



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

~~abede~~ Deleted text  
abcde Revised text  
\*\*\* Unchanged text

**RULE 3 \_\_\_\_\_ RULES APPLICABLE TO COURT REPORTING SERVICES**

**3.1 \_\_\_\_\_ ELECTRONIC RECORDING**

Pursuant to Government Code section 69957, in limited civil actions and criminal misdemeanor and infraction proceedings, the court, at its sole discretion, may utilize electronic recording as a means of generating a verbatim record of proceedings. In those instances, court reporters will not be provided.

**3.2 \_\_\_\_\_ NOTICE OF AVAILABILITY OF COURT REPORTING SERVICES**

General information concerning the availability of court reporters is set forth in the Court's Notice of Availability of Court Reporting Services, which is posted in the Clerk's Office and on the court's website.

**3.3. \_\_\_\_\_ UNAVAILABILITY OF COURT-PROVIDED COURT REPORTERS**

Unless otherwise noted in the Court's Notice of Availability, pursuant to California Rules of Court 2.956, the Court does not provide court reporters for hearings in the following civil case types:

- 1) Limited Civil
- 2) Unlimited Civil
- 3) Probate including Guardianships
- 4) Family Law, except as mandated, such as requests to withdraw consent to an adoption, child testimony in chambers, and petitions to free a minor from parental care and control.

**3.4 \_\_\_\_\_ REQUEST FOR COURT REPORTER WHERE FEE WAIVER HAS BEEN GRANTED**

If a party has been granted a fee waiver in an action, the party may request a court reporter pursuant to California Rule of Court 2.956(c)(2)(A) and (B).

## **RULE 9        RULES APPLICABLE TO FAMILY LAW PROCEEDINGS**

### **9.1        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 and any custody matter which has not been heard in other departments in the previous twelve months 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.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2007, 7/1/2010, 7/1/2012, 1/1/2018, 1/1/2021)

### **9.14        MEDIATION AND CHILD CUSTODY RECOMMENDING COUNSELING (CCRC)**

#### **A.        Purpose**

The purpose of the Mediation and CCRC session is to reduce the acrimony which may exist between the parties and to develop a custody/visitation plan which ensures ~~that~~ minor child(ren)'s frequent and consistent contact with their parents, when it is in their best interest. All parties shall make a good faith effort to arrive at an agreement regarding child custody and visitation before scheduling appointments with Family Court Services, and before the court hearing, except in those cases where domestic violence or other restraining orders have been issued or are pending a hearing, or where there are allegations of child abuse or neglect currently under investigation.

#### **D.        Documents to be Delivered and Reviewed by the Mediator/Child Custody**

##### **Recommending Counselor**

All relevant materials to be considered by Family Court Services must be delivered to all other parties 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 the Judicial Council CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS form EFS-005-CV.

#### **I.        Appointment of Minor's Counsel**

**1. Family Code section 3150 Appointments**

- a. The Court may appoint counsel to represent a child in a custody proceeding. Upon appointment of Minor's Counsel, all mediation or child custody recommending counselling services provided by Family Court Services are immediately terminated.

**9.19 LAW AND MOTION MATTERS**

**E. Hearings, Tentative Rulings and Oral Arguments**

1. Commencing at 2:00 p.m. on the court day preceding each Law and Motion calendar, 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 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 parties of ~~her/his~~ their intention to appear. Where appearance has been required or invited by the court, oral argument may be presented.

**9.20 FAMILY LAW SETTLEMENT CONFERENCES**

- 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.
- 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 provided a ~~Preliminary~~ 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~~ 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 served 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 filed ~~submitted to the Civil & Family Law Courthouse, 3055 Cleveland Avenue,~~ ten (10) 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.

## **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 the report in the court’s file as ~~confidential~~ 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 (Request for Order) 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~~ 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, 7/1/2013, 1/1/2021) (Renumbered 1/1/2016)

## **9.23 TRIAL AND EVIDENTIARY HEARINGS**

### **A. Setting Issues for Trial**

1. A family law contested cause may be set for trial by filing 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~~ law clerk. The request for trial does not need to be filed as a joint request of the parties.

**F. Contempt Proceedings**

The ~~etee~~ defendant 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.

## **18.1 PROCEEDINGS WITH A FEE WAIVER**

### **B. ~~Form Packets Not Included~~**

Unless specifically granted by order of the court, the cost of court form packets is not waived. Forms may be downloaded free of charge from the court's website:

[www.sonoma.courts.ca.gov](http://www.sonoma.courts.ca.gov) (Eff. 1/1/1997; Rev. 1/1/2003, 1/1/2007, 7/1/2008, 1/1/2011, 7/1/2011, 7/1/2012)

## **18.7 PREPAID, SELF-ADDRESSED ENVELOPES REQUIRED**

A self-addressed envelope of sufficient size and with sufficient postage affixed is required for the mailed return of copies of papers submitted for filing. ~~Alternatively, conformed copies will be placed in the Attorney Box # written in the top right corner of the first page of the copy.~~ Copies submitted without either means of return will be placed in the will call box in the clerk's office and will be discarded after thirty calendar days. (Eff. 1/1/1997; Rev. 7/1/2001, 7/1/2003, 1/1/2011, 7/1/2011)

## **18.8 TIME AND DATE MUST BE SHOWN [Reinstated]**

When the date of the hearing for any motion, order to show cause, law and motion or probate matter is known, all papers filed for consideration at the hearing shall contain the hearing date and time in the caption of the case below the action number. When e-Filing please add the hearing date in the filing description (HRG MMDDYY). Failure to comply with these rules may result in documents not being before the Court at the time of the hearing.

(Eff. 1/1/1997; Rev. 7/1/2003, 1/1/2007; Repealed 1/1/2011; Reinstated 7/1/2015)

## **18.11 RESTRICTIONS ON OVER-THE-COUNTER FILINGS**

All other documents shall be left in the routine processing basket, located in the lobby of the Clerk's Office or the outside drop box. For return of a filed, stamped copy, either a self-addressed stamped envelope must be attached to the documents or the attorney's box number must be written in the upper right hand corner of each copy. If applicable, the corresponding court date shall also be written in the upper right hand corner of each document.

~~[Documents left in the routine basket will be processed within ten (10) court days as a general rule. Documents requiring a judge's signature will generally be processed within fifteen (15) court days.]~~

(Eff. 1/1/1997; Rev. 7/1/2004, 1/1/2007, 1/1/2011, 7/1/2011, 7/1/12)

## **18.19 APPOINTMENT OF ELISOR**

### **E. Order Granted**

1. If the court grants the order, the party must contact the ~~Clerk's~~ Court Executive Office's to schedule an appointment for the actual signing of the documents.

## **18.23 LIMITATIONS ON ELECTRONIC FILINGS**

Notwithstanding any other provision of law or these rules, the following items may not be electronically filed:

### **A. Civil:**

1. Records and cases under seal;
2. ~~Ex parte applications/documents;~~
- ~~2-3.~~ Bench Warrants;
- ~~3-4.~~ Subpoenaed documents;
- ~~4-5.~~ Labor Commissioner deposit of cash or check;
- ~~5-6.~~ Bonds; and
- ~~6-7.~~ Undertakings.

### **C. Family Law:**

1. ~~Judgments~~ Declaration for Default for Uncontested Judgements, Judgements, and Notice of Entry of Judgements.

## **18.26 ELECTRONICALLY FILED PROPOSED ORDERS AND ORDERS AFTER HEARING**

### **A. Proposed Orders in Civil and Family Division Cases**

1. \*\*\*Proposed orders (except in the case of ex parte or discovery motions, which shall include proposed orders with their filing) may not be submitted with moving papers before a hearing on a regularly-noticed motion unless ordered by the Court or if otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, pro hac vice applications, applications for writs of attachment, etc.).
2. If required to include a proposed order, or instructed to prepare a proposed order, or order after hearing, orders shall be ~~lodged~~ filed as Proposed Orders 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 submitted to the Court by electronic mail using an address identified on the Court's website.