side) the warning: "CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER," the case number and caption, and the title(s) of the paper(s) enclosed; that in parentheses beneath the title(s) of the paper(s) as they appear on the envelope, there shall be a reference to the confidentiality order, by file date and title [as, for example, (FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER FILED JANUARY 1, 2000)], under which the papers are submitted. These papers shall then be maintained in the court's regular public file but in their sealed envelopes. If the papers are exhibits to a motion or other paper, the manila envelope, with the stated identifying features, shall not be attached to the principal paper, but there shall be reference made in the motion, memorandum of points and authorities, or declaration, as appropriate, to the confidential materials filed under seal. (Eff. 1/1/2004; Rev.7/1/2005, 1/1/2007, 7/1/2007, 1/1/2008, 7/1/2008, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.16; Rev. 1/1/2012, 7/1/2012)

9.21 FAMILY LAW SETTLEMENT CONFERENCES

A. Family law judicial officers may refer cases for a Settlement Conference which shall be conducted by a settlement conference officer as directed by the family law judicial officers. When setting a settlement conference date, the court shall always set a Case Resolution Conference date following the settlement conference date.

B. The family law judicial officer will review cases set on the domestic, Case Resolution Conference, Child Support, and Trial calendars. If the court determines the case could benefit from a Settlement Conference, an order will be entered and a date for the conference will be set as well as a Case Resolution Conference date. The court will serve all parties with an order regarding the conference personally or by mail.

The court will also schedule dates prior to the settlement conference for exchange of preliminary declarations of disclosure and filing of Judicial Council Form FL141 Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration.

C. Parties and/or attorneys may submit a Request for Settlement Conference Only or Request for Settlement Conference and Trial, Sonoma County form FL-074, to request a Settlement Conference. The parties must verify on this form that they have exchanged preliminary declarations of disclosure. The request will be reviewed by a family law judicial officer. If the judicial officer determines a Settlement Conference is appropriate, the court will issue an order and serve the parties and/or attorneys with the order setting both a Settlement Conference and a Case Resolution Conference.

D. Each party shall submit a Statement of Issues for Settlement Conference or Trial, Sonoma County local form FL002 prior to the conference. The Statement of Issues for Settlement Conference or Trial must be submitted to the Civil & Family Law Courthouse, 3055 Cleveland Avenue, 10 (ten) calendar days prior to the Settlement Conference. The Statement of Issues for Settlement Conference or Trial shall be stamped as "received". Failure to submit a Statement of Issues for Settlement Conference or Trial in a timely manner may result in the court ordering the non-complying party to pay sanctions.

E. Any request to drop or continue the Settlement Conference and Case Resolution Conference must be made to the Family Law Judicial Assistant by 5:00 p.m. at least three court days prior to the conference. Absent extraordinary circumstances, making a request in an untimely manner or failing to appear at the Settlement Conference may result in the court ordering such party to pay sanctions. The court will not drop the Case Resolution Conference unless a Judgment resolving all issues is submitted to the court prior to the Case Resolution Conference date.

F. **Appearances**

Each party and principal trial attorney for each party shall attend the Settlement Conference. The Settlement Conference shall be conducted by a Settlement Conference officer to be appointed by the court. Unless notified otherwise, appearance by all parties is mandatory. An attorney or party who fails to attend or participate effectively in any Settlement Conference may be subject to sanctions. Any alternative to personal appearance shall be pre-approved by a judicial officer.

A Settlement Conference calendar will be called by an assigned judicial officer at 1:30 p.m. on Thursday and 8:30 a.m. on Friday each week. At the calendar call, the court will assign the case to a Settlement Conference officer and also may consider the imposition of sanctions for failure to comply with any part of this rule.

Settlement Conferences will last a maximum of three (3) hours or until the parties are excused by the Settlement Conference officer. Parties and counsel are expected to be present for the entire Settlement Conference.

When the local child support agency has intervened in a case, the agency will determine if its appearance is necessary and notify the court of its intent to appear or not to appear. The agency may appear by telephone.

G. If a complete settlement is not reached at the Settlement Conference, the case shall remain set for a Case Resolution Conference so the court can determine the next steps needed to resolve the case.
(Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2007, 1/1/2008, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.18; Rev. 1/1/2012 and Renumbered – formerly Rule 9.19, Rev. 7/1/2012)

9.22 CHILD CUSTODY SETTLEMENT CONFERENCES

Upon the filing of the Custody Evaluation Report with the court, a settlement conference and case management conference regarding the issues of child custody and parenting plan only shall be scheduled by the judicial assistant of the assigned Family Law departments to be held at as soon as possible with a judicial officer. The custody evaluator may be present at the settlement conference when requested by either party or at the direction of the court.

Once a Child Custody Evaluation Report has been filed with the court, the clerk shall attach the report to the court's file and forward it to the judicial assistant of the assigned Family Law departments. The judicial assistant shall schedule a custody settlement conference as soon as possible. In the event of an unavoidable conflict, a party or attorney shall have a limited time to

reschedule the settlement conference. Stipulation of the parties alone is not good cause for continuance of the settlement conference.

At any time following the settlement conference, any party may, upon noticed motion timely served upon all parties, request that the court make interim orders regarding custody and/or parenting plan pending trial. The supporting declaration shall set forth with specificity the facts that support an interim change of custody and/or parenting plan orders prior to the trial. The declaration shall also address the recommendations in the custody evaluation report and set forth a specific proposal for interim orders.

After the completion of a custody evaluation, a Statement of Issues for Settlement Conference or Trial (Local Form FL-002) is not required for settlement conferences regarding child custody and parenting plan only. (Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.19; Renumbered 1/1/2012 – formerly Rule 9.20, Rev. 7/1/2012, Rev. 7/1/2013)

9.23 APPOINTMENT OF SPECIAL MASTER, APPRAISERS, EXPERTS (NON CUSTODY)

Parties may request appointment of a Special Master, Special Master Team, Appraiser or Other Expert by means of a Request for Order or in a Case Resolution Conference Statement.

9.24 TRIAL AND EVIDENTIARY HEARINGS

These proceedings are intended to take more time so that the parties may call and question witnesses, testify themselves, and submit documentary evidence for the court to review.

For local rules relating to setting a custody issue for trial, see Sonoma County Local Rule, rule 9.25.

A. Setting Issues for Trial

A family law contested cause may be set for trial by filing a Request for Settlement Conference/Request for Settlement Conference and Trial (Local Form FL-074). The request for trial may be presented to the judicial officer at the domestic calendar hearing. If no hearing is pending, a request for transfer to the trial calendar shall be filed with the family law court clerk. The request for trial does not need to be filed as a joint request of the parties.

Upon the filing of the Request for Settlement Conference/Request for Settlement Conference and Trial, a Case Resolution Conference shall be scheduled before the judicial officer assigned to the case pursuant to Sonoma County Local Rule, rule 9.2. Case Resolution Conference may be scheduled within thirty (30) days of the filing of the request for trial. The court shall serve all parties or attorneys with a notice of Case Resolution Conference.

For contested causes set for trial directly from a domestic calendar, the judicial officer retains the discretion to set one or more of the following hearings: (1) Case Resolution Conference; (2) Settlement Conference.

If it is determined that a trial is necessary, the court shall either set the trial date far enough out for the parties to be able to comply with the discovery deadlines set forth in the

California Code of Civil Procedure, or obtain a stipulation from the parties regarding the discovery cut off dates and set the trial date accordingly.

No matter will be set for trial until and unless the parties have exchanged their preliminary declarations of disclosure.

B. Case Resolution Conference

If the court sets a Case Resolution Conference in lieu of a Settlement Conference or trial date, the parties or attorneys shall file a Case Resolution Conference Statement, form FL-092, ten (10) calendar days prior to the conference. At the Case Resolution Conference, the court will review the status of the case and may make orders pursuant to Sonoma County Local Rule, rule 9.11.

C. Settlement Conference

The parties or attorneys shall submit a ***joint or separate*** Statement of Issues for settlement conference, Sonoma County form FL-002, ten (10) calendar days prior to the conference. The Statement of Issues for Settlement Conference or Trial will be received but not filed.

If the parties are unable to submit a joint statement, a separate statement may be submitted. The party submitting the separate statement must state why a joint statement was not completed and provide a summary of compliance activity.

The Statement of Issues shall include all information requested in Sonoma County form FL-002.

Settlement Conferences will be conducted pursuant to Sonoma County Local Rule, rule 9.21.

D. Trial

If a Statement of Issues was submitted for a settlement conference, the Statement of Issues shall be deemed the Statement of Issues for trial and filed in the court file unless, at the time of the settlement conference, the parties indicate they will be filing another Statement of Issues ten (10) calendar days prior to the trial date.

If a settlement conference was not held, the parties or attorneys shall file a ***joint or separate*** Statement of Issues for Settlement Conference or Trial, Sonoma County form FL002, ten (10) calendar days prior to the trial date.

If the parties are unable to file a joint statement, a separate statement may be filed. The party filing the separate statement must state the attempts at compliance with this rule.

The statement of issues shall include all information requested in the Statement of Issues, Sonoma County form FL002.

E. Meet and Confer

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case pursuant to Sonoma County Local Rule, rule 9.14.C. The parties, and attorneys, if any, shall state in the statement of issues the dates they met and conferred.

F. Continuing a Trial

1. Continuing Domestic and Child Support Trials by Stipulation

The court, upon a showing of good cause, may grant stipulated requests to continue a trial. The stipulated request shall be submitted to the assigned judicial officer by noon ten (10) calendar days prior to the hearing date. Counsel or parties shall submit a stipulation to continue, a declaration stating why the continuance is necessary, and a proposed order for continuance. The court has discretion to determine if good cause exists to grant the continuance of the hearing. Stipulation by itself does not constitute good cause for granting a continuance.

2. Continuing Trials by Motion

Any motion which seeks to advance or continue a settlement conference or any trial shall be set on the Domestic or Child Support calendar of the judicial officer assigned to hear the case. Requests for an order shortening time for service of a motion to continue shall be submitted to the judicial officer assigned to hear the case.

Any motion for continuance must be calendared for hearing at least seven (7) calendar days in advance of the trial (or other hearing) date, unless good cause is shown for a shortening of such time. Stipulation by itself does not constitute good cause for granting a continuance.

G. Contempt Proceedings

The citee in contempt proceedings shall not be required to comply with the meet and confer rules set forth above or participate in the preparation of the statement of issues.

H. Master Calendar Call

All matters set for trial shall be called on the assigned Master Calendar Call, which will be considered the initial trial date for discovery purposes. A matter will not proceed to trial on the date of the Master Calendar Call, at which time a specific date and time (generally in the following week) for commencement of the trial will be set. Parties and witnesses need not attend the Master Calendar Call unless it is necessary for them to be ordered back for the actual commencement of the trial. (Eff. 7/1/2005; Rev. 7/1/2006, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.20; Renumbered 1/1/2012 – formerly Rule 9.21, Rev. 7/1/2012, Rev. 7/1/2013, Rev. 1/1/15)

9.25 CHILD CUSTODY TRIALS

Either party may request an expedited custody trial on custody issues by filing a Request for Settlement Conference/Request for Settlement Conference and Trial, Sonoma County form FL-074. The request for trial does not need to be a joint request of the parties. The parties are not required to complete a Statement of Issues prior to trial.

The Court shall set a hearing and a Case Resolution Conference on the Domestic calendar approximately two weeks after the settlement conference.

At the hearing/Case Resolution Conference following the settlement conference the Court may make interim orders, set the matter for trial, or make other pertinent orders. The Case Resolution Conference shall be continued to a date consistent with the status of the case.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.21; Renumbered 1/1/2012 – formerly Rule 9.22, 7/1/2012, 1/1/2013, Rev. 7/1/2013)

9.26 ADOPTIONS

A. In all adoption cases a hearing may be scheduled by contacting the Family Law Department's adoption line at (707) 521-6641.

B. The following documents must be filed or received by the court prior to scheduling the adoption hearing. Please note that you must call the court to receive a hearing date. The court does not automatically set a hearing in your adoption matter:

1. Adult Adoptions:

Petition (verified and signed by both parties)
Agreement of Adoption (consent of both parties)
Consent of Spouse of Adult Adoptee (if applicable
Consent of Spouse of Adopting Parent (If applicable)
Court Report of Adoption (VS-44) if an amended birth certificate is requested.
Order of Adoption (proposed)

2. Agency/Independent/Inter-County Adoptions:

Adoption Request
Consent and/or Joinder of Department of Social Service OR
Agency Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
Consent/Relinquishment of natural Parents;
Report of Social Services, OR Agency Report
Court Report of Adoption (VS-44)
Adoption Expenses
Adoption Agreement (unsigned)
Adoption Order (Proposed)

3. Step-parent Adoption:

Adoption Request

Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
Consent/Relinquishment of Natural Parent
Report by Family Court Services
Court Report of Adoption (VS-44)
Adoption Agreement (unsigned)

C. The court may drop a matter from the adoption calendar for failure to comply with these rules. (Eff. 1/1/2002; Rev. 7/1/2005, 7/1/2009; Renumbered 7/1/2011 – formerly Rule 9.22; Rev. 1/1/2012 and Renumbered – formerly Rule 9.23)

9.27 JUDGMENTS

A. Action by Judicial Officer

Default and uncontested dissolution, legal separation, and nullity cases are normally processed by a court clerk for action by a judge or court commissioner. The judicial officer will do one of the following: (a) sign the proposed order or judgment; (b) "suspend" the file pending response to a request to counsel or a self-represented litigant for further documentation or proof; (c) reject the proposed order or judgment; or (d) at the judicial officer's discretion, if the case presents issues on which a record should be made, set the matter for hearing.

B. Judgment Checklists

The appropriate completed checklist must be submitted with the necessary documents. Judgments submitted without a completed checklist will be returned to submitting party. The checklists may be found on the Court's website at-http://sonoma.courts.ca.gov/divisions/family law.

C. Default Judgments

To obtain a default judgment of dissolution, legal separation or nullity pursuant to Family Code section 2336, the petitioner must file the following documents:

1. A completed Proof of Service of Summons (Form FL 115) must be on file.

2. Request to Enter Default and required attachments, if any (Form FL-165);

- **a**. If support or attorney's fees are requested, attach an Income and Expense Declaration (FL-150);
- **b.** If property orders are requested, attach a Property Declaration (FL-160);. The proposed division of property must match the division of property in the Judgment.
- **c.** Include a stamped envelope addressed to Respondent.

3. Declaration under Uniform Child Custody Jurisdiction Act (FL-105/GC-120); This is required only if there have been changes in the child's residency since the filing of the Petition.

4. **Completed Declaration for Default or Uncontested Dissolution or Legal Separation (Form FL-170)**;

The party requesting the default judgment must state in this form what orders they are asking for in the judgment. The orders requested cannot exceed the relief requested in the petition. If they do, and the requesting party wants the additional relief, the party must file an amended petition; have it served on the other party, and wait thirty (30) days plus service time before the default can be entered. If spousal support is requested, attach a Spousal or Partner Support Declaration (FL-157), or a declaration addressing the factors set forth in Family Code Section 4320. If attorneys fees are requested, attach a Request for Attorney Fees and Costs Attachment (Form FL-319) or written declaration of facts in support of the request.

5. **Completed Declaration Regarding Service of Preliminary Declaration of Disclosure (Form FL-141)**;

Service of Preliminary Disclosure by the Petitioner is required. The Petitioner may waive service and receipt of a preliminary and final Declaration of Disclosure from Respondent in a default proceeding.

6. **Completed Judgment and appropriate attachments (Form FL-180)**;

a. Appropriate attachments when there are children:

(i) Child Custody and Visitation (Parenting Time) Order Attachment (FL-341) or a written order containing Family Code 3048 provisions.

(ii) Child Support Information and Order Attachment (FL-342) or a written order containing Family Code 4065(a) provisions, with:

(aa) Computer generated support calculation (required in all cases where there is a child support order, whether the judgment is agreed to or not);

(bb) Notice of Rights and Responsibilities, Health Care Costs and Reimbursement Procedures Sheet and Information on Changing a Child Support Order (Judicial Council form FL-192); and

(cc) Notice of Rights and Responsibilities, Child Care Costs and Reimbursement Procedures if the order provides for payment of a percentage or ration of child care costs (Sonoma County form FL-020).

b. Spousal, Partner, or Family Support Order Attachment (FL-343) or written order.

c. Property Order (FL-345) or written order if property orders are requested.

7. Completed Child Support Case Registry Form (FL-191) if Child or Family Support is Ordered.

This form is not required if the local child support agency is an intervener in the case, or if child support is set at zero, or if DCSS is handling child support in a separate case.

8. Notice of Entry of Judgment (Form FL-190)

The party requesting the default and judgment must provide the clerk with one (1) self-addressed stamped envelope for each party. The submitting party must provide enough postage for return of all documents submitted.

9. Default Hearings

The court may set a hearing on any matter that is submitted by default if the facts are unclear to the court, or, if the court, for any other reason, determines that a hearing is necessary.

D. Nullity Judgments

A party requesting a judgment for nullity shall submit, with the proposed judgment, a "Declaration in Support of Nullity" setting forth the facts that support the requested judgment under Family Code sections 2200 and 2210 et seq. A hearing may be required on any request for a judgment of nullity. Form FL-170 or a separate Declaration may be used.

E. Stipulated Judgments: With or Without a Response Filed, With an Agreement

1. A completed Proof of Service of Summons Must be on File Unless:

a. A Response was filed or;

b. A general appearance has been made

2. If no Response has been filed, submit:

a. Request to Enter Default and required attachments, if any (Form FL-165);

or

b. Appearance, Stipulation and Waiver (Form FL-130). NOTE: A first paper filing fee will be charged to the Respondent if filing this form unless the Respondent is eligible for a Waiver of Court Fees or has previously paid a first appearance fee.

c. If a Response has been filed or a general appearance already made, submit:

a. Appearance, Stipulation and Waiver (Form FL-130). There will be no fee if Respondent already paid the first paper filing fee at that time, or previously had them waived.

4. <u>Completed Declaration for Default or Uncontested Dissolution or Legal Separation (Form FL-170)</u>;

5. <u>Service of Preliminary Declaration of Disclosure is required by both parties.</u> Service of Preliminary Disclosure by both parties is required.
Parties may also serve a Final Declaration of Disclosure using the same FL-141 form.

6. <u>Stipulation and Waiver of Final Declaration of Disclosure (Form FL-144) or written stipulation</u>. If the parties waive service of the final declarations of disclosure, the parties must execute a separate stipulation for waiver of service of final declarations of disclosure pursuant to Family Code Section 2105(d). The waiver shall contain the representations as outlines in Family Code Section 2105(d).

7. <u>Completed Judgment and appropriate attachments (Form FL-180)</u>. If no Response was filed or Appearance, Stipulation and Waiver is being submitted, Respondent's signature must be notarized on any Marital Settlement Agreement or Stipulation for Judgment.

a. Written agreement or Marital Settlement Agreement, or

b. Appropriate attachments when there are children as follows:

(i) Child Custody and Visitation Order (Parenting Time) Attachment (Form FL-341) or written order containing provisions under Family Code 3048.

(ii) Child Support Information and Order Attachment (Form FL-342) or written order containing provisions under Family Code 4065(a) with:

(aa) Computer generated child support calculation (required in all cases where there is a child support order whether or not there is an agreement regarding support).

If the parties do not agree upon a single calculation, each party may attach a computer generated calculation;

(bb) Notice of Rights and Responsibilities Health Care Costs and Reimbursement Procedures Sheet and Information on Changing a Child Support Order (Judicial Council form

FL-192) - this form is mandatory even with written agreement;

(cc) Notice of Rights and Responsibilities, Child Care Costs and Reimbursement Procedures if the order provides for payment of a percentage or ratio of child care costs (Sonoma County form FL020).

c. Spousal, Partner or Family Support Order Attachment to Judgment (FL-343) or written agreement.

d. Both parties must sign the Judicial Council Judgment (FL-180) or the written agreement. Any required attachments must be included. Appropriate attachments when there are property issues include: Property Order Attachment to Judgment (FL-345) or written agreement.

8. Notice of Entry (Form FL-190)

The parties shall provide the court with one (1) self-addressed stamped envelope for each party. The submitting party must provide enough postage for return of all documents submitted.

F. Bifurcation of Marital Status

Contested bifurcation motions in cases where both parties have appeared are law and motion matters governed by Rule 9.20.

The following documents are required for bifurcation of status only judgments:

1. Bifurcation without Agreement.

a. Declaration Regarding Service of Preliminary Declaration of Disclosure from Petitioner (FL-141).

b. Request for Order (FL-300) for Bifurcation and Request or Response to Request for Separate Trial (FL-315). (Sonoma County requires a hearing for bifurcation of marital status that proceeds by default. The hearing must be set at least six months from the service date of the petition on the Respondent.)

c. Declaration for Default or Uncontested Dissolution (FL-170)

d. Status Only Judgment (FL-180)

e. Notice of Entry of Judgment (FL-190) with a stamped, self-addressed envelope for each party. The submitting party must provide enough postage for return of all documents submitted.

f. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (Form FL-347)

2. Bifurcation by Stipulation

a. Appearance, Stipulations and Waivers (indicate on the form that the parties are stipulating to bifurcation of the marital status) or separate stipulation and order.

b. Declaration for Uncontested Dissolution or Legal Separation (Form FL-170).

c. Declaration Regarding Service of Preliminary Declarations of Disclosure from both parties (or service of the preliminary declarations of disclosure may be deferred if stipulated to in writing.)

d. Status Only Judgment (Form FL-180)

f. Notice of Entry of Judgment (FL-190) with a self-addressed, stamped envelope for each party. The submitting party must provide enough postage for return of all documents submitted.

g. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (Form FL-347)

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.23; Renumbered 1/1/2012 – formerly Rule 9.24, Rev. 7/1/2012, 1/1/2013, 7/1/2013, 7/1/14)

9.28 SERVICE BY POSTING

If an Order for Posting under California Rule of Court 5.72(b) is granted, the posting shall be completed only by the Family Law Clerk at the courthouse in the place regularly established for posting by the Court. Judicial Council form FL-980 will be used. The Family Law Clerk shall complete and file the Proof of Service after posting.

(Eff. 7/1/2013)

RULE 10 RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS

(Rule 10 was effective 1/1/1997 and was entirely Revised 7/1/2006)

10.1 ABBREVIATIONS

The following abbreviations are used throughout these rules:

CASA	=	Court Appointed Special Advocate
CRC	=	California Rules of Court
HSD	=	Human Services Department
ICWA	=	Indian Child Welfare Act
IEP	=	Individual Education Plan
W&I	=	Welfare & Institutions Code

(Eff. 1/1/14)

10.2 JUVENILE CALENDARS

Juvenile calendar matters with regard to Sections 300 et seq. and 600 et seq. of the W&I Code shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained at the Sonoma County Superior Court website at www.sonoma.courts.ca.gov or at the courthouse. Dependency and delinquency matters shall be heard by a judicial officer or persons specified by the Presiding Judge. (Eff. 1/1/14)

10.3 RULES OF PROCEDURE AND STANDING ORDERS

CRC, rules 5.500 - 5.830 apply to all juvenile proceedings.

Standing Orders:

(Standing orders are posted on the court's website at www.sonoma.courts.ca.gov.)

Release and Sharing of Education Related Records of Juvenile Court Wards and Dependents; No. 2004(1); Issued August 16, 2004

Release and Sharing of Confidential Education and Mental Health Records to Assist Probate, Guardianship, and Juvenile Court Investigators; No. 2004(2); Issued December 16, 2004 (Revised 1/1/2007)

10.4 ATTENDANCE AT HEARINGS (CRC, RULE 5.530) AND OTHER PROCEEDINGS

Unless excused by the Court, each adult party and attorney shall attend each scheduled Juvenile Court hearing, including settlement conferences and mediation sessions. (Revised 1/1/2007)

10.5 COUNSEL OF RECORD AND SELF-REPRESENTED PARTIES (Dependency Proceedings)

Whenever a requirement in these rules, other than the competency requirements set forth in these rules, is imposed on counsel, that requirement is equally applicable to a self-represented party. (Eff. 1/1/14)

10.6 PRE-HEARING DISCOVERY

A. Informal Discovery

Pre-hearing discovery shall be conducted informally. Except as protected by privilege or statute, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.

B. Formal Discovery

Only after all informal means have been exhausted, may a party petition the court for discovery. Any noticed motion shall state the relevance and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.

The date for the hearing shall be obtained from the Juvenile Court. A copy of the motion shall be served on all parties at least five (5) court days before the hearing date. At the time of service, a courtesy copy shall be delivered to the judicial officer before whom the matter is scheduled to be heard. Any responsive papers shall be filed and served and a courtesy copy delivered to the designated judicial officer two (2) court days prior to the hearing.

C. Experts and Other Witnesses

The name(s) of any experts to be called by any party and copies of their reports, the names of any witnesses to be called, and copies of any documents to be introduced at the hearing on the merits shall be made available to all parties no later than (2) two court days after the settlement conference in dependency proceedings or pre-trial confirmation in delinquency proceedings, unless otherwise ordered by the court. If no settlement conference is held in a dependency case, disclosure shall be made at least three (3) court days prior to the master calendar.
(Revised 1/1/2007)

10.7 NOTICED MOTIONS – (Dependency Proceedings)

A. No noticed motion shall be accepted by the court unless it is accompanied by a proof of service. Orders shortening time are required to calendar noticed motions if statutory notice times are not complied with.

B. The moving party shall prepare and submit to the court an original and one copy of the request and proposed order to place matter on calendar, notice of motion, motion, declaration and proposed order. Prior to submitting the moving papers to the court, the moving party must serve by facsimile copies of the moving papers on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker. The court will issue its order regarding the request for hearing date within five (5) court days of receipt of the request for hearing.

C. Upon receipt of the request and executed order placing the matter on calendar, the moving party must serve by facsimile transmission copies of the same on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social

worker no later than ten (10) court days prior to the hearing date. A proof of service shall be filed with the court no later than five (5) court days prior to the hearing date.

D. Any opposition to the motion shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker no later than five (5) court days prior to the hearing date.

E. Any reply to the opposition shall be filed and served on all counsel, parties unrepresented by counsel (may be mailed if a fax number is unavailable) and the social worker no later than two (2) court days prior the hearing date.

F. All motions will be decided on the briefs, declarations, and other documentary evidence filed. No testimony will be taken unless specifically authorized by the court. A failure to file declarations will not be grounds for requesting an evidentiary hearing.

G. In exceptional circumstances, oral motions may be entertained.

H. 10.5. C., D., and E. do not apply to discovery motions.

(Revised 1/1/2007)

10.8 REQUESTS FOR EX PARTE ORDERS

Anyone requesting an ex parte order must provide notice to all parties of such request. Notice shall be provided by either personal service or service by facsimile. A proof of service must be filed with the ex parte request and submitted to the clerk in the juvenile department where the pending action would normally be heard. Any party wishing to object may file an objection with the clerk no later than the end of the second court day after service. The court will not rule on said request any sooner than the third court day after service. This notice requirement shall not apply in situations where the delay would not be in the best interest of the child, such as requests for protective custody warrants and urgent medical/dental procedures. In those instances, the best interest of the child precludes notice.
(Revised 1/1/2007; 1/1/2012)

10.9 APPLICATIONS FOR TEMPORARY RESTRAINING ORDERS

A. Notice that a temporary restraining order is being sought shall be given to the party to be restrained and all attorneys of record and self-represented parties at least twenty-four (24) hours prior to the application if such notice would not endanger the safety of the person(s) sought to be protected. If 24-hour notice has not been given, the declaration must state good cause for the failure to give 24-hour notice.

B. The party requesting the temporary restraining order shall be responsible for preparing the order on Judicial Council form, Restraining Order - Juvenile (JV-250) and presenting it for signature.

C. It will be the responsibility of the party seeking the temporary restraining order or any other person designated by the court to serve the temporary restraining order on the person to be restrained and all appropriate law enforcement agencies.

D. It will be the responsibility of the court, upon receipt of the original temporary restraining order and/or proof of service, to register the documents in the CLETS system. (Eff. 1/1/14)

10.10 REFERRALS TO OTHER COURTS

Any juvenile court judicial officer may refer any juvenile case to the supervising judge of the family or criminal division for assignment if the judicial officer determines such a referral is necessary. (Eff. 1/1/14)

10.11 CONTINUANCES

A. Attorneys for parties are required to adhere to the statutory time lines for all hearings.

B. **Dependency:** Continuances will be granted and time waivers accepted pursuant to W&I section 352 and CRC, rule 5.550. Requests for stipulated continuances shall be presented to the court by noon one (1) court day prior to the hearing.

C. **Delinquency:** Continuances of jurisdictional hearings will be granted only upon written motion with notice to all attorneys and unrepresented parties filed within two (2) court days of the date set for hearing. All other hearings may be continued by written motion noticed on an ex parte basis if all attorneys and parties agree to the continuance and the new date for hearing.
(Revised. 1/1/2007)

10.12 ATTORNEY COMPETENCE (Dependency Proceedings)

A. General Competency Requirement

1. Absent a knowing and intelligent waiver by the party represented, all attorneys who represent parties in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules and CRC, rule 5.660.

2. Each attorney appearing in a juvenile dependency matter shall complete the minimum training and educational requirements set forth in these rules.

3. Each attorney appearing in a dependency matter shall complete and submit to the court, within 30 days of the effective date of these rules or within 10 days following their appearance, whichever is later, a Declaration of Certification of Attorney Competency (Sonoma County local form JC104).

4. A retained attorney may not appear on behalf of a party in a dependency proceeding without having submitted to the court a Declaration of Certification of Attorney Competency or a knowing and intelligent waiver by the party of such certification.

5. If a retained attorney maintains his or her principal office outside this county, proof of certification of competency by the juvenile dependency court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile dependency proceeding in this county.

B. Minimum Standards of Education and Training

1. Prior to certification of competency, the attorney shall have either:

- Participated in at least 36 hours of training and education in juvenile dependency law and practice, which training and education shall have included comprehensive information on W&I sections 202, 213.5, 241.1, 300 et seq.; Family Code sections 7900 et seq. (Interstate Compact), and 7600 et seq. (Uniform Parentage Act); Education Code section 5000 et seq. (Special Education Programs); 8 United States Code (USC) section 1101 (Special Immigrant Status for Undocumented Dependent Children), 25 USC section 1901 et seq. (ICWA), 28 USC section 1738 (Parental Kidnapping Prevention Act), and 42 USC sections 620 et seq. and 670 et seq. (Adoption and Safe Families Act); the CRC, local rules of court, the rules of evidence as set forth in the California Evidence Code, and the applicable case law, as well as practical training on Judicial Council forms, motions, writs, mediation, family group conferencing, team decision making, domestic violence, substance abuse, child development, child abuse and neglect, family reunification and preservation, restraining orders, rights of de facto parents, and reasonable efforts,

or

- At least six (6) months of experience within the last twelve (12) months in dependency proceedings in the State of California in which the attorney has had primary responsibility for representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

2. Education and training may include:

a. Observation of dependency proceedings;

b. Self- study, including relevant documents, references, audio and video tapes of previously- presented seminars and conferences;

c. Attendance at seminars or conferences related to dependency law that are MCLE-certified, provided by professional organizations, or court-sponsored or approved;

d. Supervision by appropriately trained and certified attorneys practicing in the area of dependency law.

3. No more than 18 of the 36 hours of required training and education may be self-study or observation of dependency proceedings.

C. <u>Renewal of Attorney Competency Certification</u>

Each attorney who practices before the juvenile dependency court shall complete within every one (1) year period at least twelve (12) hours of continuing education related to dependency proceedings.

1. The attorney's continuing training or education shall be in the areas set forth in Sonoma County Local Rules, rule 10.12 B.

2. Evidence of completion of the required number of hours of training or education shall be retained by the attorney and may include a copy of a certificate of attendance issued by a California MCLE provider or a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider. Evidence of attendance at a court sponsored or approved program will also fulfill this requirement.

3. In order to retain his or her certification to practice before the juvenile dependency court, each attorney or his or her supervisor shall file with the dependency court a declaration certifying that counsel has completed the required continuing education. The declaration, local mandatory from JC-104, must be filed on or before January 15 of each year.

D. Decertification

The court retains the authority to review the general conduct and performance of an attorney and to decertify such attorney for good cause at any time. The court may order decertification only after the attorney has been given notice of the intended action and an opportunity to be heard.

E. New Attorneys

1. Absent a knowing and intelligent waiver by the party represented, an attorney who has never practiced in dependency court must observe and/or assist in each type of dependency hearing from detention through review of a permanent plan prior to representing a party in a dependency case;

2. An attorney should work and consult with a mentor during the first three months of representing parties in dependency court. A mentor is an attorney with no fewer than three years of experience in dependency law. (Revised 1/1/2007; 1/1/2012)

10.13 STANDARDS OF REPRESENTATION (Dependency Proceedings)

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation in addition to those set forth in CRC 5.660:

A. If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person unless it is impracticable. Whenever possible, the child shall be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.

B. If the client is not the child, the attorney or attorney's agent shall interview the client at least once prior to the jurisdictional hearing unless the client is unavailable. Thereafter, the attorney or the attorney's agent shall contact the client at least once prior to each hearing unless the client is unavailable. (Revised 1/1/2007)

10.14 REPRESENTATION OF PARTIES OTHER THAN MINORS (Dependency Proceedings)

A. Detention Hearing or Initial Appearance

At the detention hearing or initial appearance, parents' counsel shall be prepared to do the following:

1. Advise the court whether the parents have any Native American heritage by completing and filing Judicial Council form Parental Notification of Indian Status (JV-130) with the clerk of the court; and

2. Assist the parents in completing and filing Judicial Council form Notification of Mailing Address (JV-140) with the clerk of the court.

B. Jurisdictional/Dispositional Hearings

1. All counsel shall advise the court regarding paternity issues.

2. In all submitted jurisdictional hearings, counsel shall assist the parent in completing Judicial Council form Waiver of Rights (JV-190).

C. All Hearings

1. Parents' counsel shall assist the parents in completing and filing with the clerk an updated Judicial Council form Notification of Mailing Address (JV-130) reflecting any changes in address, and proof of service on all parties.

2. Whenever applicable, parents' counsel shall assist the parents in completing Sonoma County local form JC-101, Waiver of Rights. (Revised 1/1/2007)

10.15 PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS (Dependency Proceedings)

A. Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney in a juvenile court proceeding as follows:

1. Complaints or questions shall initially be referred to that attorney's supervisor within the agency or law firm appointed to represent the client. If the issue remains unresolved or if there is no designated agency or law firm, the party may submit the written complaint directly to the court.

2. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative, a foster parent, or CASA.

B. Within ten (10) days of the receipt of a written complaint, the court shall notify the attorney and/or the attorney's supervisor in writing of the complaint, shall provide the attorney and attorney's supervisor with a copy of the complaint, and shall give the attorney fifteen (15) days from the date of the notice to respond to the complaint in writing. The judicial officer will also inform the client or other person lodging the complaint, in writing, that the complaint has been received and that the attorney will be contacting the client or other person lodging the complaint to discuss resolution of the complaint.

C. After response has been filed by the attorney or the time for the submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney has acted contrary to state or local rules or policies or has acted incompetently. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

D. The court shall notify the attorney and complaining party either in writing or by oral ruling at a closed hearing of its determination on the complaint. The court's determination will be final.

E. If the court finds that the attorney acted contrary to the rules or policies of the court or incompetently, the court shall take appropriate action. (Revised 1/1/2007)

10.16 REQUESTS TO WITHDRAW (Dependency Proceedings)

A. Unless otherwise ordered by the court, a request to withdraw as attorney of record shall be in writing on Judicial Council forms MC051 and MC052 and served in compliance with CRC, rule 3.1362. The request must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case, (e.g., child, parent, guardian, de facto parent), the date and type of the next scheduled hearing. The request shall be noticed and calendared, if possible, for the same day and time as the next scheduled hearing.

B. Counsel shall also submit the order to be relieved on Judicial Council form MC-053. Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court. (Revised 1/1/2007)

10.17 RELEASE OF INFORMATION RELATING TO JUVENILES

In all cases in which a person or agency seeks records held by law enforcement, including police reports regarding children who are the subject of juvenile court proceedings, the person or agency shall file a request utilizing the Police Report Request Form (Judicial Council Form JV-575)

This section does not apply to those persons and agencies designated by W&I Code §827(a).

A. **Juvenile Case Defined**

For the purposes of this rule, a juvenile case file includes the following documents or items in the possession of the Juvenile Court, Probation Department, Department of Human Services or Court Appointed Special Advocates Program:

1. All documents filed in a juvenile court delinquency or dependency case by any party or the court;

2. Reports to the court in a delinquency or dependency case prepared by probation officers, social workers, and CASAs;

3. Documents not filed with the court, but made available to probation officers, social workers of HSD, and CASAs in preparation of reports to the court for a delinquency or dependency case;

4. Documents relating to a child concerning whom a petition has been filed in a delinquency or dependency case, which are maintained in the office files of probation officers, social workers and CASAs;

5. Transcripts, records, or reports relating to matters prepared or released by the Juvenile Court, Probation Department, or HSD for a delinquency or dependency case; and

6. Documents, video or audiotapes, photographs, and exhibits admitted into evidence at juvenile court hearings for a delinquency or dependency case.

B. Documents Excluded from the Term "A Juvenile Case File"

Medical and psychiatric records, including Evidence Code section 730 evaluations and any child abuse reports, are strictly confidential and not available for inspection or copying except from the subject of the record or his/her attorney.

C. Inspection and Copying

The following persons may inspect and receive copies of juvenile case files without filing a petition pursuant to W&I section 827:

1. Court personnel and court investigators from any county;

2. Any attorney representing the minor, minor's parents, minor's guardians;

3. The minor or minor's parents or guardians if they are self-represented.

D. Inspection

Other persons or entities as listed in W&I section 827 shall be entitled to inspect a juvenile case file but shall not be entitled to copy a juvenile case file.

Pursuant to W&I section 676(d), when a petition has been sustained for an offense listed in W&I section 676(a), the following information contained in the court file shall be available for public inspection: (a) the charging petition, (b) the minutes of the proceeding, and (c) the orders of the adjudication and orders of the disposition of the court.

E. Discovery of Juvenile Records

Except as provided above, persons who desire to inspect or copy a juvenile case file shall follow the procedures as outlined in W&I section 827 and CRC, rule 5.552. See Judicial Council Form JV570.

Juvenile case files may not be obtained or inspected by civil or criminal subpoena.

F. Access by CASA

A CASA may inspect and copy records pursuant to W&I section 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only

pursuant to a court order pursuant to W&I section 105. The CASA shall present his/her identification as a CASA to any such record holder in support of his/her request for access to specific records. No consent from the parent or guardian is necessary for the CASA to have access to any records relating to the child.

G. Duplication Prohibited

Records received pursuant to these rules shall be kept confidential and shall not be duplicated or disclosed to third parties.

H. Release of Court Reports to Court-approved Mental Health Evaluators

Where the Court has ordered a mental health or psychological evaluation of a minor, the court approved evaluator shall be given a copy of the court report relating to the minor, unless the court makes a specific order to the contrary in the referral.

I. Release of Information Relating to Juveniles by Law Enforcement

Pursuant to the cases of T.N.G. v. Superior Court (1971) 4 Cal.3d 767 and Westcott v. County of Yuba (1980) 104 Cal.App.3d 103, this rule applies to all law enforcement agencies and officials in Sonoma County.

1. Identity of Juvenile

Arrest reports or other information in regard to the identity of individual juveniles under the age of eighteen (18) years who are the subject of juvenile court proceedings shall not be released to the press or other media or to any persons or public agency until a detention order has been made by the Juvenile Court or as otherwise provided by law.

2. Information Regarding Incident

a. Police reports or information in regard to the incident, with exceptions noted, may be released to:

(1) The minor, if self-represented in a juvenile court proceeding, or to his/her attorney pursuant to these rules;
(2) The District Attorney of Sonoma County;
(3) The law enforcement agency of the minor's residence;

b. Other law enforcement agencies who require it for crime investigation or reporting purposes;
c. The Sonoma County Probation Department;
d. Court personnel;
e. The Sonoma County Department of Human Services, Division of Family and Children's Services;
f. The parents or legal guardian of the minor, unless there is a reference to another minor in the reports (In that situation, the request must be approved by the juvenile court.);
g. The school attended by the minor;

h. Victims of juvenile crime (They may be given the names and addresses of the persons mentioned in the report, without reference to the status of any minor. The release of further information must be approved by the juvenile court.);

i. Hospitals, schools, camps, Job Corps or placement agencies which require the information for the placement, treatment or rehabilitation of the minor;

j. The persons entitled thereto under Vehicle Code §§20008-20012;

k. Any coroner or medical examiner;

l. The name of a minor 14 years of age or older taken into custody for the commission of a serious felony as defined by subdivision (c) of Penal Code section 1192.7, and the offenses allegedly committed may be released at the request of any interested party if a hearing has commenced that is based upon a petition that alleges that the minor is a person with the description of Section 602.

3. Commission of a Felony

If at disposition the minor was found by the court to have committed a felony, the arresting agency may send the usual information to the CII, FBI or other police agencies within California, but to no other persons or agencies (except as otherwise authorized herein).

4. Contents of Reports

This rule does not prohibit release of information by law enforcement agencies about crimes or the contents of arrest reports, except insofar as they disclose the identity of the juvenile who is subject of juvenile court proceedings.

5. Coroner's Reports

This rule does not apply to coroner's reports.

J. Inter-Agency Exchange of Information

1. This rule addresses the exchange of information between Family Court Services, Probation Department, Department of Human Services, Case Management Council, minor's counsel and the Court Investigator in juvenile delinquency, juvenile dependency, child custody, conservatorship, guardianship, and criminal proceedings. The disclosure of information concerning children and their parents by any of these agencies is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in certain circumstances will serve the best interests of the child who is before the court. The court hereby finds that the best interests of children and victims appearing in court, the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts and the value of having relevant information gathered by a court agency outweighs the confidentiality interests reflected in Penal Code sections 11167 and 11167.5 and W&I sections 827 and 10850 et seq., Family Code sections 1818, and Probate Code section1513, and therefore good cause exists for this rule.

2. The representatives of the above-listed agencies who are investigating or supervising cases involving children may orally disclose information to each other as follows:

a. Whether the child before the court, his/her parents, guardians, or caretakers are or have been the subject of a child custody, delinquency, dependency criminal or probate investigation, the findings and status of that investigation the recommendations made or anticipated to be made to the court by the agencies listed above, and the progress while under court supervision including compliance with court orders, and any court orders in existence with respect to the child, parents, guardians, or caretakers.

b. Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending case.

c. Each agency may include this information in court reports and keep such information in their case files.

d. All of the above listed agencies may provide written documents to each other. These documents may include but are not limited to relevant portions of investigation notes, progress notes and summaries, and court reports containing information described in (a) and (b) above. However, child abuse and neglect reports described by Penal Code section 11167.5 (Suspected Child Abuse Report form #S-8572), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order. Copies of HSD or Juvenile Probation Department documents used by the above-listed agencies will not be made available to the public without a court order.

3. Any disclosure authorized by this rule shall be subject to the following conditions: The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above; all information shall be provided orally; if an agency desires written documentation, it shall make written application for a court order releasing that documentation; the information gathered shall be used exclusively in the investigation being conducted and the subsequent court proceedings, and shall not be repeated to anyone not a party to those proceedings without court order.

4. Nothing in this rule is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other court orders.

5. The release of information by Family Court Services is subject to limitations imposed by state and local rules. (Rev. 1/1/2007; 7/1/2009)

10.18 LOCAL RULES RELATING TO CHILD ADVOCATES

A. The CASA Program

The Juvenile Court may appoint CASAs to represent the interests of dependent or delinquent children. The CASA program must operate under the guidelines set forth in W&I section 100 et seq.; W&I section 356.5; and CRC, rule 5.655.

The CASA program shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child advocates.

B. Sworn Officer of the Court

A CASA is an officer of the court and is bound by these rules. Each CASA shall be sworn in by a Superior Court Judge/Commissioner before beginning his/her duties.

C. Termination of CASA

The CASA serves at the pleasure of the court, and the appointment of the CASA may be terminated by the court. Any party or the Director of the CASA program may file a motion for termination of the appointment of a CASA. The court will determine whether there shall be a hearing on such a petition.

Any CASA with a grievance concerning termination may petition the court for a hearing. Such petition shall include facts indicating that the CASA has exhausted all remedies available to him or her within the CASA program. The court will determine whether there shall be a hearing on such a petition.

D. CASA's Functions

In general, a CASA's functions are as follows:

1. To provide independent, factual information to the court regarding the cases to which he or she is appointed;

2. To represent the best interests of the children involved, and consider the best interests of the family in the cases to which he or she is appointed;

3. At the request of the judicial officer, to monitor cases to which he or she has been appointed to assure that the court's orders have been fulfilled.

E. Specific Duties

The court shall, in its initial order of appointment, and subsequent orders as appropriate, specifically delineate the CASA's duties in each case, which may include independently investigating the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, considering visitation rights for relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the CASA shall discharge his/her obligation to the child and the court in accordance with the general duties set forth in these rules, W&I section 102, and CRC, rule 5.655.

F. Procedures in Delinquency Cases

A request for appointment of a CASA in a delinquency case may be made orally or in writing in open court or ex parte by the probation officer or any party to the case, or by the court on its own motion. If the court grants the request, it shall order that the case be referred to CASA for screening.

1. When the court grants the request for appointment of a CASA, CASA shall prepare and present to the court an order appointing the CASA.

2. Any party to the proceeding may petition the court for a hearing to reconsider the appointment.

3. A CASA may petition the court to set the minor's case for a review hearing.

4. CASA reports shall be submitted to the court three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, District Attorney, Juvenile Probation, and the minor's attorney (or the minor's parents if unrepresented) at least two (2) court days prior to the hearing.

G. Procedures in Dependency Cases

1. A request for appointment of a CASA in a dependency case may be made orally or in writing in open court or ex parte by the social worker or any party to the case or by the court on its own motion. Unless there is opposition, the referral shall be forwarded to the CASA office for screening and assignment.

2. When an appropriate CASA has been identified, that person's name shall be submitted to the court for appointment. CASA administration shall prepare and present to the court an order appointing a CASA.

3. Any party to the case may petition the court for a hearing to reconsider the appointment.

4. A CASA report shall be submitted to the court at least three (3) court days prior to the hearing for which it is prepared. CASA reports shall be copied and distributed by the CASA program to the court, County Counsel, HSD and counsel for the parent(s) and minor(s) at least two (2) court days prior to the hearing.

H. Release of Information to CASA

Upon referral to CASA or upon appointment of a CASA, the judicial officer shall sign an order presented by CASA administration granting the CASA the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court. See also Sonoma County Local Rules, rule 10.17.

I. Access to Records

A CASA may inspect and copy records pursuant to W&I section 107. Confidential records and information acquired by a CASA shall remain confidential and shall be disclosed only pursuant to a court order pursuant to W&I section 105.

The CASA shall present his/her identification as a CASA to any such record holder in support of his/her request for access to specific records. No consent from the parent(s) or guardians(s) is necessary for the CASA to have access to any records relating to the child. See also Sonoma County local rule 10.17. F.

J. Report of Child Abuse

A CASA is a mandated child abuse reporter with respect to the case to which he/she is appointed.

K. Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the CASA, social worker, child's attorney, attorneys for parents or guardians, foster parents and any therapist for the child.

L. Right to Timely Notice

In any motion concerning the child for whom a CASA has been appointed, the moving party shall provide the CASA timely notice.

M. Calendar Priority

In light of the fact that CASAs are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar whenever possible.

N. Visitation Throughout Dependency

A CASA shall visit the child regularly until the child is secure in a permanent placement. Thereafter, the CASA shall monitor the case as appropriate until dependency is dismissed.

O. Family Law Advocacy

Should the Juvenile Court dismiss dependency and create family law orders pursuant to W&I section 362.4, the CASA's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the CASA's duties in the family law proceeding.

P. Right to Appear

A CASA shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he/she may be called to testify at some point in the proceedings. (Revised 1/1/2007)

10.19 MEDICAL ISSUES

A. Health Assessment, Physical Examination, Laboratory Tests, Venereal Disease, Screening and Furnishing of Contraceptives, Immunizations, Routine Medical Care, Mental Health Evaluation and Services, and Dental Assessment and Treatment of Temporarily Detained Minors

In order that minors detained in the Sonoma County Probation Department and Department of Human Services temporary holding facilities, i.e. Juvenile Hall, rehabilitation facilities, Valley of the Moon Children's Home, emergency satellite homes, and alternative shelter programs, receive necessary care of their physical and mental health, and do not endanger the health and welfare of other persons in these facilities, the Sonoma County medical clinics are hereby authorized to provide the following services to all such juveniles, which services follow the "Statement of Pediatrics, Health Care for Children and Adolescents in Detention Centers, Jails, Lock-ups, and other Court-Sponsored Residential Facilities":

1. A comprehensive health assessment and physical examination;

2. Any clinical laboratory tests and limited, non-intrusive diagnostic tests such as X-rays and CT scans, the medical provider determines are necessary for the evaluation of the juvenile's health status;

3. Upon consent of the minor and the minor's counsel, screening for venereal disease. Contraceptive devices may be furnished to any minor upon the minor's request;

4. Any standard childhood immunization necessary to bring a minor's immunization up to date, and, if immunization records are unavailable, any immunizations recommended by the American Academy of Pediatrics for that child's age. However, no immunizations shall be administered before: (1) making a reasonable attempt to obtain parental or legal guardian consent; (2) checking the county immunization registry; (3) contacting the child's physician; and (4) if the child is of school age, contacting the child's school for immunization records. If a parent or legal guardian objects to the child receiving immunizations, then no immunizations shall be administered without a court order. Further, if no parent or legal guardian is available to give consent, no immunization may be given until the above conditions have been met and seven days have elapsed since the child's detention;

5. Any routine medical care required based on the results of the comprehensive health assessment, and any routine medical care required for the care of illnesses and injury, including the use of standard X-rays, stitches for cuts and casts for broken bones. Routine medical care as referred to above includes:

a. First aid care for conditions which require immediate assistance from a person trained in basic first aid as defined by the American Red Cross or its equivalent;

b. Clinic care for ambulatory juveniles with health care complaints who are evaluated and treated at sick call or by special appointment; and

c. Inpatient bed care for illness or injury which requires limited observation and/or management and does not require admission to a licensed hospital. Routine medical care does not include blood transfusions or inpatient care for illness or diagnosis which requires optimal observation and/or management in a licensed hospital;

6. A mental health status evaluation and necessary mental health services except no placement in an inpatient psychiatric facility shall occur absent compliance with W&I sections 319.1, 635.1 and 5150, et seq;

7. A dental assessment, including X-rays when appropriate, and any routine dental treatment required based on the results of the dental assessment;

8. HSD social workers are authorized to sign necessary documentation and consent forms, including school medical consent forms, for the provision of medical services described in this section.

B. **Authorization for Use of Psychotropic Drugs**

1. The administration of psychotropic drugs to minors who are wards or dependent children shall only occur upon the authorization of a duly licensed psychiatrist, the Medical Director of Juvenile Institutions or the Director's designated physician and the court after notice to the minor's attorney, parents/guardian and/or their attorney.

2. In dependency cases, any request for psychotropic drugs must be made on Judicial Council form Application and Order for Authorization to Administer Psychotropic Medication-Juvenile JV-220. Absent an emergency, no request shall be presented to the judicial officer until one (1) business day after the request has been made available by the HSD for review by County Counsel. This requirement is in addition to the specific requirements governing psychotropic medications in CRC, rule 5.640.

3. **Initiation or Changes in Medication**

The court finds that immediate and special mental health intervention may be necessary for disturbed, psychotic, depressed or suicidal minors who are impacted by the unusual life situations and the stress of institutional placements. Accordingly, the administering psychiatrist shall have the discretion to initiate the use of psychotropic drugs for a 14-day period while attempting to obtain parental or guardian consent or court authorization if after weighting the risks and benefits of such medication, the psychiatrist concludes there is no significant risk of irreversible side effects.

If the administering psychiatrist, probation officer or social worker learns that the parent, guardian or attorney for the child objects to the utilization of such drugs, the matter shall be set for hearing before a Juvenile Court judicial officer on an expedited basis.

4. **Continuation of Previously-Prescribed Medication**

If the minor has already been prescribed psychotropic drugs, the attending physician may continue the use of those previously-prescribed drugs at the physician's discretion. However, there shall be no increases in dosage without authorization pursuant to W&I section 369.5 and CRC, rule 5.640. The parents or guardian do not have the authority to withhold consent for increases/decreases in dosage if the child has been removed from their custody and control.

5. **Continuation of Medication Upon Change in Placement**

Whenever a dependent child or ward of the court, or minor in placement at the Juvenile Hall or Valley of the Moon Children's Home, is moved to a new placement or to a facility pursuant to W&I section 5000, et seq., and the child is prescribed medication, the medical or other supervisor at the new placement may continue to administer that medication under supervision of the medical staff or the child's physician. No further order of the court is required and the child's medication is not to be abruptly discontinued for lack of such an order.

6. This rule does not override any inherent authority a physician may have to provide treatment and care in emergency situations (Cal. Code Regs. Title 9, section 853)

C. At the time of admission to the temporary holding facility, all reasonable efforts should be made to obtain the consent of the parent(s) or legal guardian for non-routine medical care while the juvenile is temporarily detained or placed out-of-home. In the event signed consent cannot be obtained, the medical clinic shall request a court order for any non-routine health care.

D. This rule applies to dependency children in court-ordered placement as well as children who are the subject of a W&I section 300 petition who are temporarily placed with relatives or non-relative extended family members. (Revised 1/1/2007)

10.20 REQUESTS FOR MODIFICATION (Dependency Proceedings)

Requests for modification will be addressed pursuant to procedures set forth in W&I sections 387, and 388, and CRC, rules 5.560(d), 5.565 and 5.570.

A. **Notice Regarding Change In Placement**

In order to ensure that proper notice is received by parents or guardians, attorneys for parents and minor's counsel of any change in a child's placement after the original dispositional hearing:

1. **Non-emergency situations**

a. If the county of placement remains the same, HSD shall give notice at least five (5) business days prior to the change in placement.

b. Prior to removal of a child from one county to another, HSD shall provide notice at least ten (10) business days unless emergency circumstances prevent such notice.

2. Emergency situations

HSD shall give notice immediately upon determination that a move is necessary.

3. Notice may be given orally or in writing.

B. W&I Code Section 388 Petitions

This procedure relates to the notification process required before the filing of a JV-180 petition requesting modification, the procedure for approving undisputed JV-180 petitions, and the procedure for the court's consideration of disputed JV-180 petitions. These procedures are as follows:

1. At least one week before the JV-180 is submitted to the court, or upon a showing of good cause, such shorter time as the court may order, the moving party must fax a draft of the proposed JV-180 with supporting documentation to all counsel, parties unrepresented by counsel, and the social worker. (May be mailed if a fax number is unavailable.

2. At least seven (7) calendar days after the draft JV-180 has been served as described above, the moving party may submit the original (and one copy) of the petition to the court. Paragraph 8 must be fully completed, including a clear statement of the date(s) of service of the draft copy. The moving party need not complete Paragraph 10 of the JV-180.

3. When the original JV-180 is submitted, the moving party will serve all parties with a complete copy of the JV-180 being submitted and notice of the submission of the JV-180 to the court.

4. If the request is agreed to by all parties, the court may grant the petition without a hearing. (Calif. Rules of Court, rule 5.570(d)) After the court grants the request, the court will file the JV-180 and an endorsed filed copy of the order will be returned to the moving party for service on all other parties. The moving party must subsequently file an appropriate proof of service documenting its service of the order granting the requested modification.

5. If the request is disputed, the court will mark the original as "received".

a. Within two (2) court days of receipt of the petition, the court will make an initial determination whether the petition meets the threshold to warrant a hearing. In order to warrant a hearing, the moving party must show: 1) changed circumstances or new evidence; and, 2) that the best interests of the child may be promoted by the proposed modification.

b. If the court determines that the petition does not merit a hearing: 1) the court will deny the petition on its face (Calif. Rules of Court, rule 5.570), file the petition, and fax its ruling to the moving party, and 2) the moving party will serve the denial on all parties by fax within two (2) court days of receipt and submit an appropriate proof of service to the court. (May be mailed if a fax number is unavailable.)

6. If the court determines the petition appears to merit a hearing:

a. The court will set the matter as the last item on the court's calendar on Wednesday or Thursday afternoon in at least two (2) weeks but not more than three (3) weeks to allow for opposition to the setting;

b. The court will serve notice of the hearing on all parties:

c. Any party opposing the setting of the petition for hearing will serve by fax and submit its opposition to the court no later than three (3) court days before the initial setting. (May be mailed if a fax number is unavailable.)

d. At initial appearance, a short oral argument regarding granting the petition will be entertained by the court. Following argument, the court will either set the matter for trial or deny the petition on the record. The petition and order will be filed at this time.
(Revised 1/1/2007; 7/1/2012)

10.21 ACCESS TO MINORS IN DEPENDENCY PROCEEDINGS

After filing of the petition in a dependency proceeding, no party or attorney, other than the social worker, in a dependency proceeding shall:

A. Interview the minor about the events relating to the allegations in the petition(s) without permission of the minor's attorney or court order;

B. Cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval. (Revised 1/1/2007)

10.22 MEDIATION IN DEPENDENCY PROCEEDINGS

A. Dependency cases may be referred to mediation at any stage of the proceedings as deemed appropriate by a judicial officer hearing dependency cases and as resources for mediation are available. The parties are to cooperate with the process if referred.

B. **Calendaring and Referral**

1. The court will, at the time of calendaring, attempt to identify all the individuals whose participation in mediation may be helpful in resolving the case so that their participation may be either ordered or invited as appropriate.

2. The court will complete Sonoma County local form Family Court Services Mediation Referral Order (JUV 102.1 or JUV 102.2) at the time of calendaring and will identify the participants and issues referred to mediation.

3. The court will make the juvenile dependency file available to Family Court Services or other authorized mediator or mediation program.

4. Dependency mediation in Sonoma County is a confidential and non-recommending process operating in compliance with W&I section 350, CRC, rule 5.518 and

Chapter 2, sections 1115 through 1128 of the Evidence Code with the following exceptions to confidentiality: Sonoma County dependency mediators have a duty when confronted with serious threats of violence against reasonably identifiable victims to make reasonable efforts to communicate such threats to the victim or victims and to a law enforcement agency. (Revised 1/1/2007)

10.23 SETTLEMENT CONFERENCES IN DEPENDENCY PROCEEDINGS

Settlement conferences shall be held prior to every contested dependency hearing unless expressly determined to be unnecessary by the judicial officer setting the contested hearing.

The trial attorneys and all parties other than the minor shall be present at the settlement conference, unless expressly excused by the court. At the settlement conference the parties or their attorneys shall discuss the issues to be tried and any areas of agreement. (Eff. 1/1/14)

10.24 GUARDIANS AD LITEM (Dependency Proceedings)

A. Appointment of Guardians Ad Litem

1. The court shall appoint a guardian ad litem to represent any incompetent parent or guardian whose child or ward is before the juvenile court pursuant to a dependency petition (W&I section 300 et seq.). The determination of incompetency may be made by the court at any time in the proceedings based upon evidence received from any interested party.

2. The parent or guardian must be present and the court must explain the proceedings to the parent or guardian in plain language. If the court finds by a preponderance of the evidence that the parent or guardian does not understand the nature or consequences of the proceeding, or that the parent or guardian cannot assist their attorney in the preparation of their case, the court shall appoint a guardian ad litem.

B. Notice to Guardians Ad Litem, Access to Records, and Duty to Appear

1. In all proceedings, the guardian ad litem shall be given the same notice as any party.
2. The guardian ad litem shall have the same access to all records relating to the case as would any party.
3. The guardian ad litem has a duty to appear at all hearings.

(Revised 1/1/2007)

10.25 VISITATION (Dependency Proceedings)

A. Between Detention and Disposition

Visitation for any child taken into temporary custody pursuant to W&I section 300 et seq., will be provided according to the following guidelines:

1. The first visit with his/her parent(s) or guardian(s) shall occur within five (5) calendar days of the date the child was taken into temporary custody. Visitation thereafter shall be as frequent as possible consistent with the best interests of the child.

2. Absent unusual circumstances, the following guidelines shall be considered:

a. Newborns to five years old: Six (6) hours of visitation with their parent(s) or guardian(s) per week. No visit shall exceed two (2) hours per day.

b. Six year olds to eighteen year olds: Three (3) hours of visitation with their parent(s) or guardian(s) per week.

3. Any request for the court to consider visitation issues shall be made at the detention hearing or with two (2) court days' notice prior to the jurisdiction hearing.

B. **Post-Disposition**

The court will entertain argument regarding visitation at subsequent review hearings only if notice of the visitation issue has been given to all parties at least two (2) court days prior to the review hearing.
(Revised 1/1/2007)

10.26 TRIAL HOME VISITS (Dependency Proceedings)

A. HSD shall obtain a court order prior to starting a trial home visit. No later than the time the request is presented to the court and at least three (3) court days before the trial home visit is to begin, HSD shall give notice to all counsel and self-represented parties of the request. The request shall include the date the trial home visit is to begin. Said notice shall not be less than three (3) court days before the trial home visit is to begin.

B. A trial home visit shall not commence prior to the passage of three (3) court days after notice of the date the visit is scheduled to begin unless agreed to by all parties and approved by the court.

C. All parties shall have the opportunity during the ensuing three (3) court days to object to the start of the trial home visit. If no objection is received, the court will review the proposed order for approval. With the court's approval, the trial home visit may begin the day following the three (3) court day period.

D. If any party objects, said objection shall be made orally or in writing ex-parte to the court by 4:00 p.m. of the third court day, with oral notification of the objection to the social worker and all other parties. Upon receipt of any party's objection to the trial home visit, the clerk of the court shall set the matter on the next Master Calendar for setting a hearing. The objecting party shall give oral or written notice of the scheduled hearing to all other parties.

E. The minor(s) shall remain in the current placement or other appropriate foster care pending the hearing. In no event shall the minor(s) be placed with the party(ies) who are the subject of the trial home visit until the court has ruled on the matter.

F. If the court has previously approved a trial home visit, the social worker shall obtain a 90 day review date from the juvenile dependency clerk and notify all parties of the commencement of the trial home visit and review hearing date.
(Revised 1/1/2007)

10.27 EXIT CUSTODY ORDERS (Dependency Proceedings)

A. At least thirty (30) days prior to a review hearing at which dismissal will be recommended, the social worker shall notify the parents' attorneys, unrepresented parties and counsel for the child that the HSD will be recommending dismissal of the action and that an exit custody order will be required. The worker will provide counsel and self-represented parties with information regarding visitation and case status to assist in formulating a custody order.

B. At least three (3) weeks prior to the review hearing, counsel for the parents, or the parents where self-represented, and counsel for the child are encouraged to meet and confer to negotiate an exit custody order. It is not necessary that an HSD representative appear at the conference if the minor is represented by counsel. If agreement is reached, it is parents' counsel's joint responsibility to prepare and submit to the court and serve on all parties a proposed order on Judicial Council form Custody Order- Juvenile JV-200 at least three (3) court days prior to the review hearing.

C. If the terms of the exit custody order are in dispute, counsel and the parents are encouraged to meet in an informal settlement conference and/or mediation prior to the review hearing. A mediation date can be reserved by contacting Family Court Services at (707) 521-6800.

D. To confirm a mediation date, the parties must submit Sonoma County local form Family Court Services Mediation Referral Order (JUV-102.1 or JUV-102.2) for court approval. The submitting party will serve the order on Family Court Services, HSD, and all counsel and self-represented litigants.

E. If the parties are not able to reach agreement prior to the review hearing, at the hearing, the matter shall be set on the first available master calendar following the previously reserved mediation date. A settlement conference generally will not be required if there has been a settlement conference or Family Court Services mediation session regarding the exit custody orders.

F. The parties' willingness and ability to work together for the benefit of the child(ren) will be one factor the court considers in making custody orders following any contested hearing on the issue.
(Revised 1/1/2007)

10.28 15-DAY REPORTS (Dependency Proceedings)

A. The 15-day reviews required to be submitted to the court by HSD pursuant to W&I section 367 and CRC, rule 5.695(I) shall be filed on the 15th day after disposition. The filed report shall contain a detailed summary of the efforts put forth by the social worker to place the minor. The second report filed with the court on the 30th day after disposition shall contain the following:

1. A listing of all prospective placements contacted;

2. The date of submission of each application for admission to the respective placement facilities;

3. The results, if any, of each application and the dates of receipt of notification of said results;

4. The names of any further placements to which applications are contemplated and the prospective date that the application(s) will be made;

5. A report of personal contact with the minor to apprise him or her of the progress of the placement process and the minor's statement regarding the impact of the delay on the minor;

6. Any specific incidents of physical or mental health- related problems or behavioral issues encountered by the minor while awaiting placement.

B. This pattern shall continue each 15 days. The listed requirements shall be part of the 60-, 90-, 120-day, etc., report documenting activities during the preceding 30-day interval. (Revised 1/1/2007)

10.29 BONDING STUDY (Dependency Proceedings)

A. Any party to a dependency case may request that the court consider the appointment of an expert to prepare a bonding study for the court and/or the requesting party.

B. A request for a bonding study must be made in writing and must be filed with the court no later than thirty (30) calendar days following the court's order terminating/bypassing reunification services and setting a hearing pursuant to section W&I section 366.26. The request must demonstrate that there is good cause for ordering a bonding study, which shall include at a minimum the following:

1. A declaration by the requesting party setting forth the factual basis of the alleged bond between parent and child(ren), including the specifics of the parent's record regarding visitation over the previous six months; and

2. A declaration by a service provider or professional demonstrating personal knowledge of and stating facts that indicate there is a bond between the parent(s) and the child(ren), as well as the declarant's knowledge of the nature and extent of the contact between the parent and child(ren) during the previous six months. In the alternative, the attorney for the requesting party or the self-represented requesting party may submit a declaration regarding his/her unsuccessful efforts to obtain a declaration from a professional and attach/summarize visitation notes that in the attorney's or party's view demonstrate consistent visitation and the existence of a bond between the parent(s) and child(ren).

C. If a prima facia showing is made, the matter will be set for a hearing in not less than twenty (20) days, to allow time for the filing of any opposition. Once a court date is assigned, the papers are to be served on all parties by the moving party.

D. If any party opposes the request for a bonding study or wishes to request an expansion of the study to include an evaluation of the bond between the child(ren) and the current caregiver(s) and/or between the children themselves, responsive pleadings must be filed

with the court and served on all parties at least three (3) court days before the date of hearing. (Revised 1/1/2007)

10.30 PRISONER TRANSPORT ORDERS (Dependency Proceedings)

It is the responsibility of an incarcerated parent's counsel to be in contact with his or her client at the earliest opportunity prior to each hearing and to advise the parent of his or her rights and prior to each hearing at which the client has a right to appear, 1.) it is the responsibility of the attorney to arrange for the transportation of the client to appear at the hearings and/or 2.) obtain a waiver from the client. For a client who is in custody in the Sonoma County Jail, including the North County Detention Facility, counsel shall follow the procedure set forth in the section below. For a client who is in custody out of county, in state prison or declared mentally incompetent as set forth in Penal Code section 2625, counsel shall utilize Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights JV-450 and follow the procedure set forth below.

A. For Parents in Custody in the Sonoma County Jail

Five (5) days prior to the scheduled hearing, confirm with the juvenile court clerk that notice has been given to the Sheriff's Department that the parent needs to be transported.

B. For Parents in Custody Out of County or in State Prison

1. At least, three (3) weeks prior to the scheduled hearing date, submit to the court Judicial Council form Order for Prisoner's Appearance at Hearing Affecting Prisoners Parental Rights (JV-450), and Declaration in Support of the Order (Penal Code §2625, subd. (d)).

The Declaration and Judicial Council form JV-450 shall contain the following:

a. An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested; and

b. A recitation of facts that demonstrate good cause for the attendance of the incarcerated parent-party, unless the hearing is a dispositional hearing or a hearing to terminate parental rights.

2. When counsel obtains the certified copies of the order and the endorsed-filed copy of the declaration, counsel must then present four certified copies of the order to the Criminal Division of the Sonoma County Superior Court, with the request that three (3) certified copies be date/time stamped and placed in the Transport Order box, and that the other copy be date/time stamped and returned to counsel for his/her files. The fifth certified copy shall be served on the facility where the parent is incarcerated.

C. Orders to Produce Incarcerated Parties in Dependency Cases

The requesting party shall complete a proof of service indicating delivery of three (3) certified copies of the order to the Criminal Division of the Superior Court (for the Transport Order box), the facility where the parent is incarcerated and all parties, and file the proof of service with the juvenile court.

D. Waiver of Attendance

If the parent does not wish to attend the hearing, the proper waiver form must be completed and filed with the court. It is parent's counsel's responsibility to obtain the waiver from the parent and/or facility and file it prior to the hearing. (Revised 1/1/2007)

10.31 REQUESTS FOR TRANSCRIPTS

A party requesting a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question. (Eff. 1/1/14)

10.32 ACCESS TO COURTROOM BY NON-PARTIES

Unless specifically permitted by statute, juvenile court proceedings are confidential and shall not be open to the general public.

The court encourages interested persons including trainees and students to attend juvenile proceedings in order better to understand the workings of the juvenile court. The court retains the discretion to determine in each case whether any such interested party may attend court sessions.

The court or its agent shall remind each such non-party that the names of parties and/or identifying information from any case are confidential and shall not be repeated to anyone outside the court. Any such person may be required to sign an acknowledgment and agreement relating to their observation of court proceedings. (Eff. 1/1/14)

10.33 NOTICE AND REQUEST TO ATTEND COURT PROCEEDINGS (Delinquency Proceedings)

A. Confidential Proceedings: In all non W&I Code section 676(a) delinquency cases, permission to attend the court proceedings is in the discretion of the judicial officer presiding over the matter. A written request seeking permission to attend confidential proceedings must be filed with the juvenile clerk.

B. The request must be filed with the juvenile clerk by (a) 10:00 a.m. the day of the hearing for cases that are calendared for the afternoon session; or (b) 4:00 p.m. the business day before the hearing for cases that are calendared for the morning session. (Eff. 1/1/14)

10.34 REQUEST FOR COMPUTER ACCESS TO JUVENILE CASE MANAGEMENT SYSTEM

In an effort to maintain confidentiality requirements with regard to juvenile matters, access to juvenile case information via the automated case management system will be limited. Requests for computer access to the Juvenile Case Management System by criminal justice and law enforcement agencies are to be submitted to the juvenile court judicial officer for approval, with a copy submitted to the juvenile court division manager. (Eff. 1/1/14)

10.35 USE OF CAMERAS OR RECORDING EQUIPMENT (Dependency Proceedings)

Pursuant to CRC, rule 1.150(e)(6)(B), the judicial officer presiding over any dependency matter shall not have discretion to permit cameras or recording equipment in the dependency courtroom. (Revised 1/1/2007)

10.36 FOREIGN CONSULATES (Dependency Proceedings)

Whenever there is reason to believe that a child appearing before the juvenile court is a foreign national, HSD may orally disclose to the foreign consulate the following information about each child and parent: address, telephone number, date of birth and the reason the child was brought into protective custody. (Revised 1/1/2007)

10.37 APPEARANCE BY TELEPHONE (Dependency Proceedings)

A. General Provisions

A party in a dependency proceeding may request permission to appear by telephone in any hearing or conference. The court shall ensure that the appearance of one or more of the parties by telephone does not result in prejudice to the parties appearing in person. The court will disfavor any request for a parent who is physically able to appear in court and lives within the State of California.

B. Requests

A request for appearance by telephone shall be made by letter or other ex parte application at least five (5) court days before the hearing. The request shall be submitted to the court with copies served on all parties.

C. Opposition

Opposition to the request for appearance by telephone may be made to the court at least three (3) court days before the hearing with copies served on all parties.

D. Court Order and Ruling

The court will rule on the request for telephone appearance at least two (2) court days before the hearing and issue a written order that will be served on all parties.
(Effective 1/1/2007)

10.38 COURT APPOINTED COUNSEL COMPENSATION (602 and 300)

Court appointed counsel shall be compensated by the court:

In appropriate cases extraordinary costs and expenses, including expert witness fees and investigation costs, shall be allowed provided that prior approval is obtained from the judicial officer. Ex parte petitions may be made in camera if authorized by law. Normal overhead costs are not considered allowable expenses for reimbursement. These include telephone costs, office copying costs, certified mail, etc.

(Effective 1/1/2007)

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RULE 11 RULES APPLICABLE TO APPELLATE DIVISION PROCEEDINGS

11.1 LIMITED CIVIL CASES

A. Pursuant to California Rule of Court 8.833, the original trial court file will be used instead of a clerk's transcript. No separate case file shall be created for the purpose of the appeal.

B. Under California Rules of Court, Rule 8.835 (c), in a civil limited appeal, the parties, by a filed written stipulation or on order of the trial court under California Rules of Court, Rule 8.837 (d) (6), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of the reporter's transcript or settled statement.

C. This rule does not relieve appellant of his/her duty under California Rules of Court, Rule 8.831 , to serve and file a notice designating the papers or records on file or lodged with the clerk, including the clerk's minutes and any written opinion of the trial court and exhibits either admitted in evidence or rejected, and any notices, affidavits, orders, and written instructions given or refused, upon which he/she intends to base the appeal. Nor does this rule preclude respondent from serving and filing a notice designating, pursuant to California Rules of Court, Rule 8.832(b), additional papers or records, including the clerk's minutes, any written opinion of the trial court, and exhibits either admitted in evidence or rejected, and any notices, affidavits, orders, and written instructions given or refused which he/she wishes to have considered by the appellate division.

D. The clerk's charges, under California Rules of Court, Rule 8.833(b) shall be a flat rate published in the fee schedule under the appeals section. The appellant shall deposit with the clerk, at the time of the filing of the notice, the amount of the charges as shown in the Court's fee schedule or file concurrently an Application for Waiver of Court Fees and Costs accompanied by an Order on Application for Waiver of Court Fees and Costs, unless the filing party has already obtained, within six months preceding, an Order on Application for Waiver of Court Fees and Costs which includes a waiver pursuant to California Rules of Court, rule 3.50, et seq. If the appellant fails to deposit the necessary fees or to file a request for waiver of the fees the clerk must promptly notify the appellant in writing that the appeal will be dismissed unless, within 15 days after the notice is sent the appellant either (A) makes the deposit; or (B) files an application for a waiver under rule 3.50, et seq. The respondent's notice need not be accompanied by a deposit.

E. Within ten (10) calendar days of the filing of the notice(s) designating the record, the clerk shall arrange the entire original limited civil case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index. If no notice to prepare a reporter's transcript has been filed pursuant to California Rules of Court, Rule 8.831(b)(5), the clerk shall forthwith notify the parties of the

briefing schedule. If a notice to prepare a reporter's transcript has been filed, the clerk shall wait until that transcript has been filed before setting the case for briefing and notifying the parties thereof. Upon receipt of briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.

F. This rule shall not be deemed to preclude the parties' rights to proceed pursuant to California Rules of Court, Rule 8.836 or 8.837. (Eff. 1/1/1997; Rev. 7/1/2003, 1/1/2007, 7/1/2008, 7/1/2011, 1/1/15)

11.2 MISDEMEANOR CRIMINAL CASES

A. Pursuant to California Rule of Court 8.863, the original trial court file will be used instead of a clerk's transcript. No separate case file shall be created for the purpose of the appeal.

B. Under California Rules of Court, Rule 8.868 (c), in a misdemeanor appeal, the parties, by a filed written stipulation or on order of the trial court under California Rules of Court, Rule 8.869 (d)(6), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of the reporter's transcript or settled statement.

C. Within twenty (20) calendar days of the filing of the notice of appeal, the clerk shall arrange the entire original criminal case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index. Counsel for the parties may request in writing that the clerk's office make copies of specified portions of the file. Counsel shall use the request form provided by the clerk's office for this purpose. Counsel will be notified by the clerk's office when the copied documents are ready for pickup by counsel.

D. Upon written request, the clerk's office will provide to counsel for the parties a print out of the complete computer generated docket for the case on appeal.

E. Neither the Public Defender's Office nor private defense counsel appointed by the court to represent an indigent defendant will be charged any costs or fees for copies of documents provided by the clerk's office pursuant to requests made under this rule. All non-indigent parties and all counsel for non-indigent parties shall be required to pay all costs and fees for documents provided by the clerk's office pursuant to requests made under this rule at the time of placing the order for the documents.

F. Pursuant to California Rule of Court, rule 8.864, the appellant must notify the trial court whether he or she elects to proceed with or without a record of the oral proceedings in the trial court, and must specify which form of the record of oral proceedings appellant elects to use. If appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in California Rules of Court, rule 8.869 for obtaining a settled statement.

G. Once the record is complete and filed, the clerk shall notify the parties of the briefing schedule. Upon receipt of the briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location. (Eff. 1/1/1997; Rev. 1/1/2000, 1/1/2007, 7/1/2008, 7/1/2011; 1/1/15)

11.3 TRAFFIC CASES

A. Upon filing of a Notice of Appeal in a traffic case, or an infraction handled by the traffic division of this court, the traffic department will construct a case file for use in the appeal. This file will consist of the original citation, minutes from the hearing, all correspondence and any other documents available. Pursuant to California Rule of Court 8.914, this trial court file will be used instead of a clerk's transcript.

B. Traffic and infraction cases generally do not have a court reporter present, nor is electronic recording generally employed. Pursuant to California Rule of Court 8.915, appellant must notify the court of an election to proceed with a statement on appeal. If, pursuant to Rule 9.915, appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in Rule 8.916 for preparing/settling the statement. If the traffic or infraction case was recorded electronically, then under California Rules of Court, rule 8.915(a)(2), the parties may, by a filed written stipulation or on order of the trial court under California Rule of Court, rule 8.916(d)(6), designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter’s transcript or settled statement.

C. Traffic and infraction cases generally do not have a court reporter present, nor is electronic recording currently employed. Pursuant to California Rule of Court 8.915, appellant must notify the court of an election to proceed with a statement on appeal. If, pursuant to Rule 9.915, appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in Rule 8.916 for preparing/settling the statement.

D. Within twenty (20) calendar days of the filing of the notice of appeal, the constructed file will be arranged in chronological order with the pages numbered. A chronological index and a list of attorneys of record indicating the parties they represent will be prepared and included in the file.

E. Within ten (10) calendar days after certification of the statement on appeal, a complete copy of this file, including the chronological index and attorney listing will be sent to all parties to the case and the file will be transferred to the appellate division forthwith for processing.

F. Upon receipt of the record of appeal, the appellate clerk shall notify the parties of the briefing schedule. Upon receipt of briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location. (Effective 7/1/2011; rev. 1/1/15)

11.4 BRIEFS

A. All briefs filed with the Appellate Division shall be accompanied by three additional copies (this includes a service copy for the trial judge**).** (Eff. 1/1/1997; Rev. 1/1/99, 7/1/2008; Renumbered 7/1/2011 – formerly Rule 11.3; Rev. 1/1/2013)

B. In the event appellate counsel files an opening brief pursuant to People v. Wende (1979) 25 Cal.3d 436, the cover sheet of the brief shall state explicitly: "BRIEF SUBMITTED ON BEHALF OF APPELLANT IN ACCORDANCE WITH PROCEDURES OUTLINED IN PEOPLE V. WENDE (1979) 25 CAL.3d 436" or words substantially to that effect. Cases in which appellant has filed a Wende brief shall be placed on calendar, but no oral argument shall occur without the approval of the presiding judge of the Appellate Division. The District Attorney shall not submit a response to a Wende brief unless directed to do so by the court. If oral argument is requested by the court, all parties will be so notified (Eff. 1/1/2013).

11.5 ORAL ARGUMENT

A. Oral Argument

1. Not later than twenty calendar days prior to the date set for oral argument, the parties may file and serve a Notice of Waiver of Oral Argument.

2. If both parties file a Waiver of Oral Argument, the matter will be deemed submitted on the briefs on the date set for argument, unless the court requests oral argument and notifies the parties of the request. (Eff. 1/1/2013)

11.6 PETITIONS FOR WRITS OF MANDATE AND PROHIBITION

A. Filing

1. All Petitions for Writs of Mandate or Prohibition directed to the Appellate Division of the Superior Court shall be presented, plus three copies, in person, to the chambers of the Presiding Judge of the Superior Court.

2. All subsequent pleadings, plus three copies, shall be filed in the Civil Clerks Office.

B. Stay Requested

When a stay of proceedings is requested by a petition for Writ of Prohibition and/or Mandate, the circumstances necessitating the stay and its urgency shall be explained in the petition and the request ("STAY REQUESTED") shall be prominently noted on the cover of the petition. The cover of the petition must also identify the nature and date of the proceeding or act for which the stay is requested. The department and the name of the judge whose order the petition seeks to stay must also appear on the cover of the petition or at the beginning of the text.

C. Proposed Order(s)

Petitioner shall present proposed orders concurrently with the petition.

D. Identification of Underlying Case or Cases

The petition shall include a reference to the underlying or related case(s) in the caption.
(Effective 1/1/2012)

11.7 PETITIONS FOR WRITS OF SUPERSEDEAS

A. Filing

1. All Petitions for Writs of Supersedeas directed to the Appellate Division of the Superior Court shall be presented, plus three copies, in person, to the chambers of the Presiding Judge of the Superior Court.

2. All subsequent pleadings, plus three copies, shall be filed in the Civil Clerk's Office.

B. Proposed Order(s)

C. Petitioner shall present all proposed orders concurrently with the submission of the petition. (Eff. 1/1/2013).

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RULE 12 SUPERIOR COURT COMMISSIONER

12.1 APPOINTMENT

Pursuant to Government Code §71622, the judges of the Superior Court, by majority vote, shall appoint a Superior Court commissioner. Any commissioner so appointed shall possess the qualifications set forth in California Rules of Court, rule 10.701, shall hold office at the pleasure of the Superior Court, and shall not engage in the private practice of law except as authorized by California Rules of Court, rule 10.702. (Eff. 1/1/1997; Rev. 7/1/2006, 1/1/07)

12.2 GENERAL AUTHORITY

The court commissioner shall perform the duties and shall have the powers prescribed by Section 22 of Article VI of the California Constitution, Code of Civil Procedure §259, Family Code § 4251, and Government Code sections 71622 and 72190.

The Presiding Judge shall assign to the commissioner such matters as the needs of the court may require. (Eff. 1/1/1997; Rev. 7/1/2006, 1/1/2014)

12.3 ASSIGNMENTS AS TEMPORARY JUDGE

Unless otherwise expressly specified, the commissioner, without further order of the court, shall act as a temporary judge with respect to any and all actions, causes or proceedings whether civil, criminal or juvenile in nature and whether regularly or specially assigned to the commissioner or to the department in which the commissioner is sitting. Such duties and powers include, but are not limited to, the following:

A. Conduct the trial or hearing of assigned actions, causes and proceedings, whether or not contested.

B. Hear and determine preliminary matters, including motions, demurrers and other applications on the civil and criminal law and motion calendars.

C. Approve and issue orders to show cause, temporary restraining orders and other temporary orders and orders shortening time.

D. Hear and determine ex parte motions for orders, alternative writs and writs of habeas corpus.

E. Appoint appraisers in family law matters.

F. Take and approve bonds and undertakings and determine objections to the bonds or undertakings.

G. Conduct settlement conferences in civil cases and make orders, including sanctions, in respect to such conferences.

H. Administer oaths and affirmations, and takes depositions, affidavits and declarations, including the examination of judgment debtors.

I. Set bail and approve and order releases on one's own recognizance.

J. Review orders and judgments in default and uncontested dissolution, nullity, and legal separation cases for the commissioner's approval, rejection, or change.

K. Hear actions to establish paternity and to establish or enforce child and spousal support pursuant to subdivision (a) of Section 4251 of the Family Code.

L. Otherwise exercise the powers, duties and functions of a Superior Court judge. (Eff. 1/1/1997; Rev. 7/1/2006, 7/1/2011)

12.4 DUTIES AS COMMISSIONER

If unable to act as a temporary judge in any matter, the commissioner is authorized to perform the following functions without further order or assignment:

A. Serve as a juvenile court referee.

B. Act as a probate commissioner.

C. Take evidence and make and report findings thereon as to any matter of fact upon which information may be required by the court pursuant to Code of Civil Procedure §259(b).

D. Take evidence and make and report findings and conclusions thereon to the court for approval, rejection or change on preliminary matters, including, without limitation: Motions or applications for the temporary custody or support of children or for temporary spousal support, costs and attorneys' fees in family law cases and proceedings; and issues of fact in contempt proceedings in cases for legal separation, nullity or dissolution of marriage (family law cases).

E. Take evidence and determine all uncontested or default actions and proceedings other than actions for legal separations, nullity or dissolution of marriage.

F. Otherwise exercise the powers and duties of a court commissioner or referee authorized by law. (Eff. 1/1/1997)

RULE 13 RULES APPLICABLE TO TRIAL JURY SERVICE

13.1 COURT POLICY GOVERNING GRANTING OF EXCUSES

Pursuant to Code of Civil Procedure §204, the following policy and principles are hereby adopted for the governing the granting of excuses from jury service on grounds of undue hardship:

A. No class or category of persons should be automatically excluded from jury duty except as provided by law.

B. A statutory exemption from jury service should be granted only when the eligible person claims it.

C. Postponing jury service should be preferred to excusing a prospective juror for a temporary or marginal hardship.

D. Inconvenience to a prospective juror or an employer is not an adequate reason to be excused from jury duty, although it may be considered a ground for deferral. (Eff. 1/1/1997; Rev. 1/1/1998, 1/1/2007)

13.2 DUTY OF CITIZENSHIP

Jury service, unless excused by law, is an obligation of citizenship. The court and its staff shall employ all necessary and appropriate means to assure that citizens fulfill this important civic responsibility. (Eff. 1/1/1997; Rev. 1/1/1998)

13.3 JURORS TO BE SELECTED AT RANDOM

It is the policy of the Superior Court that all persons selected for jury service shall be selected at random from the population of the area served by the Court; and that all qualified persons have an equal opportunity to be considered for jury service in the State and an obligation to serve as jurors when summoned for that purpose. This rule shall apply to the selection of jurors, and the formation of trial juries, for both civil and criminal cases, in all trial courts. (Eff. 1/1/1997; Rev. 1/1/1998)

13.4 DISCRIMINATION PROHIBITED IN SELECTING JURORS

No eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, sexual orientation, national origin, or economic status, or for any other reason. No person shall be excused from service as a trial juror except as specified in California Rules of Court, Standards of Judicial Administration, Section 2.1008. (Eff. 1/1/1997; Rev. 1/1/1998, 1/1/2007, 7/1/2008)

13.5 SOURCE LISTS OF JURORS

All persons selected for jury service shall be selected at random from sources inclusive of a representative cross section of the population of the area served by the court. The list of registered voters and the Department of Motor Vehicles' list of licensed drivers and identification cardholders resident within the area served by the court shall be considered appropriate source lists for the selection of jurors. These two source lists, when substantially purged of duplicate names, shall be considered inclusive of a representative cross section of the population.

The list provided by the Department of Motor Vehicles shall contain the names, addresses and other identifying information of persons residing in Sonoma County who are age 18 or older and who are holders of a current driver's license or identification card. (Eff. 1/1/1997; Rev. 1/1/1998)

13.6 COMPILATION OF MASTER JURY LIST

Random selection shall be utilized in creating master and qualified juror lists, commencing with selection from source lists, and continuing through selection of prospective jurors for voir dire.

The jury commissioner shall, at least once in each 12-month period, randomly select names of prospective trial jurors from the source lists, to create a master list.

The master jury list shall be used by the jury commissioner for the purpose of summoning prospective jurors to respond or appear for qualification and service. (Eff. 1/1/1997; Rev. 7/1/2000)

13.7 QUALIFIED JURORS

All persons are eligible and qualified to be prospective trial jurors, except the following:

A. Persons who are not citizens of the United States.

B. Persons who are less than 18 years of age.

C. Persons who are not domiciliaries of the State of California.

D. Persons who are not residents of the jurisdiction wherein they are summoned to serve.

E. Persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored.

F. Persons who are not possessed of sufficient knowledge of the English language, provided that no person shall be deemed incompetent solely because of a loss of sight or hearing in any degree or other disability which impedes the person's ability to communicate or which impairs or interferes with the person's mobility.

G. Persons who are serving as grand or trial jurors in any court of this state.

H. Persons who are the subject of conservatorship.

I. Peace officer as defined in §830.1 and §830.2 section (a) of the Penal Code.

No person shall be excluded from eligibility for jury service in Sonoma County, for any reason other than those reasons provided by this rule. (Eff. 1/1/1997; Rev. 1/1/2005)

13.8 REQUESTS TO BE EXCUSED

A. Medical Reasons

A prospective juror who has a physical or mental disability or impairment, not affecting that person's competence to act as a juror, but which may expose the potential juror to undue risk

of mental or physical harm, may request and be granted an excuse from jury service. Except where the person is age 70 years or older, the prospective juror may be required to place such a request in writing and support the request with a physician's statement verifying the disability or impairment, its probable duration, and the particular reasons for the person's inability to serve as a juror.

B. Lack of Available Transportation, Excessive Travel Distance

A prospective juror who lacks reasonably available means of public or private transportation to the court may request and be granted an excuse from jury service for one year.

A prospective juror who must travel an excessive distance, defined as reasonable travel time that exceeds one and one-half hours from the prospective juror's home to the court, may request and be granted an excuse from jury service.

C. Prior Jury Service

A prospective juror who has served on a grand or trial jury or was summoned and appeared for jury service in any state or federal court during the immediately preceding 12 months, may request and be granted an excuse from jury service for one year.

D. Undue Hardship

A prospective juror who requests to be excused on the ground of undue hardship upon themselves, or upon the public, as defined by the Judicial Council, or upon a finding by the court as defined in Code of Civil Procedure §204(b), may be granted an excuse from jury service by a judicial officer.

One form of undue hardship may be an extreme financial burden to the prospective juror. In determining whether to excuse a prospective juror for this reason, consideration must be given to the sources of the prospective juror’s household income, the availability and extent of income reimbursement, the expected length of the service, and whether service can reasonably be expected to compromise the prospective juror’s ability to support himself or herself or his or her dependents, or so disrupt the economic stability of any individual as to be against the interests of justice.

Another form of undue hardship may be undue risk of material injury to or destruction of the prospective juror’s property or property entrusted to the prospective juror, and the lack of feasibility to make alternative arrangements to alleviate the risk, including a consideration of (A) the nature of the property; (B) the source and duration of the risk; (C) the probability that the risk will be realized; (D) the reason alternative arrangements to protect the property cannot be made; and (E) whether material injury to or destruction of the property will so disrupt the economic stability of any individual as to be against the interests of justice.

Another form of undue hardship may be that the prospective juror’s services are immediately needed for the protection of the public health and safety, and it is not feasible to make alternative arrangements to relieve the person of those responsibilities during the period of service as a juror without substantially reducing essential public services.

E. Excuse Request in Writing

All requests to be excused from jury service that are granted for undue hardship should be in writing from the prospective juror, reduced to writing, or placed on the court's record. The prospective juror may be required to support the request with facts specifying the hardship and a statement why the circumstances constituting the undue hardship cannot be avoided by deferring the prospective juror's service.

F. Person Care

Jury Services may excuse a prospective juror if he or she has a personal obligation to provide actual and necessary care to another, including sick, aged, or infirm dependents, and no comparable substitute care is either available or practical without imposing an undue economic hardship on the prospective juror or person cared for. If the request to be excused is based on care provided to a sick, disabled, or infirm person, the prospective juror may be required to furnish verification or a method of verification that the person being cared for is in need of regular and personal care.

Jury Services may excuse prospective jurors for one year for person care if the juror has children under the age of 5 years. A doctor's note will be required from persons providing supervised care of an immediate family member when an excuse is requested. This does not exempt business owners who provide child or person care. (Eff. 1/1/1997; Rev. 1/1/2001, 7/1/2008)

13.9 POSTPONEMENT OF JURY SERVICE

Upon receiving a summons for jury duty, a prospective juror may request a postponement of jury service. A maximum of two postponements may be granted within a 12 month period.

A postponement of jury service shall be available under most circumstances, including but not limited to: operators of small businesses; employees of one or two-person offices; persons obligated to provide necessary care to another; individuals unable to serve due to peak periods of employment; persons with scheduled vacations or preplanned absences from the county; and the mother of a breast feeding child (CCP 210.5).

In considering a request for postponement of jury service, the Jury Commissioner's Office may require verification of the reasons provided by the prospective juror. (Eff. 1/1/1997; Rev. 1/1/2005)

13.10 FAILURE TO APPEAR FOR JURY DUTY WHEN SUMMONED

Any prospective trial juror who has been summoned for service, and fails to attend upon the court as directed or to respond to the court or jury commissioner may be attached and compelled to attend; and following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law. (Eff. 1/1/1997; Rev. 7/1/2000)

13.11 PERIOD OF SERVICE

The period of jury service in the County of Sonoma is the completion of one trial to a verdict as a trial juror, or one appearance as a prospective juror, until excused or dismissed by the Court.

Prospective jurors shall remain "on call" during the one week period of service until asked to appear. If a prospective juror is not required to appear for service during the week, they will be given credit for service and taken out of the pool as if jury service was completed. Completion of service is for a period of at least one year, before the juror may be summoned again. Prospective and sworn jurors will be paid, the approved fee, for each day's attendance after the first day. Mileage will be reimbursed, at the approved rate, one way after the first day's attendance. A government employee is not entitled to per diem pay for serving jury duty if they receive regular compensation and benefits while performing jury service from their employer. A government employee is one who is employed by federal, state, or a local government entity or by any other public entity such as the Regents of the University of California, a county, a city, district, public authority, public agency, and any other political subdivision or public corporation in the state (CCP 481.200). (Eff. 1/1/1997; Rev. 1/1/2005)

13.12 CONTACT WITH TRIAL JURORS

Prior to discharging the jury from a case, the trial judge in a criminal action shall provide the notice required by Code of Civil Procedure §237(b) and shall inform the jurors that they have an absolute right to discuss or not to discuss the deliberation or verdict with anyone . The judge shall also inform the jurors of the provisions set forth in Code of Civil Procedure §177.5.

Any violation of this section shall be considered a violation of a lawful court order and shall be subject to reasonable monetary sanctions in accordance with Code of Civil Procedure §177.5. (Eff. 1/1/1997; Rev. 7/1/2000)

13.13 RECORDS COMPILED AND MAINTAINED

All records and papers compiled or maintained by the jury commissioner in connection with the selection or service of a juror shall be preserved for three years after the list used in their selection is prepared or for any longer period ordered by the court or the jury commissioner. (Eff. 1/1/1997; Rev. 7/1/2000, 7/1/2008)

13.14 PROSPECTIVE JURORS IN CIVIL CASES

If a panel is brought in for a specific civil case and the case is either settled or jury is waived while jurors wait, all jury fees will be charged to the parties who requested the jury. (Eff. 1/1/1997; Rev. 7/1/2000, 7/1/2008)

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RULE 14 RULE PROHIBITING SMOKING IN COURT FACILITIES

Smoking shall be prohibited in all public buildings, including all court areas, lobby areas, bathrooms, courtrooms, jury deliberation rooms, jury assembly areas and within 20 feet of main entrances, exits and operable windows of public buildings in accordance with Section 7597, Chapter 32, Division 7 of Title 1 of the Government Code. (Eff. 1/1/1997; Rev. 7/1/2007)

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RULE 15 RULES APPLICABLE TO GRAND JURY SERVICE

15.1 COMBINED GRAND JURY

A Grand Jury shall be impaneled annually pursuant to the applicable provisions of the Penal Code §888. (Eff. 1/1/1997; Rev. 1/1/1998)

15.2 APPLICATION PROCESS

In February of each year, the Sonoma County Courts shall actively seek and accept applications from qualified citizens interested in serving on the Grand Jury for the ensuing fiscal year (July - June 30). Those applicants applying for membership on the Grand Jury shall be persons qualified for such selection under the provisions of the Penal Code and Code of Civil Procedure. The application shall be made in writing and shall state the name, residence address, supervisorial district and other information required of grand juror applicants. (Eff. 1/1/1997; Rev. 1/1/1998)

15.3 INTERVIEWS OF PROSPECTIVE GRAND JURORS

From the applications received, a minimum of forty-five (45) candidates, shall be invited to participate in the interview phase of the process. The Presiding Judge shall designate judges to personally interview the prospective grand jurors. Following the personal interviews, the Judges of the Sonoma County Superior Court shall nominate thirty (30) finalists from which the new Grand Jury shall be drawn. The list of thirty (30) finalists will be disseminated to all bench officers for review prior to disclosure. (Eff. 1/1/1997; Rev. 1/1/1998)

15.4 IMPANELMENT OF THE GRAND JURY

On or before the second Friday of each July, the Court shall meet en banc at the hour designated by the Presiding Judge for the purpose of selecting the nineteen (19) grand jurors and five alternate grand jurors for the ensuing year. Alternates will be used, in the order drawn, to fill vacancies which might occur during the year. (Eff. 1/1/1997; Rev. 1/1/1998)

15.5 ADDITIONAL TERM OF SERVICE

Pursuant to the provisions of Penal Code §901(b), the court may appoint "carryover" grand jurors each year, not previously so named, who consent to serve for a succeeding year's term. (Eff. 1/1/1997; Rev. 1/1/1998)

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RULE 16 RULES APPLICABLE TO ALTERNATIVE DISPUTE RESOLUTION (ADR)

16.1 POLICY STATEMENT

The formal litigation of legal claims and disputes is expensive and time consuming. The overall results achieved by some or all of the parties are often unsatisfactory. There are many alternatives to formal court litigation which are less expensive, less time consuming, and more beneficial to the parties. It is therefore the firm policy and goal of this court to encourage the parties in all civil cases to explore and pursue private dispute resolution by means of an Alternative Dispute Resolution process that is appropriate to the matter and at the earliest appropriate date. (Eff. 1/1/1997; Rev. 1/1/2007)

16.2 APPLICABILITY OF ADR

The ADR rules and policies shall apply to all general civil cases filed in the Superior Court of Sonoma County, and to all Family Law and Probate matters as set forth below, unless otherwise ordered by the court or exempt by any court rule.

A. All mediations conducted in cases subject to this rule are court-connected mediations and are subject to the provisions of California Rules of Court, Rules 3.850, et seq. (See, Rule 16.4)

B. The ADR rules and policies shall not apply to the support issues in any Title IV-D support cases. Title IV-D support cases include those actions in which the District Attorney or local child support agency is providing support enforcement services pursuant to Family Code §§17400 and 17406 and/or those actions filed by the District Attorney or local child support agency pursuant to Family Code §4900 et seq. (the Uniform Interstate Family Support Act). (Eff. 1/1/1997; Rev. 7/1/2002, 1/1/2007)

16.3 ~~ADR FORMS PROVIDED ON THE FILING OF A COMPLAINT~~

Repealed 1/1/2013. This section has been deleted in its entirety. This rule is intentionally left blank

16.4 ~~COURT-CONNECTED MEDIATION – REQUIRED FORMS~~

Repealed 1/1/2013. This section has been deleted in its entirety. This rule is intentionally left blank

16.5 ADR ASSESSMENT AT CASE MANAGEMENT CONFERENCE

Purpose and Applicability. The case management conference is intended, in part, to assist those parties who have not stipulated to the use of ADR to select the most effective and appropriate ADR method to resolve the case fully, and to resolve discovery or procedural issues that must be resolved before ADR takes place. (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007)

16.6 COURT APPROVED LISTS OF NEUTRALS

The Court maintains lists of court-approved mediators for civil cases and for the No Fee Mediation Program. The names of mediators on the Sonoma County Superior Court Panel of Mediators may be accessed from the Court's website. Parties are free to retain neutrals who are not on a court-approved panel at their own expense, but if a case is ordered into the No Fee Mediation Program,

the three hours of mediation at no cost to the litigants are only available from mediators assigned by the court from the court's No Fee Mediation Program Panel. Any mediator who mediates a matter assigned to the Court's ADR Program must be notified that the mediation is court-connected and must, after having been notified that the mediation is court-connected, agree to serve as the mediator, subject to all statutes, rules, regulations, and policies applicable to this ADR Program, including in particular, California Rules of Court, Rules 3.870 through 3.878. All mediations conducted through the No Fee Mediation Program are court-connected mediations and no separate notice to the mediator is required. (Eff. 1/1/2007; Rev. 1/1/2008)

16.7 NO FEE CIVIL MEDIATION

A. Program: Sonoma County has opted into the California Civil Action Mediation Program pursuant to Code of Civil Procedure section 1775.2. General civil cases with $50,000 or less at issue may be ordered to mediation pursuant to Code of Civil Procedure section 1775, et seq. and California Rules of Court, rule 3.890, et seq. Matters ordered to mediation through No Fee Mediation Program are entitled to three hours of mediation at no cost to the litigants from a mediator on the court's list of mediators for the No Fee Mediation Program. The mediators either volunteer their time or are compensated by the court for the court-ordered three hour mediation session, plus preparation time, also at no fee to the litigants. If the matter does not settle during the first three hours of mediation and the parties ask the mediator to continue working with them, the mediator is entitled to charge for additional mediation services at an hourly rate. The hourly rates charged by mediators vary and must be disclosed prior to the commencement of the mediation.

B. Eligibility for Program: Only cases with $50,000 or less at issue are eligible for this program. Cases with equitable claims are eligible.

C. Order for Mediation: Cases may be ordered into mediation at a Case Management Conference, at the request of the parties, or on the court's own motion. Litigants may be allowed up to 120 days to complete the mediation. Requests for additional time may be granted in the court's discretion, for good cause.

D. Selection of Mediator: Within ten court days after the case has been ordered to mediation, the parties will receive a list of not less than three mediators from the court's list of mediators for the No Fee Mediation Program. The parties shall notify the ADR Program Coordinator which mediator they select within fifteen calendar days of the date of service of the list of names. If the parties are unable to agree on a mediator within fifteen calendar days, then the court will appoint a mediator. If the parties object to all of the mediators on the list for good cause, they shall notify the ADR Program Coordinator within the time to select a mediator and the ADR Program Coordinator will help them select a mediator from the court's list of mediators for the No Fee Mediation Program.

E. Scheduling of Mediation: Within fifteen (15) calendar days after selection or appointment of the mediator, the parties shall agree on a date for mediation acceptable to the mediator. Should the parties fail to do so, the mediator shall select a date for mediation in accordance with California Rule of Court, rule 3.896(c) and notify the parties and the ADR Program Coordinator of the selected date, subject to the mediator's ability to change the selected date for good cause.

F. Forms: In all cases ordered into the No Fee Mediation Program, each participant in the mediation is required to complete and return a questionnaire to the ADR Program Coordinator for Sonoma County Superior Court within five (5) days after completion or other termination of the mediation. The four questionnaires are available at the Office of the Sonoma County Clerk, online at the Sonoma County Superior Court website (www.sonoma.courts.ca.gov), and from the ADR

Program Coordinator, telephone: (707) 521-6511, email: ADR@sonomacourt.org: Mediator's Questionnaire (Judicial Council Form ADR-100 *Statement of Agreement or Nonagreement)*; Attorney Questionnaire (Sonoma County form, CV-37); Party Questionnaire, (Sonoma County form, CV-38); Non-Party Participant Questionnaire (Sonoma County form CV-39). The completed questionnaires may be mailed to ADR Program Coordinator, 3055 Cleveland Ave., Santa Rosa, California 95403 or faxed: Attn. ADR Program Coordinator, FAX (707) 521-6756. (Eff. 1/1/2008; Rev. 7/1/2008, 1/1/2010, 7/1/2012, 1/1/14, 7/1/2014)

16.8 SANCTIONS FOR MISUSE

If on noticed motion, or its own motion, the Court determines that a party has failed to comply with this rule, the Court may order sanctions. Any such motion shall be brought within 30 days of completing the ADR process. Available sanctions include, but are not limited to, dropping a matter from the calendar, vacating a trial date, imposition of monetary sanctions payable to the Court, or an award of reasonable expenses and attorney fees payable to opposing counsel. (Eff. 1/1/2002; Rev. 1/1/2007, 1/1/2008)

16.9 APPLICABILITY TO PROBATE MATTERS

All Probate matters set for trial shall be subject to the ADR provisions set forth herein. (Eff. 1/1/2002; Rev. 1/1/2007, 1/1/2008)

16.10 REQUIREMENTS FOR ADDRESSING COMPLAINTS ABOUT COURT-PROGRAM MEDIATORS

Complaints about mediators are rare. To ensure the quality of court mediation panels and public confidence in the mediation process and the courts, it is, nevertheless, important to ensure that any complaints that do arise are resolved through procedures that are consistent with California mediation confidentiality statutes (Evidence Code, §§ 703.5 and 1115, et seq.), as well as fair and respectful to the interested parties.

Accordingly, the Court has adopted procedures, as referenced in California Rules of Court, Rules 3.865 through 3.872, for handling any written complaint made against a mediator in connection with services rendered in violation of any provision of rules set forth for the conduct of mediators in court-connected mediation of general civil cases under California Rules of Court, Rules 3.850 through 3.864. Those detailed procedures are available through the following link: http://www.sonoma.courts.ca.gov/index.php?v=adr_proc. Copies also available through the office of the ADR Program Coordinator, Sonoma County Civil and Family Law Courthouse, 3055 Cleveland Avenue, Santa Rosa, CA 95403, telephone: (707) 521-6511. (Eff. 1/1/2010)

RULE 17 APPLICATIONS FOR EX PARTE ORDERS

Initial complaints or petitions shall be filed and first paper fees paid in the offices of the Sonoma County Superior Court in the Hall of Justice at 600 Administration Drive, Santa Rosa, California, prior to presenting any ex parte orders.

Except as otherwise specifically provided by these rules, applications for ex parte orders shall be presented as follows:

17.1 Civil applications involving injunctive relief, extraordinary writs, provisional remedies and all other civil orders including orders shortening time (other than in family law matters) must be presented to the Assigned Judge at the times and locations as designated except as posted at the courtroom and on the court's website (http://sonoma.courts.ca.gov/online-services/calendars/civil), except as shown in Rule 17.7 herein. (Eff. 1/1/1997; Rev. 7/1/2004; Rev. 1/1/2013)

17.2 All applications relating to unlawful detainer actions must be presented, not later than the designated time and at the designated location, to the judge assigned as the Unlawful Detainer Judge by the Supervising Judge of the Civil Division. (Eff. 1/1/1997; Rev. 7/1/2004)

17.3 Applications involving criminal matters shall be presented to the assigned criminal judge (see Rule 8.9 herein). (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007)

17.4 Applications involving juvenile court matters shall be presented to the juvenile court judge or commissioner. (Eff. 1/1/1997; Rev. 7/1/2004)

17.5 For family law matters, refer to Rule 9.3, Family Law Proceedings. (Eff. 1/1/1997; Rev. 7/1/2004)

17.6 Ex parte applications involving probate matters shall be presented in like manner as described above in Rule 17.1. (Eff. 1/1/1997; Rev. 7/1/2004)

17.7 Applications for ex parte Orders. If the judge to whom an application should be presented under this rule is unavailable (i.e., not physically present) or is disqualified, or in cases of emergency, the application may be presented to another judge. (Eff. 1/1/1997; Rev. 7/1/2004; Rev/ 1/1/2013)

17.8 Applications for Ex Parte Orders. Civil applications involving petitions for injunction prohibiting harassment, petitions of employers for injunction prohibiting violence or threats of violence against employees, petitions for protective orders to prevent elder or dependent adult abuse, and petitions for orders prohibiting abuse or program misconduct relating to transitional housing must be presented at such ex parte calendar times and locations as shall be designated by the Supervising Judge of the Civil Division and as posted at the courtroom and on court's website (http://sonoma.courts.ca.gov/online-services/calendars/civil), except as shown in Rule 17.7 herein. (Eff. 1/1/1997; Rev. 7/1/2004; Rev. 1/1/2013)

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RULE 18 RULES APPLICABLE TO FILING AND GENERAL PROCEDURE

This rule applies to all civil proceedings, including family law and probate.

18.1 PROCEEDINGS WITH A FEE WAIVER

A. "Reasonable" Copies Defined

Where the court has granted a party's application for an initial fee waiver, this court interprets "reasonably necessary…copying" (Cal. Rules of Court, rule 3.55) to exclude copying of papers that were (1) filed by that party, (2) served on that party, or (3) previously copied by the clerk for that party, unless the copies are for making reasonably necessary certified copies.

B. Form Packets Not Included

Unless specifically granted by order of the court, the cost of court form packets is not waived. Forms may be downloaded free of charge from the court's website: www.sonoma.courts.ca.gov (Eff. 1/1/1997; Rev. 1/1/2003, 1/1/2007, 7/1/2008, 1/1/2011, 7/1/2011, 7/1/2012)

18.2 USE OF NAMES IN PAPERS (Repealed)

(Eff.1/1/1997; Rev.1/1/2001; Repealed 1/1/2011)

18.3 FORMAT OF ORDERS (Repealed)

(Eff.1/1/1997; Rev.7/1/2003; Repealed 1/1/2011)

18.4 STIPULATIONS FOR ENTRY OF JUDGMENT (Repealed)

(Eff.7/1/2003; Rev.1/1/2007; Repealed 1/1/2011)

18.5 JUDGMENTS AND DECREES (Repealed)

(Eff. 1/1/1997; Rev. 7/1/2003; Repealed 1/1/2011)

18.6 CONFORMING COPIES

The Superior Court Clerk will conform a maximum of two copies of any document at the time of filing. Additional copies will be provided by photocopying and the standard Superior Court Clerk fee for copies will be charged. (Eff. 1/1/1997; Rev. 7/1/2003, 1/1/2011, 7/1/2011)

18.7 PREPAID, SELF-ADDRESSED ENVELOPES REQUIRED

A self-addressed envelope of sufficient size and with sufficient postage affixed is required for the mailed return of copies of papers submitted for filing. Alternatively, conformed copies will be placed in the Attorney Box # written in the top right corner of the first page of the copy. Copies

submitted without either means of return will be placed in the will call box in the clerk's office and will be discarded after thirty calendar days. (Eff. 1/1/1997; Rev. 7/1/2001, 7/1/2003, 1/1/2011, 7/1/2011)

18.8 TIME AND DATE MUST BE SHOWN (Repealed)

(Eff. 1/1/1997; Rev.7/1/2003,1/1/2007; Repealed 1/1/2011)

18.9 LOCAL FORMS

All local forms are available at and can be downloaded from: www.sonoma.courts.ca.gov
(Eff. 1/1/1997; Rev. 7/1/2003, 1/1/2007, 1/1/2011, 7/1/2011)

18.10 SAMPLE DOCUMENT CAPTIONS (Repealed)

(Eff. 1/1/1997; Rev.7/1/2003,1/1/2007; Repealed 1/1/2011)

18.11 RESTRICTIONS ON OVER-THE-COUNTER FILINGS

Only the following types of documents will be filed over-the-counter:

A. Pleadings

1. Initial documents such as Complaints, Petitions, Applications, limited to one per customer, except as to Plaintiff's Claims (Small Claims) and Unlawful Detainer Complaints.

2. Responsive Pleadings; Answers (including Disclaimers); General Denials, Responses; Cross-Complaints; Complaints-in-Intervention; and Defendant's Claims (Small Claims).

3. Peremptory Challenges pursuant to CCP §170.6

B. Calendaring documents [those documents which meet the requirements of California Rules of Court, Rule 3.1110(b), in that the date, time and location of the scheduled hearing and the name of the assigned judge is specified on the first page of the paper immediately below the case number].

C. Proofs of service of summons in unlawful detainer actions

D. Requests for Entry of Default.

E. Appellate documents and fees.

F. Judicial arbitration papers.

G. Proof of Service on any document which relates to a hearing calendared within thirty (30) days.

H. Orders signed by any judge or commissioner.

I. Default judgments in unlawful detainer when presented in conjunction with the Request for Entry of Default. (The Clerk will also issue Writs of Possession on such judgments).

J. Writs of Attachment and Writs of Sale will be issued when submitted in conjunction with the signed order for filing.

K. Initial jury fee deposits; fines; sanctions.

L. One (1) Abstract of Judgment and one (1) Writ of Execution per day per party.

All other documents shall be left in the routine processing basket, located in the lobby of the Clerk's Office. For return of a filed, stamped copy, either a self-addressed stamped envelope must be attached to the documents or the attorney's box number must be written in the upper right hand corner of each copy. If applicable, the corresponding court date shall also be written in the upper right hand corner of each document.

Documents left in the routine processing basket shall be stamped using the date/time clock in the lobby of the Clerk's Office. The stamp should not obscure any writing on the document. Normally, the document should be stamped on the back of the first page if it does not contain any writing. If it does contain writing, the document should be stamped on the back of the last page provided it is blank. If all pages contain writing on both sides, the face of any cover letter may be stamped. If there is no cover letter, the upper right hand corner of the first page of the document itself, should be stamped.

[Documents left in the routine basket will be processed within ten (10) court days as a general rule. Documents requiring a judge's signature will generally be processed within fifteen (15) court days.] (Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 1/1/2011, 7/1/2011, 7/1/12)

18.12 DETERMINATION OF GOOD FAITH SETTLEMENT (Repealed)

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007; Repealed 1/1/2011)

18.13 COMPUTATION OF INTEREST (Repealed)

(Eff. 1/1/1997; Rev. 1/1/2005; Repealed 1/1/2011)

18.14 PROCEDURE FOR BACKGROUND CHECKS

All requests for criminal or civil background information must be submitted in writing in person or by mail and must include a list of names to be checked a self-addressed, stamped envelope for return of the results. (Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2011, 7/1/2011, 7/1/14))

18.15 APPLICATION BY VEXATIOUS LITIGANT TO FILE COMPLAINT (Repealed)

(Eff. 1/1/2007; Rev. 7/1/2008; Repealed 1/1/2011)

18.16 VOLUNTARY E-SERVICE

It shall be the policy of the Sonoma County Superior Court to encourage the use of voluntary e-service in connection with any proceedings before the Court. To facilitate this policy, the Court has approved the use of a Stipulation and Order, a copy of which shall be published on the Sonoma County Superior Court's website: http://www.sonoma.courts.ca.gov/index.php?v=forms/index. If the parties enter into a Stipulation and Order which modifies in any material way the aforementioned form, a redline version of the modified Stipulation and Order must be presented to the Court with the signed Stipulation and Order so that all of the modifications are readily discernable. (Eff. 1/1/2009; Rev. 1/1/2011, 7/1/2011)

18.17 FEE FOR RETRIEVING FILES FROM STORAGE

Pursuant to California Rules of Court Rule No. 10.815 (b), where a member of the public requests to review a Court file which must be retrieved from storage, the person requesting the file shall pay a fee at the time the order is placed. The fee for file retrieval shall be $5.00 per file per retrieval.

Files retrieved from storage shall be held for two weeks following the date the person requesting the file is notified that the file is available for viewing. After the two-week period the file will be returned to storage. Fees paid for the retrieval of files from storage are non-refundable.
(Eff. 7/1/2009; Rev. 1/1/2011, 7/1/2011, 7/1/12)

18.18 FEE FOR CREATION OF COMPACT DISC FROM ELECTRONIC RECORDING

A fee for creation of compact disc of a matter that has been Electronically Recorded (ER) is $25.00. To order a copy contact the Archived Records Department located in room 110J. (Eff. 7/1/2014)

RULE 19 EXECUTIVE OFFICER-CLERK OF THE SUPERIOR COURT

19.1 EXECUTIVE OFFICER DUTIES

A majority of the Judges of the Sonoma County Superior Court may appoint an Executive Officer of the Superior Court pursuant to Government Code §68114.6 who shall also act as a Clerk of the Court.

A. Pursuant to Government Code §68114.6, the Sonoma County Superior Court transfers from the County Clerk to the Court Executive Officer all of the powers, duties and responsibilities of the County Clerk which are related to, serve or impact the functions of the combined Courts. The powers, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the County Clerk with respect to Court actions, proceedings and records, including but not limited to:

1. The acceptance, processing and filing of papers in connection with any action or proceeding before the court, including but not limited to those relating to the court's original jurisdiction, appellate jurisdiction and appeals from the court; the maintenance and management of court records; the microfilming of court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.

2. The maintenance of indexes of all court files; the keeping of a register of actions or its alternate.

3. The issuance of process and notice including without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue.

4. The attendance at each session of court and upon the judge in chambers when required; the administration of oaths; the keeping of minutes and other records of the court.

5. The entry of orders, findings, judgments and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent.

6. The collection, receipt, deposit and accounting of fees for filing, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and revenues; the keeping of money deposited in court, including but not limited to funds received in connection with minor's compromises; and the recovery of county costs in judicial commitment proceedings.

7. The maintenance of statistical and financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.

8. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing court.

9. The receipt of wills of decedents.

10. The taking of bail and related matters as provided in the Penal Code.

11. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of court calendars and schedules.

12. The printing and sales of court forms and rules of court; the procurement of supplies.

13. The keeping and affixing of the seal of the court to appropriate instruments.

14. Administrative functions related to the above, including hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.

Pursuant to the authority contained in Government Code §68114.6, the Court hereby transfers from the County Clerk to the Superior Court Executive Officer, the powers, duties and responsibilities of the County Clerk with respect to the employment and supervision of personnel whose principal activities are to serve the courts in providing the functions outlined above.

The County Clerk is hereby relieved of any obligation imposed on him or her by law with respect to the above powers, duties and responsibilities.

In so far as these rules are concerned, with the exception of this rule, references to the County Clerk mean the Court Executive Officer acting in the capacity of Clerk of the Sonoma County Superior Court.

This rule will take effect on July 1, 1997.

If any portion of this subsection is held to be unconstitutional or invalid, the remaining parts shall not be affected thereby.
(Eff. 1/1/1997; Rev. 1/1/1999)

RULE 20 HOURS OF BUSINESS

Excluding Court holidays or such other days as may be designated by the Court, the official hours of the Sonoma Superior Court are determined by the Presiding Judge and posted at the clerk's offices at each facility and on the Court's website.

A drop box is available for parties wishing to deposit documents after the end of the Court business day. However, documents left in the drop box after the end of the Court business day will be filed as of the following court business day. (Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2010)

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RULE 21 RULES APPLICABLE TO MEDIA COVERAGE

21.1 INTRODUCTION

This rule is established under the authority recognized in California Rule of Court 1.150. The words and phrases used in this rule have the same meanings as in Rule 1.150. Nothing in this rule changes or affects the procedures established in the California Rules of Court regarding the coverage of court proceedings by electronic media. (Eff. 1/1/2005; Rev. 1/1/2007)

21.2 MEDIA REQUESTS

A. The media agency requesting authorization to photograph or otherwise record a court proceeding must timely file a request on Judicial Council form MC-500 and a proposed order (MC-510) with the Court Executive Officer or designee. The Court Executive Officer or designee must promptly notify the parties that a request has been filed.

B. A request to photograph or otherwise record employee work areas shall be submitted directly to the Court Executive Officer or designee.
(Eff. 1/1/2005; Rev. 7/1/2010)

21.3 LIMITATIONS ON COVERAGE OF COURT FACILITIES OR LOCATIONS

The following limitations apply, if media request is granted, unless an exception is permitted by written judicial order.

1. Photographing or recording of any kind by the media and general public is not permitted in any part of a court facility or location, including, but not limited to lobby areas, hallways, stairs, and elevators. In addition, photographing, or electronic recording of any kind by the media and general public is not permitted within 50 feet of the entrances of the two courtrooms that occupy the first floor of the Hall of Justice (Courtroom #14 and #15).

2. Photographing and recording devices must be turned off while transporting them in any area of any court facility or location.

3. Any photographing or recording of the interior of a courtroom through glass door windows is prohibited.

4. Photographing, or electronic recording of anyone wearing a juror badge, whether intentional or inadvertent, anywhere in any court facility or location is prohibited. The faces of anyone wearing a juror badge inadvertently depicted in the background of any photograph or recording must be blurred or digitized beyond recognition before publication or broadcasting.

5. Except as limited in rule 21.3 (1) above, photographing, or recording at or near the entrances to any court facility or location is not prohibited, but such media coverage shall not obstruct pedestrian traffic or compromise security. (Eff. 1/1/2005; Rev. 1/1/2007, 7/1/2007, 1/1/2008, 1/1/2010, 7/1/2010)

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RULE 22 **~~EARLY MEDIATION PROGRAM RULES~~ (This Rule has been Deleted as of 7/1/2004)**

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RULE 23 RULES APPLICABLE TO TRAFFIC INFRACTIONS

23.1 TRIAL BY DECLARATION

The Court adopts the trial by declaration process defined in Vehicle Code § 40902. Additionally, pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the code. In eligible cases the Court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued pursuant to Vehicle Code § 40500 and any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial by declaration is conducted.

If there is a guilty finding, the conviction shall be reported to the DMV and the defendant notified of the disposition of the case, the amount of imposed fines, and fees, and the defendant's right to request a trial de novo within a specified period of time. If there is no timely request for a trial de novo and the fines and fees are not paid by the due date, the case will proceed to civil assessment pursuant to Penal Code § 1214.1. Additionally, the DMV will be notified of the failure to pay pursuant to Vehicle Code § 40509.5(b), which can result in a suspension of the defendant's driver's license pursuant to Vehicle Code § 13365(a)(2) until all obligations to the Court are satisfied.

(Eff. 7/1/2013

23.2 EXHIBITS

Whether in a trial by declaration or a live in court trial exhibits such as: diagrams, pictures, charts, graphs, maps, images, or similar type evidence shall be limited to no larger than a standard sheet of paper 8 ½ by 11 inches for each separate item of evidence.

(Eff. 7/1/2013)

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RULE 24 COMMUNICATION AMONG CRIMINAL, FAMILY AND JUVENILE COURTS

This rule is intended to comply with the provisions of California Rules of Court, Rule 5.450 regarding sharing of information between courts about the existence of criminal protective orders and child custody and/or parenting plan orders to avoid issuance of conflicting orders. (Eff. 1/1/2004, Rev. 7/1/2012)

24.1 REQUIREMENT OF COURTS ISSUING CUSTODY AND/OR VISITATION ORDERS

A. Upon referral to Family Court Services for a child custody recommending counseling session and prior to issuing a report, Family Court Services shall make a reasonable effort to determine if a criminal protective order exists involving either or both parents in the family law action. If a criminal protective order exists, that information, along with the terms of the criminal protective order, shall be conveyed to the court in the child custody recommending counselor's report.

B. The Juvenile Court, prior to issuing any order involving custody or a parenting plan in a juvenile action, shall make a reasonable effort to determine if a criminal protective order exists for either or both parents in the juvenile action. (Eff. 1/1/2004, 7/1/2012)

24.2 REQUIREMENT OF COURTS ISSUING CRIMINAL PROTECTIVE ORDERS

A. Prior to requesting a criminal protective order involving victims and/or witnesses and defendants that have a relationship as defined in Family Code section 6211, the District Attorney shall make a reasonable effort to determine if there exists any child custody or parenting plan orders involving the parties to the action. The District Attorney shall verbally advise the criminal judicial officer of the existence of any orders for custody or a parenting plan at the time the proposed criminal protective order is submitted for approval and signature. The criminal court may permit appropriate parental time between a criminal defendant and his or her children pursuant to civil court orders, but at the same time provide for the safety of the victim or witness by ensuring that a criminal court protective order is not violated. (Eff. 1/1/2004. Rev. 7/1/2012)

24.3 MODIFICATION OF CRIMINAL PROTECTIVE ORDER

A. This rule is intended to apply to situations in which a custody or parenting plan order has been issued in the family court or juvenile court which subsequently creates a conflict with an existing criminal protective order. This rule is not intended to be used in family or juvenile court as a request for custody and/or parenting plan orders or to modify custody and/or parenting plan orders.

After a custody and/or parenting plan order is issued by a family or juvenile court, a person restrained by a criminal protective order or protected by a criminal protective order may apply to modify the criminal protective order to expand or restrict contact between the person restrained by the order and his or her children. A Request for Criminal Protective Order Modification form along with a proposed modified Criminal Protective Order (Judicial Council Form No. CR-160) shall be completed and submitted to the criminal court clerk. The forms can be obtained from the Criminal Division of the Sonoma County Superior Court, 600 Administration Drive, Santa Rosa, Room 105J.

Upon receipt of the request for modification, the criminal court clerk shall calendar the request for modification before the domestic violence court judge 10 to 15 days from the time of filing of the motion. The clerk shall immediately forward a copy of the request for modification to Family Court Services along with a copy of the most recent criminal protective order and any related family law or juvenile court files.

If Family Court Services has had contact with the family, they will make a recommendation to the criminal court. If Family Court Services has not had contact with the family, they will advise the criminal court.

A copy of the modified criminal protective order shall be forwarded to the court CLETS clerk for entry into the California Law Enforcement Telecommunications System. (Eff. 1/1/2004, Rev. 7/1/2012)

24.4 LANGUAGE OF CUSTODY AND PARENTING PLAN ORDERS:

Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a “no contact order” issued by a criminal court.

Safety of all parties shall be the court’s paramount concern. The family or juvenile court shall specify the time, day, place, and manner of transfer of the child, as provided in Section 3100 of the Family Code. (Eff. 1/1/2004, Rev. 7/1/2012)

RULE 25 RULES APPLICABLE TO THE COURT'S COURTROOM DRESS AND DECORUM POLICY

Proper attire and decorum for a court appearance displays respect for the court and shows the court that the involved persons take the case seriously.

1. The court may prohibit, in a courtroom, the wearing or displaying of clothing, tattoos, or other items that reasonably could be considered to intimidate witnesses or others present or to undermine the integrity of the judicial process.

2. Persons who are not dressed in proper attire, as determined by the judicial officer, will be required to either remove or adjust the inappropriate clothing or to leave the courthouse and return at the date and time specified by the court.

3. No one may create any disturbance in the courtroom while court is in session.

4. All persons in a courtroom must turn off all cell phones and electronic devices and store them out of plain view.

5. Eating, drinking, smoking, gum chewing and tobacco are prohibited in any courtroom. Water may be provided at counsel table for the benefit of those participants during court proceedings including jurors, witnesses, counsel and litigants.

6. Communication with inmates is prohibited**.**

(Eff. 7/1/2010)

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NUMERICAL LISTING OF THE LOCAL FORMS FOR SONOMA COUNTY SUPERIOR COURT
All of these forms are available on the court's web site: www.sonoma.courts.ca.gov

Form Name	Form Number	Mandatory or Optional	Revision Dates
Declaration in Opposition to Temporary Order	CA-106	Optional	07/01/13
Alternative Dispute Resolution Information Sheet	CV-2	Mandatory	07/01/11
Application to Serve the California Secretary of State	CV-25	Optional	07/01/11
Application to Serve as Temporary Judge	CV-33	Mandatory	07/01/11
Notice of Selection as Mediator in Court Connected Mediation	CV-35	Mandatory	07/01/11
Civil ADR Program Mediator's Questionnaire	CV-36	Mandatory	07/01/11
Civil ADR Program Attorney Questionnaire	CV-37	Mandatory	07/01/11
Civil ADR Program Party Questionnaire	CV-38	Mandatory	07/01/11
Civil ADR Program Non-party Participant Questionnaire	CV-39	Mandatory	07/01/11
Declaration in Support of Urgent Ex Parte Application	CV-40	Optional	07/01/11
Stipulation and Order Authorizing Electronic Service	CV-42	Optional	07/01/11
Settlement Agreement and Court Order (Unlawful Detainer)	CV-43	Optional	07/01/11
Stipulation and Order Referring Matter to Alternative Dispute Resolution	CV-7	Optional	07/01/11
Statement of Issues for Settlement Conference or Trial	FL002	Mandatory	07/01/13
Stipulation and Order	FL014	Mandatory	07/01/11
Notice of Stipulated Continuance (Family Law)	FL015	Mandatory	07/01/13
Declaration Regarding Notice of Request for Temporary Orders	FL016	Mandatory	01/01/15
Custody and Visitation Orders	FL017	Mandatory	07/01/12
Modification of Order RE: Domestic Violence Restraining Order After Hearing	FL018	Mandatory	07/01/11
Order Modifying Domestic Violence Restraining Order After Hearing	FL019	Mandatory	07/01/11
Notice of Rights and Responsibilities Child Care	FL020	Mandatory	07/01/11
The Role of the Client's Attorney in Special Master Cases	FL031	Mandatory	07/01/11
Stipulation and Order Appointing Private Mediator	FL035	Mandatory	07/01/11
Declaration regarding Notice and Delivery of Domestic Violence Temp Orders	FL040	Mandatory	01/01/15
Case Resolution Conference Statement	FL072	Mandatory	01/01/12
Setting Order	FL073	Optional	01/01/14
Request-Response to Request for Set Conf or Set Conf and Trial	FL074	Mandatory	01/01/15
Request for Telephone Appearance	FL075	Mandatory	07/01/11
Request to Reset/Advance/Set Case Resolution Conference	FL092	Mandatory	01/01/15
Declaration of Certification of Attorney Competency	JC-104	Mandatory	07/01/11
Request to Change-Add Court Date	JC-106	Optional	07/01/11
Application and Order Appointing Probate Referee	PR-1	Optional	07/01/11
Declaration Regarding Notice of Request for Guardianship Temporary Orders	PR-10	Optional	07/01/11
Probate Case Cover Sheet	PR-11	Optional	07/01/11
Confidential Contact Information	PR-12	Mandatory	07/01/11
Increased Bid In Open Court On Sale Of Real Property	PR-14	Mandatory	07/01/11
Report of Proposed Guardian	PR-2	Mandatory	07/01/11
Notification of Change of Contact Information	PR-3	Mandatory	07/01/11
Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee; Order Appointing Public Defender	PR-4	Optional	07/01/11

Receipt and Acknowledgement of Order Restricting Release of Property	PR-5	Optional	07/01/11
Request for Accounting Waiver	PR-6	Mandatory	07/01/11
Declaration of Diligent Search	PR-7	Optional	07/01/11
Affirmation & Order for Final Discharge	PR-8	Optional	07/01/11
Objections to Appointment of Guardian of the Person	PR-9	Optional	07/01/11
Petition for Visitation (Guardianship)	PR-15	Optional	07/01/13
Request to Set Aside Order to Pay Judgment in Installment	SC-4	Optional	07/01/11
Declaration and Order for Presumed Satisfaction of Judgment and Notice of Entry of Order	SC-5	Optional	07/01/11

ALPHABETICAL LISTING OF THE LOCAL FORMS FOR SONOMA COUNTY SUPERIOR COURT
All of these forms are available on the court's web site: www.sonoma.courts.ca.gov

Form Name	Form No.	Mandatory Or Optional	Revision Dates
Affirmation & Order for Final Discharge	PR-8	Optional	07/01/11
Alternative dispute Resolution Information Sheet	CV-2	Mandatory	07/01/11
Application and Order Appointing Probate Referee	PR-1	Optional	07/01/11
Application to Serve as Temporary Judge	CV-33	Mandatory	07/01/11
Application to Serve the California Secretary of State	CV-25	Optional	07/01/11
Civil ADR Program Attorney Questionnaire	CV-37	Mandatory	07/01/11
Civil ADR Program Mediator's Questionnaire	CV-36	Mandatory	07/01/11
Civil ADR Program Non-party Participant Questionnaire	CV-39	Mandatory	07/01/11
Civil ADR Program Party Questionnaire	CV-38	Mandatory	07/01/11
Confidential Contact Information	PR-12	Mandatory	07/01/11
Custody and Visitation Orders	FL017	Mandatory	07/01/12
Declaration and Order for Presumed Satisfaction of Judgment and Notice of Entry of Order	SC-5	Optional	07/01/11
Declaration in Opposition to Temporary Order	CA-106	Optional	07/01/13
Declaration in Support of Urgent Ex Parte Application	CV-40	Optional	07/01/11
Declaration of Certification of Attorney Competency	JC-104	Mandatory	07/01/11
Declaration of Diligent Search	PR-7	Optional	07/01/11
Declaration Regarding Notice of Request for Guardianship Temporary Orders	PR-10	Optional	07/01/11
Declaration Regarding Notice of Request for Temporary Orders	FL016	Mandatory	01/01/15
Declaration Regarding Notice and Delivery of Domestic Violence Temp Orders	FL040	Mandatory	01/01/15
Increased Bid In Open Court On Sale Of Real Property	PR-14	Mandatory	07/01/11
Modification of Order RE: Domestic Violence Restraining Order After Hearing	FL018	Mandatory	07/01/11
Notice of Rights and Responsibilities Child Care	FL020	Mandatory	07/01/11
Notice of Selection as Mediator in Court Connected Mediation	CV-35	Mandatory	07/01/11
Notice of Stipulated Continuance (Family Law)	FL015	Mandatory	07/01/13
Notification of Change of Contact Information	PR-3	Mandatory	07/01/11
Objections to Appointment of Guardian of the Person	PR-9	Optional	07/01/11
Order Appointing Regional Center to Evaluate Proposed Ward or Conservatee; Order Appointing Public Defender	PR-4	Optional	07/01/11
Order Modifying Domestic Violence Restraining Order After Hearing	FL019	Mandatory	07/01/11
Petition for Visitation (Guardianship)	PR-15	Optional	07/01/13
Probate Case Cover Sheet	PR-11	Optional	07/01/11
Receipt and Acknowledgement of Order Restricting Release of Property	PR-5	Optional	07/01/11
Report of Proposed Guardian	PR-2	Mandatory	07/01/11
Request for Accounting Waiver	PR-6	Mandatory	07/01/11
Request for Telephone Appearance	FL075	Mandatory	07/01/11

Request to Change-Add Court Date	JC-106	Optional	07/01/11
Request to Reset/Advance/Set Case Resolution Conference	FL092	Mandatory	01/01/15
Request to Set Aside Order to Pay Judgment in Installment	SC-4	Optional	07/01/11
Request of Vacate Domestic Violence Restraining Order After Hearing	FL018	Mandatory	07/01/14
Case Resolution Conference Statement	FL072	Mandatory	01/01/12
Request-Response to Request for Set Conf or Set Conf and Trial	FL074	Mandatory	01/01/15
Setting Order	FL073	Optional	01/01/14
Settlement Agreement and Court Order (Unlawful Detainer)	CV-43	Optional	07/01/11
Statement of Issues for Settlement Conference or Trial	FL002	Mandatory	07/01/13
Stipulation and Order	FL014	Mandatory	07/01/11
Stipulation and Order Appointing Private Mediator	FL035	Mandatory	07/01/11
Stipulation and Order Authorizing Electronic Service	CV-42	Optional	07/01/11
Stipulation and Order for Interim Child Custody Mediation	FL036	Mandatory	07/01/14
Stipulation and Order Referring Matter to Alternative Dispute Resolution	CV-7	Optional	07/01/11
The Role of the Client's Attorney in Special Master Cases	FL031	Mandatory	07/01/11

LIST OF CURRENTLY EFFECTIVE RULES WITH EFFECTIVE AND REVISED DATES EFFECTIVE JANUARY 1, 2014

		EFFECTIVE DATE	*REVISED DATE*
RULE 1 --- ORGANIZATION			
1.1	(no title)	1/1/97	1/1/11
1.2	(no title)	1/1/97	1/1/01
RULE 2 --- RULES APPLICABLE TO SMALL CLAIMS CASES AND TO UNLAWFUL DETAINER CASES			
2.1	Small Claims Cases	1/1/97	1/1/05
2.2	Unlawful Detainer Cases	1/1/97	7/1/08
RULE 3 --- (Rule deleted as of 7/1/2004)			
RULE 4 --- RULES APPLICABLE TO ALL CIVIL CASES			
4.1	Differential Case Management	1/1/97	1/1/15
4.2	Assignment to One Judge for all Purposes and Case Management Conference	1/1/97	1/1/07
4.3	Application to Extend Time	1/1/97	1/1/14
4.4	Judicial Arbitration	1/1/97	1/1/14
4.5	Orders to Show Cause	1/1/97	7/1/04
4.6	Sanctions	1/1/97	7/1/08
4.7	Mandatory Settlement Conferences	1/1/97	1/1/14
4.8	Deposit of Jury Fees	1/1/97	7/1/14
4.9	Trial Call and Trial-Related Motions	1/1/97	1/1/14
4.10	Pretrial Matters and Commencement of Trial	1/1/97	1/1/14
4.11	Voir Dire	1/1/97	7/1/04
4.12	Disposition of Fictitious Defendants (Cross-Defendants)	1/1/97	7/1/04
4.13	Temporary Judge (Pro Tem) Trials	1/1/97	1/1/14
4.14	Discovery Facilitator Program	1/1/08	1/1/14
4.15	Readiness Conference	7/1/10	

4.16	Matters affected by Bankruptcy	1/1/13	
4.17	Demurrer Facilitator Program	7/1/14	
4.18	Post-Trial Matters	7/1/14	

RULE 5 --- RULES APPLICABLE TO CIVIL LAW AND MOTION PROCEEDINGS		***EFFECTIVE DATE***	***REVISED DATE***
5.1	Scheduling	1/1/97	7/1/14
5.2	Order of Examination Calendar	1/1/97	1/1/14
5.3	Continuances	1/1/97	1/1/14
5.4	Meet and Confer Conference	1/1/97	7/1/08
5.5	Hearings, Tentative Rulings and Oral Arguments	1/1/97	1/1/14
5.6	Ex Parte Applications	1/1/97	1/1/14
5.7	Transcripts of Administrative Records	1/1/97	7/1/08
5.8	Orders After Hearing or Upon Ex Parte Motion	1/1/97	1/1/14

RULE 6 --- RULES APPLICABLE TO PROBATE PROCEEDINGS

6.1	Introductions	1/1/97	1/1/15
6.2	Calendar and Procedural Matters	1/1/97	1/1/15
6.3	Accountings for Decedents' Estates	1/1/97	1/1/15
6.4	Conservatorships and Guardianships	1/1/97	1/1/15
6.5	Compensation of Fiduciaries and Attorneys	1/1/97	1/1/15
6.6	Bonds	1/1/97	1/1/15
6.7	Sales of Real Property	1/1/97	7/1/10

RULE 7 --- RULES APPLICABLE TO DEFAULT, UNCONTESTED, AND COMPROMISE PROCEEDINGS

7.1	Default Calendar	1/1/97	7/1/04
7.2	Procedure	1/1/97	1/1/07
7.3	Attorney's Fees in Default Proceedings	1/1/97	7/1/08

RULE 8 --- RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.1	Criminal Courts: Assignment of Cases	1/1/97	7/1/09
8.2	Violation of Probation	1/1/97	1/1/08
8.3	Criminal Pretrial Law and Motion	1/1/97	1/1/15
8.4	Pretrial Discovery	1/1/97	1/1/05
8.5	Appointment and Payment of Counsel in	1/1/97	7/1/10

	Conflict Cases		
8.6	Appointment of Second Counsel	1/1/97	7/1/07
8.7	Ex Parte Applications for Orders	1/1/97	7/1/07
8.8	Continuances	1/1/97	7/1/07
		EFFECTIVE DATE	***REVISED DATE***
8.9	Court System	1/1/97	7/1/07
8.10	Arraignments	1/1/97	7/1/07
8.11	Calendaring System	1/1/97	7/1/07
8.12	Vacating Civil Assessment	1/1/97	7/1/07

RULE 9 --- RULES APPLICABLE TO FAMILY LAW PROCEEDINGS

9.1	Application	1/1/97	7/1/10
9.2	Case Assignment	1/1/97	7/1/12
9.3	Sanctions in Respect to Rules	1/1/04	7/1/13
9.4	Family Law Facilitator	1/1/97	7/1/12
9.5	Collaborative Law Cases	1/1/05	1/1/13
9.6	Appearance by Telephone	7/1/05	7/1/14
9.7	Acceptance of Handwritten Pleadings	1/1/97	7/1/10
9.8	Limited Legal Representation	1/1/03	7/1/13
9.9	Documents Not to be Filed with the Court	1/1/05; Retracted 7/1/10; Reinstated 7/1/11	
9.10	Exchange of Preliminary Declarations of Disclosure	7/1/09	7/1/11 (renumbered) Rev. 7/1/12
9.11	Case Resolution Conference	1/1/08;	7/1/11 (renumbered) Rev. 1/1/15
9.12	Domestic Violence Restraining Orders (Family Code §§ 6200-6389)	7/1/05	7/1/11 (renumbered) Rev. 1/1/14
9.13	Ex Parte/Emergency Family Law Orders	7/1/05	7/1/11 (renumbered) Rev. 7/1/14
9.14	Domestic and Child Support Calendars		1/1/15
9.15	Child Custody	1/1/13	1/1/13 (renumbered) 7/1/13, rev 7/1/14
9.16	Child Support	1/1/13	7/1/13 (renumbered)
9.17	Public Assistance	7/1/05	7/1/13 (renumbered) Revised 7/1/12
~~9.18~~	~~Case Management Conference~~	7/1/05	1/1/12 **– Repealed**
9.18	Preparation of Orders After Hearing	1/1/13	1/1/13 (renumbered) Revised 1/1/15
9.19	Review Hearings	1/1/03	1/1/13 (renumbered) Revised 1/1/13
9.20	Law and Motion Matters	1/1/04	1/1/13 (renumbered) Revised 1/1/13
9.21	Family Law Settlement Conference	1/1/05	1/1/13 (renumbered) Revised 7/1/13
9.22	Child Custody Settlement Conferences	1/1/97	1/1/13 (renumbered)

			7/1/13 revised
9.23	Appointment of Special Master, Appraisers, Experts	7/1/05	7/1/13 (renumbered) Revised 7/1/13
9.24	Trial and Evidentiary Hearings	7/1/05	1/1/13 (renumbered) Revised 1/1/15
		EFFECTIVE DATE	***REVISED DATE***
9.25	Child Custody Trials	1/1/97	1/1/13(renumbered 7/1/13 revised
9.26	Adoptions	1/1/02	1/1/13 (renumbered 7/1/13 revised)
9.27	Judgements	1/1/97	1/1/13 (renumbered 7/1/14 revised)
9.28	Service by Posting	7/1/13	7/1/13

RULE 10 --- RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS
(Rule 10 was effective 1/1/97 and was entirely revised 7/1/06 with revisions thereafter)

10.1	Abbreviations	1/1/97	7/1/06
10.2	Juvenile Calendars	1/1/97	7/1/06
10.3	Rules of Procedure and Standing Orders	1/1/97	1/1/07
10.4	Attendance at Hearings (CRC, Rule 5.530)	1/1/97	1/1/07
10.5	Counsel of Record and Self-Represented Parties (Dependency Proceedings)	1/1/97	7/1/06
10.6	Pre-Hearing Discovery	1/1/97	1/1/07
10.7	Noticed Motions – (Dependency Proceedings)	1/1/97	1/1/07
10.8	Requests for Ex Parte Orders	1/1/97	1/1/12
10.9	Applications for Temporary Restraining	1/1/97	7/1/06
10.10	Referrals to Other Courts	1/1/97	7/1/06
10.11	Continuances	1/1/97	1/1/07
10.12	Attorney Competence (Dependency Proceedings)	1/1/97	1/1/12
10.13	Standards of Representation (Dependency Proceedings)	1/1/97	1/1/07
10.14	Representation of Parties Other Than Minors (Dependency Proceedings)	1/1/97	1/1/07
10.15	Procedures for Review and Resolving Complaints (Dependency Proceedings)	1/1/97	1/1/07
10.16	Requests to Withdraw (Dependency Proceedings)	1/1/97	1/1/07
10.17	Release of Information Relating to Juveniles	1/1/97	7/1/09
10.18	Local Rules Relating to Child Advocates	1/1/97	1/1/07
10.19	Medical Issues	1/1/97	1/1/07
10.20	Requests for Modification (Dependency Proceedings)	1/1/97	7/1/12
10.21	Access to Minors in Dependency Proceedings	1/1/97	1/1/07

10.22	Mediation in Dependency Proceedings	1/1/97	1/1/07
10.23	Settlement Conferences in Dependency	1/1/97	7/1/06
10.24	Guardians Ad Litem (Dependency Proceedings)	1/1/97	1/1/07
		EFFECTIVE DATE	***REVISED DATE***
10.25	Visitation (Dependency Proceedings)	1/1/97	1/1/07
10.26	Trial Home Visits (Dependency Proceedings)	1/1/97	1/1/07
10.27	Exit Custody Orders (Dependency Proceedings)	1/1/97	1/1/07
10.28	15-Day Reports (Dependency Proceedings)	1/1/97	1/1/07
10.29	Bonding Study (Dependency Proceedings)	1/1/97	1/1/07
10.30	Prisoner Transport Orders (Dependency Proceedings)	1/1/97	1/1/07
10.31	Requests for Transcripts	1/1/97	7/1/06
10.32	Access to Courtroom by Non-Parties	1/1/97	7/1/06
10.33	Notice and Request to Attend Court Proceedings (Delinquency Proceedings)	1/1/97	7/1/06
10.34	Request for Computer Access to Juvenile Case Management System	1/1/97	7/1/06
10.35	Use of Cameras or Recording Equipment (Dependency Proceedings)	1/1/97	1/1/07
10.36	Foreign Consulates (Dependency Proceedings)	1/1/97	1/1/07
10.37	Appearance by Telephone (Dependency Proceedings)	1/1/07	
10.38	Court Appointed Counsel Compensation	1/1/07	

RULE 11 --- RULES APPLICABLE TO APPELLATE DIVISION PROCEEDINGS

11.1	Limited Civil Cases	1/1/97	1/1/15
11.2	Misdemeanor and Criminal Cases	1/1/97	1/1/15
11.3	Traffic Cases	7/1/11	1/1/15
11.4	Briefs	1/1/97	7/1/11 (renumbered)
11.5	Oral Argument	1/1/13	1/1/13 (renumbered)
11.6	Petitions for Writs of Mandate and Prohibition	1/1/12	1/1/13 (renumbered)
11.7	Petitions For Writ of Supersedeas	1/1/13	

RULE 12 --- SUPERIOR COURT COMMISSIONER

12.1	Appointment	1/1/97	1/1/07
12.2	General Authority	1/1/97	1/1/14
12.3	Assignments as Temporary Judge	1/1/97	7/1/11
12.4	Duties as Commissioner	1/1/97	

RULE 13 --- RULES APPLICABLE TO TRIAL JURY SERVICES

13.1	Court Policy Governing Granting of	1/1/97	1/1/07

	Excuses		
13.2	Duty of Citizenship	1/1/97	1/1/98
13.3	Jurors to be Selected at Random	1/1/97	1/1/98
13.4	Discrimination Prohibited in Selecting	1/1/97	7/1/08
		EFFECTIVE DATE	***REVISED DATE***
Jurors			
13.5	Source Lists of Jurors	1/1/97	1/1/98
13.6	Compilation of Master Jury List	1/1/97	7/1/00
13.7	Qualified Jurors	1/1/97	1/1/05
13.8	Requests to be Excused	1/1/97	7/1/08
13.9	Postponement of Jury Service	1/1/97	1/1/05
13.10	Failure to Appear for Jury Duty When Summoned	1/1/97	7/1/00
13.11	Period of Service	1/1/97	1/1/05
13.12	Contact with Trial Jurors	1/1/97	7/1/00
13.13	Records Compiled and Maintained	1/1/97	7/1/08
13.14	Prospective Jurors in Civil Cases	1/1/97	7/1/08
RULE 14 – RULE PROHIBITING SMOKING IN COURT FACILITIES		1/1/97	7/1/07
RULE 15 --- RULES APPLICABLE TO GRAND JURY SERVICE			
15.1	Combined Grand Jury	1/1/97	1/1/98
15.2	Application Process	1/1/97	1/1/98
15.3	Interviews of Prospective Grand Jurors	1/1/97	1/1/98
15.4	Impanelment of the Grand Jury	1/1/97	1/1/98
15.5	Additional Term of Service	1/1/97	1/1/98
RULE 16 --- RULES APPLICABLE TO ALTERNATE DISPUTE RESOLUTION (ADR)			
16.1	Policy Statement	1/1/97	1/1/07
16.2	Applicability of ADR	1/1/97	1/1/07
16.3	~~ADR Forms Provided on the Filing of a~~ Complaint	1/1/97	Repealed 1/1/13
16.4	~~Court-Connected Mediation – Required~~	1/1/07	Repealed 1/1/13
16.5	ADR Assessment at Case Management Conference	1/1/97	1/1/07
16.6	Court Approved Lists of Neutrals	1/1/07	1/1/08
16.7	No Fee Civil Mediation	1/1/08	7/1/14
16.8	Sanctions for Misuse	1/1/02	1/1/08
16.9	Applicability to Probate Matters	1/1/02	1/1/08
16.10	Requirements for Addressing Complaints About Court-Program Mediators	1/1/10	

RULE 17 --- APPLICATIONS FOR EX PARTE ORDERS

		EFFECTIVE DATE	***REVISED DATE***
17.1	(No Title)	1/1/97	1/1/13
17.2	(No Title)	1/1/97	7/1/04
17.3	(No Title)	1/1/97	1/1/07
17.4	(No Title)	1/1/97	7/1/04
17.5	(No Title)	1/1/97	7/1/04
17.6	(No Title)	1/1/97	7/1/04
17.7	(No Title)	1/1/97	1/1/13
17.8	(No Title)	1/1/97	1/1/13

RULE 18 --- RULES APPLICABLE TO FILING AND GENERAL PROCEDURE

18.1	Proceedings with a Fee Waiver	1/1/97	7/1/12
18.2	Use of Names in Papers	1/1/97	1/1/01 **- Repealed**
18.3	Format of Orders	1/1/97	1/1/01 **- Repealed**
18.4	Stipulations for Entry of Judgment	7/1/03	1/1/01 **- Repealed**
18.5	Judgments and Decrees	1/1/97	1/1/01 **- Repealed**
18.6	Conforming Copies	1/1/97	7/1/11
18.7	Prepaid, Self-Addressed Envelopes Required	1/1/97	7/1/11
18.8	Time and Date Must be Shown	1/1/97	1/1/01 **- Repealed**
18.9	Use of Local Forms	1/1/97	7/1/11
18.10	Sample Document Captions	1/1/97	1/1/01 **- Repealed**
18.11	Restrictions on Over-The-Counter Filings	1/1/97	7/1/12
18.12	Determination of Good Faith Settlement	1/1/97	1/1/01 **- Repealed**
18.13	Computation of Interest	1/1/97	1/1/01 **- Repealed**
18.14	Procedure for Background Checks	1/1/97	7/1/14
18.15	Application by Vexatious Litigant to File Complaint	1/1/07	1/1/01 **- Repealed**
18.16	Voluntary E-Service	1/1/09	7/1/11
18.17	Charge for Retrieving Files from Storage	7/1/09	7/1/14
18.18	Fee for Creation of Compact Disc From ER	7/1/14	

RULE 19 --- EXECUTIVE OFFICER – CLERK OF THE SUPERIOR COURT

19.1	Executive Officer Duties	1/1/97	1/1/99

RULE 20 --- HOURS OF BUSINESS 1/1/97 1/1/10

RULE 21 --- RULES APPLICABLE TO MEDIA COVERAGE

21.1	Introduction	1/1/05	1/1/07

21.2	Media Requests	1/1/05	7/1/10
21.3	Coverage Inside Court Facilities or Locations	1/1/05	7/1/10

		EFFECTIVE DATE	***REVISED DATE***

RULE 22 --- (This Rule deleted as of 7/1/2004)

RULE 23 --- RULES APPLICABLE TO TRAFFIC INFRACTIONS

23.1	Trial By Declaration	1/1/97	7/1/13
23.2	Exhibits	7/1/08	7/1/13

RULE 24 --- COMMUNICATION AMONG CRIMINAL, FAMILY AND JUVENILE COURTS

24.1	Requirement of Courts Issuing Custody and/or Visitation Orders	1/1/04	7/1/12
24.2	Requirement of Courts Issuing Criminal Protective Orders	1/1/04	7/1/12
24.3	Modification of Criminal Protective Order	1/1/04	
24.4	Language of Custody and Visitation Orders	1/1/04	7/1/12

RULE 24 --- RULES APPLICABLE TO THE COURT'S COURTROOM DRESS AND DECORUM POLICY 7/1/10