Superior Court of California
County of San Benito

LOCAL RULES OF COURT
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CHAPTER 1 - GENERAL RULES

RULE 1.1 - APPLICATION OF LOCAL RULES

These local rules apply to all matters filed in the Superior Court of California, County of San Benito unless otherwise noted herein. Upon the effective date of these rules, all other rules previously adopted by this court and the former Municipal Court are repealed.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 1.2 - CONSTRUCTION, SCOPE AND EFFECT OF RULES

These local rules are designed to promote and facilitate efficient and fair administration of judicial business and justice. These local rules are to be liberally construed and are intended to supplement and do not replace or reduce any requirements set forth in California statutes, the California Rules of Court (CRC), or other policies or standards adopted by the Judicial Council of California. If a local rule is amended in the future, the new adopted and approved rule will be controlling.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 1.3 - UNIFICATION

Effective September 1, 1998, Municipal Court of San Benito County unified with Superior Court. Therefore, all references to Municipal Court are hereby eliminated. Superior Court is divided into Department 1 (formerly Municipal Court) and Department 2 (formerly strictly Superior Court). Cases, which were in Municipal Court, will continue as is in Department 1.

(Eff. 7/1/99)

RULE 1.4 - ABBREVIATIONS WITHIN THESE LOCAL RULES

ADR Alternative Dispute Resolution

CLETS California Law Enforcement Telecommunication System CMC Case Management Conference

CRC California Rules of Court

ECT Expedited Civil Track

MCLE Minimum Continuing Legal Education

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 1.5 - SMOKING PROHIBITED

Smoking is prohibited in all court facilities. For purposes of this rule, "smoking" includes the use of e-cigarettes or similar devices.

(Eff. 1/1/16)

RULE 1.6 - ELECTRONIC DEVICES

a) Definition: "Electronic devices" includes, without limitation, all cellular phones, computers, tablets, digital assistants, digital cameras, video recorders, television cameras, smartwatches, and wearable computers.

b) Court Reporter Use of Audio Software: Except as may be ordered pursuant to Local Rule 1.7, (a), (g) does not include the use of audio software as personal notes of the court reporter to assist in the preparation of verbatim records of court proceedings, providing recording capabilities are turned off and not used during any break or recess in the proceedings when stenographic notes are not being taken. Such personal notes are not an official record of the court and may only be used by the court reporter, or by a substitute court reporter in the absence of the court reporter who reported the proceedings, to assist in accurately transcribing the verbatim record, and must not be retained after the verbatim record is transcribed.

c) Use in Courtrooms: Prior to entering a courtroom, all electronic devices must be silenced, or in the discretion of the judge or commissioner, turned off. No person may use an electronic device for photographing, recording, or broadcasting in a courtroom, unless that person has obtained advance permission from the judge or commissioner. No person may handle an electronic device in a courtroom in any way that suggests that a photograph or other recording is being taken. In the discretion of the judge or commissioner, some or all electronic devices may be prohibited from a courtroom for a specific hearing or trial. Attorneys, probation officers, police officers, and other professionals may use electronic devices in a courtroom to conduct legal research, photograph documents, or otherwise facilitate proceedings.

d) Judicial Discretion: Nothing in this rule restricts a judge's or commissioner's discretion to regulate the use of electronic devices in his or her courtroom.

(Eff. 1/1/16) (Rev. 7/1/18) (Rev. 1/1/25)

RULE 1.7 - PHOTOGRAPHING, RECORDING, AND BROADCASTING

Court Proceedings: CRC 1.150 and Local Rule 1.6 govern photographing, recording, and broadcasting of court proceedings, including remote proceedings as defined in California Rules of Court, Rule 3.672

a) Security: Court security personnel are allowed to photograph, record, or broadcast within the courthouse, including using security cameras.

b) Ceremonial Events: Upon oral approval of a judge or the court executive officer, photography and video recording of ceremonial events occurring in the courthouse (such as weddings, adoption proceedings, or mock trial competitions) are allowed.

c) Public Records: Photographing of public records is allowed in the clerk's office.

d) Documents: Attorneys may photograph documents within the courthouse.

e) Other: All other photographing, recording, and broadcasting in the courthouse is prohibited, unless prior written order is obtained from the presiding judge or court executive officer. For purposes of this rule, the term "courthouse" shall include (i) any building or room in which court proceedings occur, and (ii) all portions of such building, including, but not limited to, clerk's offices, lobby areas, hallways, stairs, and elevators. While in the courthouse no one may engage in photographing, recording, or broadcasting, or activate any camera, microphone, recorder or broadcasting device except where the Judge has issued an order allowing media coverage (i.e. photographing, recording, or broadcasting) under California Rules of Court Rule 1.1150, Local Rule 1.6, 1.7 (a)-(e), or expressly granted permission under the California Rules of Court, Rule 1.150(d) or otherwise, to photograph record, and/or broadcast. Nor, without prior court order, may anyone carry any camera, microphone, or recording equipment, or activate the image or sound capturing feature of any computer, mobile telephone, watch, or other equipment in a courtroom without express written permission from the appropriate judicial officer.

f) Persons engaged in photographing, recording, and broadcasting must not obstruct pedestrian traffic, create traffic congestion, or otherwise impede access to court proceedings, offices, services, or facilities.

g) Persons requesting media coverage of any type, including pool cameras, must complete and submit for judicial approval mandatory Judicial Council form MC-500, specifying 1) the time estimate for coverage; 2) the proposed placement of cameras, microphones, and other equipment; and 3) whether the coverage will be disseminated live or recorded for future dissemination.

(Eff. 7/1/18) (Rev. 1/1/25) (Rev. 1/1/26)

RULE 1.8 - PEACE OFFICER USE OF BODY-WORN CAMERAS

a) Definitions: For purposes of this rule:

   i. "Body-worn camera" means an electronic device used to photograph or record the performance of a peace officer in the course of his or her official duties.

   ii. "Courthouse" is as defined at Local Rule 1.7 (f) applies to rule 1.8.

   iii. "Peace officer" has the meaning specified in Penal Code section 830.

b) Permitted Use: A peace officer may use a body-worn camera in the courthouse to create a recording if the peace officer (i) is conducting an arrest, (ii) is assisting in an arrest, (iii) is interacting with an individual who is not complying with a command from the peace officer, (iv) is responding to an emergency situation, or (v) has received prior authorization from the Presiding Judge.

c) Prohibition: Except as allowed in subsection (b), a peace officer may not use a body- worn camera in the courthouse to create a recording.

(Eff. 1/1/20) (Rev. 1/1/25)

RULE 1.9 - ELECTRONIC SIGNATURES

Any document may be electronically signed by a judge or commissioner, even if the document was not filed electronically. The electronic signature may take any form allowed by CRC 2.257(a), including typed text or a facsimile image of a signature.

(Eff. 7/1/21)

CHAPTER 2 - ADMINISTRATION AND DISTRIBUTION OF JUDICIAL

RULE 2.1 - COURT HOLIDAYS

The court will observe a holiday occurring on a Saturday on the proceeding Friday and a holiday occurring on a Sunday on the following Monday, pursuant to CRC 1.11 and Code of Civil Procedure section 135. The court observes all judicial holidays as prescribed by law. (See Code of Civil Procedure sections 133-136 and Government Code section 6700.)

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08)

RULE 2.2 - CALENDAR

All matters will be regularly calendared pursuant to the calendar policy determined by the presiding judge. Unless otherwise ordered, cases will be assigned by department.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08)

RULE 2.3 – CLERKS' OFFICES—HOURS OF OPERATION FOR PUBLIC SERVICE

Courts must remain open to the public each business day according to the Judicial Council directives. The exact hours of operation of the clerks' offices are determined by the judges consistent with Judicial Council directives and will be posted on the Court's website. Hours of operation are subject to change so long as they remain consistent with Judicial Council directives and with prior notification to the public.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16) (Rev. 7/1/22)

RULE 2.4 - PRESIDING JUDGE

a) Term of Presiding Judge: The presiding judge shall serve for two calendar years, commencing January 1st of each odd numbered year.

b) Selection: The presiding judge shall be elected by the judges of the court. A unanimous vote is required. If a unanimous vote is not taken, then the position of presiding judge shall rotate with each eligible judge serving a two-year term as presiding judge, commencing with the most senior eligible judge. In the case of equal seniority, the initial presiding judge shall be selected by lot. Selection shall occur in July of even numbered years.

c) Qualifications:

i. Eligibility: No judge of the San Benito Superior Court shall be eligible to serve as presiding judge until serving as a judge in San Benito Superior Court for four years.

ii. Exception: If neither judge is eligible to serve as presiding judge, the more senior judge shall serve as presiding judge until both judges have served in San Benito Superior Court for at least four years. If both judges have equal seniority, one judge shall be selected by lot to serve as presiding judge until both judges have served in San Benito Superior Court for at least four years.

iii. Factors to Consider:
- Management and administrative ability;
- Interest in serving in the position;
- Experience and familiarity with a variety of trial court assignments;
- Ability to motivate and educate other judicial officers and court personnel;
- Ability to evaluate strengths of the court's bench officers and make assignments based on those strengths as well as best interest of the public and court; and
- Other appropriate factors.

d) Duties: The presiding judge has the authority and the duties specified by California Rules of Court 10.603 and statute.

e) Assistant Presiding Judge: When necessary, the presiding judge will designate an acting presiding judge.

f) Seniority: For purposes of this rule, seniority shall be determined by service as a judge in San Benito Superior Court.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 7/1/18) (Rev. 1/1/25)

RULE 2.5 - COURT EXECUTIVE OFFICER

The presiding judge shall appoint the court executive officer who shall also act as Clerk of the Court pursuant to Government Code section 69840-69848 and California Rules of Court, Rule 10.610, and in job descriptions approved by the court from time to time.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 7/1/18) (Rev. 1/1/24) (Rev. 1/1/25)

RULE 2.6 - COURTROOM DECORUM

These local rules have been adopted to promote orderly proceedings and respect for the judicial process. All persons present before the court are required to dress and conduct themselves in a manner consistent with the traditional dignity of the court and the judicial process. The presiding judge may issue directives from time-to-time regarding appropriate conduct in the courtrooms that may include prohibiting certain behaviors, activities, and customs. All parties and court users are expected to follow such directives unless otherwise directed by the presiding judges.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 2.7 - COURT RECORDS AND FILES

No person may remove official court files, papers contained therein, exhibits, or other records from the clerk's office without order of the court. Making photocopies or photographic copies of public court records may be permitted under Local Rule 1.7 (d).

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 2.8 - INTERPRETATION OF THE TERM "DAY"

"Court day" means a day on which judicial business may be transacted within the meaning of Code of Civil Procedure sections 133-136. "Day" means "court day" unless otherwise specified.

(Eff. 7/1/08) (Rev. 7/1/18)

RULE 2.9 - DEFINITION OF VACATION DAY FOR JUDGES

A day of vacation for a judge is defined as an approved absence from the court for one full court day. Other absences from the court listed in CRC 10.603(c)(2)(H) are excluded from this definition.

(Eff. 7/1/08)

RULE 2.10 - SERVICE PROVIDERS

a) Definition: "Service providers", for the purpose of this rule, includes the following non-employee, court-appointed experts and specialists: (i) forensic evaluators, (ii) family law investigators, (iii) mediators, (iv) background researchers, (v) contract court reporters, (vi) contract interpreters, (vii) criminal defense counsel, (viii) dependency counsel, and (ix) county agency employees with expertise in substance use, behavioral health, other special fields.

b) Fees: The maximum fee to be paid to each category of service provider is set forth in the Service Rate Schedule available on the court's website. The Service Rate Schedule may be updated from time to time upon approval of the presiding judge. An updated Service Rate Schedule shall be effective immediately upon approval by the presiding judge. An interpreter who requires payment in excess of established in the *Judicial Council Payment Policies for Independent Contractors* may be considered unavailable.

c) Judicial Discretion: The allowance of fees in excess of those specified in the Service Rate Schedule is subject to the discretion of the court upon proper and sufficient showing by the claimant of the necessity or justification thereof, except as may otherwise be specifically provided by statute.

(Eff. 1/1/16) (Rev. 7/1/18) (Rev. 7/1/21)(Rev. 7/1/26)

RULE 2.11 - ELISORS

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized representative or designee may be appointed as an elisor to sign the document.

a) Civil and Probate Cases:
   i. An application for appointment of an elisor shall be made by filing an application, declaration in support, and a proposed order.
   ii. The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.
   iii. The proposed order shall:

      A. Clearly identify the document(s) the elisor is being asked to sign. A deed must state the type of deed. (i.e. grant deed, interspousal transfer deed, etc.) Escrow documents must be listed separately. (i.e. Escrow Instruction Dated. . ., Hazards Report, etc.)

      B. The order shall describe the exact location(s) in the document(s) where the elisor is to sign and identify the name of the party for whom the elisor is signing.

      C. The order must state "The Clerk of the Court or Clerk's Designee" as the elisor. It cannot state the name or title of a specific court employee.

      D. If the Court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.

      E. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present with the elisor signs the documents.

b) Family Law Cases:
   i. A court order for the appointment of an elisor must be made by a request for order and a supporting declaration.
   ii. At least one supporting declaration needs to be filed with the request. The declaration must include:
      A. A list of the exact documents the elisor is being asked to sign. A deed must state the type of deed. (i.e., grant deed, interspousal transfer deed, etc.) Escrow

documents must be listed separately. (i.e. Escrow Instruction Dated, Hazard Report, etc.)

B. Include a description of the good faith efforts to meet and confer to resolve the issue.

C. Specify facts establishing the necessity of the appointment of an elisor.

iii. If the court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.

iv. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s),

(Eff. 1/1/25.)

RULE 2.12 - EXTRAORDINARY COMPENSATION FOR ATTORNEYS AND PERSONAL REPRESENTATIVES IN DECEDENTS' ESTATES

c) Petition: A petition for extraordinary compensation for attorneys and personal representatives in decedents' estates will not be considered unless the notice of hearing contains a reference to that petition. A petition must include, or be accompanied by, the statement of facts as required by CRC 7.702.

d) Discretion of Court: The award of extraordinary compensation is within the discretion of the court. Ordinarily, extraordinary compensation will not be awarded without a proper showing that statutory fees have been exhausted.

e) Standards: CRC 7.703 provides examples of services for which the court may award extraordinary compensation. The court will look at the reasonableness and benefit to the interested parties in determining whether and what amounts of extraordinary compensation will be awarded. The court will not award compensation for legal services performed by non-attorneys, except for services performed by paralegals in accordance with CRC 7.703(e). Legal services do not include, and the court will not award compensation for, matters which are overhead, secretarial in nature, or do not require special legal skills. Ordinarily, the court will award no more than one hour for a court appearance in a non-litigated matter. The court will not award compensation for items such as office supplies.

f) Customary Compensation: In reviewing petitions for extraordinary compensation, the court considers the amounts historically and customarily awarded in the community. For attorneys' fees in non-litigated matters, the court has customarily awarded fees in the range of $200 to $400 per hour. For paralegals, the court has customarily awarded fees in the range of $75 to $150 per hour. For personal representatives, the court has customarily awarded fees in the range of $20 to $50 per hour. All petitions must clearly indicate who has performed the services for which extraordinary compensation is being requested. In the event that a personal representative performs services requiring special training and skills (e.g., a CPA preparing tax returns or performing an audit), the court will consider a higher hourly rate on a case-by-case

basis. Counsel should not assume that the court will automatically award the maximum rates set forth herein. Litigated matters will be considered on a case-by-case basis.

(Eff. 1/1/16) (Renumbered 1/1/25.)

RULE 2.13 - RESTRICTED AREAS

The following areas of the court facilities are reserved for the exclusive use of court personnel: (i) the offices of the judicial officers, (ii) the entire length of the corridor adjacent to the offices of the judicial officers, (iii) the administrative offices, and (iv) the clerks' offices. Members of the public, jurors, employees of other agencies, private attorneys and their staff, and all other individuals are prohibited from entering these areas unless accompanied by court personnel.

Security personnel may remove unauthorized persons from these areas.

(Eff. 1/1/16) (Renumbered1/1/25.)

RULE 2.14 - PUBLIC ACCESS

a) Purpose: This rule is adopted to (i) ensure public access to the courthouse, (ii) safeguard the normal conduct of court business, (iii) promote the public perception of judicial neutrality, and (iv) maintain proper judicial decorum.

b) Access: No person may block or impede any entrance or exit to the courthouse, including entrances and exits to the parking areas. This prohibition shall not apply to workers who, with the permission of the court, block a courthouse entrance or exit during the course of repairs or cleaning.

c) Courthouse Plaza: The courthouse plaza is closed to the public between the hours of 8 p.m. and 7 a.m. daily (including weekends and court holidays). Lodging or camping in the courthouse plaza is prohibited. No stereos, bullhorns, or other amplification devices may be used in the courthouse plaza. The "courthouse plaza" refers to the outdoor area bounded by, but not including, the sidewalks on Monterey Street, 4th Street, West Street, and 3rd Street.

d) Regulated Activities: Unless related to court business, the following activities are prohibited in the courthouse: (i) picketing, (ii) demonstrating, (iii) leafleting, (iv) solicitation (either in person or via posting), (v) proselytizing or preaching, and (vi) peddling merchandise or services. These activities are allowed in the courthouse plaza only if a license has been obtained from the Judicial Council of California.

(Eff. 1/1/16) (Renumbered 1/1/25.)

RULE 2.15 - GRIEVANCE PROCEDURE FOR CERTAIN JUDICIAL PROFESSIONALS

a) Definition: For purposes of this rule, "judicial professionals" means (i) court-appointed investigators, (ii) court-appointed evaluators, (iii) the family law facilitator, or his or her staff members, and (iv) mediators appointed by the court to mediate a dispute in the following areas:

(a) probate, (b) guardianship, (c) conservatorship, (d) juvenile justice, (e) family law, (f) small claims, (g) unlawful detainer, or (h) civil petitions, as that term is defined in CRC 1.6(5).

b) Procedure: Anyone raising a grievance in connection with a judicial professional (including a request to change mediators) must file a written declaration signed under penalty of perjury and addressed to the presiding judge. The declaration must state specifically what alleged issue(s) is the basis for the grievance and what remedy is requested.

c) Investigation: Upon receipt of the grievance, the presiding judge (or their designee) will review it and solicit a response to the alleged grievance from the judicial professional within a reasonable period of time. The presiding judge (or their designee) will complete an investigation within a reasonable period of time, not to exceed ninety (90) calendar days from filing of the grievance.

d) Decision: The presiding judge (or their designee) will notify all parties in writing of his or her decision. The grievance and the court's findings must be maintained as a confidential record, and not as part of the case file, for a period of one (1) year. No one will be permitted to inspect the grievance or findings of the court without prior court order.

(Eff. 1/1/20) (Rev. 7/1/21) (Rev. and Renumbered 1/1/25.)

RULE 2.16 - COURT CONTRACTS

a) Definitions: For purposes of this rule:

i. "JBCL" means the California Judicial Branch Contract Law (Public Contract Code section 19201 et seq.).

ii. "Appendix" means the "JBCL Appendix" published by the Judicial Council of California. The current version of the appendix is located at: www.courts.ca.gov/documents/JBCM-JBCL-Appendix.docx.

b) Required Clauses: The JBCL and the Judicial Branch Contracting Manual adopted pursuant thereto require that court contracts include certain clauses. The appendix includes all such clauses and indicates in which contracts those clauses are required. To ensure compliance with the JBCL, the appendix will be deemed to be incorporated, in whole or in part, into any contract to which the court is a party, to the extent that the contract lacks a required clause.

(Eff. 1/1/21) (Renumbered 1/1/25.)

CHAPTER 3 - EXPEDITED CIVIL TRACK MANAGEMENT SYSTEM (ECT)

RULE 3.1 - OBJECTIVES

These ECT rules are intended to implement the Trial Court Delay Reduction Act (Government Code section 68600 et seq.) and to bring general civil actions to disposition by trial, settlement, or other

means as expeditiously as possible and within reasonable guidelines established by the court. These ECT rules apply to all general civil cases filed after the effective date of this rule.

No action or proceeding may be removed from the process set forth in this chapter because of a challenge filed under Code of Civil Procedure section 170.6.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/21)

RULE 3.2 - DEFINITION

"General civil cases" means all civil cases except probate, guardianship, conservatorship, juvenile justice, juvenile dependency, and family law proceedings (including proceedings under divisions 6-9 of the Family Code, Uniform Parentage Act, Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings), small claims proceedings, unlawful detainer proceedings, and petitions to prevent civil harassment, elder abuse, and workplace violence; petitions for name change; election contest petitions; and petitions for relief from late claims.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/22) (Rev. 1/1/25.)

RULE 3.3 - TIME STANDARDS

The court adopts the case disposition time standards as set forth in Standards of Judicial Administration, standards 2.1 and 2.2 and the Economic Litigation for Limited Civil Cases Act (Code of Civil Procedure sections 90-100). It is the policy of the court to strive to meet these time standards from the filing of the initial pleading to disposition of general civil cases in the following manner: 90% within 12 months, 98% within 18 months, and 100% within 24 months.

Timelines are as follows:

Filed Date

+60 Summons and complaint must be served no later than sixty (60) calendar days after the filing of the complaint. Except as otherwise provided by law, the court may extend any time requirements for service of process and return of summons upon a showing of good cause by the litigant.

+90 Responsive pleadings will be served upon each party entitled to service no later than thirty (30) calendar days after service of the complaint or the cross- complaint

+105 upon each party, unless an extension, not exceeding fifteen (15) calendar days, is obtained by stipulation of all parties or by order of the court granting the responding party's motion for relief from the time limit.

+120 Cross-complaint(s) must be served within thirty (30) calendar days of filing
+135 responsive pleading(s), [except that a cross-complaint against new parties must be served within fifteen (15) calendar days of filing the responsive pleading(s)].

+150 +165	Filing and service of response(s) must be made within thirty (30) calendar days of service of the cross-complaint(s).
+120	Case management conference (CMC) is set approximately one hundred twenty (120) calendar days after the filing of the initial pleading.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/18) (Rev. 1/1/21)

RULE 3.4 - CASE MANAGEMENT

a) Notice of Inclusion: At the time of filing the initial pleading, the clerk will prepare a notice of inclusion which contains dates in accordance with the rules prescribed herein. This form must be served with the complaint and a copy with proofs of service filed in the case.

b) Case Management Statement: Each party must file and serve a case management statement on the other parties no later than fifteen (15) calendar days before the CMC. A case management statement must contain the following information, whether or not a Judicial Council form is used:

   i. The names, addresses, phone and fax numbers of all attorneys of record and whom they represent;
   ii. A brief outline of the nature of the case;
   iii. The estimated court time to dispose of the case, including separate estimates of time for motions and trial;
   iv. The estimated date the case will be ready for trial and whether or not a jury trial is demanded;
   v. The efforts made at settlement, what issues remain in dispute and whether further settlement conferences would be productive;
   vi. The status of discovery and if not completed, what type of discovery remains and the date it is scheduled to be completed;
   vii. A statement specifying the date, time spent, and results of the meet and confer required by Local Rule 3.4(c);
   viii. A statement indicating whether or not the case is suitable for judicial arbitration or alternative dispute resolution and reasons therefor;
   ix. The trial attorney's availability calendar for the 4th, 5th, and 6th months following the month in which the CMC is heard;
   x. Proof of service that the case management statement was served upon all necessary parties; and
   xi. Other information pertinent to the court's ECT.

c) Meet and Confer: Prior to the filing of the case management statement, parties must meet and confer in person or by telephone regarding the case. The results of this meet and confer must be summarized and included in the case management statement.

d) Case Management Conferences (CMC):
   i. Calendaring: The CMC will be calendared as provided in the notice of inclusion (see Local Rule 3.4(a)) or to an earlier date if the parties sign a stipulation requesting such date. Counsel for each party and each self-represented party must participate in the CMC either

by appearing in person or by telephone. Telephonic appearances are permitted, unless otherwise ordered or directed by the court.

ii. Participation: Each party must be fully prepared to discuss the following at the CMC:

A. All items addressed in the case management statements.

B. Any other matters that would achieve the interests of justice and the timely disposition of the case.

iii. Continuances:

A. By Stipulation: Parties requesting an initial continuance must submit a stipulation signed by all parties and a declaration stating the reason for the request. The clerk must receive this request as soon as possible, but no later than the court day before the scheduled CMC. The stipulation must include the date of the rescheduled CMC, which should be no later than thirty (30) calendar days after the initial CMC was set. Any further continuances may only be granted upon filing of a proper motion and order of the court.

B. Without Stipulation: Parties requesting a non-stipulated continuance must file a noticed motion and set a hearing date prior to the scheduled CMC. A declaration and proof of service must support the motion. The motion will be granted upon a finding of good cause.

iv. Orders: To achieve expeditious resolution of these matters, the court must evaluate each case, take appropriate actions, and make necessary orders. Such actions or orders may include:

A. Designating the case as an “uninsured motorist” case pursuant to CRC 3.712.

B. Designating the case as exempt from differential case management by reason of exceptional circumstances pursuant to CRC 3.714(c), in which case there will be established a case progression plan and a procedure to monitor case progression in order to assure disposition within three (3) years.

C. Consolidating cases.

D. Referring the case to judicial arbitration, subject to Government Code Section 68616(g). The court will accept stipulations to refer a case to arbitration earlier than as set forth in that code section.

E. Setting the case for trial and mandatory settlement conference.

F. Continuing the case for further CMC.

G. Severing or bifurcating causes of actions or issues.

H. Setting discovery schedules.

I. Setting a date for a special settlement conference.

J. Dismissing the action in whole or in part.

K. Assigning the case, upon stipulation, to ADR.

L. Determining whether the case is one in which a right to a jury trial is available.

(Eff. 1/1/92) (Rev. 1/1/96) (Rev. 7/1/99) (Rev. 7/1/08)

RULE 3.5 - MOTION FOR RELIEF FROM TIME LIMITS

Motions for relief from any of the provisions of this chapter must be brought before the judge. Any relief motion must be signed by (i) the attorney, if any, and (ii) the moving party, except for good cause shown by declaration under penalty of perjury of the attorney, which declaration sets forth facts establishing the unavailability of the moving party. If the judge or his or her designee grants a motion for relief from time limits, the matter will be reset on a specific date at the time the motion is granted. Motions for relief from time limits set forth in this chapter will be made and may be granted only upon a showing of good cause.

(Eff. 1/1/92) (Amended 1/1/96) (Rev. and renumbered 7/1/99) (Rev. 7/1/08)

RULE 3.6 - MOTIONS

Notwithstanding these ECT rules, any party may file a motion on the law and motion calendar. The CMC calendar is not a law and motion calendar.

(Eff. 7/1/99) (Rev. 7/1/08)

CHAPTER 4 - NON-ECT CIVIL CASE MANAGEMENT

RULE 4.1 - SCOPE

The cases covered by this chapter are those which are not included in the general civil case definition in Local Rule 3.2. These cases will be managed pursuant to CRC 3.720 - 3.771. A civil case under this chapter may be brought into the ECT upon noticed motion and finding of good cause; upon stipulation (including area for clerk to complete indicating first CMC) and order thereon; or upon the court's own motion by service of a notice of a case management conference to all parties.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 4.2 - AT-ISSUE MEMORANDUM

a) Timelines: In all civil cases specified in Local Rule, 4.1, the plaintiff must file and serve an at-issue memorandum within one hundred eighty (180) calendar days from the date the complaint is filed, unless there is a final disposition to the matter prior to the one hundred eighty (180) calendar daytime-day time limit.

b) Availability: The submitting party must designate available trial dates for the 1st, 2nd, and 3rd months following the date the at-issue memorandum or counter at-issue memorandum is submitted.

c) Failure to File: If a timely at-issue memorandum is not filed, the case may be set for a CMC upon the court's own motion.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 7/1/18)

RULE 4.3 - CASE MANAGEMENT CONFERENCE

If either party requests a CMC, Local Rule 3.4 (b)-(d) will apply.

(Eff. 7/1/99) (Rev. 7/1/08)

CHAPTER 5 - SETTLEMENT CONFERENCES

RULE 5.1 - SETTING A SETTLEMENT CONFERENCE

a) The local rules set forth in this chapter are adopted to implement CRC 3.1380 and will apply to all settlement conferences whether mandatory or voluntary. A settlement conference may be set as follows:

i. At the request of any party on the at-issue memorandum or counter at-issue memorandum.
ii. By the court's own motion at any time in the interest of justice and to ensure timely disposition of civil cases.
iii. By the court or any party at the time of the CMC.
iv. At the request of any party applying to the court for a specially set settlement conference.
v. A further settlement conference may be set prior to the date set for trial at the request of a party or by the court at the time of initial settlement conference.

b) This rule does not prohibit any party from filing a motion on the law and motion calendar, which is generally a separate calendar.

c) The court will not continue a settlement conference except upon a filing of a noticed motion. The court will hear the motion at the settlement conference unless an earlier date is requested and ordered.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 5.2 - SETTLEMENT CONFERENCE STATEMENT

Each party must prepare, file, and serve on all other parties a settlement conference statement, in pleading or letter form, at least five (5) court days prior to the settlement conference. In addition to the requirements listed in CRC 3.1380(c), the settlement conference statement must include:

a) A caption including the date and time of the settlement conference and trial date, if set;

b) The names of the parties and the dates, times, and locations giving rise to the controversy before the court;

c) A summary of the important facts of the case indicating the parties' theories of liability;

d) A statement of any and all legal issues to be resolved by the court;

e) Copies of all relevant portions of key documents upon which the litigation is based and upon which any party intends to rely;

f) A list of all motions in-limine to be made at the time of trial;

g) A list of damages, current and future, and the legal and factual support thereof;

h) A summary of all previous settlement negotiations;

i) If an insurance carrier is involved and there are any reservations of rights or policy defenses, the legal and factual support therefor; and

j) Any other information as that may be directed by the court.

(Eff. 1/1/92) (Amended 1/1/96) (Rev. and renumbered 7/1/99) (Rev. 7/1/08)

RULE 5.3 - DUTY TO NOTIFY COURT OF SETTLEMENT

It is the duty of counsel, or the self-represented party, to inform the court immediately if the case is settled. Notice must be given to the court by filing a written notice of settlement, including any required attachments. Any party may move to seal a settlement agreement attached to the notice of settlement. Failure to notify the court in writing of settlement may be cause for sanctions.

(Eff. 1/1/92) (Amended 1/1/96) (Rev. and renumbered 7/1/99) (Rev. 7/1/08)

RULE 5.4 - SETTLEMENT OF JURY TRIALS

a) In the interest of jurors and taxpayers, the court strongly encourages parties to settle cases set for jury trial no later than 3:00 p.m. on the court day preceding the trial date. The court must be informed immediately of any settlement.

b) Parties must, during the week preceding the date fixed for the trial, keep the court's calendar secretary advised as to the likelihood of settlement and any other factors that affect the readiness of the case.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/18)

RULE 5.5 - DUTIES OF PARTY AT CONFERENCE

The trial counsel for each party and each self-represented party must attend the settlement conference. Each party must be familiar with the case so that he or she is able to discuss thoroughly all aspects of the case.

(Eff. 7/1/99) (Rev. 7/1/08)

CHAPTER 6 - TRIALS

RULE 6.1 - CIVIL JURY TRIALS

a) Jury Fee Deposits: For all civil matters scheduled for a jury trial, other than unlawful detainer actions, the clerk's office must receive the first day's jury fee deposit of $150 no later than twenty-five (25) calendar days prior to trial. In unlawful detainer actions, the clerk's office must receive the first day's jury fee deposit of $150 no later than five (5) calendar days prior to trial.

b) Waiver: Upon waiver of trial by jury by announcement or by operation of law, any demand for trial by jury by opposing counsel must be accompanied by a jury fee deposit of $150.

c) Nonrefundable: Jury fee deposits are nonrefundable.

d) Demand for Jury Trial: All civil cases set for trial in which there is an entitlement to a jury will be deemed to have a jury demand made by plaintiff absent a waiver in writing or in open court. If no waiver is made, plaintiff must pay the jury fee deposit. If plaintiff waives a jury, either by actual waiver or by failure to deposit the correct jury fee deposit as set out in (a), any other party may demand a jury and be responsible for the jury fee deposit consistent with Code of Civil Procedure section 631(b).

e) Jury Selection: Per the standing order of the court and per Code of Civil Procedure sections 219 and 219.5, law enforcement officers are excused from both civil and criminal jury service. For a Law Enforcement Officer to be excused pursuant to these statutes, the Law Enforcement Officer subject to jury summons must provide the court, within the time for requesting to be excused, their badge number, the name of the law enforcement agency with which they serve, and a written statement that they are currently employed by said agency. The written statement shall be signed as follows:

"I declare under the penalty of perjury of the laws of the State of California that the foregoing information is true and correct.

date: _____

Signature of (printed name)"

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/12) (Rev. 1/1/16) (Rev. 7/1/18) (Rev. 7/1/26)

RULE 6.2 - TRIAL BRIEFS (JURY TRIALS, LONG CAUSE BENCH TRIALS, FAMILY LAW TRIALS)

a) Content of Trial Brief: A trial brief must contain the following:

i. an expected exhibit list;
ii. an expected witness list and a brief summary of expected testimony of each witness;
iii. a list of any witness problems that may interfere with the timely conduct of the trial;
iv. any other issues that will have to be dealt with by the trial judge;
v. for jury trials, a list of proposed jury instructions compliant with CRC 2.1055.,

b) Civil Trials: In all civil jury trials and long cause civil bench trials, each party must file with the court and serve on the other party or parties:

i. a trial brief; and
ii. all motions in limine, along with supporting points and authorities.

In addition, the plaintiff must file with the court and serve on the defendant(s) a proposed verdict form. These items must be filed and served at least ten (10) court days prior to the trial date or at such other time as the court may order. Any opposition to a motion in limine must be filed with the court and served on the other party or parties at least two (2) court days prior to the trial date or at such other time as the court may order.

c) Family Law Trials: In all family law trials, each party must file with the court and serve on the other party or parties:

i. a trial brief; and
ii. all motions in limine, along with supporting points and authorities.

These items must be filed and served at least ten (10) court days prior to the trial date or at such other time as the court may order. Any opposition to a motion in limine must be filed with the court and served on the other party or parties at least two (2) court days prior to the trial date or at such other time as the court may order.

d) Submission Format: All items required to be filed pursuant to this rule must be submitted to the court electronically in a Microsoft Word or PDF file. Microsoft Word or PDF files must also be emailed to the court using the following email address: clerk@sanbenito.courts.ca.gov. Self-represented parties are exempt from the requirement to submit an electronic copy, and may submit a copy on paper during normal court hours. Upon a showing of undue hardship or significant prejudice, any other party will be exempted from the requirement to submit an electronic copy and may submit a copy on paper during normal court hours.

e) Sanctions: Failure to timely file the required items may result in the trial being vacated, the imposition of monetary sanctions including payment of costs and fees, or in trial sanctions precluding the litigation of issues or the exclusion of evidence. The court has authority to impose these sanctions on its own motion. The sanctions may also be requested by an adverse party on noticed motion.

(Eff. 1/1/11) (Rev. and renumbered 1/1/12) (Rev. 1/1/16) (Rev. 1/1/22) (Rev. 1/1/23) (Rev. 1/1/24)

CHAPTER 7 - COMPLEX GENERAL CIVIL LITIGATION

RULE 7.1 - DEFINITION

Complex litigation cases are those cases that require specialized management to avoid placing unnecessary burdens on the court or the litigants. Complex litigation is not capable of precise definition and may involve, for example, multiple related cases, extensive pretrial activity, extended trial times, difficult or novel issues, and post judgment judicial supervision, or may concern special categories such as class actions; however no particular criterion is controlling, and each situation must be examined separately.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 7.2 - CLASSIFICATION

At the first CMC, the court must make the determination as to whether the matter constitutes complex litigation. Upon the court's finding of exemption from ECT, the court must ensure that the case is progressing to a disposition in a timely fashion. The court may do one or more of the following: establish a regularly monitored program, appoint a special master, or otherwise administer the matter to promote the efficient administration of justice in accordance with CRC , Rules 3.400 to 3.403 and the Standards of Judicial Administration.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/25)

RULE 7.3 CEQA AS COMPLEX LITIGATION

Cases involving the California Environmental Quality Act (CEQA) shall comply with CRC rules 3.2205, 3.2206, 3.2207, 3.2208.

(Eft, 7/1/25)

CHAPTER 8 - LAW AND MOTION RULES

RULE 8.1 - LAW AND MOTION DEPARTMENT

The rules in this chapter apply to matters as defined in CRC 3.1103. These matters include the following types of actions: petitions for changes of name, emancipation of minors, applications for appointment of a guardian ad litem pursuant to Code of Civil Procedure section 373, and all other matters as may be designated by the court.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.2 - CONTINUANCES

As it is the policy of the court to avoid unnecessary delays in law and motion matters, requests for continuances must be based on good cause. The parties may stipulate, in writing, one time to

continue a law and motion matter for a reasonable amount of time not to exceed forty five (45) calendar days. The moving party must submit this request to the clerk's office by mail or fax at least (i) 24 hours before the scheduled hearing, or (ii) 48 hours before the scheduled hearing, if the hearing is before a visiting judge.

The parties must make all other requests for stipulated continuances of law and motion matters to the judge scheduled to hear the matter with parties in attendance. The request must indicate good cause for the continuance and describe the bases for previous continuances, if any. Failure to appear at the date and time set for the hearing may result in the matter being dropped from the calendar.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.3 - MOTIONS

All motions must comply with CRC 3.1110 - 3.1116 and 3.1300 - 3.1302 regarding the format and filing of papers. The parties must also follow any other CRC prescribing the method or setting forth other requirements for presentation of papers for filing.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.4 - ARGUMENT AND ORAL TESTIMONY AT LAW AND MOTION CALENDAR

a) The court will ordinarily not allow argument in excess of 15 minutes per side. If an argument exceeds 15 minutes per side, the judge may determine the matter requires lengthier argument and set the matter for a special hearing.

b) The court will ordinarily not allow extensive oral testimony on the law and motion calendar. If oral testimony is desired, the party must make a request to the law and motion judge, pursuant to CRC 3.1306, who may (i) grant the request and leave the matter as set, (ii) grant the request and re-calendar for a special setting, or (iii) deny the request and insist that the matter be heard on declarations.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.5 - SUMMARY JUDGMENT AND SUMMARY ADJUDICATION OF ISSUES

All motions for summary judgment and summary adjudication of issues must conform to the requirements of Code of Civil Procedure section 437c, CRC 3.1350 - 3.1354, and applicable local rules. The court will strictly enforce these requirements.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.6 - RESERVED

(Eff. 7/1/99) (Rev. 7/1/08) (Repealed 7/1/20)

RULE 8.7 - PROPOSED ORDERS

When the court's ruling is to be reduced to a formal written order, the prevailing party must file with the court and serve upon all parties a proposed form of order within five (5) calendar days of the ruling, unless otherwise directed by the court.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.8 - SANCTIONS

Failure to comply with any local rule or CRC may subject the party to sanctions pursuant to CRC 2.30 and Code of Civil Procedure sections 177.5 and 575.2.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 8.9 - RELIEF FROM LOCAL RULES

Relief from applicability of these rules must be obtained by prior court approval.

(Eff. 7/1/99)

CHAPTER 9 - EX PARTE APPLICATIONS

RULE 9.1 - DEFINITIONS

For purposes of this chapter, the terms below shall have the meanings assigned to them in this rule.

a) Applicant: The term "applicant" means the person seeking ex parte relief, or that person's counsel.

b) Opposing Party: The term "opposing party" is the person (or persons) against whom the applicant is seeking ex parte relief, or such person's counsel.

(Eff. 7/1/20)

RULE 9.2 - LAW AND MOTION

a) Statewide Rules of Court: All applications for civil ex-parte orders must comply with CRC 3.1200 - 3.1207, including the notice requirements of CRC 3.1203 and3.1204.

b) Notice to Court: The applicant is requested to notify the court by telephone or in person of the ex parte hearing on or before 10:00 a.m. the day before the matter is scheduled to be heard at 11:00 a.m. The party requesting the ex parte hearing will also inform the court if the other party intends to file a written objection to the relief requested. The applicant must provide a copy of the moving papers to the opposing party as soon as is reasonably possible, but no later than 3:00 p.m. on the day before the ex parte application will be heard. The opposing party must

provide a copy of any written opposition to the applicant and to the court as soon as possible, but in no event later than 10:00 a.m. on the day of the hearing on the ex parte application.

c) Telephone Appearances: Telephone appearances at ex parte application hearings are governed by CRC 3.670.

d) Matters Not Appropriate for Ex Parte Applications: An ex parte application must contain an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or other statutory basis for granting relief ex parte. Matters not appropriate for ex parte applications are to be submitted to the clerk's office. If the matter is urgent, a request to expedite may be made. The following types of orders may not be appropriate for ex parte applications: (i) stipulated orders in an existing case, (ii) orders after hearing, (iii) judgment after trial, and (iv) default judgments. Stipulations for orders to continue trial, mediation, or case management may be submitted to the clerk's office without a noticed ex parte hearing.

(Eff. 7/1/20) (Rev 7/1/22)(22) (Rev. 1/1/24) (Rev. 1/1/25) (Rev. 1/1/26) (Rev. 7/1/26)

RULE 9.3 - HARASSMENT AND VIOLENCE PREVENTION

a) Application: This local rule applies to (i) civil harassment prevention proceedings (Code of Civil Procedure section 527.6), (ii) group violence prevention proceedings (Code of Civil Procedure section 527.7), (iii) workplace violence prevention proceedings (Code of Civil Procedure section 527.8), (iv) gun violence prevention proceedings (Penal Code section 18100 et seq.), and (v) elder or dependent adult abuse prevention proceedings (Welfare and Institutions Code section 15657.03).

b) Telephone Appearances: Telephone appearances at ex parte application hearings are governed by CRC 3.670.

c) Filing: Ex parte applications must be filed with the clerk's office no later than 10:00 a.m. for the application to be considered the same day.

d) (Eff. 7/1/20) (Rev. 1/1/21) (Rev 7/1/22)

RULE 9.4 - PROBATE

a) Application: This local rule applies to proceedings under the Probate Code. Appropriate ex parte applications include, without limitation, applications for special administration, applications for the appointment of temporary conservators/guardians, and applications for orders shortening time.

b) Timelines:
   i. Appointment of Temporary Conservator/Guardian: For ex parte applications for the appointment of a temporary conservator/guardian, the applicant must contact the court's clerk to schedule the ex parte application hearing. The hearing date will be set taking into consideration notice requirements and any required investigation. Once the hearing is

scheduled, the applicant must submit the application to the clerk's office as soon as possible, but no later than 10:00 a.m. on the court day before the hearing date.

ii. Other Applications: For all other ex parte applications, the applicant must, by 10:00 a.m. on the court day before the intended ex parte hearing, (i) call the court to schedule the hearing and (ii) submit the application to the court.

c) Telephone Appearances: Telephone appearances at ex parte application hearings are governed by CRC 3.670.

(Eff. 7/1/20) (Rev 7/1/22)

RULE 9.5 - FAMILY LAW

a) Appropriate Orders: Ex parte applications are appropriate for (i) orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter, (ii) orders to help prevent immediate loss or damage to property subject to disposition in the case, or (iii) orders about certain procedural matters, such as orders for shortening time.

b) No Hearing: Unless otherwise directed by the court, all ex parte applications in family law matters are handled on the documents submitted.

c) Statewide Rules of Court: All applications for ex-parte orders in family law matters must comply with CRC 5.151 - 5.170.

d) Notice:

i. Notice to Opposing Party: Notice, or waiver of notice, to the opposing party is governed by CRC 5.165. Notice may be given to the opposing party in person, by telephone, by voicemail, by fax, by electronic means (if permitted by Code of Civil Procedure section 1010.6), by overnight mail, or by other overnight carrier.

Notice must be given by 10:00 a.m. on the court day before the court will consider the ex parte application. For example, if notice given by 10:00 a.m. on a Friday, the court will consider the application on the following Monday, if the Monday is a court day.

ii. Notice to Court: On the day notice is given to the opposing party, the applicant must contact the clerk by 10:00 a.m. to request inclusion on the ex parte calendar for the next court day.

d) Submission of Papers to Court:

i. By Applicant: The applicant must submit to the clerk's office no later than 3:00 p.m. on the day before the court will consider the ex parte application (i) all ex parte moving papers, and (ii) Judicial Council Form FL-303 ("Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders"). The applicant must, in the ex parte moving papers, disclose (a) that an ex parte order will result in a change in the current situation or status quo, and (b) whether orders are already in effect regarding the same issue.

ii. By Opposing Party: The opposing party must submit any written opposition to the clerk's office as soon as possible, but in no event later than 10:00 a.m. on the day the court will consider the ex parte application.

e) Provision of Papers to Parties.
   i. By Applicant: The applicant must provide a copy of the moving papers to the opposing party no later than 3:00 p.m. on the day before the court will consider the ex parte application.

   ii. By Opposing Party: The opposing party must provide a copy of any written opposition to the applicant and to the court as soon as possible, but in no event later than 10:00 a.m. on the day the court will consider the ex parte application.

   iii. Method: The moving papers or written opposition may be delivered in person, by email, or by fax.

f) Issuance of Orders: Family law ex parte orders are issued by approximately 11:00 a.m. on the day the court considers the application. If the applicant decides to abandon an ex parte application, normal procedures should be followed to take a matter off the court's calendar.

g) Domestic Violence Restraining Orders: Ex parte applications in connection with domestic violence prevention proceedings (Family Code section 6320 et seq.) must be filed with the clerk's office no later than 10:00 a.m. for the application to be considered on the same day.

h) Exclusive Use of a Vehicle: The court will not issue an ex parte order for exclusive use of a vehicle unless the declaration demonstrates (i) that the opposing party has suitable transportation available, (ii) that the opposing party requires no such transportation, or (iii) other good cause.

i) Removal From Residence: The court will not issue an ex parte order removing a party from a residence without supporting declarations as required by applicable law.

j) Modified Orders: If the court modifies a requested order, the applicant must incorporate the changes into all copies before filing and service.

k) Set Aside of Ex Parte Order: If an opposing party requests that an ex parte order be set aside prior to the date set for a hearing, the opposing party must give notice to the applicant. The court may order an earlier hearing date or modify the order on a proper showing in lieu of setting aside the order.

(Eff. 7/1/20) (Rev. 7/1/22) (Rev. 7/1/24) (Rev. 1/1/25)(Rev. 7/1/26)

CHAPTER 10 - MISCELLANEOUS CIVIL RULES

RULE 10.1 - REQUESTS FOR COPIES OR CERTIFIED COPIES

The requesting party must include a self-addressed stamped envelope and the required copying or certification fee with all requests for copying or certification of documents before any copying or certification will be done. If there is no envelope or fee, the clerk may attempt to notify the

requesting party to forward such envelope or fee. However, it is the responsibility of the requesting party to contact the clerk regarding the status of his or her request.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 10.2 - CONSOLIDATION OF CASES

When cases are consolidated for any purpose, the case with the lowest numbered case in the consolidated case, unless otherwise specified, will be the controlling docket number, and future filings and correspondence will be routed to that docket number only.

(Eff. 7/1/99) (Rev.1/1/24)

RULE 10.3 - FACSIMILE FILINGS REPEALED- number reserved

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/18) (Repealed 1/1/25)

Rule 10.3-Responsibility for Content Generated Using Artificial Intelligence

(a) **Purpose:** This rule is intended to clarify the responsibilities of court users who utilize artificial intelligence ("AI") tools, including generative AI, in the preparation of legal pleadings, filings, and forms submitted to the court.

b) **Definition:** For purposes of this rule, "generative artificial intelligence" (AI) means any automated system or tool that produces natural language, images, or code in response to prompts, including but not limited to large language models (LLMs) and similar machine-learning platforms.

c) **Responsibility for Content:** Any party, attorney, or self-represented litigant who uses AI tools to draft or assist in the preparation of documents submitted to the court remains fully responsible for the content of those documents. This includes, but is not limited to:

1) The accuracy of factual statements;

2) The validity and citation of legal authorities;

3) The appropriateness of legal arguments;

4) The completeness and truthfulness of all information provided.

d) **Intent and Verification:** All court users must ensure that the information contained in any filing or submission reflects their own intent and understanding. The use of AI does not excuse or mitigate errors, misrepresentations, or omissions. Users are expected to review and verify all content before submission.

e) **Consequences of Misuse:** The submission of inaccurate, misleading, or fabricated information—whether generated by AI or otherwise—may result in sanctions, including but not limited to monetary penalties, striking of pleadings, or other appropriate remedies as authorized by law.

(Eff. 1/1/26)

-Prior Rule 10.3 Facsimile Filing Repealed , number reserved 1/1/25

RULE 10.4 - SUBSTITUTION AND WITHDRAWAL OF COUNSEL

A document which substitutes (i) one attorney for another, or (ii) an attorney for a pro per party must contain: the name, mailing address, telephone number, and bar number of the new attorney. The document must contain the name of the attorney, not the firm name. The document must be served on all parties.

A document which substitutes a pro per party for an attorney must contain: the name, mailing address, and telephone number of the pro per party. The document must be served on all parties.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 10.5 - ATTORNEY FEES

If the clerk is authorized to enter judgment pursuant to Code of Civil Procedure section 585(a), and one of the two conditions is true: (1) the obligation sued upon provides that attorney fees will be allowed in the event of an action thereon, or (2) the action is one in which the plaintiff is entitled, by statute, to recover attorney's fees in addition to money or damages, then the clerk may compute the attorney's fees by adding to the judgment, exclusive of costs, the following amounts (unless a lesser sum is requested):

$250 for the first $1,000; plus

6 percent of the next $9,000; plus

3 percent of the next $40,000; plus

2 percent of the next $50,000; plus

1 percent of the next $100,000.

(Eff. 11/1/88) (Rev. and renumbered 7/1/99) (Rev. 7/1/08) (Rev. 1/1/12)

RULE 10.6 - FAMILY LAW JUDGMENTS

All proposed family law judgments must be accompanied by an extra copy of the face sheet when submitted.

(Eff. 7/1/97) (Rev. and Renumbered 7/1/99) (Rev. 7/1/08)

RULE 10.7 - CASE REMOVED TO FEDERAL COURT

In the event a case is removed to federal court, the court will order a date, not earlier than ninety (90) calendar days from the date of removal, by which counsel must file a declaration regarding the status of removed case. If the case has not been remanded to the court by that time, the action will be dismissed without the need to conduct a further hearing.

(Eff. 1/1/92) (Rev. 1/1/96) (Rev. and renumbered 7/1/99) (Rev. 7/1/08)

RULE 10.8 - ARBITRATION

Code of Civil Procedure sections 1141.10 - 1141.31 and CRC 3.810 - 3.830 apply to all civil cases as stated therein. An arbitrator will be assigned no later than thirty (30) calendar days after submission of a case to arbitration.

(Eff. 9/1/91) (Rev. and renumbered 7/1/99) (Rev. 7/1/08)

RULE 10.9 - MEDIATION

Code of Civil Procedure sections 1775 - 1775.15 and CRC 3.890 - 3.898 apply to all civil cases as stated therein.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16)

RULE 10.10 - INTERPRETERS

a) Parties: The court may appoint an interpreter to assist parties with limited English proficiency in certain civil matters, in accordance with the priorities set forth in Evidence Code section 756. The cost for the court-appointed interpreter will be paid by the court. If the court does not appoint an interpreter to assist a party with limited English proficiency, that party may hire an interpreter at its own expense.

b) Witnesses: The court may appoint an interpreter to interpret for a non-English-speaking witness who is incapable of understanding or expressing himself or herself in English so as to be understood directly by counsel, court, and jury. The cost for the interpreter will be paid by the party or parties, as directed by the court. Alternately, the court may waive the fee for a court-appointed interpreter for a witness.

c) Notice to Court: Parties, attorneys, and justice partners should alert the court to a party's need for an interpreter as early as possible, so that the need may be taken into consideration in scheduling hearings or trials.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16)

RULE 10.11 - COURT REPORTING SERVICES

a) Notice of Availability of Official Reporting Services: Consistent with CRC 2.956(b)(1), the court must enumerate the departments in which the services of official court reporters are normally available. The court provides the services of an official court reporter in the following matters when the court has available funding to do so:

   i. In all criminal matters as required by law during regular court hours;
   ii. All juvenile justice matters as required by law; (2)(3) All juvenile dependency matters as required by law; (3)(4) Freedom from control;
   iii. Contested Lanterman-Petris-Short Act conservatorships;

iv. Contempt of Department of Child Support (DCSS) orders;
v. Domestic Violence; and
vi. Family Law.

b) Notice of Non-Availability of Official Reporting Services:
   i. Official court reporters are not normally available in departments assigned the following subject matters:

      A. Misdemeanor cases,
      B. Infractions,
      C. Limited and unlimited civil proceedings, and

   ii. Official court reporters are not provided in departments assigned the following subject matters:

      A. Unlimited civil trials; and
      B. DCSS matters

      Procurement of Private Court Reporter: For matters where the court does not provide an official court reporter any party or attorney who desires a verbatim record of a hearing, long cause hearing, civil bench trial or civil jury trial must arrange for or hire a private certified court reporter pro tempore to report the hearing or trial. See CRC 2.956(c) and (d) for rules governing procuring reporters.

c) Exception for Parties Granted a Fee Waiver: Parties granted a fee waiver may request an official court reporter to create a verbatim record of the proceedings. The request should be made at least ten (10) calendar days before the proceeding for which a court reporter is desired, or as soon as practicable if the proceeding is set with less than ten (10)-days' notice, by submitting Judicial Council Form FW-020 (“Request for Court Reporter by Party with Fee Waiver”) to the clerk’s office.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 1/1/12) (Rev 1/1/16) (Rev. 7/1/18) (Rev. 7/1/21) (Rev. 7/1/22) (Rev. 1/1/24) (Rev. 7/1/24) (Rev. 1/1/25)(Rev. 7/1/26)

RULE 10.12 - TENTATIVE RULINGS

a) Procedure: The court follows the tentative ruling procedure set out in CRC 3.1308(a)(1) for: civil law and motion; probate; and family law matters. Family law cases that are designated as confidential by California Law will not be posted online. Tentative rulings in those matters may be obtained by telephone from the Judicial Courtroom Assistant at 831-636-4057. Confidential cases include matters involving unmarried parents filed prior to January 1, 2023, or cases involving reproductive assistance.

b) Availability: Tentative rulings will be available on the court’s website and by telephone at (831) 636-4057 by 3:00 p.m. on the court day before the scheduled hearing.

c) Oral Argument:

i. Directed by Court: If the court desires oral argument, the tentative ruling will so direct. The tentative ruling may also note any issues on which the court wishes the parties to provide further argument.

ii. Requested by a Party: If the court has not directed oral argument, oral argument will be permitted only if a party notifies all other parties and the court, by 4:00 p.m. on the court day before the scheduled hearing, of the party's intention to appear. The notification to all other parties and the court should (i) be in writing, and (ii) contain a statement that the notifying party will contest the tentative ruling at the oral argument.

d) Final Ruling: Absent a court order for oral argument or a request for a hearing by any party, the tentative ruling will become the final ruling of the court.

e) Discretionary: This local rule does not require any judge to issue tentative rulings. A party is responsible for determining whether the judge hearing his or her matter will issue a tentative ruling.

f) No Tentative Ruling: Whenever a tentative ruling has not been issued, the parties are to appear at the scheduled hearing unless otherwise ordered.

(Eff. 7/1/19) (Rev. 1/1/22) (Rev. 1/1/25.)(Rev. 7/1/25.)

RULE 10.13 - ELECTRONIC FILING

a) Definitions: For purposes of this rule:
   i. "Covered case" means a general civil, family, probate, criminal, juvenile, or justice or juvenile dependency cases.

   ii. "eFiling Provider" means an electronic filing service provider approved by the court.

   iii. "Electronic bookmark" is a descriptive text link that appears in the bookmarks panel of an electronic document.

b) Permissive and Mandatory Electronic Filing:
   i. Beginning January 1, 2023, electronic filing is mandatory for covered cases, except for items A through G below. The following items are not subject to mandatory electronic filing:

      A. Documents presented for filing by a self-represented party, although not mandatory, self-represented parties are encouraged to electronically file documents.

      B. Documents ordered by the court as exempt from electronic filing. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.

      C. Documents lodged with the court provisionally under seal pursuant to CRC 2.551.

D. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for judgment notwithstanding the verdict, motions to quash service for personal jurisdiction, and petitions for writs. Although not mandatory, electronic filing of these documents is encouraged.

E. Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits regarding real property of small value, bonds, undertakings, financial documents submitted by a private professional conservator, letters (probate, guardianship, conservatorship), wills and codicils (for filing or safekeeping) and orders to deposit money and receipt of depository.

F. Documents presented for filing in cases under seal.

G. Documents and/or reports provided to the court from third-party service providers or experts. These documents and reports may be electronically filed at the discretion of the provider or expert, unless otherwise ordered by the court.

ii. Beginning January 1, 2023, court reporter transcripts for covered cases must be electronically filed.

c) Providers: Electronic filling of documents shall occur through an eFiling Provider. A list of eFiling Providers is available on the court's website.

d) Fees: An eFiling Provider may charge reasonable fees in addition to any filing fees required by the court. An eFiling Provider shall waive any fees charged to a party if (i) the party has been granted a waiver of court fees pursuant to Code of Civil Procedure section 68631, or (ii) the court otherwise deems a waiver to be appropriate.

e) Requirements:

v. Electronically filed documents must comply with Code of Civil Procedure section 1010.6 and CRC 2.250 through 2.261. All persons filing documents electronically must 1) comply with any court requirements designed to ensure the integrity of electronic filing and to protect sensitive personal information, and ii) furnish information submitted electronically as provided in Cal. Rules of Court, rule 3.1312.

vi. All electronically filed documents must be in PDF format and be text searchable. Proposed orders in civil law and motion proceedings and in discovery proceedings in family law and probate cases may be filed and submitted electronically as provided in CRC 3.1312.

vii. Except for documents submitted by a self-represented party, all electronically- filed documents must include electronic bookmarks to each heading, subheading, and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service if included), and to the first page of each exhibit or attachment, if any. Each electronic bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a brief description of the exhibit or attachment.

f) Digital Exhibits as Attachment to Electronically Filed Documents: Exhibits in a medium that is not appropriate for electronic filing (e.g. CDs, DVDs, USB flash drives) shall be submitted in the courtroom only. The submitting party shall be responsible for providing the necessary equipment to view or present the exhibits.

g) Effective Date and Time of Electronic Filing: Documents received by the court for electronic filing at or prior to 11:59 p.m. on a court day, which satisfy all requirements for filing, will be deemed filed on that court day as provided in Code of Civil Procedure section 1010.6(b)(3) and CRC 2.253(b)(6). The court will issue a confirmation that the document has been received and filed in accordance with CRC 2.259. The confirmation shall serve as proof that the documents have been filed.

h) Redaction of Confidential Information: The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of relevant requirements.

i) Courtesy Copies: The court may order the delivery of paper courtesy copies of electronically filed documents.

j) Electronic Service: Unless otherwise ordered by the court, electronic service of electronically filed documents is optional as provided in CRC 2.251.

k) Electronic Signatures: CRC 2.257 governs electronic signatures on electronically filed documents.

l) Filing Documents Intended for Multiple Cases: A party seeking to file a single document into multiple cases must electronically file the document into each case. The clerk's office will not place a document from one case into another on behalf of a party. It is the responsibility of the party to file separately for each case.

(Eff. 1/1/22) (Rev. 7/1/22) (Rev. and Renumbered 1/1/24) (Rev. 1/1/25)

RULE 10.14 - REMOTE APPEARANCES

a) Definitions: The definitions in CRC 3.672(c) shall apply to this local rule.

b) Scope: This local rule governs remote appearances in civil cases as authorized by Code of Civil Procedure section 367.75 and CRC 3.672.

c) Platform: Pursuant to the authority granted in CRC 3.672(l), the court designates Zoom as the platform that must be used for remote appearances.

d) Access Information: The court clerk will provide remote access information (meeting link and telephonic access numbers) to participants appearing remotely. The court clerk may provide this information to the applicable participants by email. Participants are not permitted to disclose the remote access information to any other person.

e) Technology or Audibility Issues: Parties are advised that technology or audibility issues could arise during remote appearances, and such issues may delay or halt a proceeding.

f) Non-Dependency Cases: This section applies to all civil cases except juvenile dependency cases.

   i. Notice: Notice of intent to appear remotely must be given to the court and to all parties or persons entitled to receive notice of the proceedings. Such notice must be provided by the applicable deadline specified in CRC 3.672(g) or (h).

   ii. Opposition: A party may oppose a remote appearance in an evidentiary hearing or trial by filing Judicial Council Form RA-015 ("Opposition to Remote Proceeding at Evidentiary Hearing or Trial") with the court and serving such opposition on all parties or persons entitled to receive notice of the proceedings. The filing and service must be completed by the applicable deadline specified in CRC 3.672(h)(3)(A). The filing party must ensure a copy of the opposition is received in the department in which the proceeding is to be held.

g) Exhibits:
   i. General: A party appearing remotely at a proceeding must electronically file any exhibits to be presented at the proceeding at least five (5) court days before the proceeding. Electronically filed exhibits must be served on all other parties.

   ii. Exception: A self-represented party who is appearing remotely at a proceeding but who does not electronically file documents must file any exhibits to be presented at the proceeding with the clerk's office at least two (2) court days before the proceeding and serve copies of the exhibits on all other parties.

h) Confidentiality: All statutory confidentiality requirements applicable to juvenile dependency proceedings held in person apply equally to juvenile dependency proceedings conducted remotely.

i) Conduct of remote appearances:
   i. No proceeding may be photographed, recorded (audio or video), or re-broadcast by any person who is personally present, or who is appearing, participating, or observing remotely without prior written order of the court. (Cal. Rules of Court, rule 1.150, local rule 1.7.)
      . 1. Violation of this rule, pursuant to California Rule of Court, rule 1.150 sub (f), is an "unlawful interference with the proceedings of the court" and may be the basis for citation of contempt of court, or an order imposing monetary or other sanctions as provided by law.
   ii. A remote appearance is a court appearance and must be conducted consistently with Rule of Court 2.6.
   iii. Attorneys must appear in professional business attire, and all other participants in appropriate clothing, from a quiet, stationary location with minimal background noise or visual distractions, an adequate Wi-Fi connection, and using working microphones and headphones/speakers.
   iv. When both counsel and their client are appearing remotely, counsel is strongly encouraged to be co-located at the same remote location as their client to facilitate communication.

v. For purposes of this rule, a "participant" includes a party, an attorney, or a witness.
vi. Unless approved by the court, participants must appear with their camera turned on. If a participant has security concerns about appearing on camera, this concern should be brought to the court's attention before the hearing. Attorneys and participants will identify themselves by their correct legal name in the caption, they will not use alternate screen names or avatars.
vii. If a participant is able to appear only by telephone, that participant must identify themselves when requested by the court and thereafter when speaking during the hearing. Participants appearing by telephone may not place the Court on hold or use a speakerphone. Participants may turn off "caller ID" when appearing by telephone.
viii. All participants must ensure that there are no interruptions or distractions for the duration of their appearance at the hearing. No other individual (including a minor child or household pets) may appear with the participant or be heard during the hearing without prior court approval, other than when an attorney appears with their client from a common remote location.
ix. All participants must place their microphones on mute unless they are speaking. All participants must refrain from speaking unless addressed or otherwise allowed by the court.
x. Individual judges have the discretion to allow remote observation by persons who are not participants and the authority to manage remote observation, including by requiring the identification of an observer and/or requiring observers to have their cameras turned on.

(Eff. 7/1/22) (Rev. 7/1/25)

CHAPTER 11 - DOMESTIC RELATIONS

RULE 11.1 - GENERAL RULES

a) Types of Actions: The court will hear all non-Title IV-D actions, including orders to show cause, motions, and other requests for relief under divisions 3, 4, 6, 7, 8 or 9 of the Family Code and other domestic relations matters on the family law and motion calendar.

b) Meet and Confer Requirement: All parties and all attorneys are required to meet and confer and exchange documents pursuant to California Rules of Court Rule 5.98. Non compliance with this rule may result in (i) the matter being dropped from the calendar or continued; (ii) the rejection of non-exchanged documents into evidence; or, (iii) other sanctions as deemed appropriate by the court. (Eff. 2/1/91) (Rev. 1-1-26)

c) Completion of Forms: Parties must file all Judicial Council forms, including attachments as required by CRC and statute, in a timely manner as prescribed by CRC and statute. All blanks on the forms must be answered with a response or "n/a" designation

(Eff. 7/1/99 and rev. and renumbered 7/1/99 as indicated) (Rev. 7/1/08) (Rev. 1/1/21)

RULE 11.2 - FINANCIAL ISSUES

a) Income and Expense Declaration or Financial Statement: The court will not hear a family law matter with financial issues, including child support, spousal support, payment of debts or attorney fees, unless each party to the action has completed, served, and filed in compliance with CRC 5.92 a current (executed within sixty calendar days of the hearing or trial) and accurate Judicial Council Form FL-150 ("Income and Expense Declaration") or Judicial Council Form FL-155 ("Financial Statement (Simplified)") In the event there has been no change within the previous sixty calendar days, a party may file with the court a declaration under penalty of perjury to that effect in lieu of a new Income and Expense Declaration or Financial Statement (Simplified) with current verification of earnings or income attached to the declaration.

b) Documentation: If the parties have not exchanged current documentation five (5) court days before the scheduled hearing, the parties must exchange the following documents: (i) current wage verification for the prior (3) three-month period and (ii) most recent state and federal income tax returns with W-2 statements. If a party is self-employed, the party must also produce all year-end 1099 forms for the prior year, and a current profit and loss statement and balance sheet of the self-employed party's business entity. The submitting party may strike confidential information.

. 1) When there is a request for order or prior order for additional child support and/or spousal support based upon the parties' receipt of inconsistent income under *In re Marriage of Ostler and Smith* (1990) 223 Cal. App. 3d 33, the requested terms or terms of the order may be specified by using the *Smith/Ostler* Bonus Attachment

c) Public Assistance and Temporary Assistance for Needy Families (TANF): A party receiving public assistance benefits must disclose that fact, including appropriate aid and/or Department of Child Support Services identification of file numbers.

(Eff. 2/1/91) (Rev. and renumbered 7/1/99) (Rev. 7/1/08) (Rev. 1/1/11) (Rev 1/1/16) (Rev. 1/1/22) (Rev. 1/1/26)

RULE 11.3 - HEARING DATE

a) Preliminary Disclosures: Before filing an at-issue
b) memorandum in a family law matter with financial issues, including child support, spousal support, payment of debts or attorney fees, a party must file with the court a completed Judicial Council Form FL-141 ("Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration"). The completed form must demonstrate that all preliminary disclosures have been made by that party.

c) Calendar Call: Initially the court will proceed with a calendar call to inquire from each party the estimated hearing time for a pending matter. The court will determine whether to hear the matter at that time, pass until a later time on that date, or specially set the matter.

d) Calendaring: If a matter exceeds 30 minutes, it will be specially set. A family law judge may calendar special sets. If a matter is already set on the law and motion calendar, the request

should be made at that time. The parties may also request a special set through a calendared motion. Local Rule 3.4(d)(3) governs continuances of special sets.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/12) (Rev. 1/1/22)

RULE 11.4 - MOTIONS AND ORDER TO SHOW CAUSE

a) Service of Papers: Time for service of papers is set forth in Code of Civil Procedure section 1005(b). Hearings of either type will be calendared so that the proper notice is received unless the court grants an order shortening time. If an order shortening time is granted, but there is not sufficient time prior to the hearing to allow preparation, the court may make temporary orders at the initial hearing and continue the matter for further hearing.

b) Tentative Rulings: San Benito County uses a tentative ruling system pursuant to CRC 3.1308 in family law matters as stated in Local Rule 10.12. The court will exercise its discretion in determining which cases will have tentative rulings

c) Remote Appearances: Remote appearances in domestic relations matters, including those which involve requests for Restraining Orders are governed by Local Rule 10.14 (i)(i)-(x), inclusive. Pursuant to that rule, "Participant" shall also include a support person within the meaning of Family Code section 6303.

(Eff. 2/1/91) (Rev. and renumbered 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/18) (Rev. 1-1-25) (Rev. 7-1-25)

RULE 11.5 - ORDERS AFTER HEARING

Both parties must complete an order after hearing or stipulation and order to the extent possible before the hearing. The parties must present these documents to the judge at the hearing for final completion and any changes.

(Eff. 2/1/91) (Renumbered 7/1/99) (Rev. 7/1/08)

RULE 11.6 - CHILD AND SPOUSAL SUPPORT

a) Temporary or Permanent Child Support: The court will set temporary or permanent child support pursuant to the Family Code.

b) Spousal Support: The court will set spousal support pursuant to the Family Code.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 11.7 - RESERVED

(Eff. 7/1/99) (Rev. 7/1/08) (Repealed 7/1/20)

RULE 11.8 - RESTRAINING ORDERS

Any restraining order that involves personal conduct orders, stay away orders, or residence exclusion orders must be submitted to the court on the CLETS form or other approved Judicial Council form.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 7/1/21)

RULE 11.9 - CHILD CUSTODY AND VISITATION ISSUES

Local Rules 11.10 - 11.14 are adopted in accordance with relevant law and standards of practice for court-connected child custody mediation.

(Eff. 7/1/99) (Rev. 7/1/08)

RULE 11.10 - APPOINTMENT OF COURT-APPOINTED INVESTIGATOR OR EVALUATOR

a) Applicability: In any case in which custody or visitation is in dispute, the court may appoint an investigator and order that a child custody/visitation investigation and evaluation be conducted. The court will appoint an investigator in accordance with CRC 5.220(i), Evidence Code section 730, Family Code section 3110 et seq., and Code of Civil Procedure section 2032.010 et seq.

b) Challenges: The court does not allow peremptory challenges for court-appointed investigators/evaluators.

c) Withdrawal: A court-appointed investigator/evaluator for purposes of child custody or visitation purposes may withdraw from a case upon filing a petition showing good cause. The court will make the findings after consideration of (i) the petition, (ii) the best interests of the child(ren), and (iii) other relevant factors as determined by the court.

d) Ex Parte Contact Prohibited: No party or attorney for a party may initiate contact with a court-appointed investigator/evaluator, orally or in writing, to discuss the merits of the case without (i) notice to the other party and (ii) allowing the other party to be present or to receive a copy of a written communications. Nothing in this rule will prohibit the court-appointed investigator/evaluator from contacting either party or attorney.

e) Contact Between Court-Appointed Investigator/Evaluator and Minor Child(ren): It is the policy of the court to rely on the opinion and judgment of court-appointed investigator/evaluator in making determinations as to whether children will be interviewed. The court-appointed investigator/evaluator will justify his or her determinations in each case and will determine under what circumstances the interviews will take place. Except in extraordinary circumstances, including potentially dangerous situations for minor child(ren), minor children will be informed that the information they provide may not remain confidential. When a court-appointed investigator/evaluator sees a minor child(ren) with one parent, he or she must also see that minor child(ren) with the other parent. Interviews with siblings, at the discretion of the

investigator, may be separate. Unless ordered by the court, an investigation may not be based on an interview with only one parent.

f) Investigation/Evaluation Report: The court must specify the date on which the court- appointed investigator/evaluator must return his or her report. Generally, the report will be due within sixty (60) court days from initial appointment. The written report will be distributed to the court, parties, and counsel in accordance with Family Code section 3111, and will remain confidential and unavailable to all other persons unless otherwise ordered by the court. No person who has access to such a report may make copies of the report or disclose its contents to ANY child(ren) whether or not a party to the action.

g) Grievances: Grievances against court-appointed investigators/evaluators will be handled in accordance with Local Rule 2.14.

h) Court Rules Regarding Court-Appointed Investigations/Evaluations: When the court orders an investigation or evaluation, the court will give each party a copy of this local rule.

i) Payment of Investigator's/Evaluator's Fees and Costs: When the court orders an investigation or evaluation, the court will also order the payment of associated fees and costs. If the investigator/evaluator is required to testify in court regarding his or her investigation or evaluation, the court will order the payment of fees and costs related to this testimony. In dividing the fees and costs between the parties, the court may consider Family Code sections 271, 2030, and 2032. If the investigator/evaluator is a contractor with the Court, (i) the Court may order that a party or parties pay all fees and costs, for the investigation or evaluation as well as any testimony, directly to the investigator/evaluator, and (ii) the investigator/evaluator may set his or her own rates and costs for testimony.

j) Cross-Examination of Investigators/Evaluators: It is the policy of this court to develop policies and procedures for expeditious and cost-effective cross-examinations of court- appointed investigators/evaluators when necessary. As necessary the court will determine, on a case-by-case basis, whether video and/or telephone conferences or examinations may be used in conducting a cross-examination of a court-appointed investigator/evaluator. All parties must schedule such appearances as directed by the court or as otherwise provided by local rule, statute, or CRC.

k) List of Qualified Evaluators: The clerk will maintain a list of qualified evaluators and make this list available to the public upon request.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev 1/1/16) (Rev. 7/1/18) (Rev. 1/1/20) (Rev. 7/1/21)

RULE 11.11 - MEDIATION OF VISITATION OR CUSTODY ISSUES

a) Mediation of child custody and visitation is a program administered by the Office of Family Court Services. Mediation is provided several different proceedings involving the custody and visitation of a minor. These proceedings include: 1) Dissolution and Legal Separation (Family Code section 3170), 2) Stepparent Visitation (Family Code sections 3171, 3172, 3185); 3) Grandparent Visitation (Family Code sections 3171, 3176, 3185); 4) Domestic Violence (Family Code sections 3170, 3181, 3182); 5) Paternity (Family Code sections 3172, 7600 et seq.); 6)

Child Support Enforcement (Family Code section 17404); 7) Termination of Parental Rights (Family Code section 7660); and 8) Guardianships (Probate Code section 1500 et seq.).

Family Code sections 3170 and 3175 require that when it appears on the face of a petition or application or other pleading for an order or modification of an order that custody, temporary custody, or visitation rights are contested, the matter must be set for mediation of the contested issues prior to or concurrent with the setting of the matter for hearing. The purpose of mediation is the reduction of acrimony which may exist between the parties, the development of an agreement assuring the child's close and continuing contact with both parents, and to effect a settlement of the issue of visitation rights of all parties that is in the best interests of the minor (Family Code section 3161).

b) Policy: Mediation services are available to parties when a case is filed with the court. If there is a disagreement over child custody or visitation in any matter before the court, the parties must attend mediation. No mediation will be scheduled if there is no pending matter before the court.

c) Referral to Mediation: In all motions or requests for order in which custody or visitation is an issue, the order as described in this rule will be included on the face of the moving papers and must be served with a notice form describing Parent Orientation and mediation, as follows: "Each party is ordered to complete Orientation and schedule Mediation before going to the hearing. The parties will Contact Family Court Services at (831)636-5047 ext. 125 prior to hearing to schedule mediation at the earliest possible time."

Process: So that a mediation may be scheduled, the parties must provide the following information: the case number and number of any related cases (include any domestic violence cases); whether a domestic violence restraining order is in place; the parties' names, current addresses and daytime telephone numbers; names and addresses of the parties' attorneys, if applicable, and any information which might affect the scheduling of a mediation session. Upon receipt, the mediator or designee will schedule an initial mediation and notify the parties. Pager numbers are discouraged as a contact number.

d) Mediation Process: The mediation service should be consistent and in accordance with California Rules of Court and applicable statute. The mediator must provide information about the mediation process required by California Rule of Court 5.518 (d)(5). The service attempts to resolve custody and visitation problems rather than to provide therapy or counseling. The service does not provide, nor should parties or counsels expect, long-term or on-going counseling regarding child custody, visitation or parenting skills. If the court determines the service provided has gone beyond custody and visitation issues, it may order the parties to reimburse the mediator for the time spent.

The mediator may review the court's file prior to any session. If there is other information or court orders from other jurisdictions that may be helpful to the mediator, the parties should provide copies at the mediation session. Mediation usually requires one or two sessions, with each session lasting about 1 to 2 hours.

If the date assigned by FCS is not acceptable, either party may request one rescheduled date for mediation. If a party does not notify FCS of a request to reschedule at least 48 hours before the mediation appointment, that party will be assessed a fee to FCS.

The mediation appointment shall be considered a court date at which the parties shall appear. Failure to attend mediation or late cancellation of mediation appointments may result in sanctions. There are no fees for FCS mediation, provided there is a pending custody or visitation motion before the Court.

At any time during the mediation process:

i. The mediator may recommend to the court that an investigation/evaluation and report be made pursuant to statute and CRC. The court may make such order as it deems appropriate.

ii. The court may make temporary orders concerning custody and visitation to govern the parties' rights and duties until the mediation process is completed.

e) Cost of Mediation: There is no initial cost of mediation to the parties for court-provided mediation services. The parties must pay all costs and fees associated with mediation services not provided by the court. The court may contract with mediators who are private practitioners as it deems necessary.

f) Further Mediation: The mediator may request that the court continue any scheduled court hearing to complete mediation. The mediator must also advise the court if, in the mediator's opinion: (i) further mediation would be neither productive nor likely to lead to a settlement, (ii) the mediation cannot be conducted in a safe or appropriately balanced manner, or (iii) any party is unable to participate in an informed manner for any reason, including fear or intimidation.

g) At the mediation, if the parties agree to some or all the custody and visitation issues, the mediator shall prepare the written agreement and shall mail copies of the document to the parties and attorneys. The parties may object to the mediated agreement by submitting written objections to FCS, along with proof of service on all attorneys or self-represented parties.

i. Objections: Objections shall be in writing and shall include: (i). the specific paragraphs and language to which the party objects; (ii). the reasons for the objections; and (iii). the proposed modified language.

If FCS receives no written objections with proof of service within fifteen (15) calendar days from the date of the mailing of the mediated agreement, the agreement will be submitted to the Court for review and signature. Family Court will send a copy of the agreement and order, when signed and filed by the Court, with proof of service to the parties and attorneys.

ii. Waiver of Objections Time: In cases without allegations of domestic violence, parties may stipulate to waiving the 15-calendar day period provided for objections and their child custody order will be filed with the court upon completion of the mediation appointment.

h) Non-English-Speaking Participants: In the event one or both parties is not fluent in English, the mediation should be conducted by a bilingual mediator or by a mediator with the assistance of an interpreter so the discussion during mediation is satisfactorily understood by both parties. If a party wishes to have an interpreter and is unable to bring his or her own interpreter to the mediation session, he or she should notify the clerk at least five (5) court days before the

mediation session, and the court will attempt to provide a reference for non-court supplied interpretation services. The requesting party must pay the interpreter costs prior to the mediation services.

i) Communication: No mediator may accept ex parte communications from counsel or any party. Attorneys and parties must not contact the mediator prior to the release of the final report. The mediator must not divulge final recommendations to either party or his or her attorney separately. Final recommendations will be made available in written form to all parties and their attorneys simultaneously, in open court or otherwise, as directed by the judge.

j) Confidentiality: Mediation proceedings shall be private and confidential, and the mediator's notes shall be confidential, except as provided by law. The mediator shall report any reasonable suspicion of child or elder abuse to the proper authorities and may advise the APJ of the same. The mediator may also recommend to the APJ that Minor's Counsel be appointed.

k) Sanctions: The court may sanction parties who fail to participate in mediation in good faith.

l) Emergency Orders: The court may appoint a mediator to act as a master mediator. The master mediator may make any emergency order that he or she determines is in the best interests of the child(ren) without making permanent changes to any existing order.

m) Separate Mediation in Cases involving Domestic Violence: If there has been a history of domestic violence between the parties or a domestic violence restraining order has been issued, mediation will be scheduled in separate sessions at separate times if ordered by the court or requested under penalty of perjury by the protected party or party who has made an allegation of domestic violence. The time and date of separate mediation sessions are confidential and are not disclosed to the other party. Each party is cautioned not to inform the other party of the time and date set. The mediator must render a written recommendation to the court regarding visitation and custody issues taking into consideration the parameters set by any restraining orders. The protected party may be accompanied by a support person during the mediation session. Until the court adopts the mediator's recommendation, the parties must follow any interim order regarding custody and visitation.

n) Participation of Children: The mediator may interview the children if, in the mediator's opinion, such an interview is necessary or appropriate. If the mediator interviews a child, the mediator must explain to the child the information set forth in CRC 5.518(d)(6). The parties may not bring the child to any meetings with the mediator unless specific arrangements have been made with the mediator in advance of the meeting.

o) Grievance and Change Procedure: Grievances against court-appointed mediators, including requests to change mediators, will be handled in accordance with Local Rule 2.14.

(Eff. 2/1/99) (Rev. and renumbered 7/1/99) (Rev. 7/1/08) (Rev. 7/1/18) (Rev. 1/1/20) (Rev. and renumbered 1/ 1 /23.) (Rev. 1/1/24)

RULE 11.12 - FAMILY LAW FACILITATOR

The office of the family law facilitator was established pursuant to Family Code section 10000 et seq. The family law facilitator must perform the duties outlined in Family Code section 10004 and the following duties:

a) Draft stipulations and prepare formal orders consistent with the court's minute orders when parties are unrepresented, as directed by the court.

b) Prior to a hearing at the request of the court, review the paperwork, examine the documents, prepare support schedules, and advise the judge or commissioner whether or not the case is ready to proceed.

c) Assist the clerk in maintaining records and the court in research.

d) Develop information and referral services to other courts, the community, and governmental programs or services that assist unrepresented parties in conjunction with Family Code section 10004.

e) Develop programs for bar association and community outreach through educational programs, visual aids, audio and videotapes, and other innovative means that will assist litigants in gaining meaningful access to family court.

f) Perform other services in accordance with statutory and CRC provisions, as may be directed by the court, to further promote equal access and effective judicial process.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 7/1/18)

RULE 11.13 - CHILD SUPPORT COMMISSIONER

The office of the child support commissioner was established pursuant to Family Code section 4250 et seq. The child support commissioner must perform the duties outlined in Family Code section 4250 et seq. and the following duties:

a) Whenever a party files a pleading seeking to establish or modify a child support order in which enforcement services by the Department of Child Support Services have been requested and a file opened, the matter will be scheduled for hearing before the child support commissioner. Thereafter, the case will be heard by the commissioner or referred to the judge in accordance with Family Code section 4251.
b) The child support commissioner may hear contested issues of custody, visitation, and restraining orders provided all necessary Title IV-D matters have priority on the calendar and appropriate funding is available.

(Eff. 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 1/1/11) (Rev. 7/1/18)

RULE 11.14 - CO-PARENTING COURSE

a) Purpose of Co-Parenting Course: The Judicial Council of California offers an online "Parenting After Separation" course through its website. The purpose of the course is to assist parents to

understand better their children's point of view, to learn new ways to help their children through parental separation, to acquire new skills in interacting with their children and the other parent, to reduce acrimony between family members, and to help parents identify when their children may need further assistance in coping with parental separation.

b) Completing the Co-Parenting Course: All parties to a family law proceeding in which there are minor children, including actions for dissolution, legal separation, actions to establish paternity, or actions to establish or modify custody or visitation, are encouraged to complete the online course.

The court may order a party to complete the online course. If ordered to complete the course, the party must demonstrate completion of the course by submitting to the court a certificate of completion.

c) Instructions: The clerk will provide written instructions regarding the course to any party filing pleadings to commence an action or seeking relief of a nature concerning the subject of the course.

d) Effectiveness: If the Judicial Council of California stops offering an online "Parenting After Separation" course, this Local Rule 11.14 will cease to be of effect.

(Eff. 7/1/01) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 7/1/18)

RULE 11.15 - COURT COMMUNICATION PROTOCOL FOR DOMESTIC VIOLENCE AND CHILD CUSTODY ORDERS

a) Court Communication Regarding Restraining Orders:
   i. All counsel and self-represented parties must disclose to the court all known existing restraining, protective, custody, or visitation orders that are in effect anywhere involving the parties or their children.

   ii. Any order that permits contact between (i) a party subject to restraining orders or criminal protective orders and (ii) his or her children must contain specific language setting forth the time, day, place, and manner of the transfer of the children, to limit the child's exposure to potential domestic conflict or violence and to ensure the safe exchange of the children. The order may not contain language that conflicts with a criminal protective order. Safety of all parties is the court's primary concern.

   iii. Any court issuing any orders involving child custody or visitation will make reasonable efforts to determine whether a criminal court protective order exists that involves any party to the action.

   iv. Any court issuing a criminal protective order will make reasonable efforts to determine whether a child custody or visitation order exists that involves any party to the action.

b) Modification of Criminal Protective Orders: A court that has issued a criminal court protective order may, after consultation with a court that has issued a subsequent child custody or

visitation order, modify the criminal court protective order to allow or restrict contact between the person restrained by the order and his or her children.

(Eff. 7/1/08)

RULE 11.16 - SUPERVISED VISITATION PROVIDERS

a) Professional Providers: Prior to the initial supervised visitation, a professional provider must submit a signed Judicial Council Form FL-324(P) ("Declaration of Supervised Visitation Provider (Professional)") to the court. A professional provider must submit to the court an updated and signed Form FL-324(P) each time the professional provider submits a report to the court.

b) Nonprofessional Providers: Prior to the initial supervised visitation, a nonprofessional provider must submit a signed Judicial Council Form FL-324(NP) ("Declaration of Supervised Visitation Provider (Nonprofessional)") to the court.

c) Submission Process: Providers must submit the required declarations to the Family Law Clerk. The Family Law Clerk will place the declarations and any accompanying reports in the appropriate case file.

(Eff. 7/1/21)

RULE 11.17 - SETTLEMENT CONFERENCES

a) Mandatory And Non-Mandatory: All long cause (more than one (1) day in length) family law trials will be set for mandatory settlement conference by the court. Upon request of both parties and court order, short cause trials (one (1) day or less in length) shall be set for settlement conference. With agreement of counsel and advance permission of the court, litigants and/or their attorneys may attend settlement conferences telephonically. Arrangements shall be made at least five (5) court days in advance.

b) Meet And Confer: Counsel shall confer with opposing counsel, or opposing party if that party is unrepresented by counsel, no less than five (5) court days prior to the first date set for settlement conference. Counsel shall inform the court of all issues that can be determined by stipulation and those remaining for determination by the court in the settlement conference statement filed with the court. The settlement conference statement shall also state that the parties have complied with this rule. Non-compliance may result in the matter being dropped from calendar.

c) Settlement Conference Statement:
   i. Service: Settlement Conference Statements shall be served and filed with the clerk of the court no later than five (5) court days preceding the settlement conference hearing. Failure to comply with this rule may result in an award of attorney fees or sanctions pursuant to California Rules of Court, rule 2.30, and Code of Civil Procedure section 575.2.

   ii. Contents: The statement must set forth the following information as to the party filing, as well as to the opposing party, to the extent known or contended:

A. Separate Property: List each item of separate property. If characterization of property is uncontested, list only its current market value. If characterization of property as separate is contested, list the date it was acquired, the basis upon which it is claimed as separate rather than community property, the current market value, the nature, extent and terms of payment of any encumbrance against the property, and the manner in which title thereto is presently vested.

B. Community Property: List each item of community property. If characterization of property is uncontested, list only its current market value and the nature, extent, and terms of payment of any encumbrance against the property. If characterization of property as community is contested, list the date it was acquired, the basis upon which it is claimed as community rather than separate property, the current market value, the nature, extent, and terms of payment of any encumbrance against the property, and the manner in which title thereto is presently vested.

C. Funds Held by Others: To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing, or other trust funds, the statement shall fully identify the policy or fund, its present cash value, and any terms or conditions imposed upon withdrawal of such funds.

D. Tracing: If a segregation of community property and separate property interests in a single asset is to be an issue in the case, the statement shall set forth in detail, including dates, values, and dollar amounts, the transactions which form the basis upon which the tracing is to be proven.

E. Current Obligations: Separately list all debts and obligations of the parties which constitute liabilities of the community and debts and obligations which are the separate liabilities of the respective parties. Specify the identity of the creditor, the date upon which the debt was incurred, the balance currently due thereon, the terms of payment, and the security, if any, held by the creditor.

F. Proposal for Settlement: Set forth a proposal for settlement, including proposals regarding custody, visitation, division of the community property and liabilities, reimbursements, credits, payment of costs, and payment of attorney's fees. In addition, specify each party's contentions as to the amount and duration of child and spousal support. The purpose of this rule is to promote amicable settlement and thorough preparation of domestic relations matters. Full disclosure of all contested issues will aid the court in suggesting a fair settlement, ease tension between the parties and help to provide a more meaningful resolution. Counsel should confer prior to the time set for settlement conference or trial in order that, to the fullest extent possible, issues can be determined by stipulation and those remaining for determination by the court can be clearly delineated.

iii. Declaration of Disclosure: A declaration regarding service of a preliminary declaration of disclosure shall be filed by each party verifying that there has been an exchange of

information regarding assets, liabilities and income as required in Family Code sections 2100 – 2110.

iv. Current Income and Expense Declaration: A CURRENT income and expense declaration shall be filed concurrently with the settlement conference statement. The parties' last three (3) months' earnings and deduction statements shall be attached. (California Rules of Court, rules 5.260(a)(3),5.427(d)(1).)

v. Setting at the court's discretion: At the court's discretion, settlement conferences, case management conferences, and trial setting conferences may be set by the court.

(Adopted Eff. 7-1-247/1/24.)

CHAPTER 12 – JURY RULES (REPEALED)

(Eff. 1/1/25)

CHAPTER 13 - JUVENILE COURT RULES

RULE 13.1 - APPLICATION

These local rules are intended to supplement state statutes and CRC 5.500 - 5.906 relating to juvenile court matters. To the extent that any of these rules conflict with either state statute or California Rules of Court, the local rule is of no legal effect.

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/21) (Rev. 1/1/25) (Rev. 7/1/25)

RULE 13.2 - PURPOSE AND AUTHORITY

These local rules are established to comply with CRC 5.660(a).

(Eff. 7/1/96) (Renumbered 7/1/99) (Rev. 7/1/08)

RULE 13.3 - GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings must comply with the requirements of this chapter. This chapter is applicable to attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party to a juvenile dependency proceeding. As described in Local Rule 13.4(a), attorneys who are privately retained to represent a party to a juvenile dependency proceeding must either (i) submit a Certification of Competency to the court or (ii) provide a notice to the applicable client(s) that the attorney has not completed a Certification of Competency and file a copy of the notice given to the client with the court.

(Eff. 7/1/96) (Renumbered 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16) (Rev. 7/1/18)

RULE 13.4 - SCREENING FOR COMPETENCY

a) Initial Certification of Competency: Any court-appointed attorney appearing in a dependency matter for the first time must complete and submit a Certification of Competency (available on the court's website) to the court within ten (10) court days of his or her appointment. Any privately-retained attorney appearing in a dependency matter for the first time must have a valid Certificate of Competency on file with the court or, within ten (10) court days of his or her first appearance in the matter, either (i) complete and submit a Certification of Competency to the court, or (ii) provide a written notice to the applicable client(s) disclosing that the attorney has not completed a Certification of Competency, and file a copy of the notice given to the client with the court.

b) Renewal Certification of Competency: to retain his or her competency to practice before the juvenile court in dependency cases beyond the expiration of the current competency period, an attorney must submit a new Certification of Competency to the court. See Local Rule 13.5(d) regarding decertification.

c) Competency Period: Effective January 1, 2016, the competency periods of all attorneys receiving initial, or renewal Certifications of Competency will expire on a uniform date. The first uniform competency period begins on February 1, 2016, and ends on January 31, 2019. The competency period of any attorney receiving an initial or renewal certification of Competency during the first uniform competency period will expire on January 31, 2019. Example A: an attorney submits a Certification of Competency to the court on February 1, 2016; his or her competency period will expire on January 31, 2019, a full three years later. Example B: an attorney submits a Certification of Competency to the court on August 31, 2018; his or her competency period will expire on January 31, 2019, only five months later. Subsequent uniform competency periods will expire on the third anniversary of the expiration of the prior uniform competency period (e.g., January 31, 2022; January 31, 2025; etc.).

d) Standards: Attorneys who meet the minimum standards of training or experience as set forth in Local Rule 13.5, as demonstrated by the evidence submitted along with a Certification of Competency, will be deemed competent to practice before the juvenile court in dependency cases except as provided in subdivision (e) of this rule.

e) Prior Conduct or Performance:
   i. Initial Finding: Upon submission of an initial or renewal Certification of Competency, the court may determine that a particular attorney does not meet minimum competency standards based on the conduct or performance of that attorney before the court in a dependency case within the six-month period prior to the submission of the certification.

   ii. Notice: The court will provide notice of this determination to the attorney. The attorney will have ten (10) court days after the date of the notice to request a hearing before the court concerning the court's determination. If the attorney does not request a hearing within that period of time, the court's determination will become final.

   iii. Hearing: If the attorney requests a hearing, the hearing will be held as soon as practicable after the attorney's request therefor. The attorney will be given at least 10 court days' notice of the hearing. The hearing may be held in chambers. The hearing will not be open to the

public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer. At the hearing, the attorney must present arguments to the hearing officer with respect to the court's determination. Within ten (10) court days after the hearing, the court or hearing officer must issue a written determination upholding, reversing or amending the court's original determination. The hearing decision is the final determination of the court with respect to the matter. A copy of the hearing decision must be provided to the attorney.

f) Lawyers from Outside San Benito County: In the case of an attorney who maintains his or her principal office outside of San Benito County, proof of certification by the juvenile court of the California county in which the attorney maintains an office will be sufficient evidence of competence to appear in a juvenile proceeding in this court.

(Eff. 7/1/96) (Rev. and renumbered 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16) (Rev. 7/1/18) (Rev. 7/1/20)

RULE 13.5 - MINIMUM STANDARDS OF EDUCATION OR TRAINING

a) Initial Certification of Competency: For the initial Certification of Competency, the attorney must have either:

i. Participated in at least eight hours of training or education in juvenile dependency law in the immediately preceding three years, which training, or education must have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, family reunification and preservation, or

ii. At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients. In determining whether the attorney has demonstrated competence, the court must consider whether the attorney's performance has substantially complied with the requirements of these rules.

b) Renewal Certification of Competency: For a renewal Certification of Competency, the attorney must have completed at least eight hours of continuing training or education directly related to dependency proceedings. The attorney's continuing training or education must have occurred during the three years immediately prior to the submission of the renewal Certificate of Competency and may not include any training or education that was counted toward a prior Certification of Competency.

c) Continuing Training: The attorney's continuing training or education must be in the areas set forth in subdivision (a)(1) of this local rule, or in other areas related to juvenile dependency practice including substance abuse, domestic violence, restraining orders, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction and Enforcement Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice, and the rules of civil procedure.

d) Decertification: When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court will notify the attorney that he or she will be decertified. The attorney will have 20 court days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the court must order that certified counsel be substituted for the attorney who fails to complete the required training, except in cases where a party is represented by retained counsel.

e) Evidence of Training or Education: Evidence of completion of training or education may include a copy of (i) a certificate of attendance issued by a California MCLE provider; (ii) a certificate of attendance issued by a professional organization which provides training or education for its members, whether or not it is a MCLE provider; (iii) the training or educational program schedule together with evidence of attendance at a program; or (iv) other documentation as may reasonably be considered to demonstrate the attorney's attendance at a program or completion of self-study activities. Attendance at a court-sponsored or approved program will also count toward the required training hours.

(Eff. 7/1/96) (Renumbered 7/1/99) (Rev 1/1/02) (Rev. 7/1/08) (Rev. 1/1/11) (Rev. 1/1/16) (Rev. 1/1/21)

RULE 13.6 - STANDARDS OF REPRESENTATION

All attorneys appearing in dependency proceedings must meet the following minimum standard of representation:

a) Investigation: The attorney must thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers, and the court reports filed in support thereof. The investigation must include (i) conducting a comprehensive interview with the client to ascertain his or her knowledge or involvement in the matters alleged or reported; (ii) contacting social workers and other professionals associated with the case to ascertain if the allegations or reports are supported by accurate facts and reliable information; (iii) consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the court with respect to matter which are beyond the expertise of the attorney or the court; and (iv) obtaining any other facts, evidence or information as may be necessary to effectively present the client's position to the court.

b) Client's Interest: The attorney must determine the client's interest and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, the attorney must complete a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney must also interview the child's caretaker. The attorney or the attorney's agent must make at least one visit to the child at the child's placement prior to the jurisdiction hearing. Thereafter, the attorney or attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

c) Advice: The attorney must advise the client of the possible courses of action and of the risks and benefits of each. This includes advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

d) Vigorous Representation: The attorney must vigorously represent the child within applicable legal and ethical boundaries. This includes the duty to work cooperatively with other counsel and the court, to explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interest, and to comply with local rules and procedures and statutorily mandated timelines.

e) Caseload: Attorney caseload must be in accordance with CRC 5.660(d)(6) allowing the attorney to perform the required duties.

(Eff. 7/1/96) (Renumbered 7/1/99) (rev. 1/1/02) (Rev. 7/1/08)

RULE 13.7 - WRITTEN WAIVER OF RIGHTS

In order to facilitate the taking of admissions or no contest pleas from parents in juvenile dependency proceedings, counsel for parent(s) shall furnish to the Court, at the time of the plea, a written Waiver of Rights-Juvenile Dependency (form JV-190) that has been discussed with and completed by the parents, pursuant to California Rules of Court 5.504.

(Adopted 1/1 /23)

RULE 13.8 - PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

a) Parties Allowed to Lodge a Complaint: Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed attorney. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by a social worker, a caretaker relative, or a foster parent.

b) Notice of Procedures: Each appointed attorney must give written notice to his or her adult client of the procedure for lodging complaints with the court concerning the performance of an appointed attorney. The notice must be given to the client within ten (10) court days of the attorney's appointment to represent the client. Evidence that a copy of the notice was given or mailed to the client must be provided to the court within ten (10) court days of a request therefor from the court. In the case of a minor client, the notice must be mailed or given to the current caretaker of the child. If the minor is 12 years of age or older, a copy of the notice must also be sent or given to the minor.

c) Review of Complaint: The court must review a complaint within ten (10) court days of receipt. If the court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the court must notify the attorney in question of the complaint, provide the attorney with a copy of the complaint, and give the attorney twenty (20) court days from the date of the notice to respond to the complaint in writing.

d) Review of Response: After the attorney has filed a response or the time for a submission of a response has passed, the court must review the complaint and the response, if any, to

determine whether the attorney failed to act competently or violated local rules. The court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

e) Finding that Court Rules Were Violated: If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted contrary to the rules of the court, the court may reprove the attorney, either privately or publicly. In cases of willful or egregious violations of local rules, that court may issue reasonable monetary sanctions against the attorney.

f) Finding that Attorney Acted Incompetently: If, after reviewing the complaint, the response, and any additional information, the court finds that the attorney acted incompetently, the court may order (i) that the attorney must practice under the supervision of a mentor attorney for a period of at least six months, (ii) that the attorney must complete a specified number of hours of training or education in the area in which the attorney's conduct was incompetent, or (iii) both. In cases in which the attorney's conduct caused actual harm to his or her client, the court must order that competent counsel be substituted for the attorney found to have been incompetent and may, in the court's discretion, refer the matter to the State Bar of California for further action.

g) Notice of Determination: The court must notify the attorney and the complaining party in writing of its determination of the complaint. If the court makes a finding under subdivision (e) or (f), the attorney will have ten (10) court days after the date of the notice to request a hearing before the court concerning the court's proposed action. If the attorney does not request a hearing within that period of time, the court's determination will become final.

h) Appeal: If the attorney requests a hearing, the attorney must serve a copy of the request on the complaining party. The hearing will be held as soon as practicable after the attorney's request therefor, but in no case will it be held more than thirty (30) calendar days after it has been requested except by stipulation of the parties. The complainant and the attorney will each be given at least ten (10) court days' notice of the hearing. The hearing may be held in chambers. The hearing will not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

i) Hearing and Final Determination: At the hearing, each party has the right to present arguments to the hearing officer with respect to the court's determination. Such arguments must be based on the evidence before the court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the court made its initial determination with respect to the complaint. Within ten (10) court days after the hearing, the court or hearing officer must issue a written determination upholding, reversing or amending the court's original determination. The hearing decision is the final determination of the court with respect to the matter. A copy of the hearing decision must be provided to both the complainant and the attorney.

(Eff. 7/1/96) (Renumbered 7/1/99) (Rev. 7/1/08) (Renumbered 1/1/23)

RULE 13.9 - PROCEDURES FOR INFORMING THE COURT OF THE INTERESTS OF A DEPENDENT CHILD

a) Parties Who Make Notice: At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel for the minor must notify the court of such right or interest as soon as it is reasonably possible for counsel to do so.

b) Form and Content of Notice: Notice to the court may be given by the filing of Judicial Council Form JV-100 ("Juvenile Dependency Petition (Version One)") or Judicial Council Form JV-180 ("Request to Change Court Order"). The person giving notice must set forth (i) the nature of the interest or right which needs to be protected or pursued, (ii) the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected, and (iii) the nature of the proceedings being contemplated or conducted there.

c) Notice by Child's Counsel: If the person filing the notice is the counsel for the minor, the notice must state (i) what action on the child's behalf the attorney believes is necessary, (ii) whether the attorney is willing or able to pursue the matter on the child's behalf, (iii) whether the association of counsel specializing in practice before the agency or court may be necessary or appropriate, (iv) whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed action, (v) whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests, and (vi) whether further investigation may be necessary.

d) Service: If the person filing the notice is not the attorney for the child, a copy of the notice must be served on the attorney for the child, or, if the child is unrepresented, the notice must so state.

e) Hearing: The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest or whether the right or interest should be protected or pursued.

f) Possible Actions: If the court determines that further action on behalf of the child is required, the court must do one or more of the following:

   i. Authorize the minor's attorney to pursue the matter of the child's behalf;
   ii. Appoint an attorney for the child if the child is unrepresented;
   iii. Notice a joinder hearing pursuant to Welfare and Institutions Code section 362 compelling the responsible agency to report to the court whether it has carried out its statutory duties with respect to the child;
   iv. Appoint guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s); and
   v. Take any other action the court may deem necessary or appropriate to protect the welfare and rights of the child.

(Eff. 7/1/96) (Renumbered 7/1/99) (Rev. 1/1/02) (Rev. 7/1/08) (Rev. 1/1/22) (Renumbered 1/ 1 /23.)

RULE 13.10 - TIMELINES

Attorneys for parties must adhere to the statutory timelines for all hearings. The court will accept time waivers and grant continuances only on a showing of exceptional circumstances. Timelines for hearing are:

a) Detention Hearings: Detention hearings must be heard no later than the end of the next court day after a petition has been filed. (See Welfare and Institutions Code section 315.)

b) Jurisdiction Hearing: If the child is detained, the petition must be set for hearing within fifteen (15) court days from the date of the detention order. If the child is not detained, the petition must be set for hearing within thirty (30) calendar days after the petition is filed. (See Welfare and Institutions Code section 334.)

c) Disposition Hearing: If the child is detained, and the social worker is not alleging that Welfare and Institutions Code section 361.5(b) is applicable, the hearing on disposition must begin within ten (10) court days from the date the petition was sustained. If the child is not detained, the disposition hearing will begin no later than 30 calendar days after jurisdiction is found. If the social worker is alleging that Welfare and Institutions Code section 361.5(b) is applicable, the court shall continue the proceedings for a period not to exceed 30 calendar days, and the social worker shall notify each parent in accordance with Welfare and Institutions Code section 358(a)(3). (See Welfare and Institutions Code section 358.)

d) Six Month Review Hearing: The court is required to review the status of every dependent child within six months of the declaration of dependency and at least every six months thereafter. (See Welfare and Institutions Code sections 364, 366, and 366.21; CRC 5.710.)

e) Twelve Month Review: The court is required to review the status of every child who has been removed from the custody of a parent or guardian within twelve months of the declaration of dependency. (See Welfare and Institutions Code section 366.21; CRC 5.715.)

f) Eighteen Month Review: If the child is not returned at the twelve-month review, the court must conduct a review no later than eighteen months from the date of the original detention. (See Welfare and Institutions Code sections 366.21, 366.22; CRC 5.720.)

g) Notice of Intent to file Writ Petition: A notice of intent to file a petition for extraordinary writ must be filed within:

   i. Seven (7) calendar days after the date of the order, if the party was at the hearing;
   ii. Twelve (12) calendar days after the date the clerk mailed the notification, if the party was notified of the order only by mail;
   iii. Seventeen (17) calendar days after the date the clerk mailed the notification, if the party was notified of the order by mail, and the notice was mailed to an address outside California but within the United States; or

iv. Twenty-seven (27) calendar days after the date the clerk mailed the notification, if the party was notified of the order by mail, and the notice was mailed to an address outside the United States. If the order was made by a referee not acting as a temporary judge, the party has an additional ten (10) calendar days to file the notice of intent, as provided in CRC 5.540(c). (See CRC 8.450(e)(4).)

h) Petition for Writ: A petition seeking writ review of orders setting a hearing under the Welfare and Institutions Code must be served and filed within ten (10) calendar days after the filing of the record in the reviewing court. (See CRC 8.452(c)(1).) (i) Response to Writ Petition: Any response to a writ petition must be served and filed within:

i. Ten (10) calendar days after the filing of the writ of petition if the petition was not served by mail;
ii. Fifteen (15) calendar days after the filing of the writ of petition if the petition was served by mail; or
iii. Ten (10) calendar days of receiving a request for a response from the reviewing court, unless the court specifies a shorter time. (See CRC 8.452(c)(2).)

j) Selection Hearing: The selection hearing for permanent placement will begin within one hundred twenty (120) calendar days of the review at which reunification services are terminated and a hearing under Welfare and Institutions Code section 366.26 ordered. (See Welfare and Institutions Code section 366.3; CRC 5.710, 5.715, and 5.720.)

k) Notice of Appeal: Except in matters heard by a referee not acting as a temporary judge, a notice of appeal must be filed within sixty (60) calendar days after the rendition of the judgment. For matters heard by a referee not acting as a temporary judge, see CRC 8.406(a).

(Eff. 7/1/99) (Rev. 7/1/08) (Rev. 1/1/16) (Rev. 7/1/18) (Rev. 1/1/21) (Renumbered 1/ 1 /23.) (Rev. 1/1/24)

RULE 13.11- GUARDIANS AD LITEM

a) For Minors:

i. All minors who are the subject of juvenile court proceedings will have a guardian ad litem appointed to represent them.
ii. In most cases the child's attorney will be the guardian ad litem.
iii. In the case of a conflict of interest, the court may appoint a different adult as guardian ad litem for the minor.

b) For Parents: The court must appoint guardian ad litem to represent any incompetent parent or guardian whose child is before the juvenile court pursuant to a dependency petition. (See Welfare and Institutions Code section 300 et seq.) The determination of incompetency may be made by the court at any time in the proceeding based upon evidence received from any interested party.

c) Notice to Guardian ad Litem, Access to Records, Right to Appear:

i. In all proceedings the guardian ad litem must be given the same notice as any party.
ii. The guardian ad litem will have the same access to all records relating to the case as would any party.
iii. The guardian ad litem will have the right to appear at all hearings.

(Renumbered 1/1/23) (Rev. 1/1/24)

RULE 13.12- COURT APPOINTED SPECIAL ADVOCATES (CASA)

The Presiding Judge may appoint a special advocate program, which shall adhere to the requirements set forth in CRC rule 5.655.

a) Advocates' Functions: Advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed. In general, an advocate's functions are as follows:

i. To support the child throughout the court proceedings;
ii. To establish a relationship with the child to better understand his or her particular needs and desires;
iii. To communicate the child's needs and desires to the court in written reports and recommendations;
iv. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
v. To provide continuous attention to the child's situation to ensure that the court's plans for the child are being implemented;
vi. To the fullest extent possible, to communicate and coordinate efforts with the case manager/social worker; and
vii. To investigate the interests of the child in other judicial or administrative proceedings outside juvenile court; report to the juvenile court concerning these proceedings; and, with the approval of the court, offer his or her services on behalf of the child to such other courts or tribunals.

b) Sworn Officer of the Court: An advocate is an officer of the court and is bound by these rules. Each advocate will be sworn in by a judicial officer before beginning his or her duties.

c) Specific Duties: The court may, in its initial order of appointment and in any subsequent order, specifically delineate the advocate's duties in each case, which may include independently investigating the circumstances of the case, interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, considering of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by court order, the advocate must discharge his or her obligation to the child and the court in accordance with the general duties set forth above.

d) Court Authorization: To accomplish the appointment of an advocate, the judicial officer making the appointment will sign an order granting the advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court.

e) Access to Records: An advocate will have the same legal rights to records relating to the child he or she is appointed to represent as any case manager/social worker, including records held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, mental health Superior Court of California, County of San Benito Page 56 provider or law enforcement agency. The advocate will present his or her identification as a court-appointed advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child.

f) Confidentiality of Case Information: This subsection governs the confidentiality of case information, in accordance with CRC 5.655(d).

i. All information concerning children and families, including nonminors, in the juvenile court process is confidential. Advocates must not give case information to anyone other than the court, the parties and their attorneys, and CASA staff.
ii. Advocates are required by law (Penal Code section 11166 et seq.) to report any reasonable suspicion that a child is a victim of child abuse or serious neglect as described by Penal Code section 273a.
iii. The child's original case file must be maintained in the CASA office by a custodian of records and must remain there. Copies of documents needed by an advocate must be restricted to those needed to conduct necessary business outside of the office. No one may have access to the child's original case file except on the approval of the CASA program director or presiding judge of the juvenile court. Controls must be in place to ensure that records can be located at any time. The office must establish a written procedure for the maintenance of case files.
iv. If the nonminor provides consent for the advocate to obtain his or her nonminor dependent court file, the procedures stated in paragraph (3) related to maintenance of the case file must be followed.
v. The advocate's personnel file is confidential. No one may have access to the personnel file except the advocate, the CASA program director or a designee, or the presiding judge of the juvenile court.

g) Communication with Others: There will be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the advocate, case manager, child's attorney, attorneys for parents, relatives, foster parents, and any therapist for the child.
h) Right to Notice: In any motion concerning the child for whom the advocate has been appointed, the moving party must provide the advocate timely notice.

i) Calendar Priority: Because advocates are rendering volunteer services to children and the court, matters on which they appear should be granted priority on court's calendar, whenever possible.

j) Visitation: An advocate must visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate must monitor the case as appropriate until dependency is dismissed, or the advocate is relieved from appointment.

k) Family Law Advocate: If the juvenile court dismisses dependency and creates a family law order pursuant to Welfare and Institutions Code section 362.4, the advocate's Superior Court of California, County of San Benito Page 57 appointment may be continued in the family law proceedings, in which case the juvenile court orders will set forth the nature, extent and duration of the advocate's duties in the family law proceeding.

l) Right to Appear: An advocate will have the right to be heard at all court hearings, and hearings and will not be subject to exclusion by virtue of the fact that the advocate may be called to testify at some point in the proceedings. The court, in its discretion, has the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

m) Distribution of CASA Reports: The advocate must submit his or her report to the court at least five (5) court days prior to the hearing. The advocate must serve a copy of the report on the parties to the case at least two (2) court days prior to the hearing. For purposes of this rule, the parties to the case include (as applicable): county counsel; attending case social worker; child's attorney; parents' attorney(s); child (via foster family agency); Indian Child Welfare Act representative; and de facto parents.

n) Adoption of Program Guidelines: The program guidelines adopted by the Judicial Council of California pursuant to Welfare and Institutions Code section 100(a) are adopted and incorporated into these local rules.

o) Procedures in Juvenile Justice Cases:
    - A request for appointment of a youth advocate in a juvenile justice case may be made orally or in writing in open court or ex-parte by the probation officer or any party to the case, or by the court on its own motion. In the case of a dually involved youth who already has a CASA advocate who wants to continue in the Juvenile Justice Division, the Court will sign a new order appointing a Court Designated Child Advocate.
    - Any party to the proceeding may petition the Court for a hearing to reconsider the appointment.
    - A youth advocate may petition the Court to set the youth's case for a review hearing.

p) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with CRC rule 5.655(l).

q) The youth advocate serves at the pleasure of the Court, and the appointment of a youth advocate may be terminated by the Court. Any party or the director of the youth advocate program may file a motion for termination of a youth advocate. The Court will determine whether there will be a hearing on such a motion.

r) Any youth advocate with a grievance concerning such termination may petition the Court for a hearing. Such Petition must include facts indicating that the youth advocate has exhausted all remedies available to him or her within the youth advocate program. The Court will determine whether there will be a hearing on such a petition.

(Eff. 7/1/08) (Rev. 7/1/18) (Rev. 1/1/22) (Renumbered 1/1/23.) (Rev. 1/1/24) (Rev. 7/1/25.)

CHAPTER 14- CRIMINAL RULES

RULE 14.1 - FILING OF CRIMINAL COMPLAINTS

a) Calendaring: All matters will be heard for arraignment by a designated judge at which time the cases will be assigned to one Judge for all purposes. Assignment to a judge for all purposes means assignment for all proceedings in the matter from a continued arraignment on the complaint through trial and sentencing. The Presiding Judge or designee may assign and re-assign cases to other courtrooms.

b) Page Limits: In-custody criminal complaints submitted to the court are limited in size to 25 pages per case, excluding supporting documents such as rap sheets and police reports in support of criminal protective order requests.

c) Violation of Probation Complaints:

i. Notification by Probation Officer: In all cases involving persons on probation, the Probation Officer shall promptly notify the Criminal Calendar Department responsible for monitoring that probationer of every violation of law (other than minor traffic offenses) that the Probation Officer reasonably believes the probationer has committed.

ii. Where Probation Violations are Heard: Probation violation hearings in felony cases shall be held before the judge initially issuing the underlying order. Probation violation hearings in misdemeanor cases shall be held in a department designated by the Presiding Judge.

(Adopted 1/1/23)

RULE 14.2 - DEADLINES FOR FILING OR PLACING MATTERS ON CALENDAR

a) Time for Filing Complaints:

i. All misdemeanor and felony complaints received for in-custody arraignment shall be filed at the earliest possible time, but in no case after 11:00 a.m. on the day that the arraignment is scheduled. Example: If the arraignment is scheduled for 1:30 p.m. on a Thursday, the complaint must be filed by 11:00 a.m. that same day.

ii. All misdemeanor and felony complaints received for out of custody arraignment shall be filed no later than 4:00 p.m. five (5) court days before the date of the arraignment, providing proof of notice has been filed with the court at least two (2) court days prior to the arraignment. Example: If the arraignment is scheduled for a Friday, the complaint must be filed by 4:00 p.m. on the preceding Wednesday.

iii. Upon showing of good cause, a later time for filing may be authorized by the judge assigned to the arraignment.

b) Delivery of Probation Department Reports: All Probation Department reports must be delivered to the requesting judge no later than noon of the court day preceding the hearing which gave

rise to the need for the report. Any request seeking an extension of time in which to complete the report must be in writing and delivered in compliance with this rule.

(Adopted 1/1/23)

RULE 14.3 – APPEARANCES

a) Scheduling Appearances:

i. Scheduling Conflicts: Counsel must attempt to avoid scheduling conflicts and make every effort to avoid scheduling appearances in more than one district in the same morning or afternoon.
ii. Punctuality: It is counsel's responsibility to determine the time at which his or her presence is required in each courtroom. Counsel must appear punctually at that time, unless he or she has another scheduled appearance at the same time and the other matter has statutory priority. If counsel has conflicting appearances, counsel must contact the court that does not have statutory or rule priority at least one court day prior to the scheduled appearance and provide the location, the time and case name and number of the other appearance, and the time when counsel expects to be able to appear.
iii. Pre-Hearing Communication Between Counsel (Meet and Confer): Counsel for the parties must meet and confer before each court appearance to discuss the exchange of discovery, proposals for early resolution, collateral consequences, mitigation materials, and any other issues that may impact case disposition.
iv. Hearing Preparation: Counsel must use the periods between court hearings to communicate with their client(s), alleged victims, and witnesses about ongoing investigations and offer(s) for disposition. Counsel appearing on a Felony Pleas Calendar must be prepared to discuss any matter relating to case disposition, including readiness, witness availability, discovery matters, ongoing investigations, and any special issues for alleged victims or the accused. This requirement applies to counsel of record and to counsel making special appearances. No continuance will be granted on the basis that special appearance counsel is not prepared to discuss the case.

b) Continuances and Postponements: Pursuant to Penal Code section 1050, criminal cases shall be set for trial and heard at the earliest possible time. No continuances will be granted solely based on the agreement of the parties.

c) Presence of the Accused:

i. Felony Cases: Except as provided in Penal Code section 977, subdivision (c), the accused must be personally present for the following proceedings unless they have, with leave or court, executed in open court, a written waiver of their right to be personally present: Arraignment, plea, preliminary hearing, those portions of the trial when evidence is taken before a trier of fact, sentencing, and all other proceedings as directed by the court. Consistent with Penal Code section 977 subdivision (c)(1), in felony cases, the court may permit the initial court appearance and arraignment of the accused held in custody, except those indicted by grand jury, to be conducted by two-way electronic audio video communication between the accused and the courtroom. The accused must be present each time his or her matter is called in court, including when matters are submitted, unless

a written waiver is on file. Absent a written waiver of appearance, failure of the accused to appear will result in the issuance of a bench warrant. A written waiver of appearance will not relieve the accused from appearing in court if the accused has been specifically directed, by the court, to be personally present at any particular proceeding or portion thereof.

ii. Misdemeanor Cases: In misdemeanor cases, the accused may appear in person, or by counsel, or, if permitted by the court, by two-way electronic audio video communication between the accused and the courtroom as permitted by Penal Code section 977, subdivisions (a) and (c). However, the accused must be present in court if specifically ordered as allowed by Penal Code section 977 or otherwise required by statute. In misdemeanor cases involving driving under the influence as specified in Penal Code section 977, subdivision (a)(3), the court may order the accused to be present for arraignment, at the time of plea, or at sentencing. In misdemeanor domestic violence cases as defined in Penal Code section 977, subdivision (a)(2), the accused must be present for arraignment and sentencing, and at any time during the proceedings when ordered by the Court for the purpose of being informed of the conditions of a protective order issued under to Penal Code section 136.2.

d) Appearance of Counsel:

i. Counsel of record must appear at all hearings, unless other counsel appears for them, or prior arrangements are made with the court. Counsel of record must ensure that attorneys appearing "specially" have sufficient knowledge of the case, the schedule of the attorney of record, and/or settlement authority to ensure that all court appearances are meaningful and productive.

ii. Counsel must advise the court of any conflicting appearance in the court of another county before requesting or agreeing to any hearing date. Furthermore, counsel must not request or agree to any hearing date in another county that conflicts with a hearing date previously set by this court.

e) Remote Appearances:

i. Attorneys may appear remotely in proceedings in criminal cases if permitted by the judge presiding over the proceeding. Individual judges have the discretion to determine the scope of any approval they grant for remote attorney appearances (i.e., approval may be granted for an attorney to appear only for a specific hearing, for all attorneys to appear remotely on particular calendars, or otherwise). When seeking approval to appear remotely, attorneys should be prepared to advise if an attorney's client — whether an accused, a witness, an alleged victim, or other individual — will appear personally in court for the proceeding. Approval for a remote appearance is unlikely to be granted if an attorney's client will appear personally in court for the proceeding.

ii. Definitions and Authorization: "Remote Appearances" refer to appearances made at a court hearing by remote technology by a party or attorney to a case. A remote appearance is the equivalent of an in-person appearance. Any actions occurring in that hearing are subject to all applicable rules, statues, and laws, including but not limited to, the law of contempt.

Scheduling: Defendants and attorneys wishing to appear remotely may be required to file a request for remote appearance dependent on the hearing type. When remote appearances requiring judicial approval are granted, the Court will notify the attorney and/or defendant by scheduling the remote appearance. If denied, the attorney and/or defendant must personally appear. Attorneys, on behalf of their client, and self-represented defendants may request to appear remotely by filing Local Form SB-CR012-Request for Remote Appearance: Criminal) filed at least two (2) court days before the hearing. All defendants and attorneys in criminal cases will not be charged fees for remote appearances

iii. Remote appearances not allowed:

A. For Defendants for any matters where the personal presence of the defendant is required pursuant to Penal Code §977; nor is remote appearance allowed for Arraignments, collaborative court hearings and conferences (including but not limited to Mental Health Court, Adult Drug Court, Prop 36 Court, and Veteran's Court); Court Trials; Jury Trials; matters involving issuance, modification, and reissuance of Criminal Protective Orders; Preliminary Hearings; Return on Warrant hearings; Sentencings; Surrender on warrant hearings; and, Violation of Probation hearings.

B. For Attorneys for the following types of hearings: Contested violation of probation hearings; Court Trials; Jury Trials, Preliminary Hearings; and Pre-Trial status conferences for felony cases without a Pen. Code §977 appearance waiver on file, or in those cases where the court has ordered personal appearance notwithstanding a Pen. Code §977 waiver.

C. Notwithstanding the above and Pen. Code §§ 865, 977, the court makes remote appearances available for Defendants located in a detention facility and subject to health-related quarantine.

iv. Remote Appearance where No Judicial Approval Required:

A. For Defendants: Probation transfer out motions.
B. For Attorneys: Arraignments, Collaborative Court hearings and conferences, Law and Motion hearings; pretrial-status conferences; post-judgment proof hearings; probation transfer out motions; return on warrant hearings; Sentencings; surrender on warrant hearings; and violation of probation hearings.

1) Attorneys appearing on behalf of their client pursuant to Pen. Code §977 may schedule themselves for the appearance by submitting the request to the Court) at least two (2) court day before the hearing unless otherwise noted in these rules or on the Court's website. For felony cases, the waiver of a defendant's right to be physically or remotely present pursuant to Pen. Code §977 may be filed in writing or entered personally by the Defendant or by Defendant's counsel of record.

2) Attorneys not appearing on behalf of their client pursuant to Pen. Code §977 and self-represented defendants must file (local form modeled after PL-CR012 as noted above) at least two (2) court days before the hearing to be scheduled for remote appearance.

v. Remote Appearances by Non-Parties: Excluding Mental Health Court matters, any requests for witnesses to appear remotely must be made on the record with parties present. For Mental Health Court matters remote appearances are permitted for witnesses with judicial approval only. Attorneys and self-represented litigants must file (SB-CR012) at least two (2) court days before the hearing to request remote appearance for a witness. In order for the court to schedule a victim's remote appearance, a victim advocate on behalf of the victim, the victim, or a victim's family member must file (proposed local form as noted above) at least two (2) court days before the hearing date to be scheduled for remote appearance. Except for victims as described above, non- parties to a case are not permitted to appear remotely.

Non-parties who file motions (e.g. motion to quash) in criminal actions may be permitted to appear remotely but must request a remote appearance. To do so non-parties must contact the clerk's office for instructions on filing local form SB-CR012

vi. Document Submission and Copies: Attorneys and defendants who are granted remote appearance, and who want to submit documents for the hearing, must submit all documents at least two (2) court days prior to the scheduled court hearing. Any documents submitted to the court in advance of the court hearing must be served on the opposing party prior to the court hearing. Documents must be submitted to the court through the Court's online portal.

vii. Conduct of remote appearances:

A. No proceeding may be photographed, recorded (audio or video), or re-broadcast by any person who is personally present, or who is appearing, participating, or observing remotely without prior written order of the court. (Cal. Rules of Court, rule 1.150, local rule 1.7.)

B. A remote appearance is a court appearance and must be conducted consistently with Rule of Court 2.6.

C. Attorneys must appear in professional business attire, and all other participants in appropriate clothing, from a quiet, stationary location with minimal background noise or visual distractions, an adequate Wi-Fi connection, and using working microphones and headphones/speakers.

D. When both defense counsel and defendant are appearing remotely, counsel is strongly encouraged to be co-located at the same remote location as their client to facilitate communication.

E. For purposes of this rule, a "participant" includes an accused, a party, an attorney, an alleged victim, or a witness.

F. Unless approved by the court, participants must appear with their camera turned on. If a participant has security concerns about appearing on camera, this concern should be brought to the court's attention before the hearing. Attorneys and participants will identify themselves by their correct legal name in the caption, they will not use alternate screen names or avatars.

G. If a participant is able to appear only by telephone, that participant must identify themselves when requested by the court and thereafter when speaking during the hearing. Participants appearing by telephone may not place the Court on hold or use a speakerphone. Participants may turn off "caller ID" when appearing by telephone.

H. All participants must ensure that there are no interruptions or distractions for the duration of their appearance at the hearing. No other individual (including a minor child or household pets) may appear with the participant or be heard during the hearing without prior court approval, other than when an attorney appears with their client from a common remote location.

I. All participants must place their microphones on mute unless they are speaking. All participants must refrain from speaking unless addressed or otherwise allowed by the court.

J. Individual judges have the discretion to allow remote observation by persons who are not participants and the authority to manage remote observation, including by requiring the identification of an observer and/or requiring observers to have their cameras turned on.

(Eff. 1/1/23) (Rev. 7/1/24.) (Rev. 1/1/25)

RULE 14.4 - MOTIONS

a) Penal Code Sections 995 and 1538.5 Motions: Except for good cause shown, a Motion to Set Aside the Indictment or Information must be noticed within ten (10) court days of the date of arraignment. Except for good cause shown, a Motion to Suppress Evidence must be noticed: 1) within ten (10) court days of the date of arraignment on the information; 2) within ten (10) court days of the date of the first pre-trial hearing in a misdemeanor case where time is waived. The notice of a motion brought under Penal Code section 1538.5 must describe with particularity the evidence sought to be suppressed and must be served with a memorandum of points and authorities.

b) Discovery: All parties shall comply with Penal Code sections 1054-1054.9. Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the disputes. Pursuant to Penal Code section 1054.7 discovery must be completed thirty (30) days before trial.

c) Subpoenas Duces Tecum: All subpoenas duces tecum in criminal cases must comply with Penal Code section 1326 and Evidence Code section 1560, and when applicable Code of Civil Procedure section 1985.3, and must be returnable to the court. In the event materials that are the subject of a subpoena are received by a party, an attorney, or an attorney's agent or investigator directly from the subpoenaed party, the person receiving such materials must immediately lodge such materials with the clerk of the court. The materials must not be opened, reviewed, or copied by the recipient without a prior court order.

d) Motion to be Released O/R or for Bail Modification: When a motion for release on own recognizance or bail modification has been made to the Court, and granted in whole or in part, or granted conditionally or with limiting terms, and a subsequent motion is made by the same party in the same case for a similar order upon materially changed circumstances, the subsequent motion shall be accompanied by a disclosure that:

i. A prior motion has been made;
ii. When and to what Judge it was made;
iii. What the nature of the motion was;
iv. What order or decision was made thereon; and,
v. What materially changed circumstances are claimed to be shown.

Any order made on subsequent applications failing to comply with these requirements may be vacated or set aside on ex parte application or on the Court's own motion at any time.

e) Ex Parte Matters:
i. Except as otherwise provided by law, for any application involving ex parte relief, including a request for an Order Shortening Time, advance notice must be given to opposing counsel, co- counsel and counsel for co-defendants.

ii. Notice of intent to request an ex parte Order Shortening Time must be given to all parties no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice.

f) Orders Shortening Time: Counsel seeking an order shortening time must file an Application for an Order Shortening Time setting forth good cause, and facts concerning notice to, and the position of, opposing counsel and co-counsel.

g) Post-Trial Motions: Post-trial motions, motions for new trial, and other matters related to contested cases must be set and heard in the department where the judge who heard the matter is currently sitting. The time and date of the hearing must be set only by that judge. If the original trial judge is retired or no longer available, the case will be assigned out for hearing by the Presiding Judge

(Eff.1/1/23) (Rev. 7/1/24)

RULE 14.5 - PRE-TRIAL CONFERENCE CALENDAR

In order to reasonably predict the business of the court, anticipate assignments of judges, and to eliminate unnecessary inconvenience to parties, witnesses, and trial jurors, a pre-trial conference shall be held in every criminal case in which a trial by jury has been demanded.

a) Procedures: The judge in each felony department, except the felony arraignment department, shall, at the time of arraignment and entry of plea, set the date for the pre-trial conference.

b) Date Set for Pre-Trial: Once a case is set on the pre-trial conference calendar, it may not be changed without the approval of the judge before whom it is assigned.

c) Failure to Appear at Pre-trial Conference: Any failure of an attorney to prepare for, appear at, or participate in, a pre-trial conference, unless good cause is shown for any such omission, is an unlawful interference with the proceedings of the court and may be punished as contempt.

d) Trial Brief Requirement: In all criminal matters where the case does not settle at the pre-trial conference and the matter remains set for trial, a trial brief is required. Trial counsel shall file a brief no later than ten (10) days immediately preceding the trial date unless an earlier date is ordered by the court. The only exception to the timely filing of a trial brief is by authorization of the presiding judge, designee of the presiding judge, or the trial judge. The trial brief shall include the following:

i. A brief factual statement of the case that can be read to the jury;
ii. Proposed jury instructions;
iii. All in limine motions along with supporting points and authorities;
iv. Proposed voir dire questions that are being requested;
v. A list of any witness problems that may interfere with the timely conduct of the trial;
vi. Any other issues that will have to be dealt with by the trial judge;
vii. Witness list;
viii. Exhibit list; and,
ix. Proposed verdict form.

(Eff.1/1/23) (Revised Rev. and Renumbered 1/1/24)

RULE 14.6 - TRIAL READINESS CALENDAR

a) Readiness to Proceed: Counsel must be ready to proceed at the scheduled time. Conferences with the defendant, witnesses or other counsel must be held outside of court hours. The court may not be able to afford counsel time to confer prior to the hearing.

b) Stand-in Counsel: Stand-In Counsel. Counsel actually engaged in trial, or in a preliminary hearing, must make arrangements to have other counsel appear specially for any matters that conflict with the trial or preliminary hearing.

c) Date set for Trial- Jury Trials: When the parties announce they are ready for trial, the parties announce that:

i. The respective attorneys are prepared to commence the trial immediately;
ii. All pre-trial motions and discovery have been completed;
iii. All witnesses are readily available and have been interviewed by the respective attorneys; and,
iv. The attorneys' calendars permit them to commence the trial immediately and see it to conclusion.

d) Proposed Jury Questionnaires: If counsel elects to do so, counsel shall submit proposed jury questionnaires to the court no less than fifteen (15) court days in advance of the trial date. Upon receipt, the questionnaires shall not be officially filed by the clerk of the court, but shall be immediately forwarded by the clerk to the trial judge for review. Parties may only use written questionnaires, to be filled out by prospective jurors, upon a showing of good cause or in the

interests of justice. If no proposed jury questionnaire is submitted pursuant to this rule, counsel will be deemed to have waived submission of proposed jury questionnaires.

. Please see Local Rule 6.1(e) regarding excusing Law Enforcement Officers from Jury Selection pursuant to Code of Civil Procedure sections 219 and 219.5. Pursuant to these sections and the standing order of the court, Law Enforcement Officers are excused from jury service for both civil and criminal trials. Local Rule 6.1(e) provides the necessary procedure for Law Enforcement Officers to follow to be excused from jury service.

e) Jury Instructions:

i. Jury instructions shall comply with the California Rules of Court and, unless stipulated to the contrary by all parties and accepted by the trial judge, shall be CALCRIM instructions.

ii. The parties shall provide their requested instructions, with one separate copy for the Court and one separate copy for each opposing counsel, on the morning of the first day of trial unless the trial judge has directed to the contrary. No instruction shall identify the party making the request.

iii. Special instructions shall be accompanied by points and authorities separate from the proposed instruction. All blanks on form instructions shall be filled in so that the proposed instruction is complete.

iv. Compliance with this request is without prejudice to later requests to add or withdraw proposed instructions.

(Eff. 1/1/23) (Rev. 7/1/26)

RULE 14.7- TRAFFIC (REPEALED, NUMBER RESERVED)

(Repealed 7-1-24) (Eff. 1/1/26)

RULE 14.8 - BOND AND BAIL SCHEDULE

This rule sets forth a schedule and procedure for adoption of the local bail schedule pursuant to Penal Code section 1269b, subdivisions (c) and (d), and California Rules of Court, rule 4.102. This bail schedule will be used for setting bail at all times provided by law.

a) The local bail schedule will be reviewed annually by the Presiding Judge.
b) Copies of the local bail schedule shall be sent to the officer in charge of the county jail and of each city jail within the county, to each judicial officer of this court, to the Judicial Council and posted on the court's public website. (Penal Code section 1269b, subd. (f); California Rules of Court, rule 4.102.)

Bail shall be set according to the Uniform Bail Schedule established by the Judicial Council per California Rules of Court, rule 4.102 for those charges addressed in said schedule except when a judge determines in his or her discretion that factors in aggravation of mitigation justify a different amount in a specific case.

(Eff. 1/1/23.) (Rev. 1/1/25)

RULE 14.9 - SEARCH WARRANTS

a) Warrant Requests: All requests for search or arrest warrants in all cases shall be submitted to the designated duty judge.

b) Quash or Traverse Warrant: When an accused is seeking to quash or traverse a search warrant, a copy of the search warrant affidavit must be provided and attached to the moving papers.

(Adopted Eff. 1/1/23.) (Rev. 1/1/25)

Rule 14.10 - EXHIBIT MANAGEMENT

a) Permission from the Judge assigned to the hearing or trial must be obtained before a party may bring dangerous, hazardous, large or bulky exhibits into the courthouse. If possible, the party should substitute a photograph, technical report, or dummy object for proposed exhibits which are either:

   i. Inherently dangerous, such as: (i) Firearms; (ii) Any type of explosive powder; (iii) Explosive chemicals, toluene, ethane; (iv) Explosive devices, such as grenades or pipe bombs; (v)) Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, ethyl-ether; (vi) Canisters containing tear gas, mace; (vii) Rags which have been soaked with flammable liquids; (viii) Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine; (ix) Samples of any bodily fluids, liquid or dried; or (x) Controlled or toxic substances; (xi) Corrosive or radioactive substance.

   ii. Large and cumbersome, such as: a ladder, sewer pipe, or automobile chassis.

b) If a party believes the exhibit should be brought into the courtroom without substitution, an application for permission must be made in writing and describe the materials to be brought into the courtroom and the reason a substitution should not be made. The option of viewing the materials at another location may be considered by the Court.

c) Evidence received in any case shall be limited to those items required in the case and shall be retained by the Court for the minimum time required by law, unless good cause is shown to retain the evidence for a longer period of time.

d) No exhibits shall be accepted by the Clerk or exhibits custodian unless:

   i. All containers of controlled substances are securely sealed and protected against breakage to safeguard Court personnel, so that the contents cannot be spilled, and odors cannot be emitted.

   ii. All containers of liquid substances, including bodily fluids, are securely sealed and protected against breakage to safeguard Court personnel, so personnel are not exposed to the contents and odors;

iii. All objects containing bodily fluids or dangerous, controlled or toxic substances (e.g., bloody shirt, gasoline-soaked rag, etc.) are placed in containers that are securely sealed and protected against breakage so that odors cannot be emitted, and Court personnel are safeguarded;

iv. All firearms are secured by a nylon tie or trigger guard and have been examined by the bailiff to determine that they have been rendered inoperable.

v. All sharp objects, such as hypodermic needles, knives, and glass, are placed in containers that are securely sealed and protected against breakage, which will safeguard personnel;

vi. All containers with liquid substances are clearly marked and identified as to type and amount;

vii. All containers of controlled substances are clearly marked, identified, weighed, and sealed;

viii. All cash is specifically identified, whether individually or packaged, as to the total amount and number of each denomination.

e) All exhibits must be individually tagged with the proper exhibit tag, properly completed, and securely attached to the exhibit. Any exhibit improperly tagged, marked, weighed, or identified will not be accepted by the Court. Unless otherwise ordered, unidentified or improperly identified liquids, containers, controlled substances, or other suspect substances shall be returned to the party offering them.

f) When a dangerous, large or bulky exhibit that has been marked and identified or received in evidence poses a security, storage or safety problem, on recommendation of the Clerk, the Court may order that all or a portion of it be returned to the party that offered it.

In the case of exhibits offered by the prosecutor in a criminal case, the Court may order that the exhibits be returned to the law enforcement agency involved.

The order shall require that a full and complete photographic record of the exhibit or the portion returned be substituted for the exhibit. The party who offered the exhibit shall provide the photographic record. The party or agency to whom the exhibit is returned shall be responsible for maintaining and preserving the exhibit until there is a final disposition of the action or proceeding.

All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial. In the event further proceedings of any Court having jurisdiction of the matter require the presence of the exhibit, the party or agency to whom it was returned shall promptly deliver the exhibit to the appropriate Court, with notice to all parties.

(Eff. 1/1/23.)

RULE 14.11 - HABEAS

This rule applies only to petitioners currently in state custody (actual or constructive) because of a criminal prosecution or conviction.

a) All petitions and proceedings for writ of habeas corpus must comply with the California Rules of Court, rule 4.550 et seq. and Penal Code section 1473 et seq.

b) The presiding judge shall designate a single superior court judge to consider all petitions.

c) A party seeking court review shall address the petition to the designated habeas judge.

d) A party seeking to set a habeas matter on calendar shall address the request to the designated habeas judge.

e) The court shall assign unique case numbers to all petitions for writs of habeas corpus.

f) Appointed Counsel in habeas corpus matters filed under Penal Code section 1473, et seq., must meet the qualifications as set forth in California Rules of Court, rule 4.553.

(Eff. 1/1/23) (Rev. 1/1/24) (Rev. 1/1/25)

RULE 14.12 - WRITTEN PLEA FORMS

Written plea forms are required for all misdemeanor and felony matters, except for probation violations where the form of plea is at the discretion of the Court.

(Adopted 7/1/24)

RULE 14.13 - GENERAL CONCERNS

a) Defendant's Clothing: The attorney representing a defendant in the custody of the Sheriff in a criminal matter shall make timely and appropriate arrangements to ensure that the defendant is suitably dressed for trial before the case is assigned to a trial department.

b) Criminal Protective Orders: If a Criminal Protective Order is sought by the prosecution and granted by the Court, the prosecution's attorney shall prepare the proposed criminal protective order. If a Criminal Protective Order is issued by the Court on the attorney for the prosecution shall prepare the proposed Criminal Protective order.

c) Credit for Performance of Community Service: Penal Code section 1209.5 requires that trial courts set the hourly rate of community service credit to be double the minimum wage set for the applicable calendar year, based on the schedule as set forth in California Labor Code Section 1182.21.

(Eff. 1/1/23) (Renumbered 7/1/24) (Rev. 1/1/25) (Rev. 1/1/26)

CHAPTER 15-PROBATE RULES

RULE 15.1 - PREAMBLE

The rules of this chapter apply to every action and proceeding to which the Probate Code applies. These rules are designed to supplement the Probate Code and Title 7 of the California Rules of Court and to promote uniformity in practice and procedure in San Benito County. In exceptional circumstances and for good cause shown, the court will consider individual exceptions to these rules where not prohibited from doing so by statutory or case law. If a certain law or provision is not addressed in this chapter of the Local Rules of Court, please review the Civil chapter of the Local Rules of Court or the California Rules of Court for information pertinent to the law or provision.

(Eff. 7-1-24)

RULE 15.2 - CONSOLIDATION OF RELATED CASES

(Code of Civil Procedure section 1048; California Rules of Court, rule 3.350) Whenever it appears that two (2) or more petitions with different case numbers have been filed involving the same matter or proceeding, the court will, on its own motion at the earliest opportunity, consolidate all of the matters into the file bearing the lowest number. All documents filed after consolidation must bear the case number of the controlling file.

(Eff. 7-1-24)

RULE 15.3 - SERVICE OF OBJECTION TO PETITION - GUARDIANSHIPS

In guardianship cases, Petitioners must serve all named respondents with a blank LF-PRB-104, Objection to Petition for Guardianship at the time of service of the petition and file proof of service within sixty (60) days after the petition has been filed.

(Eff. 7-1-24)

RULE 15.4 - CAPTION OF PETITIONS AND POSTING

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

(Eff. 7-1-24)

RULE 15.5 - SIGNING AND VERIFICATION OF PLEADINGS

Any pleading shall be signed by the attorney and each representative, trustee, guardian, or conservator. The pleadings shall be verified by a representative, trustee, guardian, or conservator personally and not by the attorney unless one of the circumstances set forth in CCP section 446(a) specifically authorizes verification by an attorney and compliance with the affidavit content requirements is met.

(Eff. 7-1- 24)

RULE 15.6 - ADDITIONAL NOTICE REQUIREMENTS

A copy of the petition shall be served with each notice of hearing when served on a person requesting special notice or where the petition is the accounting of a testamentary trustee. Where the fiduciary or attorney is requesting fees or commissions other than those computed by Probate Code §10800 and §10810, the notice of hearing and a copy of the petition shall be served on all interested parties. The proof of service shall show service of the copy of the petition as well as the notice of hearing.

(Eff. 7-1- 24)

RULE 15.7 - WORDING OF PROBATE ORDER

The moving party shall submit a proposed order for every petition. Probate orders shall be worded so that their general effect may be determined without reference to the petition on which they are based. Orders may reference attached exhibits where use of the exhibits is meant to safeguard against typographical errors, for example where lengthy property descriptions are involved. Exhibits must reference the case name and number. The preferred practice is to incorporate the exhibit into the order and provide for a judicial signature element at the end of the exhibit

(Eff. 7-1-24)

RULE 15.8 - TIME FOR SUBMITTING ORDERS AND AFFIDAVITS OF PUBLICATION

All orders prepared by the moving party and affidavits of publication shall be filed or lodged with the clerk at least three (3) court days before the date of hearing.

(Eff. 7-1-24)

RULE 15.9 - ORDER FOR FAMILY ALLOWANCE

The duration of an order for family allowance is limited to six months if no inventory and appraisement has been filed and is limited to one year if an inventory and appraisement has been filed. Comment: The court discourages requests for retroactive (nunc pro tunc) payment of family allowance. Requests for family allowance should be made in a timely fashion.

(Eff. 7-1-24)

RULE 15.10 - REQUIRED MATTERS IN A PETITION FOR FINAL DISTRIBUTION

In addition to items otherwise required by law, a petition for final distribution shall contain the following matters, unless set forth in the account and report:

a) A full and complete description of all assets on hand;

b) Facts specifically showing the entitlement of each heir to the portion of the estate to be distributed to that heir, including any information concerning predeceased children;
c) A computation of the attorney fees and representative commissions requested;
d) A statement regarding payment of all taxes pursuant to Probate Code §9650;
e) If the decree of distribution is to distribute assets in kind in a manner that all persons will not share equally in each asset and the distribution is other than pursuant to the will or the laws of intestate succession, then an agreement must be signed by each heir and devisee with the signatures acknowledged accepting the plan of distribution;

f) A schedule of claims showing the name of the claimant, amount claimed, date presented, date allowed, and, if paid, the date of payment. As to any claims rejected, the date of rejection must be set forth, and the original of the notice or rejection with affidavit of mailing to the creditor must be filed;

g) The terms of any testamentary trust must be set out in full in the petition and order and not merely incorporated by reference;

h) An itemization of costs for which counsel has been paid or is seeking reimbursement. Ordinary overhead items, including, but not limited to, costs of duplication of documents, telephone calls, and automobile mileage are not proper cost items;

i) A schedule showing the proration of taxes, fees, and costs;

j) A statement of what property is separate and what property is community;

k) If distribution is to be made pursuant to an assignment of interest, the assignment shall be filed and acknowledged and the details of the consideration set forth;

l) If distribution is to be made to a trust, either an acknowledged statement by the trustee accepting the property under the terms of the trust, or a petition by the executor or administrator for the designation of a substitute trustee shall be filed; and,

m) If the distribution is to be made to a minor or an incompetent, either facts showing compliance with Probate Code §3300, et seq., or current certified copies of letters of conservatorship or guardianship of the estate shall be filed.

(Eff. 7-1-24)

RULE 15.11 - ACCOUNTS IN PROBATE PROCEEDINGS

a) In any probate proceeding in which an accounting must be filed pursuant to Probate Code section 1060, including guardianship, conservatorship, and trust proceedings, the original Summary of Account as specified in Probate Code section 1061 and the original Detailed Schedules as specified in Probate Code sections 1062 and 1063 shall be filed. (See Judicial Council Forms GC- 400-405.)

b) For any accounting in a guardianship or conservatorship proceeding, the documents in support of the Summary of Account and Detailed Schedules shall be lodged rather than filed and shall

include every "account statement", as defined in Probate Code Section 2620(c)(1) and (2), that shows the balance of the account at the close of the preceding accounting period. As to the first accounting, the documents in support shall show the account balance immediately preceding the date the conservator or guardian was appointed. A copy of the Summary of Account referenced in subsection "A" shall be attached to the top of the supporting documents lodged with the court. The documents lodged pursuant to this rule shall be retained by the clerk and returned following judicial review.

c) Time for Filing and Lodging of Documents: The Summary of Account and Detailed Schedules shall be filed and supporting documents lodged within ninety (90) days of the close of the accounting period to which they relate.

(Eff. 7-1-24)

RULE 15.12 - PETITION TO ESTABLISH FACT OF DEATH

A petition to establish the fact of death, (terminate a joint tenancy or life estate) shall be verified and shall have attached as exhibits:

a) A copy of any instrument relating to any interest in the property; and
b) A copy of the death certificate. Comment: There is no statutory provision for the determination by a court for attorney fees in proceedings for termination of joint tenancy or a life estate. No request for fees for services of this character should be made.

(Eff. 7-1-24)

RULE 15.13 - GUARDIANSHIPS - ANNUAL REPORTS

To ensure compliance with the annual reporting requirement of Probate Code §1513.2 and California Rules of Court, Rule 7.1003, a hearing date will be scheduled for no later than one month after the anniversary date of the date of every order appointing a person as a guardian. The clerk will mail to the guardian Judicial Council Form GC-251, Confidential Guardianship Status Report, at least one month before the hearing date. If the report is filed prior to the date for the hearing, no appearance will be necessary unless the court orders otherwise, and the next annual reporting date will be scheduled.

(Eff.7-1-24)

RULE 15.14 – TENTATIVE RULINGS)

Tentative rulings will issue in probate matters pursuant to Local Rule 10.12

(Eff. 1/1/26)

RULE 15.15 - FEES AND COMMISSIONS IN GUARDIANSHIPS, CONSERVATORSHIPS AND TRUSTS

a) Attorney Fees in General: In determining the reasonable attorney's fees to be granted in guardianships, conservatorships and trusts within the jurisdiction of the court, the court will require compliance with Section 6148 of the Business and Professions Code as follows:

i. In any matter in which it is reasonably foreseeable that the total expenses to a client, including attorney fees, will exceed one thousand dollars ($1,000.00), there should be a written contract between the attorney and client for services in the matter containing all of the following:
ii. The hourly rate and other standard rates, fees and charges applicable to the matter.
iii. The general nature of the legal services.
iv. The respective responsibilities of the attorney and the client as to the performance of the contract.
v. In any guardianship, conservatorship or trust within the jurisdiction of the court where there is no such written contract, reasonable attorney's fees will be determined by the court using hourly rates that are customary in Shasta County.
vi. In any case, attorney's fees may be denied or reduced below customary or contractually agreed amounts if the court determines that the services have not been performed in an efficient, timely or competent manner.
vii. Only legal fees for counsel appointed by the court to represent the conservatee may be approved and included in the Order Appointing Conservator.
viii. Where an attorney is the fiduciary and is a member of a law firm, attorneys' fees will not be allowed unless a declaration is executed by the fiduciary agreeing that the fiduciary will not share in the attorneys' fees to be received by the firm.

b) Guardianships and Conservatorships:

i. All petitions for compensation to a guardian, conservator, or attorney for a guardian or conservator shall include the information required by CRC Rules 7.751 and 7.702. The court will evaluate the services as a whole rather than designate part of the services as "ordinary'' and part of the services as "extraordinary.'' In determining the amount of just and reasonable compensation, the court will consider the factors set forth in CRC Rule 7.756.

ii. In the event the attorney has performed bookkeeping and other services for an individual fiduciary, the court may award the fiduciary's attorney a larger compensation and the individual fiduciary a lesser compensation.

iii. The fiduciary may employ tax counsel, accountants or other tax experts for the preparation of tax returns and for other tax related services and pay from the funds of the estate for such services. The court may deduct from the fiduciary's commission any sums paid from estate funds for performance of the fiduciary's duties such as ordinary accounting and bookkeeping services.

c) Trusts:

i. Compensation of Trustees: In determining or approving compensation of a trustee, the court will consider the factors set forth in CRC Rule 7.776. Compensation for the trustee will ordinarily be allowed as provided in the governing instrument, unless the Court fixes a greater or lesser amount pursuant to Probate Code section15680(b). If the instrument is not specific, the court will establish reasonable compensation.
ii. Attorney Fees: Compensation for an attorney for the trustee will ordinarily be allowed as provided in the governing instrument. If the instrument is not specific, the court will establish reasonable compensation, based on a detailed description of the services

rendered, their necessity, benefit to the estate, expertise required, time expended, and hourly rate.

iii. The time for allowing compensation is governed by Probate Code sections 15680- 15688. Petitions for periodic payments must comply with Probate Code section 2643.

(Eff. 7-1-24)

RULE 15.16 - COURT INVESTIGATION OF PETITIONS TO APPOINT GUARDIANS OR CONSERVATORS

a) A party petitioning to appoint a conservator or a guardian shall provide all supporting documents in electronic format. If a party must provide them in hard copy format, an extra copy of all supporting documents will be provided to the civil division clerk's office upon filing, which will then be forwarded to the Court Investigator by the clerk. Any additional hard copy documents filed after the initial petition shall be subject to the same process.

b) CONFIDENTIAL REPORTS Any confidential report filed in a guardianship or conservatorship proceeding shall be filed as a separate document, shall contain the word "CONFIDENTIAL" in the caption, and shall be verified by the party presenting it.

c) The fee for court investigations in guardianship and conservatorship proceedings is specified in the court's fee schedule, which is available at the public counter of the clerk's office or on the court's web site at www.sanbenito.courts.ca.gov. Unless a fee waiver has been granted, the court investigation fee will be collected at the time of filing of any petition to establish a guardianship in which the proposed guardian is a relative, pursuant to Probate Code section 1513.1. In conservatorship proceedings, the court will determine whether to collect, waive or defer the court investigation fee after the investigator's report has been completed, pursuant to Probate Code section 1851.5.

(Eff. 7-1-24)

RULE 15.17 - TERMINATION OF CONSERVATORSHIP- DEATH OF CONSERVATEE

a) The conservator shall notify the court within ninety (90) days of the death of the conservatee.

b) Upon receiving notice of the death of the conservatee, if the conservatorship is one of the estate, the conservator shall file a final account of the administration pursuant to California Rules of Court, rule 7.1052.

(Eff. 7-1-24)

CHAPTER 16-SUPERIOR COURT WRITS AND PETITIONS FOR REVIEW

RULE 16.1 - HABEAS CORPUS

Rules for Habeas Corpus are found at rule 14.11

(Eft. 7/1/25)

RULE 16.2 - FELONY WRITS

a) All judicial officers of the superior court have jurisdiction to consider a petition for writ of mandate or prohibition in any felony matter still pending before the magistrate. (*Magallan v. Monterey County Superior Court* (2011) 192. Cal. App. 4th 1444.)

b) The filing party shall address the petition to the presiding judge. The presiding judge shall designate one or more superior court judges to consider the petition.

(Eft. 7/1/25)

RULE 16.3 - ADMINISTRATIVE WRITS (Code of Civil Procedure section 1094.5)

Administrative writ petitions filed under Code of Civil Procedure, section 1094.5 are reviewed by a superior court judge assigned to the Civil Division. The party seeking court review shall address the petition to the judge assigned for that case.

a) Administrative Record: Parties shall lodge any administrative record in electronic format only (e.g., a thumb drive or CD-ROM) in the department in which the matter will be heard, as soon as is practicable after the record has been certified but in no event less than thirty (30) days before the hearing on the merits.

b) Organization and file names: The administrative record shall be divided into discrete logical sections. For example, in the divisions prescribed for CEQA cases by California Rules of Court, rule 3.2205(a)(1) (findings, EIR, initial study, staff reports, transcripts, the remainder of the record.) Each section shall be contained in individual, searchable, electronically bookmarked .PDF files. Each file name shall reference the portion of the record contained therein, e.g., "Administrative Record Volume 1 (AR 1-195).pdf."

c) Joint Appendix: This rule applies in any matter in which the Administrative Records exceeds 2,000 pages.
    1) Parties shall coordinate to prepare and lodge an electronic joint appendix containing each page of the records cited in the parties' briefing.
    2) The joint appendix shall be divided into individual files not to exceed 200 pages.
    3) The joint appendix shall be lodged as expeditiously as possible following completion of the parties' briefing on the merits, but in no event more than fourteen (14) calendar days thereafter.

d) Memorandum and Appendix: In briefing, 1) each party addressing an issue shall specifically state the burden of proof for that issue and who bears it; and, 2) each party that cites to specific pages of the administrative record shall submit to the court a courtesy hard copy Appendix of the Administrative Record Pages cited, with the portions

on which the party relies, highlighted. The administrative record pages in the Appendix shall either be in numerical order, or if not in numerical order, tabbed.

(Eft. 7-1-25)

RULE 16.4 - TRADITIONAL WRIT OF MANDAMUS (Code of Civil Procedure section 1085)

Traditional writs of mandamus filed under Code of Civil Procedure section 1085 are reviewed by a superior court judge assigned to the Civil Division. The party seeking court review shall address the petition to the judge of the Civil Division to whom that case is assigned.

a) Record on Review: Parties shall lodge any documentary evidence presented in support of, or in opposition to, the writ, in electronic format only (e.g., a thumb drive or CD-ROM) in the department in which the matter will be heard, as soon as is practicable after the record has been certified but in no event less than thirty (30) days before the hearing on the merits.

(Eft. 7/1/25)_

RULE 16.5 - ADMINISTRATIVE AND TRADITIONAL WRIT OF MANDAMUS BRIEFING SCHEDULES AND PAGE LIMITS.

a) Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition shall be filed in accordance with the following schedule and page limits: The opening memorandum of points and authorities shall be filed at least 45 calendar days prior to the hearing date; the opposition memorandum shall be filed at least 25 calendar days prior to the hearing date; and the reply memorandum shall be filed at least 15 calendar days prior to the hearing. The opening and opposition memoranda shall not exceed 7,500 words. The reply memorandum shall not exceed 5,000 words. Attorneys shall, on a separate page following the final page of the memorandum, certify compliance with this requirement using substantially the language below:

" I, [attorney name], counsel for [party], hereby certify, under Local rule 16.5, that I prepared the foregoing memorandum of points and authorities on behalf of my client, and that the word count for this briefing is [insert word count], which does not include the cover, the tables, signature blocks, or this certification. This briefing complies with the rule, which limits briefing to [insert the appropriate number] words. I certify that I prepared this document in [insert software name such as Word 2010], and that this is the word count [Word] generated for this document.

Dated: _____

Attorney Name: [Attorney for the Party] _____

b) The parties may, subject to this court's approval, stipulate to file briefs exceeding the word count noted in this rule 16.5 and/or to modify this briefing schedule. Alternatively, any party may file a motion to file an oversized brief consistent with the procedure specified in California Rules of Court, rule 3.1113(e). Any motion to be heard prior to the merits of a writ

petition shall comply with the filing schedule and page limits specified in California Rules of Court, rules 3.1113 and 3.1300.

(Eft. 7/1/25)

CHAPTER 16 – MINOR VIOLATIONS

RULE 16.1 – REMOTE ARRAIGNMENTS

a) Authority and Purpose: Pursuant to California Rules of Court, rule 4.220, this rule establishes procedures for remote appearances in traffic infraction arraignments. The purpose of this rule is to expend access to the court, promote efficiency, and ensure due process in remote proceedings.

b) Applicability: This rule applies to infraction cases, including traffic violations, where the defendant is entitled to an arraignment and the court permits or offers the option to appear remotely.

c) Remote Appearance Authorization: The court may allow defendants to appear remotely using audio, video, or other electronic means approved by the court. Remote appearance may be conducted via

    1) Court-approved video conferencing platforms;

    2) telephone;

    3) other technology as designated by the court.

d) Notice of Remote Appearance Option: The court shall provide notice of the availability of remote appearances for traffic arraignments by

    1) Posting information on the court's public website;

    2) Including instructions in traffic citations or courtesy notices;

    3) Providing notice at the courthouse or clerk's office.

e) Requesting or Objecting to Remote Appearance:

    1) A defendant may request to appear remotely by following the procedures posted on the court's website, as defined at Local Rule 14.3 (e)(iii), or provided in the citation or notice

    2) A defendant may object to a remote appearance and request an in-person hearing. The court shall grant the request unless good cause exists to proceed remotely.

f) Conduct of Remote Proceedings: Remote traffic arraignments shall be conducted in accordance with Local Rule 14.3 (e)(vii) and in a manner that

    1) Preserves the defendant's right to be heard;

2) Allows for meaningful participation;

3) Ensures the proceeding is accessible and is recorded as required by law.

g) Technical Requirements and Assistance: The court shall provide information about the technical requirements for remote appearances and may offer assistance or accommodations to ensure access for all participants

h) Limitations: This rule does not apply to misdemeanor or felony proceedings, or to any infraction case where a judicial officer determines that an in-person appearance is necessary to ensure fairness or due process.

(Eft. 1/1/2026)

RULE 16.2 - DELEGATED REVIEW OF ABILITY TO PAY PETITIONS PURSUANT TO GOVERNMENT CODE §68645.3

a) Authority and Purpose: Pursuant to Government Code §68645.3, this rule authorizes the court to designate qualified court employees to conduct initial reviews of requests for ability-to-pay determinations in infraction cases, solely for petitions in which the individual attests to receiving public assistance. This delegation is intended to promote access to justice and administrative efficiency while preserving judicial oversight.

b) Scope: This rule applies only to infraction cases where a defendant submits a request for a determination of their ability to pay and affirms under penalty of perjury that they are currently receiving public assistance, as defined in Government Code §68632.

c) Notice and Right to Hearing: If the court denies an ability-to-pay request in whole or in part, the defendant shall be notified in writing and informed of their right to a hearing before a judicial officer.

(Eft. 1/1/2026)

APPENDIX A

LIST OF RULES WITH DATE OF ADOPTION OR LATEST REVISION

Rule Number	Title of Rule	Date of Adoption or Latest Revision
1.1	Application of Local Rules	Revised 7/1/08
1.2	Construction, Scope and Effect of Rules	Revised 7/1/08
1.3	Unification	Effective 7/1/99
1.4	Abbreviations within Local Rules	Revised 7/1/08
1.5	Smoking Prohibited	Effective 1/1/16
1.6	Electronic Devices	Revised; 1/1/25
1.7	Photographing, Recording, and Broadcasting	Revised 1/1/26
1.8	Peace Officer Use of Body-Worn Cameras	Effective 1/1/20
1.9	Electronic Signatures	Effective 7/1/21
2.1	Court Holidays	Revised 7/1/08
2.2	Calendar	Revised 7/1/08
2.3	Clerk's Office—Hours of Operation for Public Service	Revised 7/1/22
2.4	Presiding Judge	Revised 7/1/18
2.5	Court Executive Officer	Revised 1/1/24
2.6	Courtroom Decorum	Revised 7/1/08
2.7	Court Records and Files	Revised 7/1/08
2.8	Interpretation of the Term "Day"	Revised 7/1/18
2.9	Definition of Vacation Day for Judges	Effective 7/1/08
2.10	Service Providers	Revised 7/1/21
2.11	Elisors	Effective 1-1-25
2.12	Extraordinary Compensation for Attorneys and Personal Representatives in Decedents' Estates	Renumbered 1/1/25
2.13	Restricted Areas	Renumbered 1-1-25
2.14	Public Access	Renumbered 1-1-25
2.15	Grievance Procedure for Certain Judicial Professionals	Renumbered 1-1-25
2.16	Court Contracts	Renumbered 1-1-25
3.1	Objectives	Revised 1/1/21
3.2	Definition	Revised 1/1/25
3.3	Time Standards	Revised 1/1/21
3.4	Case Management	Revised 7/1/08
3.5	Motion for Relief from Time Limits	Revised 7/1/08
3.6	Motions	Revised 7/1/08
4.1	Scope	Revised 7/1/08
4.2	At-issue Memorandum	Revised 7/1/18
4.3	Case Management Conference	Revised 7/1/08
5.1	Setting a Settlement Conference	Revised 7/1/08
5.2	Settlement Conference Statement	Revised 7/1/08
5.3	Duty to Notify Court of Settlement	Revised 7/1/08
5.4	Settlement of Jury Trials	Revised 7/1/18

5.5	Duties of Party at Conference	Revised 7/1/08
6.1	Civil Jury Trials	Revised 7/1/26
6.2	Trial Briefs (Jury Trials, Long Cause Bench Trials, Family Law Trials)	Revised 1/1/24
7.1	Definition	Revised 7/1/08
7.2	Classification	Revised 7-1-25
7.3	CEQA as Complex Litigation	Effective 7-1-25
8.1	Law and Motion Department	Revised 7/1/08
8.2	Continuances	Revised 7/1/08
8.3	Motions	Revised 7/1/08
8.4	Argument and Oral Testimony at Law and Motion Calendar	Revised 7/1/08
8.5	Summary Judgment and Summary Adjudication of Issues	Revised 7/1/08
8.6	Reserved	Repealed 7/1/20
8.7	Proposed Orders	Revised 7/1/08
8.8	Sanctions	Revised 7/1/08
8.9	Relief from Local Rules	Effective 7/1/99
9.1	Definitions	Revised 7/1/26
9.2	Law and Motion	Revised 7/1/26
9.3	Harassment and Violence Prevention	Revised 7/1/22
9.4	Probate	Revised 7/1/22
9.5	Family Law	Revised 7/1/26
10.1	Requests for Copies or Certified Copies	Revised 7/1/08
10.2	Consolidation of Cases	Revised 1/1/24
10.3	Responsibility for Content Generated Using Artificial Intelligence	Effective 1/1/26
10.4	Substitution and Withdrawal of Counsel	Revised 7/1/08
10.5	Attorney Fees	Revised 1/1/12
10.6	Family Law Judgments	Revised 7/1/08
10.7	Case Removed to Federal Court	Revised 7/1/08
10.8	Arbitration	Revised 7/1/08
10.9	Mediation	Revised 1/1/16
10.10	Interpreters	Revised 1/1/16
10.11	Court Reporting Services	Revised 7/1/24
10.12	Tentative Rulings	Revised 7/1/25

10.13	Electronic Filing	Revised 1/1/25
10.14	Remote Appearances	Revised 7-1-25
11.1	General Rules	Revised 1/1/26
11.2	Financial Issues	Revised 1/1/26
11.3	Hearing Date	Revised 1/1/22
11.4	Motions and Order to Show Cause	Revised 7-1-25
11.5	Orders After Hearing	Revised 7/1/08
11.6	Child and Spousal Support	Revised 7/1/08
11.7	Reserved	Repealed 7/1/20
11.8	Restraining Orders	Revised 7/1/21
11.9	Child Custody and Visitation Issues	Revised 7/1/08
11.10	Appointment of Court-Appointed Investigator or Evaluator	Revised 7/1/21
11.11	Mediation of Visitation or Custody Issues	Revised 1/1/24
11.12	Family Law Facilitator	Revised 7/1/18;
11.13	Child Support Commissioner	Revised 7/1/18
11.14	Co-Parenting Course	Revised 7/1/18
11.15	Court Communication Protocol for Domestic Violence and Child Custody Orders	Effective 7/1/08
11.16	Supervised Visitation Providers	Effective 7/1/21
11.17	Settlement Conferences	Effective 7-1-24
12.1	Chapter Repealed	Repealed
13	Chapter Retitled: Juvenile Court Rules	Effective 7/1/25
13.1	Application	Revised 1/1/25
13.2	Purpose and Authority	Revised 7/1/08
13.3	General Competency Requirement	Revised 7/1/18
13.4	Screening for Competency	Revised 7/1/18
13.5	Minimum Standards of Education or Training	Revised 1/1/21
13.6	Standards of Representation	Revised 7/1/08
13.7	Written Waiver	Effective 1/1/23
13.8	Procedures for Reviewing and Resolving Complaints	Renumbered 1/1/23
13.9	Procedures for Informing the Court of the Interests of a Dependent Child	Renumbered 1/1/23

13.10	Timelines	Revised 1/1/24
13.11	Guardians Ad Litem	Revised 1/1/24
13.12	Court Appointed Special Advocates (CASA)	Revised 7/1/25
14.1	Filing of Criminal Complaints	Effective 1/1/23
14.2	Deadlines for Filing or Placing Matters on Calendar	Effective 1/1/23
14.3	Appearances	Revised 1/1/25
14.4	Motions	Effective 1/1/23
14.5	Pre-Trial Conference Calendar	Revised and Renumbered 1/1/24
14.6	Trial Readiness Calendar	Effective 1/1/23
14.7	Traffic	Effective 1/1/26
14.8	Bond and Bail Schedule	Revised 1/1/25
14.9	Search Warrants	Effective 1/1/23
14.10	Exhibit Management	Effective 1/1/23
14.11	Habeas	Revised 1/1/25
14.12	Written Plea Forms	Effective 7/1/24
14.13	General Concerns	, Revised 7/1/26
15.1	Preamble	Effective 7-1-24
15.2	Consolidation of Related Cases	Effective 7-1-24
15.3	Service of Objection to Petition-Guardianships	Effective 7-1-24
15.4	Caption of Petitions and Posting	Effective 7-1-24
15.5	Signing and Verification of Pleadings	Effective 7-1-24
15.6	Additional Notice Requirements	Effective 7-1-24
15.7	Wording of Probate Order	Effective 7-1-24
15.8	Time for Submitting /Orders and Affidavits of Publication	Effective 7-1-24
15.9	Order for Family Allowance	Effective 7-1-24
15.10	Required Matters in a Petition for Final Distribution	Effective 7-1-24
15.11	Accounts in Probate Proceedings	Effective 7-1-24
15.12	Petition to Establish Fact of Death	Effective 7-1-24
15.13	Guardianships-Annual Reports	Effective 7-1-24
15.14	Tentative Rulings	Effective 1/1/26

15.15	Fees and Commissions in Guardianships, Conservatorships, and Trusts	Effective 7-1-24
15.16	Court Investigation of Petitions to Appoint Guardians or Conservators	Effective 7-1-24
15.17	Termination of Conservatorship-Death of Conservatee	Effective 7-1-24
16.1	Habeas Corpus	Effective 7-1-25
16.2	Felony Writs	Effective 7-1-25
16.3	Administrative Writs	Effective 7-1-25
16.4	Traditional Writ of Mandamus	Effective 7-1-25
16.5	Administrative and Traditional Writ of Mandamus Briefing Schedules and Page Limits	Effective 7-1-25

APPENDIX B

LIST OF LOCAL FORMS

Form Number	Form Name	Date of Adoption or Latest Revision	Mandatory or Optional
SB-CH-1	Declaration re: Notice for Ex Parte Application for Orders	1/1/20	Mandatory
SB-CR-1	Petition for Resentencing or for Reduction to Misdemeanor	1/1/20	Optional
SB-CR-2	Response for Resentencing or for Reduction to Misdemeanor	1/1/20	Optional
SB-CR-3	Order - Petition for Resentencing / Reduction	1/1/20	Optional
SB-CR-4	Petition for Dismissal and Supporting Declaration per PC 1203.4b	1/1/21	Optional
SB-CR-5	Order for Dismissal per PC 1203.4b	1/1/21	Optional
SB-CR-8	Defendant's Petition and Order – AB 1950 Felony	9/1/21	Optional
SB-CR-9	Defendant's Petition and Order – AB 1950 Misdemeanor	9/1/21	Optional
SB-CR-11	Request to be Placed on Calendar	1/1/24	Mandatory
SB-CR-12	Request for Remote Appearance: Criminal	1/1/23	Optional
SB-CV-1/FL-1	At-Issue Memorandum / Readiness Certificate	1/1/20	Mandatory
SB-CV-2	Name Change Background Information Form	1/1/20	Mandatory
SB-FL-2	Stipulation and Order for Custody or Visitation Mediation	1/1/25	Optional
SB-FL-3	Intake Form – Family Court Services Mediation	7/1/20	Mandatory
SB-FL-4	Family Law Trial Brief	9/1/21	Optional
SB-PR-1	Order Appointing Investigator (Guardianship)	1/1/20	Mandatory
SB-PR-2	Confidential General Plan	1/1/20	Mandatory

SB-PR-3	Petition for Reappointment of Conservatorship of the Person and Estate – Welfare and Institutions Code §5361	7/1/20	Optional
SB-FL-5	Seek Work Order	1/1/25	Optional
SB-JD-1	Juvenile Dependency Counsel Certification of Competency	1/1/20	Mandatory

Form by Name

Form Name	Form Number	Date of Adoption or Latest Revision	Mandatory or Optional
At-Issue Memorandum / Readiness Certificate	SB-CV-1/FL-1	1/1/20	Mandatory
Confidential General Plan	SB-PR-2	1/1/20	Mandatory
Declaration re: Notice for Ex Parte Application for Orders	SB-CH-1	1/1/20	Mandatory
Defendant's Petition and Order – AB 1950 Felony	SB-CR-8	9/1/21	Optional
Defendant's Petition and Order – AB 1950 Misdemeanor	SB-CR-9	9/1/21	Optional
Family Law Trial Brief	SB-FL-4	9-1-21	Optional
Intake Form - Family Court Services Mediation	SB-FL-3	7/1/20	Mandatory
Juvenile Dependency Counsel Certification of Competency	SB-JD-1	1/1/20	Mandatory
Name Change Background Information Form	SB-CV-2	1/1/20	Mandatory
Order - Petition for Resentencing / Reduction	SB-CR-3	1/1/20	Optional
Order Appointing Investigator (Guardianship)	SB-PR-1	1/1/20	Mandatory
Order for Dismissal per PC 1203.4b	SB-CR-5	1/1/21	Optional
Petition for Dismissal and Supporting Declaration per PC 1203.4b	SB-CR-4	1/1/21	Optional
Petition for Reappointment of Conservatorship of the Person and Estate – Welfare and Institutions Code §5361	SB-PR-3	7/1/20	Optional

Petition for Resentencing or for Reduction to Misdemeanor	SB-CR-1	1/1/20	Optional
Request to be Placed on Calendar	SB-CR-11	1/1/24	Mandatory
Request for Remote Appearance: Criminal	SB-CR-12	1/1/23	Optional
Response for Resentencing or for Reduction to Misdemeanor	SB-CR-2	1/1/20	Optional
Seek Work Order	SB-FL-05	1/1/25	Optional
Stipulation and Order for Custody or Visitation Mediation	SB-FL-2	1/1/2025	Optional

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