



Superior Court of California County of Sonoma

Bradford J. DeMeo
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior
Court Executive Officer

CLERK'S NOTICE October 2, 2020

To Attorneys and All Interested Parties Invitation to Comment on Proposed Amendments to Local Rules

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Sonoma hereby distributes for public comment the proposal to amend its local rules.

Comments are due by November 17, 2020

The proposed local rules and forms take effect January 1, 2021

The proposed rules and forms may be accessed on the Court's website: www.sonomacourt.org. A hard copy of the proposal is available upon request by contacting Court Administration at (707) 521-6501 or by email request to info@sonomacourt.org. Any individual or organization not having internet access may obtain a printed copy of the proposed rules by mailing a written request to:

Court Administration/Proposed Rules Request
Sonoma County Superior Court
600 Administration Drive, Santa Rosa, CA 95403

Comments should be submitted in writing to:

Arlene D. Junior, Court Executive Officer
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, CA 95403



**Superior Court of California
County of Sonoma
Summary of Proposed Amendments to the Local Rules**

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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 A. 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.

€ B. 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 5.1.AB herein.

Đ C. 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(e).~~

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 D. 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(e) the e~~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 E. 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 5.1.A 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, 1/1/2021)

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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; 1/1/2016)~~

4.5 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, 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, 1/1/2016)~~

4.6 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.~~

~~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.~~

4.7 DEPOSIT OF JURY DEMAND FEES

- ~~A. If a jury trial is desired, it must be demanded in the Case Management Statement.~~
- ~~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, renumbered 1/1/2016; 7/1/18, 1/1/2021)

4.8 TRIAL AND TRIAL-RELATED MOTIONS

A. Trial 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 call of the Trial 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.~~ Absent extraordinary circumstances failure to complete discovery would generally not be considered good cause. Any motion for continuance must be calendared for hearing before the Assigned Judge on the Trial 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, renumbered 1/1/2016; 7/1/18, 1/1/2021)~~

4.9 PRETRIAL MATTERS AND COMMENCEMENT OF TRIAL Repealed effective January 1, 2021

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

~~Each case is called for trial on the Friday as specified by the court in its Notice of Settlement Conference and trial as served on all parties. Unless otherwise ordered, parties should expect and be prepared to begin the trial of a case on the first date of Trial.~~

C. Duty to Meet and Confer

~~At least seven court days before trial, 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 3:30 p.m. on the sixth court day before trial or as otherwise ordered by the court, the parties must file the documents listed below with the Civil Clerk's Office, serve the documents on all parties, and deliver endorsed copies to the chambers of the Assigned Judge the same day. Timelines for the submittal of pretrial documents for matters coming before the court under the Lanterman-Petris Short Act are set by the judge presiding over that matter at his or her discretion.~~

- ~~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 Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. three court day before trial.~~

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. ~~A list of all proposed CACI jury instructions and special jury instructions, with all proposed wording.~~
10. ~~All proposed verdict forms.~~
11. ~~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 Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. six court days before trial. This does not preclude supplemental briefs on specific issues that arise during the trial.~~

~~Timelines for the submittal of trial briefs for matters coming before the court under the Lanterman Petris Short Act are set by the judge presiding over that matter at his or her discretion.~~

G. Jury Instructions and Verdict Forms

1. ~~In every jury trial, before the first witness is sworn, six court days prior to the first day of trial, each party must deliver to the judge, and serve upon all other parties, all proposed jury instructions on all applicable law disclosed by the pleadings, and all proposed verdict forms.~~
2. ~~Before closing argument begins, each party must deliver to the judge and serve upon all other parties any additional proposed jury instructions on questions of law arising from the evidence that were not disclosed by the pleadings.~~
3. ~~Each proposed jury instructions 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 instructions~~

~~must be assembled in a packet with a face sheet that lists all requested instructions and the requesting parties.~~

- ~~4. Timelines for the submittal of jury instructions and verdict forms for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at his or her discretion.~~

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, 1/1/2016; 1/1/2018; 7/1/18; 7/1/19)~~

4.10 VOIR DIRE Repealed Effective January 1, 2021

~~The trial judge shall conduct general voir dire. Counsel will be permitted to conduct supplemental questioning. (Eff. 1/1/1997; Rev. 7/1/2004, renumbered 1/1/2016)~~

4.11 DISPOSITION OF FICTITIOUS DEFENDANTS (CROSS-DEFENDANTS) Repealed effective January 1, 2021

~~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, renumbered 1/1/2016)~~

4.14 READINESS CONFERENCE Repealed Effective January 1, 2021

~~A readiness conference may 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, renumbered 1/1/2016)~~

4.15 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, renumbered 1/1/2016, revised 1/1/2021)

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 5.2), 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.~~
- D. C.** Parties shall deliver courtesy copies of all documents filed in connection with a law and motion proceeding directly into the drop box for the department hearing the matter. Courtesy copies do not need to be file endorsed.
- E. D.** 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.
- F. E.** 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. 1/1/1997; Rev. 1/1/2006, Rev.

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.B. 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.C. 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.D. 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.E. 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; Revised and renumbered 1/1/2021)

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 Code of Civil Procedure, 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. During the court day preceding each law and motion calendar, by 2:00 p.m., the Court will issue a tentative ruling for each matter noticed on such calendar. Tentative rulings may be obtained online between the hours of 2:00 p.m. and 4:00 p.m. on the day before the hearing 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 "Civil").

~~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. For tentative rulings by phone, please call (707) 521-6606. 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. (Revised 1/1/2021)~~

- 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.C.**~~ 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.D.**~~ Subject to the court's discretion, a party, witness, or counsel may make telephonic or video 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; Revised and renumbered 1/1/2021).

5.6 EX PARTE APPLICATIONS

~~**A.**~~ Each request for ex parte application, notice and declaration must comply with California Rules of Court, Rules 3.1200 *et. seq.* All civil ex parte 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 on the Court's Website (<http://sonoma.courts.ca.gov/divisions/civil>) ~~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.B.**~~ If the application is opposed, the attorneys must meet and confer prior to presentation of the ex parte.

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2008, 1/1/2014, 7/1/2017; Revised and renumbered 1/1/2021)

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, 1/1/2021)

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SONOMA

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. All local forms referred to in this rule are available at and can be downloaded from the court website.

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

1. Clerk of the Probate Court: The mailing 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 mailing address of 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 mailing and physical address of the Office of the Probate Court Investigator is 600 Administration Drive, Santa Rosa, CA 95403. The email address is sci@sonomacourt.org ~~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; 1/1/2018, 1/1/2021)

6.2 CALENDAR AND PROCEDURAL MATTERS

The current Probate, Conservatorship (including Limited 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

Calendaring information on the Regular Probate, Case Management, Guardianship and Lanterman-Petris-Short (LPS) calendars may be found on the Court's website, at <http://sonoma.courts.ca.gov/online-services/calendars/probate>.

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:

- a. Decedent's estates,
- b. Trusts,
- c. Conservatorships of the person and of the estate (other than limited conservatorships unless there is an estate involved and "LPS conservatorships")

- d. Guardianships of the estate. Petitions for 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.
- e. 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. Case Management Calendar.

- a. Matters are set on this calendar by the Court only and are generally uncontested or for status only.
- b. Case management statements are not required to be filed; however, any written updates may be filed as a statement of issues at least five (5) Court days before the hearing.

3. 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.

34. Limited Conservatorships

- 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 LPS 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~~

45. LPS Calendar

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

C. Filing, Hearing, and Continuance Procedures

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. Procedure for Obtaining a Hearing Date

~~In conservatorship matters, except those matters coming before the court under the Lanterman Petris Short Act, 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, including matter coming before the court under the Lanterman Petris Short Act, petitioners will be assigned a hearing date from~~

the probate clerk at the time of filing. ~~For contact information for the Probate Clerk's office and the Probate Court Investigator see Rule 6.1.B, above.~~

2. Procedure for Obtaining a Continuance

a. Modification of Stipulated Continuance Form:

Stipulated continuances for any matter set on the regular Probate calendar will generally be allowed a maximum of two (2) times per pending petition or application for relief and for not more than a total of six (6) months' time from the date the matter was first set for hearing.

To request one of the two stipulated continuances, a NOTICE OF STIPULATED CONTINUANCE (PROBATE) (Sonoma County Local Form PR-018) executed by all parties or their attorneys and the continuance fee must be submitted to the probate clerk no later than noon (12:00 p.m.) three (3) court days prior to the hearing date. Signatures transmitted by facsimile transmission (fax) are acceptable. The probate clerk will continue the hearing to the date selected by the parties if available based on calendar availability. If the selected date is not available, the probate clerk will continue the matter to the next available probate calendar based on calendar availability.

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

A. Electronic Filings for Orders After Hearing

Subject to any applicable exemptions ~~proposed orders submitted with moving papers before a hearing on a regularly noticed motion or~~ orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be emailed directly to the department using the following email format: EFileProposedOrderDept#@sonomacourt.org --replace the # sign with the Department's number. Please note the case number in the subject line of your

email. submitted to the Court by electronic mail using an address identified on the Court's website.

B. All Other Proposed Orders Filings

Proposed orders shall be submitted to the Probate Clerk's office at the time of filing the petition. If a self-addressed, pre-paid envelope is included or paid for at the time the order is submitted with appropriate photocopy charges, the clerk will return a file endorsed copy by mail. Attorneys with boxes in the Courthouse should pay the appropriate photocopy charge and note their box number in upper righthand corner of the proposed Order and in the comments section when eFiling to cause the clerk to deliver a copy to the box (Rev. 1/1/2020, 1/1/2021)

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 accountings filed are required to be served on the Office of the Probate Court Investigator if within a conservatorship, guardianship or Court created trust matter), or the Probate Examiner (if within a decedent's estate or trust matter), as applicable. Drop boxes for the Office of the Court Investigator and the Probate Examiner are available at the Probate Clerk's Office. Another drop box for the Office of the Probate Court Investigator only is available at the Civil Clerk's Office.~~

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.

2. Tentative Rulings – Regular Probate Calendar

During the court day preceding each weekly Regular Probate Calendar, by approximately 2:00 p.m., the Court will issue a tentative ruling for each matter noticed on such calendar. The tentative ruling may be obtained online on the Court’s website at www.sonoma.courts.ca.gov ~~by telephoning (707) 521-6730 6607~~ between the hours of 2:00 p.m. and 4:00 p.m. on the day before the hearing ~~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 the day of the hearing. For tentative rulings by phone, please call (707) 521-6607.

- 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 relation to or opposition to a ~~petition~~ tentative ruling 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, on the day of the hearing. Signed orders on approved matters are generally available at the Probate Clerk’s office within hours after 2:30 p.m., the day of the hearing, and are not immediately available after the hearing.

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 9:15 a.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. This rule does not apply to matters coming before the court under the Lanterman-Petris-Short Act.
- 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)~~ seven (7) **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 Applications and Stipulated Petitions

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, a petition may be filed for consideration on the 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, which includes and either an explanation of notice provided or the facts on which the petitioner request an order dispensing with notice. Filing fees must be paid and a case number assigned before a party presents an ex parte application.~~

~~A proposed order must be submitted with the moving papers.~~

1. Ex Parte Procedure

a. Same Day Ex Parte Matters

If a party has reason to believe that an order is urgently needed to prevent irreparable harm or immediate danger to person or property, that party may file a Same Day Ex Parte application for

relief. Filing fees must be paid, and in the event a new case is being commenced a case number must be assigned, before a party presents any application for ex parte relief.

An order granting or denying a Same Day Ex Parte matter is generally available for pickup at 2:00 p.m. on the day it is presented.

b. Drop-Off Ex Parte Matters/Consent Petitions

Ex Parte Applications not based on an urgent need to prevent irreparable harm or immediate danger to person or property may be submitted to the Court as a “Drop-Off Ex Parte Matter” where otherwise authorized by statute, Rules of Court, court order, or these rules. All Drop-Off Ex Parte Matters must include “Drop-Off Ex Parte Matter” on the caption. Failure to include “Drop-Off Ex Parte Matter” on the caption will cause the pleading to be reviewed as a Same Day Ex Parte application and will be denied if it does not meet the standard for a Same Day Ex Parte application.

The following matters are expressly authorized to be presented as Drop-Off Ex Parte Matters:

- a. Approval of a stipulation, including a stipulated petition to approve settlement agreement;
- b. Petitions for letters of special administration or appointment of temporary conservatorship;
- c. Stipulated applications for a continuance of a hearing or trial;
- d. Matters authorized to be presented to the court ex parte by statute or Rule of Court (with citation to authorizing statute or Rule of Court);
- e. Requests to advance a hearing date and/or shorten time;
- f. Applications to correct an order;
- g. Applications to reduce or increase bond;
- h. Petitions to appoint a guardian ad litem;
- i. Petitions to authorize sale of personal property in a conservatorship matter;
- j. Petitions for final discharge and order;
- k. Petitions for allowance or rejection of a creditor’s claim (by attorney or personal representative); or
- l. Petitions requesting court appointment of counsel.

An order granting or denying a Drop-Off Ex Parte Matter is generally available for pickup at 2:00 p.m. on the day which is five (5) court days after it is presented.

c. Hearing May be Required

The Court may deem that any matter presented on an ex parte basis, whether opposed or unopposed, requires a hearing. If a hearing is required, the matter will be set by the Court on the regular probate calendar on a date chosen by the Court. The Court may shorten time or overset an existing probate calendar on its own motion if it deems such is necessary.

If a hearing is required, the party presenting the ex parte application will be notified of the date and time of the hearing and that party shall be required to provide notice of the date and time to all parties entitled to notice within two (2) court days thereafter, unless otherwise ordered by the Court.

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.~~

2. Timing of Ex Parte Matters

Applications for ex parte relief are accepted Monday-Fridays and reviewed in chambers. No personal appearance is required to request or oppose an ex parte matter.

The application and all supporting documents must be filed with the Sonoma County Court Clerk's office, Probate Division, before 10:00 a.m. to be considered presented on that day. The judicial officer may decline to consider untimely applications on the merits.

Papers in opposition to an ex parte matter must also be filed with the Sonoma County Court Clerk's office, Probate Division, by 10:00 a.m. on the day the ex parte application is presented.

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.~~

3. Contents of Application and [Proposed] Order

An application for any ex parte order must be verified and must contain sufficient evidentiary facts to justify issuance of the order. Conclusions or statements of ultimate facts are not sufficient, and a foundation must be shown for the declarant's personal knowledge.

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

4. Notice

~~Notice shall be provided in accordance with the California Rules of Court applicable to civil Ex Parte matters. Notice to the Probate Court Investigator shall be given in all conservatorship and guardianship matters.~~

4. Notice and Special Notice

Unless otherwise expressly provided for by applicable statute or rule of court, the form and content of notice to all interested parties and parties who requested special notice shall be provided in accordance with the California Rules of Court applicable to civil ex parte matters, including timely notice of the date, time, and place for the presentation of the ex parte matter. The application must be accompanied by a declaration identifying all persons entitled to notice under the applicable sections of the Probate Code, California Rules of Court (including special notice),

or these rules, and it must evidence compliant notice or set forth the facts and legal authority upon which the applicant requests an order dispensing with notice.

~~5. **Notice to Probate Court Investigator [Repealed]**
(Subd (5) repealed effective January 1, 2017.)~~

~~6. **Presentation of Ex-Parte Papers**~~

~~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. 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.~~

~~Applications for ex parte relief may be filed Tuesday or Friday. If Tuesday is a holiday, the application may be filed Monday; if Friday is a holiday, the application may be filed Thursday. The application and all supporting documents must be filed with the Sonoma County Court Clerk's office, Probate Division, before 10:00 a.m. to be considered. If deemed necessary by the Court, the ex parte application will be set for hearing the on the next regular probate calendar.~~

~~Papers in opposition to an ex parte application must also be filed with the Sonoma County Court Clerk's office, Probate Division, by 10:00 a.m. on the date the exparte application is filed.~~

~~If you have any questions or concerns, please contact the Probate Clerk's Office at 707-521-6650.~~

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. **Estates with Pour-Over Wills**

When the beneficiary of a will is the trustee of a trust, Item 8 of the Petition for Probate shall identify all trustees and all beneficiaries of the trust by name and by stating whether each individual is a trustee or a beneficiary.

D. **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.

E. 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.

F. 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

G. Lodging of Financial Documents

1. ~~For all money and cash items appraised by the personal representative, as specified by Probate Code section 8901, the personal representative shall lodge concurrently with the filing of the Inventory and Appraisal original account statements for each account showing the account balance as of the date of the decedent's death.~~
2. ~~Regardless of whether an accounting has been waived, an original account statement must be lodged with the court concurrent with the filing of a final petition for distribution to verify the balance of each cash account on hand at the end of the estate administration.~~
3. ~~Letter verification from the financial institution stating the balance as of the applicable date may be substituted for copies of statements.~~
4. ~~All documents lodged pursuant to this rule shall conform to Sonoma County Local Rule 6.4.F.4.~~

H G. Reserves After Final Account

If a petition for final distribution requests a reserve in an amount greater than \$2,500, the petition shall include a statement specifically describing the need for the reserve amount. The statement shall include an estimate of the amount of costs, taxes, or other expenditures for which the reserve is requested.

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

~~Petitioner may contact the Probate Department Clerk to determine the likely date a Petition for Probate Conservator may be set for hearing to assist in evaluating whether a Petition for Appointment of Temporary Conservator may be desired Court Investigator to be assigned a hearing date.~~

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 ~~will be set~~ ~~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 Notice of Change of Address or Other Contact Information ~~Notification of Change of Contact Information~~ shall be filed and served on the Office of the Probate Court Investigator. (Judicial Council Form MC-040 ~~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.~~

~~e. — 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.~~

DC. 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.~~

43. 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. For A 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 ~~FL~~ PR-10 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

~~Accountings are designated as either standard or simplified. A standard accounting lists receipts and disbursements in subject-matter categories, with each receipt and disbursement category subtotaled. A simplified accounting lists receipts and disbursements chronologically, by receipt or payment date, without subject-matter categories.~~

Accounts of conservators and guardians shall be filed as a standard accounting unless prior court approval is sought and obtained to file a simplified accounting.

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 the applicable Local Rule 6.2-I.

4. **Original Account Statements in Conservatorship and Guardianship Matters**

Wherever the Probate Code or these rules require the filing of original financial account, billing and/or escrow statements, such statements will be "lodged" with the clerk and not filed. To facilitate scanning, the document must be loosely bound and not stapled.

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 original statements will be returned to the party filing the account after the Court's determination of the Account becomes final. To facilitate return of the original documents, the fiduciary must submit, at the time of filing, a self-addressed envelope of sufficient size and with an attorney box number or sufficient postage affixed to mail the documents.

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, 1/1/2021)

RULE 8 RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.1 CRIMINAL COURTS: ASSIGNMENT OF CASES

All criminal felony matters, including violations of felony probation, 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 cases, shall be assigned for “all purposes” to a misdemeanor department on a predetermined alphabetical split basis.

A Defendant with a hyphenated last name shall be assigned an alphabetical split based on the first last name.

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; 7/1/15, 1/1/2021)

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. Violations of formal probation in domestic violence cases shall initially be assigned to domestic violence court.

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 formal 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, 1/1/2021)

8.4 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.
2. 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.
- ~~3.~~ 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.
- ~~4.~~3. Courtesy copies of all pleadings shall be delivered to the assigned judge’s judicial assistant or courtroom clerk at the time of filing.
- ~~5.~~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; Revised and renumbered 1/1/2021)

8.5 PRETRIAL DISCOVERY [Repealed effective January 1, 2021]

~~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)~~

8.9 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. (Effective 1/1/1997; Revised 1/1/2021)
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)~~

8.12 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. Misdemeanor cases shall be disposed in accordance with California Rules of Court - Judicial Administration Standards 2.2. (Effective 1/1/1997; Revised 1/1/2021)

D. Calendar Events

1. Arraignments

The District Attorney shall give a defendant, designated by the court as in proper, 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

- a. Felony cases: 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; 7/1/15)
- b. Misdemeanor Cases: 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. All motions in limine, requested jury instructions listed by name and number, witness list, and verdict forms shall be filed with the court no later than the first day of trial. Unless specially set, the first day of trial is Thursday at 10:30 a.m. (Eff. 7/1/15)

RULE 9 RULES APPLICABLE TO FAMILY LAW PROCEEDINGS

GENERAL PROVISIONS

The parties and attorneys are expected to follow all applicable rules set forth in the Family Code, Code of Civil Procedure, and the California Rules of Court.

9.1 APPLICATION Repealed effective January 1, 2021

~~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)~~

9.2.1 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. The assignment to a department is for all purposes. The statutory time limits to disqualify a judicial officer pursuant to CCP §170.6(a)(2) shall control. 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(e). 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, 1/1/2018)~~

9.3 SANCTIONS IN RESPECT TO RULES

A. In General

~~Failure to comply with any of these applicable rules or any of the rules in the California Rules of Court (CRC) may subject the noncomplying party to sanctions, 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, 1/1/2021)~~

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 Orders 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. 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, 1/1/2017, 1/1/2021)

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, 1/1/2021)~~

9.8 LIMITED LEGAL REPRESENTATION Repealed effective January 1, 2021

~~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)~~

CASE FLOW PROVISIONS

9.10 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 Family Code section 2104(f);
- 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. Requests to Reset/Advance/Set Case Resolution Conference:

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. Appearances

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, 1/1/2021) (renumbered 1/1/2016)

9.11 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-040.

Opposition papers must be received may either 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-040).

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) (renumbered 1/1/2016; 7/1/2017, 1/1/2021)

9.12 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. 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. Local form FL-016 and Judicial Council form CA-303 have been adopted for optional use in advising the Court that you have given notice to the other side. See either form for information for applicants. A completed FL-016 or CA-303 must be submitted to the court when your request for temporary/emergency orders is submitted.

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. A blank copy of Local form CA-106 must be delivered to the opposing party/attorney with the applicant's documents.

D. Opposition

Opposition papers must be received may either 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 10:00 a.m. on the day the application is scheduled to be reviewed by the assigned judicial officer. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party or attorney by 9:30 a.m. on the day of judicial review. Local form CA-106 has been adopted for optional use in submitting opposition. Information for the opposing party is included with form CA-106.

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 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; 7/1/15, 1/1/2021) (renumbered 1/1/2016); 1/1/19)

9.13 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.~~

3. Every party who files a Request for Order or Responsive Declaration involving child custody or visitation may also complete and file a Family Law Child Custody and Visitation Questionnaire (FL-045). The purpose of the questionnaire is to provide the Child Custody Recommending Counselor and the judicial officer with focused information regarding the child(ren). When this form is completed it must be filed and served to the other party.
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

Continuances on Domestic and Child Support Matters

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 has/have already been granted, shall be required to **show good cause and/or an emergency. All requests beyond the maximum two (2) will be delivered to the judicial assistant for the assigned judicial officer to review.**

To request a continuance, a NOTICE OF STIPULATED CONTINUANCE (FAMILY LAW) (Sonoma County form FL015) completed and 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.) two (2) court days 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 9.20 and acknowledge that they have considered participation in a Settlement Conference.~~

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.) two (2) court days 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.

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.

E. 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 child support 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

F. Dropping a Case from the Domestic or Child Support Calendars

The moving party may drop a hearing case from the Domestic or Child Support Calendar by submitting the *Request to Drop Hearing* form (FL-042) or submitting the request in pleading format, 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 or upon leave of the Court:

- 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).
- c. Any matter in which a Responsive Declaration has been filed seeking affirmative relief on the pending issues

G. Financial Matters

1. 271 Sanctions

If the moving party is seeking only 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.

2. Income and Expense Declarations: 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.

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

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).~~

4. Deposition related to financial matters: 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. (Renumbered and revised 1/1/2021)

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; 7/1/15, 1/1/2016, 1/1/17; 7/1/2017, 1/1/2018; 7/1/18, 1/1/2021)

9.14 CHILD CUSTODY

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

All Requests for Orders regarding custody or parenting plan issues must be filed and served with local form FL-017, entitled “Further Orders for Parties with Custody and Visitation 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 ~~shall are to~~ complete the online orientation program and attend the recommending counseling appointment as directed on the order entitled “Further Orders for Parties with Custody and Visitation Matters 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 all other parties ~~the opposing party~~ in a timely manner. E-mail delivery is permitted upon the attorney of a represented party. E-mail service is not permitted upon a self-represented party without the party’s express consent on form EFS-005-CV. Delivery shall be 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 ten (10) court days in advance of the FCS appointment. If sent by mail, then documents must be mailed five (5) additional calendar days in advance. The parties are not permitted to provide FCS with any documents, including replies, after the time set forth in this paragraph except for compliance certificates and documents as set forth in subparagraph “c” of this Rule 9.14. This does not affect either party’s right to timely file any appropriate pleadings with the court before the review hearing itself. Documents filed or delivered after the time set forth in this paragraph will not be reviewed by the FCS child custody recommending counselor. Courtesy copies are not required.

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 9.14.A1.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 9.14.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. Appearing by Telephone

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. Failure to Attend Recommending Counseling Appointments at Family Court Services

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 ~~Assistant~~ 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. Appointment of Child Custody Evaluators

1. Referral

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.

2. Time Limits

Custody Evaluation Reports will be ~~lodged~~ 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.

3. Requests for Change of Evaluator or Complaints Regarding Evaluators

i. Private Psychological Evaluators

An evaluator may 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.

~~C. Appointment of Child Custody Evaluators~~

~~1. Referral~~

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.

2. 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.~~

3. 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.~~

42. 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.

C Appointment of Parent Coordinator

1. Parties may stipulate to the appointment of a Parent Coordinator or Parent Coordinator Team.
2. 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/or 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 or 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.
- ~~3. 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.~~
4. 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.
5. The Court shall maintain a list of approved parent coordinators who have satisfied the requirements set forth in the application.
6. The Court shall annually contact the parent coordinators on the list and request a declaration from them stating their current education and licensing status. (Revised and renumbered 1/1/2021)

ED. Appointment of Minor's Counsel

1. 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 section 1513, 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.

2. 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) (renumbered 1/1/2016; 1/1/2018, 1/1/2021)

9.15 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

~~With the exception of permanent spousal support matters, in~~ 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)(renumbered 1/1/2016; Revised 1/1/2021)

9.17 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. Parties shall follow the procedures outlined in CRC 5.125.
- B.** On the Child Support Calendar, the order shall be prepared and presented to the court for approval before the end of the court session whenever possible.
- C.** On the Domestic Violence Calendar, the order shall be prepared and presented to the court for approval before the end of the court session.
- D.** Any order that includes an order for child or family support shall have attached the following Judicial Council forms:
1. Notice of Rights and Responsibilities, Health Care Costs and Reimbursement Procedures (Judicial Council form FL192);
 2. Information Sheet on Changing a Child Support Order (Judicial Council form FL 192 side 2);
 3. A Judicial Council approved computer generated support calculation. If the parties do not agree upon a single calculation, each party may attach a computer generated calculation; and
 4. 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).
- In addition, the parties shall submit a completed Child Support Case Registry Form (Judicial Council form FL-191) with the order. This form is not required if the local child support agency is an intervener in the case.
- E.** The Court shall set a compliance calendar date within 90 days after the hearing to assure the Order After Hearing is filed.
- F.** In accordance with LR 9.4.B.2, for cases in which both parties are self-represented, the Court may direct the Family Law Facilitator/Self Help Center staff to complete Judgment documents based on settlements reached during Settlement Conferences at court, or after Trial. The Family Law Facilitator / Self Help Center is not limited to 10 days in which to draft the Judgment.
1. After Settlement Conference, if the parties are not at court to review and sign the Judgment, the draft shall be mailed to the parties, who shall have 20 days from

~~the days from~~ the date the drafted Judgment is mailed in which to approve or refuse to sign the drafted Judgment.

2. If the Judgment is approved by the parties, they shall cooperate in signing the Judgment and any other necessary documents and submit them for filing prior to the ~~date of the~~ compliance date. The parties may use the service of the Family Law Facilitator / Self Help Center staff for assistance in signing and submitting the Judgment documents. Once the Judgment is filed, the compliance date shall be dropped.
3. If either party refuses to approve the drafted Judgment, the refusing party shall provide the other party, in writing, with an itemization of objections and a proposed alternative to the drafted judgment.
 - a. If the refusal is resolved, and parties agree to sign the proposed Judgment or an alternative to the Judgment, they shall follow the procedures after approval as stated in #2 above.
 - b. If the parties do not resolve the refusal, they shall appear at the compliance hearing. Ten (10) days prior to the hearing, the refusing party(ies) shall file and serve a declaration itemizing the items refused and the reasons for the refusal.
4. After trial, drafted Judgment shall be submitted directly to the Judge for approval.

(Eff. 1/1/2006; Rev. 1/1/2007, 7/1/2008, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.14, 7/1/12, Rev., 1/1/2016, 1/1/2017, 01/01/2021) (Revised and renumbered 1/1/2016)

9.19 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 ~~Code Law~~ 2105 et seq.;
Enforce Settlement;
Execute Documents in Family Law Cases;
Motions for Reconsideration or Motions for New Trial;*
Quash;
Receivership;
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 9.19. 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 9.19, 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 9.13. 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. Commencing at 2pm on ~~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 set on the next day's Law and Motion calendar hearing. ~~The tentative ruling shall may be obtained by telephoning (707) 521-6881 (tape recorded message) or at on~~ the court's website <http://www.sonoma.courts.ca.gov>. For tentative rulings by phone, please call (707) 521-6607. 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 other 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 attach a cover sheet to put that material which contains the following warning: 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 as confidential on ~~in~~ the court's file ~~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) (renumbered 1/1/2016; Revised 1/1/2021)

9.20 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. The Court will serve all parties personally or by mail.

Settlement Conferences will be scheduled only if Preliminary Declarations of Disclosure have been exchanged and an FL-141 has been filed by the requesting party and, if required, by the responding party; or the requesting party has complied and there is good cause for proceeding without the other party having provided the Preliminary Declaration of Disclosure and filed an FL-141.

- B. To request a Settlement Conference, parties (or their ~~his/her~~ attorney if represented) may submit Sonoma County Local Form FL-074, Request/Response to Request for Settlement Conference, Trial, or Default Hearing.

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.

Parties (or their attorney, if represented) 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.

Settlement Conferences will be scheduled only if Preliminary Declarations of Disclosure have been exchanged and an FL-141 has been filed by both parties or the requesting party has complied and there is good cause for proceeding without the other party having filed the Preliminary Declaration of Disclosure and FL-141.

- C. 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. If the party requesting a Settlement Conference and/or Trial has ~~the~~ provided a Preliminary Declaration of Disclosure and the responding party has not, if the Court does not set a Settlement Conference and/or Trial Date, the Court will place the matter on the next scheduled Case Resolution Conference at which time the Court may issue orders relating to the non-complying party's failure to exchange Preliminary Declaration of Disclosure, including, but not limited to, an order to comply, sanctions and setting a trial and Settlement Conference as originally requested.

- D.** Each party shall serve and submit Sonoma County local form FL-002, Statement of Issues for Settlement Conference or Trial or Sonoma County local form FL-048, Settlement Conference Statement/Trial Brief prior to the conference. The Statement must be submitted to the Civil & Family Law Courthouse, 3055 Cleveland Avenue, 10 (ten) calendar days prior to the Settlement Conference. The Statement shall be stamped as "received." Failure to submit a Statement in a timely manner may result in the Court doing one or more of the following: 1) rescheduling the settlement conference with the same panelist; 2) 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 (3) 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. When the local child support agency has intervened in a case, the agency will determine if its appearance is necessary and notify the Court whether it intends to appear. The agency may appear by telephone.

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, with the exception of the local child support agency, which may appear for support-related issues alone. If the agency is a party to the action, any settlement involving support issues requires the agency's signature.

~~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; 7/1/15) (Revised and renumbered 1/1/2016; 7/1/2017; Revised 1/1/2021)

9.21 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 ~~lodge~~ ~~attach~~ the report ~~in to~~ the court's file as confidential 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; renumbered 1/1/2016; Revised 1/1/2021)

9.23 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 Rules, Rule 5.~~

A. Setting Issues for Trial

- 1.** A family law contested cause may be set for trial by filing a Sonoma County local form FL-074, Request/Response to Request for Settlement Conference, Trial or Default Hearing. The request for trial may be presented to the judicial officer at the domestic calendar hearing. If no hearing is pending, the request shall be served and filed with the family law clerk. The request for trial does not need to be filed as a joint request of the parties.

2. 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.
3. Upon the filing of the Sonoma County local form FL-074 Request/Response to Request for Settlement Conference, Trial or Default Hearing, 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.
4. 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.
5. No matter will be set for trial until and unless the parties have exchanged their Preliminary Declarations of Disclosure and, if required, filed form FL-141, Declaration Regarding Service of Declaration 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 9.10.

C. Statement of Issues

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 party indicates he/she 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 Statement of Issues for Settlement Conference or Trial, Sonoma County form FL002, ten (10) calendar days prior to the trial date.

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

D. 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 13.C.~~ The parties, and attorneys, if any, shall state in the statement of issues the dates they met and conferred.

E. 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.

F. 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.

G. 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; 7/1/15) (renumbered 1/1/2016; 7/1/2017; Revised 1/1/2021)

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 and 2.1009. (Eff. 1/1/1997; Rev. 1/1/1998, 1/1/2007, 7/1/2008, 1/1/2021)

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) -(c), or 830.33(a) of the Penal Code.
- J.** Persons who are incarcerated in prison or jail.
- K.** Persons on felony parole, post-release supervision, felony probation or felony mandated supervision.
- L.** Persons required to register as a sex offender under Penal Code section 290 based on a felony conviction.

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, 1/1/2021)

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
Notice of Appeal Involuntary Commitments	APP-001	Optional	04/01/15
Declaration in Opposition to Temporary Order	CA-106	Optional	07/01/13
Vehicle Code Section 14601 et . esq. – Addendum Form – Pages 1 and 2	CR-001	Mandatory	01/01/19
Vehicle Code Section 23103(a) – Addendum Form – Pages 1 and 2	CR-002	Mandatory	01/01/19
Vehicle Code Section 23152 – Addendum Form – Pages 1 and 2	CR-003	Mandatory	01/01/19
Vehicle Code Section 23153 – Addendum Form – Pages 1 and 2	CR-004	Mandatory	01/01/19
Misdemeanor Advisement – Domestic Violence Addendum Form	CR-005	Mandatory	01/01/19
Advisement of Rights, Waiver and Fee Form – Misdemeanor – Pages 1-4	CR-006	Mandatory	01/01/19
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	01/01/19
Declaration Regarding Notice of Request for Temporary Orders	FL016	Mandatory	01/01/19
Custody and Visitation Orders	FL017	Mandatory	07/01/12
Notice of Rights and Responsibilities Child Care	FL020	Mandatory	07/01/11
Notice of Completed Report by the Private Child Custody Recommending Counselor and Request to Advance Hearing	FL026	Mandatory	02/01/14
TAHL Child Support	FL028	Mandatory	01/01/18
TAHL Family Law Contempts	FL029	Mandatory	01/01/18
Stipulation and Order re: Appointment of Parenting Coordinator	FL030	Mandatory	12/01/13
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
Application for Approval for Listing on Sonoma County Superior Court Parent Coordinator Panel	FL037	Mandatory	02/01/14
Petition for Grandparent Visitation	FL038	Mandatory	01/01/18
Response to Petition for Grandparent Visitation	FL039	Mandatory	01/01/18
Declaration regarding Notice and Delivery of Domestic Violence Temp Orders	FL040	Mandatory	01/01/15
Request to Drop Hearing	FL042	Optional	07/01/17
Family Law Child Custody and Visitation Questionnaire	FL045	Optional	01/01/18
Settlement Conference Statement/Trial Brief	FL048	Optional	07/01/15
Request-Response to Request for Set Conf, Trial or Default Hearing	FL074	Mandatory	07/01/17

Request for Telephone Appearance	FL075	Mandatory	07/01/11
Request to Reset/Advance/Set Case Resolution Conference	FL092	Mandatory	01/01/15
Declaration and Order To Unseal Unredacted Original Birth Certificate	FL094(b)	Mandatory	01/01/19
Declaration of Certification of Attorney Competency	JC-104	Mandatory	07/01/11
Request to Change-Add Court Date	JC-106	Optional	07/01/11
Request for Interpreter	INT-001_EN	Mandatory	01/01/15
Application and Order Appointing Probate Referee	PR-1	Optional	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
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
Petition for Visitation (Guardianship)	PR-15	Optional	05/08/13
Appointment of Counsel	PR-16	Optional	03/13/19
Guardianship Visitation Order	PR-17	Mandatory	07/01/17
Notice of Stipulated Continuance	PR-18	Mandatory	01/01/19
Statement of Issues For Settlement Conference or Trial	PR-19	Mandatory	01/01/19
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

Form Name	Form No.	Mandatory Or Optional	Revision Dates
Advisement of Rights, Waiver and Fee Form – Misdemeanor – Pages 1-4	CR-006	Mandatory	01/01/19
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 for Approval for Listing on Sonoma County Superior Court Parent Coordinator Panel	FL037	Mandatory	02/01/14
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
Appointment of Counsel	PR-16	Optional	03/13/19
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 And Order to Unseal Unredacted Original Birth Certificate	FL-094(b)	Mandatory	01/01/19
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	01/01/19
Declaration Regarding Notice and Delivery of Domestic Violence Temp Orders	FL040	Mandatory	01/01/15
Family Law Child Custody and Visitation Questionnaire	FL045	Optional	01/01/18
Guardianship Visitation Order	PR-17	Mandatory	07/01/17
Increased Bid In Open Court On Sale Of Real Property	PR-14	Mandatory	07/01/11
Misdemeanor Advisement – Domestic Violence Addendum Form	CR-005	Mandatory	01/01/19
Notice of Appeal Involuntary Commitments	APP-001	Optional	04/01/15
Notice of Completed Report by the Private Child Custody Recommending Counselor and Request to Advance Hearing	FL026	Mandatory	02/01/14
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	07/01/15
Notice of Stipulated Continuance (Probate)	PR-18	Mandatory	01/01/19
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
Petition for Grandparent Visitation	FL038	Mandatory	01/01/18
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 Interpreter	INT-001_EN	Mandatory	01/01/15
Request for Telephone Appearance	FL075	Mandatory	07/01/11
Request to Change-Add Court Date	JC-106	Optional	07/01/11
Request to Drop Hearing	FL042	Optional	07/01/17
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

Request-Response to Request for Set Conf, Trial or Default Hearing	FL074	Mandatory	07/01/17
Response to Petition for Grandparent Visitation	FL039	Mandatory	01/01/18
Settlement Agreement and Court Order (Unlawful Detainer)	CV-43	Optional	07/01/11
Settlement Conference Statement/Trial Brief	FL048	Optional	07/01/15
Statement of Issues for Settlement Conference or Trial	FL002	Mandatory	07/01/13
Statement of Issues for Settlement Conference or Trial (Probate)	PR-19	Mandatory	01/01/19
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 re: Appointment of Parenting Coordinator	FL030	Mandatory	12/01/13
Stipulation and Order Referring Matter to Alternative Dispute Resolution	CV-7	Optional	07/01/11
TAHL Child Support	FL028	Mandatory	01/01/18
TAHL Family Law Contempts	FL029	Mandatory	01/01/18
The Role of the Client's Attorney in Special Master Cases	FL031	Mandatory	07/01/11
Vehicle Code Section 14601 et . esq. – Addendum Form – Pages 1 and 2	CR-001	Mandatory	01/01/19
Vehicle Code Section 23103(a) – Addendum Form – Pages 1 and 2	CR-002	Mandatory	01/01/19
Vehicle Code Section 23152 – Addendum Form – Pages 1 and 2	CR-003	Mandatory	01/01/19
Vehicle Code Section 23153 – Addendum Form – Pages 1 and 2	CR-004	Mandatory	01/01/19