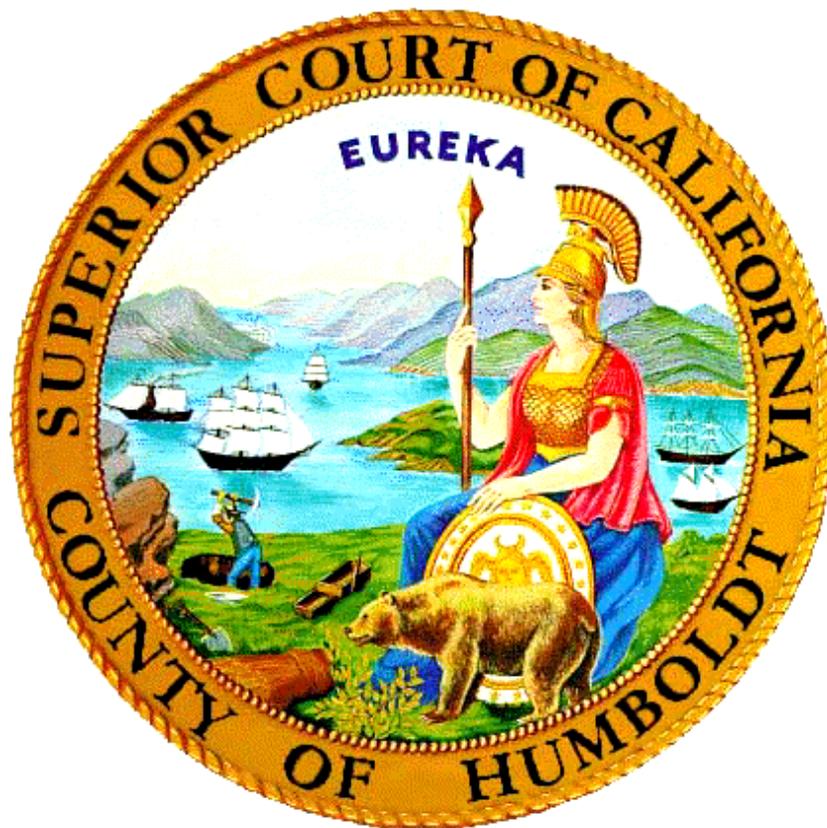


# HUMBOLDT COUNTY SUPERIOR COURT



## LOCAL COURT RULES

Effective July 1, 2014

**LOCAL RULES FOR  
THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT  
EFFECTIVE July 1, 2014**

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**CHAPTER 1 – GENERAL RULES**

**1.1 Scope of Rules**

These Local Rules of Court apply to the Humboldt County Superior Court.

*(Eff. 07/01/2010)*

**1.2 Citation of Rules**

These Rules shall be known and cited as the “Local Rules for the Humboldt County Superior Court.”

*(Eff. 07/01/2010)*

**1.3 Effective Date of Rules**

These Rules shall take effect on July 1, 2010.

*(Eff. 07/01/2010)*

**1.4 Construction and Application of Rules**

These Rules shall be construed and applied in such a manner as to not conflict with the California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice by the Humboldt County Superior Court.

*(Eff. 07/01/2010)*

**1.5 Failure to Comply with Rules**

Any failure to comply with Local Rules, or order of the Court, unless good cause is shown, is an unlawful interference with the proceedings of the Court. For any such failure, the Court may impose upon the offending party, attorney, or both, sanctions which may include, but not be limited to, monetary sanctions, attorney’s fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and contempt. (California Rules of Court, Rule 2.30)

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

## **1.6 Judicial Vacation Day Defined**

A day of vacation for a judge of the Superior Court of California, County of Humboldt, is an approved absence from the Court for one full business day. Absences from the Court listed in Rule 10.603(c)(2)(H) of the California Rules of Court are excluded from this definition.

*(Eff. 07/01/10)*

## **1.7.1 Availability of Court Reporters**

Pursuant to Rule 2.956 of the California Rules of Court, the following notice is hereby given as to the availability of official court reporters:

Courtrooms 1, 2, 4, 5: Court reporters are normally available. However, for non-criminal cases, to ensure the availability of an official court reporter the party desiring reporting services must comply with Local Rules 1.7.2 and 1.7.3.

Courtroom 3: Court reporters are normally not available. However, court reporters will be made available if the party desiring reporting services complies with Local Rules 1.7.2 and 1.7.3.

Courtrooms 6-8: Court reporters are normally available for all proceedings other than case management conferences. However, to ensure the availability of an official court reporter the party desiring reporting services must comply with Local Rules 1.7.2 and 1.7.3.

Civil Trials: Court reporters will be made available if the party desiring court reporting services complies with Local Rule 1.7.3.

*(Eff. 07/01/2014)*

## **1.7.2 Court Reporters in Non-Criminal Cases – Proceedings Lasting One Hour or Less**

(a) This rule concerns the presence of court reporters to report non-criminal proceedings, and does not address the cost of obtaining transcripts. Information about obtaining transcripts can be found on the Court’s website under the “General Info” tab.

(b) In accordance with Government Code section 68086, the Court collects a \$30 fee for every non-criminal proceeding lasting one hour or less at which a court reporter provides services, with the exceptions of hearings concerning solely family support and proceedings solely to obtain a domestic violence restraining order. The \$30 fee shall be paid by the party that filed the paper that resulted in the proceeding being scheduled. If the \$30 fee is required for a proceeding as provided herein, that proceeding may be delayed if the \$30 payment is delayed, and may not go forward if the fee remains unpaid. For a single case with multiple proceedings to take place in the same hour on the same day, one fee is collected per four proceedings.

(c) For proceedings at which a court reporter is normally available (*see* Local Rule 1.7.1), and

with the exception of motions for summary judgment/adjudication, the \$30 fee shall be paid at the time the paper is filed that results in the hearing being scheduled. The fee shall be collected even if the party filing the paper does not wish to have a court reporter present. However, if the proceeding is completed or cancelled without reporting services actually being provided, the fee will be refunded as soon as practicable following receipt of a written request. No fee is required for hearings concerning solely family support or proceedings solely to obtain a domestic violence restraining order.

(d) It is the responsibility of the party desiring court reporting services, at least five court days prior to the date initially scheduled for the proceeding, to file a written statement requesting a court reporter and to pay the \$30 fee for the following proceedings: (1) proceedings at which a court reporter is normally unavailable or normally not provided (*see* Local Rule 1.7.1); (2) motions for summary judgment/adjudication; and (3) hearings concerning solely family support, except that the \$30 fee is not required for hearings concerning solely family support. If the proceeding is initially scheduled to take place on fewer than five days notice, the party desiring court reporting services must make the request and pay the fee, if applicable, at the earliest possible time following notice. The Court provides a form that must be used as the written statement, which is contained in Appendix 1.7 to these rules and available at the Court's filing window.

*(Eff. 07/01/2014)*

### **1.7.3 Court Reporters in Non-Criminal Cases – Proceedings Lasting More than One Hour**

(a) This rule concerns the presence of court reporters to report non-criminal proceedings, and does not address the cost of obtaining transcripts. Information about obtaining transcripts can be found on the Court's website under the "General Info" tab.

(b) In accordance with Government Code section 68086, the Court charges a fee equal to the cost of providing court reporting services per every one-half day of services provided for every non-criminal proceeding lasting more than an hour, with the exceptions of hearings concerning solely family support and proceedings solely to obtain a domestic violence restraining order. The amounts for fees per one-half day and per full day are published in the Court's fee schedule, which is available through the Court's website.

(c) To ensure the presence of a court reporter for the first day of a proceeding lasting more than one hour, one or more of the parties must, at least five court days prior to the date initially scheduled for the proceeding, file a written statement requesting a court reporter's presence for more than an hour and pay their pro rata share of the one-half day fee. Although the written statement is required to ensure the presence of a reporter for all non-criminal proceedings lasting more than an hour, the fee is not charged for hearings concerning solely family support or proceedings solely to obtain a domestic violence restraining order. If a proceeding is initially scheduled to take place on fewer than five days notice, one or more parties must make the request and pay the pro rata fee at the earliest possible time following notice. The Court provides a form that must be used as the written statement, which is contained in Appendix 1.7

to these rules and available at the Court's filing window.

(d) If the proceeding will last more than a half-day and the proceeding is one requiring a fee as provided herein, to ensure the presence of a court reporter on each additional half-day, one or more parties must pay their pro rata share(s) for each additional half-day prior to the commencement of each additional half-day.

(e) The judge assigned to the proceeding may determine that fees should not be split evenly if, for example, only one party desires the presence of a court reporter. In the absence of such an order, fees shall be split evenly among the parties, even if only one of the parties initially requested the presence of a court reporter in compliance with subdivision (c). Any party who does not consent to an even split of reporter fees must raise the issue before or during the proceeding with the judge assigned to the proceeding so that the judge may order a proper allocation of reporter fees.

*(Eff. 07/01/2014)*

## **1.8 Facsimile Filings**

The Humboldt County Superior Court does not accept direct fax filing of documents. The Court accepts the filing of documents through a fax filing agency pursuant to California Rules of Court, Rule 2.303. Parties may file pleadings by fax through Official Payments Corporation (800-322-4945) pursuant to California Rules of Court, rules 2.300-2.360.

(1) All fax filings shall be accompanied by the Judicial Council Facsimile Transmission Cover Sheet (MC-005) as the first page transferred, followed by any special handling instructions. Neither the cover sheet or handling instructions will be filed in the case. The Court is not required to keep a copy of the cover sheet.

(2) Applicable filing fees will be charged upon receipt of pleadings.

(3) If a party wants copies of any filed documents, the party must make its request on the facsimile cover sheet. The Court charges \$.50 per page plus postage. (For postage, the Court charges \$1.00 if the document is less than six pages, \$3.00 if the document exceeds six pages).

(4) Service may be activated by contacting Official Payments Corporation at 800-487-4567. By activating this service, you will have access to all participating Courts in the State of California.

*(Eff. 07/01/2010; as amended, eff. 01/01/2014)*

**1.9 Ex Parte Communication with the Court**

The Court will not consider any ex parte communications from counsel or self-represented parties unless made in the manner prescribed by these Rules, by the California Rules of Court, or by the laws of this State.

*(Eff. 07/01/2010)*

**1.10 Reasonably Necessary Photocopying**

The California Rules of Court, Rule 3.55 provides that the clerk's fees for reasonably necessary photocopying must be waived upon granting an application for an initial fee waiver. This court defines the number of photocopies which are reasonably necessary and which will be waived under the fee waiver for the litigant benefited by the fee waiver as only one copy of those papers in the Court's file for the action or proceeding in which the waiver of fees was granted.

*(Eff. 07/01/2010)*

**1.11 Payment of Fees and Fines in Coinage**

Coinage of more than \$5.00 in payment of any fee or fine shall be counted and rolled.

*(Eff. 07/01/2010)*

**1.12 Photographing, Videotaping, and Electronic Recording**

**(a) Photographing, Videotaping, and Electronic Recording Inside Courtrooms**

Photographing, filming, videotaping, and electronic recording inside a courtroom are governed by Rule 1.150 of the California Rules of Court. All requests for any type of photographing, filming, videotaping, and electronic recording within a courtroom, including for the use of pool cameras, must be made in compliance with Rule 1.150.

**(b) Photographing, Videotaping, and Electronic Recording Outside Courtrooms**

(1) Photographing, filming, videotaping, and electronic recording outside a courtroom are governed by this Local Rule 1.12. Unless approved in advance by a written order of the Presiding Judge, photographing, filming, videotaping, and electronic recording outside a courtroom are not permitted in the courthouse portions of the building including, but not limited to, the second floor hallway, the Court Operations Department's public lobby (the filing area), the offices of the court mediators, the office of the family law facilitator, the self-help center, the offices of the courtroom clerks, and the human resources office. All requests for any type of photographing, filming, videotaping, and electronic recording outside a courtroom in the courthouse portions of the building will be evaluated based on factors listed in Rule 1.150, subdivision (e)(3),

and in addition will be evaluated based on the tendency of the requested activity to obstruct, intimidate, or invade the privacy of court employees, parties, witnesses, jurors, or prospective jurors.

(2) Electronic devices that have photographing, digital image capturing, videotaping, or electronic recording capabilities, such as cell phones, personal digital assistants, or tablets, may be brought into the courthouse, provided that the photographing, image capturing, videotaping, and recording features are not used in the courthouse portions of the building.

(3) Any photographing, image capturing, videotaping, or electronic recording of a courtroom or courtroom proceeding through a courtroom's windows or doors is prohibited.

**(c) Violations**

Any violation of this rule or an order made under this rule may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as allowed by law. Photography, film, videotape, and electronic recordings obtained in violation of this rule may be confiscated.

*(Eff. 07/01/2013)*

**1.13 Telephonic Appearances**

Except when a personal appearance is required, appearance by telephone is permitted under the circumstances and procedures listed in California Rules of Court, Rule 3.670. The Court participates in telephonic appearance services provided by CourtCall. Parties must send their request for telephonic appearance via facsimile to Court Administration at (707) 445-7041, not less than three (3) court days prior to the Hearing or Case Management Conference. If the request is granted, the party must contact CourtCall, LLC at (888) 882-6878 no later than noon the day before the hearing to schedule their telephonic appearance. CourtCall charges a fee for their services unless a fee waiver is on file.

Further information for parties desiring to appear by telephone is available on the Court's website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov).

*(Eff. 01/01/2014)*

**CHAPTER 2 – CIVIL RULES**

**2.1 Stipulation to Alternative Dispute Resolution**

Pursuant to California Rules of Court, Rule 3.726, if all parties agree to use an alternative dispute resolution (ADR) process, they must jointly complete the ADR stipulation form provided for in Appendix 2.1 and file it with the Court.

*(Eff. 07/01/2010)*

**2.2 Mediator Complaint Process**

**(a) Definitions.**

As used in this rule, unless the context or subject matter otherwise requires:

(1) “The rules of conduct” means rules 3.850 through 3.860 of the California Rules of Court.

(2) “Court-program mediator” means a person or organization that is on the Court’s list of mediators for general civil cases or that is recommended, selected or appointed, or compensated by the Court to mediate a general civil case pending in the Court.

(3) “Inquiry” means an unwritten communication presented to the Court’s complaint coordinator indicating that a mediator has or may have violated a provision of the rules of conduct.

(4) “Complaint” means a written communication presented to the Court’s complaint coordinator indicating that a mediator has or may have violated a provision of the rules of conduct.

(5) “Complainant” means the person who makes or presents a complaint.

(6) “Complaint coordinator” means the person designated by the presiding judge under Local Rule 2.2(c)(1) to receive complaints and inquiries about the conduct of mediators.

(7) “Complaint procedure” means the procedure established by these local rules for presenting, receiving, reviewing, responding to, investigating, or acting on any inquiry or complaint.

(8) “Mediation communication” means any statement that is made or any writing that is prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation, as defined in Evidence Code §1115, and includes any communications, negotiations, and settlement discussions between participants in the course of a mediation or a mediation consultation.

**(b) Confidentiality of complaint proceedings.**

(1) All complaint proceedings shall occur in private and shall be kept confidential. No information or records concerning the receipt, investigation, or resolution of an inquiry or a complaint shall be open to the public or disclosed outside the course of the complaint proceedings except as provided by (b) or as otherwise required by law.

(2) After the decision on a complaint, the presiding judge, or a person whom the presiding judge designates to do so, may authorize the disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized include the name of a mediator against whom action has been taken under Local Rule 2.2(j), the action taken, and the general basis on which the action was taken.

**(c) Complaint coordinator.**

(1) The presiding judge shall designate a person who is knowledgeable about mediation to serve as the complaint coordinator.

(2) The Court shall make the complaint coordinator's identity and contact information readily accessible to litigants and the public.

**(d) Submission and referral of inquiries and complaint to the complaint coordinator.**

(1) All inquiries and complaints must be submitted or referred to the complaint coordinator.

(2) All inquiries shall be submitted in writing as a complaint before the complaint coordinator shall proceed with a preliminary review.

**(e) Promptness.**

The Court shall process complaints promptly at all stages.

**(f) Communication with the complainant.**

(1) The Court shall send the complainant a written acknowledgement that it has received the complaint.

(2) The Court shall notify the complainant in writing of the final court action on the complaint.

**(g) Preliminary review of complaints.**

The complaint coordinator shall conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or merits investigation.

**(h) Investigation and determination of any unresolved complaints.**

If a complaint is not resolved or closed during the preliminary review:

- (1) The complaint shall be investigated by the complaint coordinator.
- (2) The mediator shall be given written notice of the complaint and shall be given an opportunity to respond in writing.
- (3) The complaint coordinator shall make a recommendation concerning court action on the complaint to the presiding judge or his or her designee.
- (4) The mediator shall be given notice of the final action on the complaint.

**(i) Final action on complaint.**

The final decision on the complaint shall be made by the presiding judge or his or her designee, who shall not be the complaint coordinator.

**(j) Records of complaints.**

The Court shall maintain sufficient information about each complaint and its disposition to identify any history or patterns of complaints submitted under these rules.

**(k) Permissible court actions on complaint.**

After an investigation has been conducted, the presiding judge or his or her designee may:

- (1) Direct that no action be taken on the complaint;
- (2) Counsel, admonish or reprimand the mediator;
- (3) Impose additional training requirements as a condition of the mediator remaining on the Court's mediation list;
- (4) Suspend the mediator from the Court's list or otherwise prohibit the mediator from receiving future mediation referrals from the Court; or
- (5) Remove the mediator from the Court's list or otherwise prohibit the mediator from receiving future mediation referrals from the Court.

*(Eff. 07/01/2010)*

## **2.3 Continuance of Case Set for Trial**

A stipulation by the parties is not a sufficient basis for a continuance of a case set for trial. A party seeking a continuance, whether contested or uncontested, shall serve and file a notice of motion, together with supporting declarations, for hearing on the Continuance Calendar of the Judge scheduled to hear the matter (short causes), the Delay Reduction Continuance Calendar (long causes) or the Non-Delay Reduction Continuance Calendar (long causes). No continuance otherwise requested shall be granted by the Court except in extreme emergencies, such as serious accident or death. A trial or hearing continued by the Court or upon a motion by a party shall, unless otherwise directed by the Court, be reset for trial or hearing by the Court at the time the motion is granted or as soon as possible thereafter by the Court Executive Office.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.3.1 Continuance of Post-Trial Matter**

Following any trial by the Court without a jury, no continuance or extension for performing any act shall be granted upon stipulation without approval of the Court.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

## **2.4 Settlement Conferences**

### **(a) Settlement Conference.**

The Court will schedule a settlement conference two or three weeks before the scheduled trial date in all civil cases except short causes and such other cases as the Court may determine will not benefit from a settlement conference.

### **(b) Duty of Attorneys and Others as to Settlement Conferences.**

Each party claiming damages shall furnish to all other parties as least five (5) days before the Settlement Conference an itemized list of the special damages and the amount of general damages claimed, and in a personal injury or wrongful death case, a settlement offer. Except as otherwise directed by the Court for good cause shown, all parties, their attorneys who are to try the case, and, when a party is insured, a representative of the insurance company who has authority to settle the case, shall attend the Settlement Conference. Upon written request by counsel to the Court Executive Office, (5) days in advance of the Settlement Conference, the Court may on a showing of good cause excuse attendance by a party or insurance representative whose counsel is present at the conference. The person excused shall be immediately available by telephone at all times during the conference.

Each attorney attending a settlement conference shall have a thorough knowledge of the evidence, and shall be prepared to discuss the facts and law pertaining to both liability and damages. In a personal injury or wrongful death case, each attorney shall bring to the

conference a copy of each medical report that pertains to the case. Each party shall prepare a Settlement Conference Statement, which shall be filed with the Court no less than five (5) days prior to the conference. If prior statements have been filed, the Court requires updated statements if the prior statement is over six (6) months old and/or if there have been substantial changes in liability or damages.

Not less than two (2) days before the Settlement Conference, opposing counsel will discuss their mutual contentions based on the Settlement Conference Statements. They shall explore a possible settlement at that time. If settlement cannot be obtained at that point, they will isolate all areas of:

- (1) Agreement;
- (2) Disagreement; and
- (3) Be prepared to report these to the Court.

*(Eff. 07/01/1994; As amended, eff. 07/01/2010)*

#### **2.4.1 Sanctions for Failure to Attend Conference**

The failure of any person to prepare for (including the submission of any required documents), appear at, or participate in a pretrial or settlement conference as required by these rules or an order of the Court, unless good cause is shown for that failure, is an unlawful interference with the proceedings of the Court, and the Court may impose appropriate sanctions, including but not limited to the following:

- (1) Monetary sanctions ,
- (2) Payment of the opposing party's costs, including actual expenses and counsel fees,
- (3) An appropriate change in the calendar status of the case.

*(Eff. 07/01/1994; As amended, eff. 07/01/2010)*

#### **2.5 Civil Trial Rules**

##### **(a) Trial memorandum.**

In all jury trials and in civil non-jury trials anticipated to require more than two (2) days, each party may submit a trial memorandum, not to exceed seven (7) pages, setting forth a statement of the nature of the case, the general contentions of the party submitting the statement and a memorandum of points and authorities (not to exceed fifteen (15) pages) upon any unusual questions of law anticipated to be presented. The original of this document shall be filed, and a copy served on all parties, not less than five (5) days prior to the scheduled date of trial.

**(b) Jury Trial Conference.**

On the first day of a jury trial unless otherwise ordered, all attorneys shall attend a conference beginning thirty (30) minutes before trial, for the purpose of determining the trial procedures. Each attorney shall submit to the trial judge proposed jury instructions and a written statement consisting of the following, except those items already submitted:

- (1) A list of all witnesses expected to be called by the party;
- (2) A statement of the nature of the case and the general contentions of the party submitting the statement;
- (3) If desired by the attorney, a list of voir dire questions to be asked by the judge, including specific references to questions in the Standards of Judicial Administration §3.25;
- (4) If desired by the attorney or ordered by the judge, a glossary of technical or unusual terms expected to be used during the trial;
- (5) Any evidentiary questions to be decided prior to, or during, trial together with points and authorities where appropriate.

**(c) In Limine Motions.**

All in limine motions shall be in writing and filed and served no later than noon of the Court day before commencement of the trial.

**(d) Examination of Witness or Jurors.**

Unless otherwise permitted by the Court, only one attorney for each party shall examine or cross-examine a witness or prospective juror.

**(e) Attorney as Witness.**

Unless otherwise permitted by the Court for good cause shown, an attorney who has testified as a witness in a contested case shall not argue such case before the Court or jury except when the appearance as witness was only by reason of having been called to the witness stand by opposing counsel or when the attorney's testimony is only in regard to ministerial matters or having to do with attorney fees.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

**2.5.1 Jury Fees and Expenses – Waiver of Right to Trial by Jury in Civil Cases**

As provided in section 631 of the Code of Civil Procedure, the right to a trial by jury in civil cases is waived by a party's failure to pay a nonrefundable fee of one hundred fifty dollars (\$150). In most instances, this amount must be paid on or before the date scheduled for the

initial case management conference to avoid a waiver. Section 631 also provides that the right to a trial by jury in civil cases is waived by a party's failure to pay additional sums required by that section beginning on the second day of trial.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010; as amended, eff. 07/01/2014)*

## **2.5.2 Proposed Pattern Jury Instructions**

In jury trials, the instruction forms contained in the latest editions of Judicial Council of California, Civil Jury Instructions shall be used when applicable. Counsel shall fill in all blanks and make any necessary changes on such forms.

The Court will consider additional proposed instructions submitted by the attorneys for the parties, pursuant to California Rule of Court, Rule 2.1055. When requesting a Judicial Council Instruction, counsel shall request such instruction by title and number.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

## **2.6 Law and Motion Rules; Applicability**

Except where another rule is specifically applicable, Local Rule 2.6.1 shall apply to all Law and Motion proceedings except those matters involving Criminal or Family Law.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.6.1 Law and Motion Hearings**

In no event shall the total presentation, combining all parties' time, exceed fifteen (15) minutes. Hearings expected to exceed fifteen (15) minutes will be specially set. Hearings exceeding fifteen (15) minutes on the Law and Motion Calendar will be stopped and specially set.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

## **2.7 Trial Court Delay Reduction Program**

It is the policy of the Court to bring general civil actions to disposition by settlement, trial, or other means as quickly as possible, and within the Court's guidelines established herein and by statute. The Court, in administering the program, will employ techniques of calendar management necessary to achieve the goal of reducing delay in the disposition of civil actions. The Presiding Judge shall designate, in accordance with the law, one or more judges to conduct the program. The Court Executive Officer shall provide administrative assistance necessary to the successful operation of the program and obtainment of the program goals.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.7.1 Differentiated Case Management**

Unless otherwise designated, all cases filed under the Delay Reduction Program are subject to a twelve (12) month disposition goal, and as set forth in California Rules of Court, Rules 3.710-3.715.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.7.2 Filing and Service of Notice of Inclusion**

At the time of filing the complaint herein, plaintiff shall cause to be issued a Notice of Inclusion in the Delay Reduction Program. The form of notice is available in Court Operations. (See Appendix 2.7.2). A copy of the notice shall be placed in the Court file. Said notice shall be served with the complaint.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.7.3 Mandatory Discovery**

To facilitate discovery in actions claiming damages for personal injury (including emotional distress) and/or wrongful death, each plaintiff shall serve on all defendants written answers to questions (interrogatories). Said answers shall be signed by the plaintiff under penalty of perjury, and shall contain information about the plaintiff, the incident giving rise to the action, damages flowing therefrom, and medical information. (See Judicial Council Form DISC-001). The plaintiff shall serve each defendant with the answers at the time the defendant is served with the summons or within ten (10) days of the defendant's first appearance, whichever occurs first.

Within ten (10) days of a defendant's filing of an answer, each defendant shall serve on each plaintiff written answers to questions (interrogatories). Said answers shall be signed by the defendant under penalty of perjury, and shall contain information about the defendant, the incident giving rise to the action, and any defenses claimed. (See Judicial Council Form DISC-001).

The above forms are available on the California Judicial Branch website or may be obtained in Court Operations. At the time plaintiff serves his or her answers on each defendant, the plaintiff shall also serve a blank DISC-001 to be answered by the defendant.

*(Eff. 07/01/1994; as amended, eff. 07/01/2011; as amended, eff. 07/01/2014)*

**2.7.4 Case Management Conferences and Reports**

- (a) All parties or their counsel of record shall file with the Court, an initial Case Management Statement on Judicial Council form CM-110. Such report shall be filed (15) days before the first case management conference. (California Rules of Court, Rule 3.725)
- (b) A case management conference shall be held before a judicial officer designated by the Presiding Judge approximately 125 days after the filing of the Complaint and Notice of Inclusion. All parties or their attorneys shall be present and be prepared to discuss all elements of the case inquired into on the Case Management Statement.
- (c) At the time of the Case Management Conference, the Court shall be empowered to establish discovery schedules, set an additional status conference, set the matter for mediation, arbitration and/or trial, or otherwise actively manage the progress of the litigation.

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

**2.7.5 Exemption of Uninsured/Underinsured Motorist Cases and Bankruptcy Cases from Delay Reduction Program**

Parties may seek such exemption from the Delay Reduction Program by filing with the Court a form declaration as provided in Appendix 2.7.5, “Declaration In Support of Exemption.” (California Rules of Court, Rule 3.712)

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

**2.7.6 Exemption of Complex Litigation from the Delay Reduction Program**

At any time a case is at-issue, a party may file a motion with the supervising judge of the Delay Reduction Program to exempt the case from the program because of its complex nature. There shall be filed with said motion a declaration, under penalty of perjury, setting forth in detail the reasons such party believes the case cannot be brought to trial within two (2) years. Said declarations shall be signed by the attorney, if any, and the moving party, except for good cause shown by declaration of the attorney, setting forth facts establishing the unavailability of the moving party. The mere fact a party resides out of county will not, standing alone, constitute good cause. (California Rules of Court, Rule 3.714)

*(Eff. 07/01/1994; as amended, eff. 07/01/2010)*

### **2.7.7 Dismissal Following Settlement**

Rule 3.1385 of the California Rules of Court requires immediate, written notice to the Court if an entire case has settled, and the Judicial Council has prepared Form CM-200 for litigants to use in providing such notice. Parties are advised that, to promptly dispose of resolved matters, upon receipt of a notice of settlement the Court will typically place the matter on the dismissal calendar and, if no party appears at the dismissal hearing, will dismiss the matter without prejudice. Parties will be provided notice when matters are placed on the dismissal calendar. Unless the delay is short and is explained at the dismissal hearing, parties will not be allowed to delay dismissal of a settled case for the purpose of monitoring one side's compliance with the settlement. Parties may instead maintain the Court's jurisdiction to enforce the settlement until full performance of the terms of the settlement by obtaining a stipulated order to that effect prior to dismissal. *See* Code of Civil Procedure section 664.6; *Wackeen v. Malis* (2002) 97 Cal. App. 4th 429, 437-41; *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal. App. 4th 1004, 1007-1011; *see also Conservatorship of McElroy* (2002) 104 Cal. App. 4th 536, 548-52; *Harris v. Rudin, Richman & Appel* (1999) 74 Cal. App. 4th 299, 304-306.

*(Eff. 07/01/2014)*

### **2.8 Applications for Ex Parte Orders**

(a) This rule applies to ex parte applications in civil matters other than family law matters. (*See* Local Rule 8.8 for ex parte orders in family law matters.) However, this rule does not apply to civil proceedings under the Lanterman-Petris-Short Act, *see* Cal. Welf. & Inst. Code §§ 5000-5550, including hearings under Welfare and Institutions Code section 5332 to determine a person's capacity or incapacity to refuse treatment with antipsychotic medication ("Riese hearings").

(b) Ex parte applications must be made in compliance with Rules 3.1201 through 3.1207 of the California Rules of Court. These rules require, among other things, notice to the other side no later than 10:00 a.m. the court day before the ex parte appearance (absent exceptional circumstances), service of the ex parte application on all other parties at the first reasonable opportunity, and the filing of a declaration regarding notice.

(c) Hearings on ex parte applications may be set on any day and will be heard in the appropriate courtroom. Please refer to the Court's website for the ex parte hearing schedule.

(d) In accordance with Rule 3.1207 of the California Rules of Court, an applicant for an ex parte order must appear, either in person or by telephone, except in cases of: (1) applications to file a memorandum in excess of the applicable page limit; (2) applications for extensions of time to serve pleadings; (3) the setting of hearing dates on alternative writs and orders to show cause; and (4) stipulations by the parties for an order.

*(Eff. 07/01/2014)*

**2.9 Attorney Fees in Default Proceedings**

With the exception of unlawful detainer actions, whenever a contract, promissory note, or other obligation sued upon provides for the recovery of attorney fees, the following schedule will apply to the amount of the fee award unless otherwise determined by the Court.

\$0.01 to \$1,000	15% with a minimum of \$75;
\$1,000.01 - \$10,000	\$150 plus 6% of the excess over \$1,000;
\$10,000.01 - \$50,000	\$690 plus 3% of the excess over \$10,000;
\$50,000.01 - \$100,000	\$1,890 plus 2% of the excess over \$50,000;
Over \$100,000	\$2,890 plus 1% of the excess over \$100,000.

In calculating fee awards based on the foregoing schedule, the Court will use the amount of the damages award in the judgment without including costs, interest, or attorney fees. Any party seeking attorney fees in excess of those provided in the foregoing schedule shall submit a declaration substantiating the extraordinary fees.

*(Eff. 07/01/2014)*

**CHAPTER 3 – CRIMINAL RULES**

**3.1 Filing Deadlines**

- (a) Matters pertaining to persons who are in-custody for felony and/or misdemeanor charges must be filed no later than 10:00 a.m. for the same day afternoon arraignment calendar. Any serious felony matter, as outlined in Penal Code section 667.5, which must be heard on the same day and has not been filed by 10:00 a.m. must be filed before 2:00 p.m. for the same day late arraignment calendar. In the absence of judicial authorization for the same day late arraignment calendar, all other felony and misdemeanor matters filed after 2:00 p.m. will be heard on the afternoon arraignment calendar on the next Court day.
- (b) All Complaints, Petitions, and standard Requests to Calendar which are filed for out of custody matters will be heard one week from the date of filing.
- (c) Information's and Requests to Calendar for warrant surrenders submitted by noon will be heard by the third day from the date of filing.
- (d) Refer to Appendix 3.1 for the Filing Deadlines Chart.

*(Eff. 01/01/2014)*

**3.2 Request to Calendar Case**

A party in a criminal action may informally request a matter be placed on calendar, without filing a motion, by using the "Request to Calendar" form set forth in Appendix 3.2 (Humboldt County Form 3.2).

The Request to Calendar form may be used only for the following matters:

- (1) Warrant Surrender
- (2) Declaration of a Conflict
- (3) Early entry of Plea
- (4) Requests for a Fee Waiver
- (5) New Commit to Jail Dates

The court shall provide a copy to all affected parties upon approval of the request.

All other matters, not outlined above, require a noticed motion and may not be submitted using the Request to Calendar form.

*(Eff. 01/01/2014)*

**CHAPTER 4 – RESERVED**

**CHAPTER 5 – RESERVED**

## CHAPTER 6 – PROBATE RULES

### 6.1 Additional 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 §§10800-10810, the notice of hearing and a copy of the petition shall be served on all parties. The proof of service shall show service of the copy of the petition as well as the notice of the hearing.

*(Eff. 07/01/1994; as amended, eff. 01/01/2004)*

### 6.2 Copies of Handwritten Will and Codicils; Translation of Foreign Wills

A typewritten copy of the will or codicil shall accompany the petition for probate if the document is handwritten. If the document is in a foreign language, it shall be accompanied by a translation signed by the translator together with an affidavit or declaration under penalty of perjury showing the qualifications of the translator.

*(Eff. 07/01/1994; as amended, eff. 01/01/2004)*

### 6.3 Time for Submitting Papers and Orders

All papers relating to a previously set probate hearing, including the proposed order prepared by the moving party, shall be filed or lodged with Court Operations at least five (5) court days before the date of the hearing.

*(Eff. 07/01/1994; as amended, eff. 01/01/2004)*

### 6.4 Uncontested Matters

**Appearance of Counsel.** Except as otherwise provided by law, all verified petitions in probate matters shall be deemed submitted without an appearance except, that the petitioner or the petitioner's attorney shall appear on a petition for confirmation of sale of (1) real property, or (2) personal property valued in excess of \$1,000.00. The petitioner or the petitioner's attorney shall appear on all petitions for appointment of a guardian or conservator, unless waived by the Court. As used in this rule, "verified" means verified by the petitioner. Before denying any petition where there is no appearance under this rule, the Court will continue the matter one week or until the next succeeding calendar, whichever is later, to give the petitioner or petitioner's attorney an opportunity to appear. If there is no appearance or other response by the petitioner or petitioner's attorney at the continued hearing, the Court may drop the matter from the calendar.

*(Eff. 07/01/1994; as amended, eff. 01/01/2004)*

**CHAPTER 7 - JUVENILE COURT RULES**

**7.1 Preliminary Provisions**

- (a) These rules, together with the rules promulgated by the Judicial Council for the Juvenile Courts, the Welfare and Institutions Code, those sections of other codes specifically made applicable to juvenile proceedings by the Welfare and Institutions Code, and case law shall be the controlling body of law, which shall govern proceedings in the Humboldt County Juvenile Court.
- (b) (1) Insofar as these rules are substantially the same as existing statutory provisions relating to the same subject matter, they shall be construed as restatements thereof;  
  
(2) Insofar as these rules may add to existing statutory provisions relating to the same subject matter, they shall be construed so as to implement the purposes of the Juvenile Court law.
- (c) To the extent that these rules may affect or declare substantive rights, these rules are intended to be reflective of existing constitutional, statutory, case law, and Judicial Council Rules of Court and are to be interpreted consistent with such law.
- (d) These rules are intended to be applied in a fair and equitable manner consistent with the best interest of the children appearing before the Juvenile Court.
- (e) Severability Clause: If a rule or subdivision thereof in this division is invalid, all valid parts that are severable from the invalid part remain in effect.
- (f) These rules shall be prospective in application only.
- (g) To the extent that any of these rules conflict with either state statute or Rule of Court, the local rule is of no legal effect.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.2. Definitions, Construction of Terms**

**(a) As used in these rules, unless the context or subject matter otherwise requires:**

- (1) “Child” means a person under the age of 18 years;
- (2) “Clerk” means the clerk of the Juvenile Court;
- (3) “Court” means the Juvenile Court, and includes any judge, commissioner, or referee of the Juvenile Court;
- (4) “Father” means an alleged, mere biological, Kelsey, adjudicated, declared or presumed father, defined as:

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(i) “Alleged father” is a man who may be the father of the child, but whose biological paternity has not been established or, in the alternative, has not achieved presumed father status.

(ii) “Mere Biological Father” is a man whose biological paternity has been established, has not achieved presumed father status.

(iii) “Kelsey Father” is an unmarried biological father who promptly attempts to assume his parental responsibilities as fully as the mother will allow and his circumstances permit, but has been unable to establish presumed father status.

(iv) “Adjudicated Father” means a court of competent jurisdiction has entered an order or judgment that the man is the child’s father.

(v) “Declared Father” is a man who has executed a voluntary declaration of paternity pursuant to Family Code §7570 et seq.

(vi) “Presumed Father” is a man who meets the Family Code presumptions of paternity.

(5) “Foster Parent” means any adult with whom a child is placed by court order, or on an emergency basis, by Child Welfare Services or a law enforcement agency. This definition includes relatives;

(6) “Guardian” means legal guardian of the child;

(7) “Notify” means to inform either orally or in writing;

(8) “Petitioner” (in dependency proceedings) means the Humboldt County Child Welfare Services or its employees. “Petitioner” (in wardship proceedings) means the Humboldt County District Attorney’s Office or its employees or the Humboldt County Probation Department or its employees;

(9) “De Facto Parent” means a person who has been found by the Court to have assumed, on a day-to-day basis, the role of parent, fulfilling both the child’s physical and psychological needs for care and affection, and who has assumed that role for a substantial period;

(10) “Relative” means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, step-siblings, and all relatives whose status is preceded by the words “great”, “great-great” or “grand” or the spouse of any of those persons, even if the marriage is terminated by death or dissolution.

**(b) Construction of Terms**

(1) “Shall” is mandatory and “may” is permissive.

(2) The past, present, and future tense shall each include the others.

(3) The singular and plural numbers shall each include the other.

(4) The feminine, masculine, and neuter genders shall each include the others.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.3 Nature of Hearings**

- (a) The daily juvenile calendar is held as determined by the Presiding Juvenile Judge. It consists of all juvenile matters except contested hearings. Matters on the daily calendar include, but are not limited to arraignments, detention hearings, responses, dispositions, service agreements, reviews, Welfare and Institutions Code §366.26 hearings and motions. Matters on the daily calendar which are anticipated to take longer than ten (10) minutes shall be set on the contested calendar.
- (b) A contested hearing is a court trial where testimonial and documentary evidence may be submitted. Any party requesting a contested hearing shall state which issues are being contested and shall provided the Court with a time estimate of the contested hearing.
- (c) A pretrial conference is a formal discussion, on the record, among the attorneys and the judge to discuss and attempt to settle issues for an upcoming contested hearing. It shall be held as determined by the Presiding Juvenile Judge. All attorneys of record shall file a pretrial statement at least three (3) calendar days prior to the pretrial conference. The attorneys' pretrial statement shall include but not be limited to case settlement, issues to be litigated, witness lists, and length of hearing.
- (d) The party presenting evidence may utilize an offer of proof with regard to the testimony of any witness who is available for cross-examination. Other parties shall have an opportunity to cross-examine the witness after any offer of proof is made.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.4 Standing, Rights and Levels of Participation in Dependency Cases**

Unless otherwise expressly granted by constitutional, statutory, case law, or by rule of court, the standing, rights and levels of participation of the following persons in dependency cases shall be limited to those provided in this rule.

(a) **Parents and/or guardians:** The parents, guardians or persons having legal custody of a child who is the subject of a dependency action shall have standing as a party to the proceedings.

(b) **De Facto parent**

(1) Upon a sufficient showing, the Court may recognize the child's present or previous caretakers as de facto parents and grant standing to participate as parties in the

dispositional hearing and any hearing thereafter at which the status of the dependent child is at issue. The de facto parent may:

- (i) Be present at the hearing;
- (ii) Be represented by retained counsel or, at the discretion of the Court, by appointed counsel;
- (iii) Present evidence.

(2) A de facto parent's participation shall include asserting his or her interest in the custody, companionship, and care of the child.

(3) De facto parent status shall only be granted by the Court upon a written motion. At the hearing, the Court shall consider the contents of the dependency file, any report filed by the social worker, or the Court-appointed special advocate for the child, and any other relevant and admissible evidence presented by the parties. The Court may consider the declarations filed in support of or in opposition to such application if the declarants are made available for cross-examination. Before granting status as a de facto parent, the Court shall find, by a preponderance of the evidence, that the moving party meets the criteria set forth in these rules. A motion for de facto parent status shall not, in and of itself, constitute good cause for continuing any other hearing in the dependency action.

**(c) Relative:**

A relative does not have a right to appointed counsel. Participation in the Court process for relatives is limited to the submission of a statement, either orally or in writing, regarding their interest in the child, any information they might have that relates to the child or the dependency action, and their recommendation regarding the child. The Court may not consider such unsworn statements as evidence, but may consider such statements as a basis for ordering further investigation. At the detention and disposition hearings, the home of a relative shall be given consideration for placement of the child, as afforded by Welfare and Institutions Code §361.3.

**(d) Foster Parent:**

A foster parent of a child who is the subject of a dependency proceeding shall be entitled to notice of proceedings as otherwise provided by law and these rules, and to be present at such proceedings, unless the Court finds that such presence would be disruptive of the orderly court process, or would be inconsistent with the best interest of the child. A foster parent does not have the right to appointed counsel. Participation in the court process for such foster parents is limited to the submission of a statement, either orally or in writing, regarding their interest in the child, any information they might have that relates to the child or the dependency action, and their recommendation regarding the child. The Court may not consider such unsworn statements as evidence, but may consider such statements as a basis for ordering further investigation.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.5 Confidentiality of Juvenile Proceedings**

- (a) Unless otherwise specified by statute, California Rules of Court, or by these Rules, all Juvenile Court dependency proceedings, and all documents connected with Juvenile Court dependency proceedings, are confidential. Details of courtroom proceedings and the identities of children shall not be disclosed to persons other than those having a direct and legitimate interest in the proceedings.
- (b) Penal Code §1054.2 shall be applicable to attorneys who represent children in proceedings under Welfare and Institutions Code §602.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.6 Discovery of Juvenile Records**

- (a) Except as indicated within this rule, in all cases in which a person or agency seeks access to Juvenile Court records, including records maintained by the Juvenile Court Clerk, the Probation Department or Child Welfare Services, the person or agency shall file a Petition for Disclosure (JV-570) with the Supervising Judge of the Dependency Court. The petition shall set forth with specificity the materials sought and the relevance of the materials to the underlying action. The Petition shall be supported by a declaration of counsel and if necessary a memorandum of points and authorities.
- (b) In all cases in which a person or agency seeks records held by law enforcement, including police reports regarding children who are the subject of juvenile court proceedings, the person or agency shall file a request pursuant to the Police Report Request Form.
- (c) The person or agency seeking the records shall give notice to all necessary parties (see form JV-570).
- (e) This section does not apply to those persons and agencies designated by Welfare and Institutions Code §827(a).

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.7 Access to Probation Department and Department of Family and Children's Services Records by Court Designated Child Advocates**

- (a) For the purposes of implementing the Child Advocate Program, volunteers serving in the program are considered Court Personnel as that term is used in Welfare and Institutions Code §827. They shall have access to Probation Department and Department of Family and Children's Services files and information contained therein needed to carry out their responsibilities as Court appointed advocates.
- (b) Any release to the Probation Department or the Department of Family and Children's Services pursuant to this rule of information made confidential by Welfare and

Institutions Code §10850 shall be considered a disclosure for purposes directly connected with the administration of public social services as that term is used in Welfare and Institutions Code §10850.

- (c) Except as contained in their Court reports and in their dealings with the parties in the particular case, the advocates are prohibited from releasing any information they gain from inspection of said files.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.8 Release of Records to Parties and Their Attorneys**

- (a) Any party or their attorney in any Welfare and Institutions Code §300 matter shall be given access to all records relating to the child which are held by the County Clerk. Said party or counsel shall also have the right to secure copies of such records. The party or counsel shall be responsible for the cost of any copying, unless the party is indigent or the counsel is court appointed.
- (b) The party, counsel or investigator shall fill out and present a Declaration regarding the request for records. A copy of the Declaration shall be filed in the Court File.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.9 Release of Court Reports to Court-Approved Mental Health Evaluators**

Where the Court has ordered a mental health or psychological evaluation of a child, the Court-approved evaluator shall be given a copy of relevant Court reports relating to the child, unless the Court makes a specific order to the contrary in the referral.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.10 Appearances and Daily Courtroom Practice**

- (a) Attorneys who handle Juvenile Court proceedings should realize that parents and children appearing in these matters are often confused and unfamiliar with the Court process and need personal support and understanding as well as advocacy. Attorneys should view the child as the focus of court-related activities and develop a child-sensitive approach to their practice before this court.
- (b) Attorneys with matters in Juvenile Court are to be punctual. A conflicting appearance in another court shall not constitute an excuse for tardiness or absence.
- (c) Counsel may request a priority on the Court's calendar by advising the clerk of the case title and calendar number prior to the first calendar call. Counsel shall notify the other

counsel and/or parties of said request. Counsel are expected to state to the Court the reason for the calendar priority.

- (d) Unless excused by the Court, each party and attorney shall attend each scheduled Juvenile Court hearing.
- (e) After the Court calls the case on the record, each attorney will state their name, the name of the party they represent, and whether or not their client is present.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.11 Representation of Parties; Experience, Training and Education of Attorneys**

- (a) All court-appointed attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules.
- (b) (1) Each court-appointed attorney appearing in a dependency matter before the Juvenile Court shall complete the following minimum training and educational requirements. The attorney shall have either:
  - (i) Participated in at least eight (8) hours of training or education in juvenile dependency law, which training shall have included information on the applicable case law and statutes, the Rules of Court, Judicial Council forms, motions, writs and mediation, child development, child abuse and neglect, family reunification and preservation, domestic violence and restraining orders, rights of de facto parents, reasonable efforts, or
  - (ii) At least six (6) months of experience in dependency proceedings in which the attorney has had primary responsibility for representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the Court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.
- (2) Each court-appointed attorney who practices before the Juvenile Dependency Court shall complete within every three (3) year period at least eight (8) hours of continuing education related to dependency proceedings. Evidence of completion of the required number of hours of training or education shall be retained by the attorney and may include a copy of a certificate of attendance issued by a California MCLE provider or a certificate of attendance issued by a professional organization which provides training and/ or education for its members, whether or not it is an MCLE provider. Attendance at Court sponsored or approved programs will also fulfill this requirement.

*(Eff. 07/01/2002; as amended 07/01/2004)*

## **7.12 Representation of Parties; Standards of Representation**

All attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

- (a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the social worker's reports. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court; and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.
- (b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client.
- (c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for a hearing and of the necessity for adhering to court mandated time limits.
- (d) The attorney shall vigorously represent the client within applicable legal and ethical boundaries. This shall include 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 interests, and to comply with local rules and procedures as well as with statutorily mandated timelines.

*(Eff. 07/01/2002; as amended 07/01/2004)*

## **7.13 Representation of Parties; Complaints**

- (a) Any party to a juvenile proceeding may lodge a written complaint with the Court concerning the performance of his/her appointed attorney in a Juvenile Court proceeding as follows:
  - (1) Complaints or questions shall initially be referred to that attorney's supervisor within the agency, association or law firm appointed to represent the client.
  - (2) If the issue remains unresolved or if there is no designated agency, association or law firm, the party may submit a written complaint to the Court in which the matter is pending. The Court shall within ten (10) days conduct its own review of the complaint or question. That review may include a hearing in chambers. The Court may take any

appropriate action required, including relieving counsel and appointing new counsel and/or holding a formal hearing on the matter.

- (b) In the case of a complaint concerning the performance of an attorney appointed to represent a child, the complaint may be lodged by the child or on the child's behalf by the social worker, a caretaker, a relative, a foster parent, or a child advocate.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.14 Representation of Minors; Duties of Counsel for Children**

Counsel for the child in a dependency proceeding is charged with representing the child's best interests. At all times the attorney shall give primary consideration to the safety and protection of the child. In order to accomplish this, it is essential that child's attorney develop and maintain a relationship with the child.

- (a) The child's attorney shall have face to face contact with the child at the initial detention hearing if the child is brought to court, or if the child is not brought to court, then as soon as practical thereafter. If the child is less than four years of age, then the initial contact shall be with the child's caretaker. Thereafter, counsel shall maintain at least monthly telephone contact with the child who is four years or older and with the child's caretaker. Children who are age appropriate shall be provided with the attorney's telephone number and address and reminded of those during each telephone contact. The attorney will attempt to conduct interviews in an atmosphere where the child feels comfortable and privacy is insured. Irrespective of the child's age, the child's attorney should visit with the child at the child's home or placement, before each court hearing and when informed of emergencies or significant events impacting the child.
- (b) At the initial interview, the attorney shall inform the child in language that the child can comprehend, of the nature of the proceedings, the role of a lawyer and the Court, the child's rights, including the right to file a complaint against the attorney, and the right to file a Welfare and Institutions Code §388 petition.
- (c) Children 10 years of age and older have a right to receive copies of petitions and reports. However, counsel for the child shall determine if it is in the child's best interest to receive such copies, or, in the alternative, whether a discussion summarizing the contents of the petition, report, or case plan would be in the child's best interest.
- (d) When an attorney is appointed to represent more than one child within a family unit, then each child is to be interviewed and contacted separately. The children's attorney has an ongoing obligation to consider whether there is a conflict in representing more than one child.
- (e) The child's attorney shall participate actively in the detention hearing and shall explore with the child all appropriate placement resources in the event the child must be detained. Prevention of trauma to the child through needless separation from his family shall be a goal of the child's attorney where appropriate.

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- (f) The child's attorney is to conduct an investigation for the jurisdiction and disposition hearings, including interviewing witnesses and making recommendations to the Court concerning the child's welfare. In addition, counsel shall investigate the interests of the child beyond the scope of the juvenile proceedings and report to the Court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings per local rule.
- (g) The child's attorney shall communicate to the Court the child's wishes in addition to the attorney's view of the child's best interests. The attorney representing a child who is able to express his or her view must make the child's desires and the reasons behind them clear to the Court.
- (h) The child's attorney shall investigate what services were offered to the family to maintain the child in the home or prevent removal of the child from the home or to reunify the child with the family.
- (i) When placement is an issue, the attorney shall be aware of issues related to placement, including: the impact of removal and placement on the child; the importance of placing siblings together where appropriate; the appropriateness of the recommended placement; the efforts made to ensure a smooth, timely and appropriate transition to a new placement; the effect of the placement on visitation of parents, siblings and other relatives; the effect of placement on the service needs of the child; the transracial, transcultural and language aspects of placement.
- (j) The child's attorney shall explore and argue for appropriate visitation orders between the child, parents, siblings, and other relatives or significant persons. When appropriate, the attorney shall seek an order allowing the child to have an after-court visit with siblings, relatives, and parents who have come to court.
- (k) The child's attorney shall oppose any requests for continuances that are contrary to the child's interests.
- (l) The child's attorney shall check on the timely implementation of orders for visitation, counseling, or other orders of the Court, which pertain to the child.
- (m) The child's attorney shall determine prior to each hearing whether the child wishes to attend the hearing and convey that information to the Court.
- (n) The child's attorney will remain on the case for as long as the child is subject to the Court's jurisdiction to insure continuity of representation, unless properly relieved by the Court.
- (o) The child's attorney shall review relevant records and reports such as school records, medication records, court ordered evaluations and therapeutic records as soon as possible and alert the Court if interim orders need to be made in between scheduled hearings. The child's attorney shall advocate for the child's educational rights including the appointment of an educational surrogate, if necessary.

- (p) If the child is required to testify, the child's attorney shall, whenever appropriate, request that the testimony be taken in chambers. Further, the attorney shall assist and attempt to protect the child in his or her role as a witness.
- (q) The child's attorney shall attempt to identify a more permanent plan for a child who is in long term foster care. If the child is not living with relatives, counsel has an ongoing obligation to consider possible relative resources. Whenever a child has been removed from an individual foster home and placed in a therapeutic setting or group home, counsel for the child shall contact the former caretakers when appropriate to investigate replacement of the child or extended visits.
- (r) An attorney for a child shall not take any position on a recommendation that a child be released to a parent or have more liberal visits with a parent without first consulting with the child no more than two weeks before the hearing date.
- (s) If a child's attorney feels that a court's determination is contrary to the child's best interests, appropriate appellate review should be sought in a timely manner.

*(Eff. 07/01/2002; as amended 07/01/2011)*

**7.15 Representation of Minors; Access to Minors Petitioned Pursuant to Welfare and Institutions Section 300**

No party, attorney, or advocate in a dependency proceeding shall interview the child about the events relating to the allegations in the petition(s) on file without permission of the child's attorney or Court order. This Rule does not apply to the investigating probation officer or investigating social worker prior to the establishment of jurisdiction.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.16 Presence of Child in Court**

- (a) All children are entitled to attend Court hearings. Every child four (4) years or older shall be told of his or her right to attend Court hearings by the supervising social worker or child's attorney.
- (b) All children shall attend Court hearings unless excused for one of the listed reasons:
  - (1) the child's attorney waives the child's appearance;
  - (2) the child chooses not to attend;
  - (3) the child is excused by the Court; or
  - (4) the child is disabled, physically ill, or hospitalized.

- (c) If the child is present, the judicial officer hearing the case may view and speak with the child.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.17 Mental Health Evaluation of Child**

No party, attorney, or agency in a juvenile court proceeding shall cause the child to undergo a mental health examination or evaluation without court approval.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.18 Hearing in Absence of Parents and Parties (Dependency)**

The best interests of the child and the legislative intent require that juvenile dependency cases proceed in a timely manner. Accordingly, it is court policy that matters proceed as scheduled on the date set. The Court shall advise parties who appear at proceedings that their failure to appear at a future hearing may result in the Court proceeding in their absence on that date and that such proceedings may result in a ruling against them. Such an adverse ruling may include, but is not limited to:

- (a) Jurisdictional findings that a child comes within the provisions of Welfare and Institutions Code §300;
- (b) Dispositional orders requiring out-of-home placement of a child;
- (c) Establishment of a plan for termination of parental rights, adoption, guardianship, or long-term foster care.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.19 Objection to the Sufficiency of the Petition (Demurrer)**

- (a) In any dependency proceeding the Court may entertain a pre-hearing challenge to the petition's sufficiency by a mot akin to a demurrer. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible.
- (b) The Court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive points and authorities from counsel.
- (c) If the Court sustains the motion, the Court may grant leave to amend the pleading in the petition upon any terms as may be just and shall fix the time within which the amendment or amended petition shall be filed within the statutory time for the hearing on jurisdiction.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.20 Amended Petition**

- (a) The petition may be amended without leave of court, by filing the amended petition and serving a copy on all parties no later than the pretrial hearing and thereafter by leave of court.
- (b) By agreement of all parties or their counsel, petitions may be amended at any time before hearing.
- (c) Except as otherwise provided by law, the Court shall not amend the petition over the objection of the petitioner.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.21 Prehearing Discovery (Dependency)**

- (a) Pre-hearing discovery shall be conducted informally, except as provided by statute, claim of privilege or other good cause. The existence of all relevant material held by any party shall be disclosed in a timely fashion to all parties to the litigation or made available to all the parties upon request. In contested proceedings, the social worker delivered service logs shall be made available to all counsel five (5) court days before the hearing unless otherwise ordered by the Court.
- (b) Only after all informal means have been exhausted may a party move the Court for an order requiring disclosure. The motion shall identify with specificity the information sought, and state the efforts, which have been made to obtain the information through informal means, along with reasons supporting the relevance and materiality of such information. No motion shall be accepted for filing or heard unless accompanied by a declaration by the moving party or their counsel setting forth the following:
  - (1) That the request for discovery was made at least five (5) court days prior to the date of the filing of the motion;
  - (2) The response, if any, to the request of the party or their counsel;
  - (3) That the movant has met and conferred with the party to whom the request was directed or their counsel or the facts showing that movant attempted, in good faith, to meet and confer with such party or his/her counsel.
- (c) Files released by the Department of Social Services pursuant to informal discovery, or after a formal motion to compel discovery has been brought, shall be subject to the following protective order unless said general order is modified by a judicial officer:
  - (1) Use of records and information obtained from the Department of Social Services for use in the Juvenile Court proceeding is limited to that proceeding only.

(2) Counsel for the parties may make such copies of the records and information obtained from the Department of Social Services as is necessary for the preparation and presentation of the case.

(3) Records and information received from the Department of Social Services in discovery proceedings are to be kept in a confidential manner and shall not be released, directly or indirectly, to members of the media or to other individuals not directly connected with the Juvenile Court proceeding.

(4) Said records and information may be reviewed by the parties, their counsel, and any investigator or expert witness retained by counsel to assist in the preparation of the case. Any such person reviewing the records or information shall be made familiar with the terms of this rule.

- (d) **Civil Discovery.** In order to coordinate the logistics of any such discovery, there shall be no depositions, interrogatories, subpoenas of juvenile records, or other similar types of civil discovery without approval of a judge of the Juvenile Court upon noticed motion.
- (e) In dependency proceedings social reports prepared by the probation officer or social worker must be available to all counsel as required by law. Such reports may be placed in designated court boxes or mailed to counsel.
- (f) In contested proceedings the social worker log notes shall be made available to all counsel five (5) court days before the hearing unless otherwise ordered by the Court.
- (g) The name of any experts to be called by any party and copies of their reports shall be made available to all parties.

*(Eff. 07/01/2002; as amended 07/01/2004)*

## **7.22 Request for Transcripts**

In any juvenile case a party requesting a reporter's transcript shall file a written request for an order with proof of service on all parties or their counsel. It is counsel's responsibility to serve the appropriate reporter with a copy of the signed order.

*(Eff. 07/01/2002; as amended 07/01/2004)*

## **7.23 Peremptory Challenge**

Counsel are presumed to know that any juvenile matter shall be heard by the judicial officer regularly assigned to juvenile matters. Any peremptory challenge to the judicial officer regularly assigned to juvenile matters must be made in writing and shall be served on all parties, or their attorneys of record, no less than ten (10) calendar days prior to the trial or hearing. Any peremptory challenge to the regularly assigned judicial officer not made in accordance with this rule shall be denied as untimely. This rule shall have no application to a peremptory challenge of

a judicial officer who is someone other than the judicial officer regularly assigned to juvenile matters. Code of Civil Procedure §170.6 shall apply in those cases.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.24 Use of Social Worker's or Probation Officer's Reports at Contested Hearings in Juvenile Matters**

At a jurisdictional or dispositional contested hearing, the Court shall receive into evidence any social worker's or probation officer's report. The receipt of the report into evidence shall be subject to the following requirements:

- (a) The report must have been filed with the Court and served on the parties or their counsel as required by law unless otherwise ordered by the Court.
- (b) The social worker or probation officer who prepared or supervised the preparation of the report must be available to testify at the contested hearing if counsel for the petitioner intends to offer the report into evidence.
- (c) For purposes of the contested hearing only, the Court shall strike any portion of the report containing anonymous information.
- (d) Not less than five (5) court days prior to the contested hearing, unless otherwise ordered by the Court, the social worker or the probation officer must, upon request, either provide the address and/or telephone number, if known, of any specific person whose statement is included in the report or make such person available for cross-examination at the contested hearing.
- (e) If the social worker or probation officer, pursuant to subdivision (d), of this rule has provided the address of a witness to the parent, guardian, child or their counsel and such parent, guardian, child or counsel presents evidence of unsuccessful attempts and due diligence to subpoena such witness for the contested hearing and the Court finds that there has been due diligence, the Court may strike, for purposes of the contested hearing only, the statements of such witness from the report. In the alternative, the Court may grant a continuance for a period not to exceed ten (10) court days for the parties to attempt to subpoena or make such witness available for testimony at the contested hearing. The Court shall not grant more than one such continuance in any matter.
- (f) For purposes of this rule, attachments and addenda to the social worker's or probation officer's report shall be considered part of their report and shall be received into evidence provided that such attachment and/or addenda are relevant to the contested issues, further provided that the social worker or probation officer has referred to portions of any attachment in the body of the report, the social worker or probation officer used the attachment as part of the basis of any conclusion or recommendation made in the report, and the requirements of subdivisions (a) through (f) of this rule have been met.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.25 Reports with Psychological Evaluations**

If the social study report has an attached psychological evaluation, copies of the evaluation shall accompany only those reports going to counsel and the Court. Counsel for each party shall determine if release to counsel's client is appropriate or, in the alternative, whether a discussion summarizing the evaluation would be in the party's best interest.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.26 Requirements and Procedures for Motions other than Motions to Continue**

- (a) Moving party must serve the notice of motion and motion, points and authorities, and all supporting documents upon all other counsel in the case at least ten (10) calendar days before the date of the hearing if personally served, or fifteen (15) calendar days before the hearing if served by mail. Service in court boxes by noon shall be considered personal service.
- (b) If opposing counsel plans to file points and authorities or any other documents in opposition to the motion, the documents must be filed with the Court clerk and served no later than five (5) court days before the date set for hearing. Failure to file an objection shall result in the motion being determined without a hearing.
- (c) All reply papers must be filed and personally served no later than two court days before the hearing.
- (d) The notice of motion must include, under the title of the motion, the date and time of hearing, and the courtroom in which the motion shall be heard.
- (e) The motion shall be submitted on the pleadings unless the Court, for good cause shown, or on its own motion, grants an argument or an evidentiary hearing.
- (f) No noticed motion shall be accepted by the County Clerk unless it is accompanied by a proof of service.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.27 Ex Parte Applications and Orders**

- (a) Ex parte orders are rendered without giving the opposing party an opportunity to be heard. Before submitting ex parte orders to a judge or commissioner for approval, the applicant must give notice to all counsel, social workers, and parents who are not represented by counsel or explain the reason notice has not been given.
- (b) The party requesting ex parte orders must inform the judge or commissioner that notice has been given by completing a declaration of that fact. The original Declaration and accompanying Application for Order must be submitted to the courtroom clerk in the juvenile department where the pending action would normally be heard.

- (c) Upon receipt of the application and declaration of notice, the courtroom clerk will note the date and time received in the upper right corner of the declaration. In order to give opposing parties ample time to respond to the ex parte application, the courtroom clerk will hold the application for twenty-four (24) hours prior to submission to the judicial officer for their decision.
- (d) An opposing party must present any written opposition to a request for ex parte orders to the courtroom clerk within twenty-four (24) hours of receipt of notice. The Court may render its decision on the ex parte application or set the matter for hearing. The applicant is responsible for serving all noticed parties with copies of the Court's decision or notice that the Court has calendared the matter, and the applicant shall notify all parties of any hearing date and time set by the Court.
- (e) Whenever possible, courtesy copies of the moving and responding papers and declarations re notice shall be served on the attorney for each parent, attorney for the child, county counsel, supervising social worker, de-facto parent, tribe, and parents who are not represented by counsel.
- (f) Notice may be excused if the giving of such notice would frustrate the purpose of the order or cause the child to suffer immediate and irreparable injury.
- (g) Notice may also be excused if, following a good faith attempt, the giving of notice is not possible, or if the opposing parties do not object to the requested ex parte orders.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.28 Petitions for Modification of Orders; More Restrictive Placement (Dependency)**

Any motion by petitioner to modify an existing order to a more restrictive placement shall be implemented pursuant to Welfare and Institutions §387 and California Rules of Court, Rules 5.560(c) and 5.565.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.29 Petitions for Modification of Orders; Less Restrictive Placement (Dependency)**

Any motion by an interested party to modify the Court's orders to a less restrictive placement shall follow the procedures outlined in Welfare and Institutions Code §388 and California Rules of Court, Rules 5.560 and 5.570.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.30 Petitions for Modification of Orders: Decrease in Visitation by Parent/Party (Dependency)**

Any significant decrease from the Court-ordered level of a parent's/party's level of visitation shall be presented to the affected parent/party for comment before being submitted to the Court. The Court may set a hearing on the issue after hearing the parent's/party's comments on the proposed reduction.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.31 Petitions for Modification of Orders: Temporary Removal Out of State**

Permission for a dependent child's caretaker to take the child out of State for any reason may be submitted directly to the Court for approval. Any attempts to notify the parents shall be indicated in the application.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.32 Petitions for Modification of Orders: New Service Plan Requirements**

Any significant changes or additions to the service plan for parents/guardians shall be submitted to them for approval before implementation. If the parent disagrees with the new requirements, the Department shall request a hearing with the Court on the matter.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.33 Notice re: Change in Placement**

In order to ensure that proper notice is received by attorneys for parents and children of any change in a child's placement after the original dispositional hearing:

- (a) In non-emergency situations, the Department shall give notice at least five (5) working days prior to the change in placement.
- (b) Prior to removal of a child from one county to another, the Department shall provide notice at least ten (10) working days unless emergency circumstances prevent such notice.
- (c) In emergency circumstances the Department shall give notice immediately and in no case later than 48 hours (two working days) following the child's change in placement.
- (d) Notice may be given in writing or orally and by telephone.
- (e) The child's counsel shall be informed immediately of the reasons for the change in placement, and the address, phone number and name of caretaker of the child.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.34 Appointment of Experts (Dependency)**

- (a) Where a party cannot afford to employ an expert, and an expert is necessary to enable counsel to properly represent the party, counsel may apply ex parte for the appointment of an expert for the purpose of (1) assisting counsel in case preparation, and/or (2) testifying at the jurisdiction, disposition, or other hearing.
- (b) The application shall be made in writing and shall be heard in the department where the case is pending. If the application is granted, the moving party shall prepare an order for the judge's signature.
- (c) No expert fee shall be paid by the Court unless counsel has received prior approval.
- (d) When a party decides to have an expert testify at any contested hearing, that party shall make available to all other parties, at least five (5) court days before date set for hearing, copies of the expert's report, if any.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.35 Procedures for Establishing Paternity**

- (a) The issue of paternity of a minor may be determined in the context of a Juvenile Court proceeding, if paternity had not otherwise been established.
- (b) In any paternity proceeding arising under this rule, the Court shall inform the mother and the person claiming to be the father of their right to be represented by counsel on the issue of paternity. The Court shall advise the person claiming to be the father of his legal responsibilities should he be found to be the natural father of the minor, including the obligation to pay child support, and the possibility he may be incarcerated if he willfully fails to pay child support after being legally ordered to do so. The Court shall also advise the person claiming to be father of his right to a trial and to have blood tests prior to any judicial determination of paternity.
- (c) The alleged father's attorney shall file a Statement Regarding Paternity using Judicial Council form JV-505.
- (d) The Court shall permit such evidence to be taken as necessary to determine the paternity of the child. Testimony from the mother and the person claiming to be the biological father may be sufficient to make a paternity finding. If the mother or the person claiming to be father is absent from the Court proceeding, evidence in addition to testimony from those in attendance will normally be necessary to enable the Court to make a paternity finding.
- (e) The Court may order blood or other scientific tests if it believes such tests will assist in making a paternity finding. The Court shall determine which party or parties shall pay for any such test.

- (f) After the Court determines the paternity of a child, a JV-501 form shall be completed by the Court and the court clerk shall forward a copy to the local child support enforcement agency.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.36 Determining the Mental Status of a Child**

- (a) Inquiry into the mental competence of a child who is the subject of a Welfare and Institutions Code §600 proceeding.

(1) If, during the pendency of an action, a doubt arises in the mind of the judge as to the mental competence of the child, the judge shall state that doubt on the record and inquire of the attorney for the child whether, in the opinion of the attorney, the child is mentally competent. If the child is not represented by counsel, the Court shall appoint counsel. At the request of the child or the child's counsel or upon its own motion, the Court shall recess the proceedings for as long as may be reasonably necessary to permit counsel to confer with the child and to form an opinion as to the mental competence of the child at that point in time.

(2) If counsel informs the Court that counsel believes the child is or may be mentally incompetent, the Court shall order that the question of the child's mental competence is to be determined in a hearing. If counsel informs the Court that counsel believes the child is mentally competent, the Court may nevertheless order a hearing.

(3) When an order for a hearing into the present mental competence of the child has been issued, all proceedings shall be suspended until the questions of the present mental competence of the child has been determined. However, the Court may hear any matter, which is capable of fair determination without the personal participation of the child.

- (b) Inquiry into the mental status of a child who is the subject of a Welfare and Institutions Code §300 proceeding:

(1) If the Juvenile Court, after finding that the child is a person described by Welfare and Institutions Code §300, is in doubt concerning the state of mental health or the mental condition of the child, the Court may continue the hearing and proceed pursuant to Welfare and Institutions Code §§ 6550 through 6552.

(2) Whether committed under Welfare and Institutions Code §§ 6550-6551 or Penal Code §4011.6, the dependent may be detained up to an additional fourteen (14) days under either Welfare or Institutions Code §5250, or Welfare and Institutions Code §5260. The child is entitled to a probable cause hearing if held beyond the initial 72-hour period.

(3) After either the 72 hours of observation and treatment or the fourteen (14) days of intensive treatment, the dependent may be detained up to an additional fourteen (14) days for further intensive treatment under Welfare and Institutions Code § 5160, or up to an additional 180 days under Welfare and Institutions Code § 5300.

(4) A dependent child may be held temporarily in the locked psychiatric ward of Humboldt County Mental Health, or in any hospital whose services have been approved and/or contracted by the Department of Mental Health of the County, for observation and recommendation concerning the future care, supervision, and treatment of such person when the Court believes the dependent is mentally ill or when the Court is in doubt about the dependent's mental health. A hearing is required under due process and equal protection principles in order to safeguard the child's right to liberty. The dependent is not to be subjected to inappropriate treatment or treatment not allowed under the Lanterman-Petris-Short Act. Confinement of a dependent child for purposes other than temporary observation can be accomplished only by dismissal of dependency and referral for commencement of Lanterman-Petris-Short Act proceedings.

(5) A child who has been declared to be within the jurisdiction of the Juvenile Court, may with the advice of counsel, make voluntary application for in-patient or out-patient mental health services as outlined by Welfare and Institutions Code § 6552.

(6) Children fourteen (14) years of age and older.

(i) Any dependent of the juvenile court, aged fourteen (14) or older, who is gravely disabled as a result of a mental disorder shall not be placed against his/her will in a locked mental health facility absent the procedural protections of the L.P.S. Act and/or the Welfare and Institutions Code (See Welfare and Institutions Code § 702.3).

(ii) The Juvenile Court cannot place a gravely disabled dependent of the Court over the age of fourteen (14) in a locked facility involuntarily by appointing one of its own officers as the guardian of the child to consent to "voluntary" admission of the child under Welfare and Institutions Code § 6000(b); nor may the parent of the child consent to such a "voluntary" admission.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.37 Authorization for Use of Psychotropic Drugs**

- (a) Psychotropic medications may only be administered to a child pursuant to court order.
- (b) The Court may delegate to a parent or legal guardian the authority to consent to psychotropic medications for the child. The Court will only delegate this authority to a parent or legal guardian by specific order after finding on the record that the parent poses no danger to the child and the parent has the capacity to authorize psychotropic medications in the child's best interest. The appropriate Judicial Council form shall be used to make a request to the Court for delegation of this authority. Any opposition shall be made on the appropriate Judicial Council form and must be made within 2 court days of the notice of the application for order. The order for authorization is Eff. until terminated or modified by court order or until 180 days from the order, whichever is earlier.

- (c) The Court itself may authorize the administration of psychotropic Medications. Application for an order authorizing the administration of psychotropic medications shall be made on the appropriate Judicial Council form with information provided from a physician. Any opposition shall be made on the appropriate Judicial Council form and must be made within 2 court days of the notice of the application for order. The order for authorization is Eff. until terminated or modified by court order or until 180 days from the order, whichever is earlier.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.38 HIV/AIDS Testing Procedure for Dependent Children**

- (a) **Confidentiality.** Information regarding HIV test results and/or HIV/AIDS status is confidential and not to be revealed without authorization. Information concerning HIV test results and/or HIV/AIDS status is not to be disclosed orally, in correspondence or in social workers' reports.

- (b) **Motion for HIV Test.** A party may file a motion requesting the Juvenile Court to order that a high-risk dependent child have an HIV test pursuant to Health and Safety Code §199.27.

(1) This motion shall be filed only when a parent/guardian or child twelve (12) years of age or over does not consent to the test being performed.

(2) The motion shall be filed ex parte, without notice to other parties.

(3) The ex parte motion shall be sent to the Court in a sealed envelope addressed to the judge. The ex parte motion, the order, and any information released to the Court dealing with HIV/AIDS shall be kept in the Court file in a sealed envelope and marked, "Confidential for Judge Only."

(4) The motion shall include an affidavit explaining why consent could not be obtained, describing the risk factors for the child, and identifying proposed recipients of the test results.

(5) The persons to whom the test results may be released shall include the assigned social worker, the child's attorney, and anyone else named in the order. The order for HIV testing and disclosure of test results shall be returned to the party who filed the motion in a sealed envelope marked confidential.

(6) If the test results need to be released to someone not identified in the order, another ex parte motion requesting a court order for further disclosure shall be filed.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.39 Guardianship Proceedings**

A guardianship involving a child who is the subject of a delinquency or dependency proceeding shall be filed and heard in Juvenile Court. In all other aspects, such guardianship proceedings shall be conducted according to the same procedure as are guardianships not involving delinquent or dependent children.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.40 Procedure by Which Any Person May Request that a Minor be Brought Under the Protection of the Juvenile Court**

(a) Applications pursuant to Welfare and Institutions Code §329 shall be directed to Child Welfare Services and not to the Probation Department.

(b) When Child Welfare Services fails to file a petition in response to a Welfare and Institutions Code §329 application, the procedure for applying to the Juvenile Court for an order that Child Welfare Services commence dependency proceedings shall be as follows:

(1) Where the child is already the subject of a delinquency, guardianship, or conservatorship proceeding, the application to the Court shall be filed as part of that proceeding.

(2) Where there is no case pending concerning the child, the applications shall be directed to the judge of the Juvenile Court. The judge shall order the clerk to open a juvenile file in the matter and shall render a decision pursuant to Welfare and Institutions Code §331. Said decision may be reached with or without a hearing, at the Court's discretion.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.41 Parents' Financial Responsibility for Out-of-Home Care for Children**

(a) The parents of a child who is subject to the jurisdiction of the Juvenile Court are liable for the reasonable costs of support of the child whenever the child is placed out of the home pursuant to an order of the Juvenile Court (Welfare and Institutions Code §903).

(b) At the arraignment/detention hearing, Child Welfare Services shall attach an Income and Expense Declaration to the petition and include a recommendation that the Court order the parents to complete the declaration, make an immediate appointment with the District Attorney/Family Support Office, and proceed to that appointment taking with them the completed document, any tax returns, and pay stubs that they may have.

(c) The services agreement prepared by Child Welfare Services shall specify the share of cost (if any) the parents are expected to pay for recommended services.

- (d) The Office of Family Support shall utilize this service cost information as part of the dollar for dollar hardship deduction in determining the parents' financial responsibility.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.42 Child Advocate Program**

- (a) The Juvenile Court may appoint child advocates to represent the interests of dependent or delinquent children. Such appointments shall be made as early in the proceeding as possible. In order to qualify for appointment the child advocate must be trained by and function under the auspices of a Court Appointed Special Advocate program, formed and operating under the guidelines established by the California Judicial Council.
- (b) The advocate program shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child advocates, in compliance with Welfare and Institutions Code §§100-109 and California Rules of Court, Rule 5.655.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.43 Child Advocates**

- (a) 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:
  - (1) to support the child throughout the Court proceedings;
  - (2) to establish a relationship with the child to better understand his or her particular needs and desires;
  - (3) to communicate the child's needs and desires to the Court in written reports and recommendations;
  - (4) to identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
  - (5) to provide continuous attention to the child's situation to ensure that the Court's plans for the child are being implemented;
  - (6) to the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer/social worker);
  - (7) to the fullest extent possible, to communicate and coordinate efforts with the child's attorney; and

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- (8) to investigate the interests of the child in other judicial or administrative proceedings outside Juvenile Court; report to the Juvenile Court concerning same; and, with an order of the appropriate court, provide specific services as ordered on behalf of the child to such other courts or tribunals.
- (b) An advocate is an officer of the Court and is bound by these rules. Each advocate shall be sworn in by a Superior Court Judicial Officer before beginning his/her duties, and shall subscribe to the written oath set forth in the CASA Handbook.
- (c) The Court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the advocate's duties in each case, which may include independent investigation of the circumstances of the case, visiting and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration 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 shall discharge his/her obligation to the child and the Court in accordance with the general duties set forth in these rules.
- (d) (1) A request for appointment of a child advocate in a dependency case may be made orally or in writing in open court or ex parte by the social worker, any party to the case or by the Court on its own motion. Unless there is opposition, the referral shall be forwarded to the child advocate program for screening and assignment.
- (2) When an appropriate child advocate has been identified, that person's name shall be submitted to the Court for appointment. Copies of the order of appointment shall be served on all parties or their counsel. Prejurisdiction appointees shall follow the California CASA Early Assignment Protocol.
- (3) The child advocate serves at the pleasure of the Court, and the appointment of the child advocate may be terminated by the Court. Any party or the Director of the Child Advocate Program may file a motion for termination of a child advocate. The Court will determine whether there will be a hearing on such a motion.
- (4) Any child advocate with a grievance concerning termination may petition the Court for a hearing. Such petition shall include facts indicating that the child advocate has exhausted all remedies available to him or her within the Child Advocate program. The Court will determine whether there shall be a hearing on such a petition.
- (e) (1) A request for appointment of a child advocate in a delinquency case may be made orally or in writing in open court or ex parte by the probation officer or any party to the case, or by the Court on its own motion. If the Court grants the request, it shall order that the case be referred to Court Appointed Special Advocates (CASA) for screening. The order shall be transmitted to CASA by the courtroom Clerk.
- (2) When CASA receives a referral, it shall screen it, and if it determines that the child is suitable subject for the appointment of a child advocate and if there is a suitable child advocate available for appointment, CASA shall complete an application for the appointment of a designated child advocate and present the application ex parte to the

referring Court which may then grant the application or set the matter for hearing. Copies of the order shall be served on all parties or their counsel.

(3) The child advocate serves at the pleasure of the Court, and the appointment of the child advocate may be terminated by the Court. Any party or the Director of the Child Advocate Program may file a motion for termination of a child advocate. The Court will determine whether there will be a hearing on such a motion.

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

(5) The child advocate shall work closely with the child's attorney to insure the child's rights are protected.

(6) In delinquency cases, the child advocate shall investigate the services the child needs to refrain from further delinquent conduct. The child advocate shall not investigate jurisdictional issues or issues surrounding potential probation violations. The child advocate is not to assume the duties of a probation officer and is not expected to act as a law enforcement officer.

(f) **Reports**

(1) In all dependency proceedings when the child has an advocate, CASA reports shall be submitted to the Court for dispositional hearings; six, twelve, and eighteen month reviews; Welfare and Institutions Code §366.26 hearings and for each permanency planning review thereafter.

(2) At least two (2) court days before the hearing, the CASA Report shall be served on all parties or their attorneys. A proof of service shall be attached to each report.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.44 Child Advocates: Release of Information to Advocate**

(a) The Judicial Officer making the appointment shall 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. Copies of the order shall be served on all parties or their counsel.

(b) An advocate shall have the same legal right to records relating to the child he/she is appointed to represent as any social worker or probation officer with regard to records pertaining to the child held by an agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her

identification as a Court-appointed advocate to any such record holder in support of his/her request for access to specific records.

- (c) An advocate is a mandated child abuse reporter with respect to the case to which he/she is appointed.
- (d) There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments maintained among the advocate, social worker or probation officer, child's attorney, attorneys for parents, relatives, foster parents and any therapist for the child.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.45 Child Advocates: Right to Timely Notice**

In any motion concerning the child, the moving party shall provide the advocate timely notice.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.46 Child Advocates: Visitation Throughout Dependency**

An advocate shall visit the child regularly until dependency is terminated.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.47 Child Advocates: Family Law Advocacy**

Should the Juvenile Court dismiss dependency and create family law orders pursuant Welfare and Institutions Code §362.4, the advocate's appointment may be continued in the family law proceeding, in which case the Juvenile Court order shall set forth the nature, extent and duration of the advocate's family law duties in the family law custody orders.

*(Eff. 07/01/2002; as amended 07/01/2004)*

#### **7.48 Guardian ad Litem**

##### **(a) For Children**

- (1) All children who are the subject of Juvenile Court proceedings shall have a guardian ad litem appointed to represent them.
- (2) In most cases the child's attorney or the child advocate shall be the guardian ad litem.
- (3) In case of a conflict of interest, the Court may appoint a different adult as guardian ad litem for the child.

**(b) For Parents**

(1) The Court shall appoint a guardian ad litem to represent any incompetent parent or guardian whose child is before the Juvenile Court pursuant to a dependency petition.

(2) 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:**

(1) In all proceedings the guardian ad litem shall be given the same notice as any party.

(2) The guardian ad litem shall have the same access to all records relating to the case as would any party.

(3) The guardian ad litem shall have the right to appear at all hearings.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.49 Parental Visitation Before Detention Hearing**

(a) Any child taken into temporary custody shall have supervised visitation with one or both parents and guardians before the detention hearing takes place unless the social worker has a reasonable belief that the child or his or her temporary caretaker would be endangered.

(b) Whenever a child is taken into temporary custody, the social worker shall inform the parent or guardian of the child's condition and his or her general location and offer supervised visitation pursuant to subparagraph (a) above.

(c) Immediately after a child is taken into temporary custody the social worker shall ensure that the child has regular telephone contact with his or her parent pursuant to Welfare and Institutions Code §308, unless that contact would be detrimental to the child.

(d) If the social worker fails to follow the procedures listed in subparagraph (a) above, he or she shall note the reasons therefore in the papers prepared for the detention hearing.

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.50 CAST Tapes/Protective Orders**

(a) Definitions: "C.A.S.T." means the local multi-agency Child Abuse Services Team. "C.A.S.T. Tapes" means audio or videotapes of a child made by C.A.S.T.

(b) No C.A.S.T. audio or videotapes of a child shall be disseminated without a protective order. The protective order shall include that:

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- (1) All C.A.S.T. tapes provided to counsel may be viewed only by parties, their counsel, and counsels' employees, investigators and experts for the purpose of Juvenile Court proceedings;
- (2) The tapes, or the substance of any portion thereof, shall not be divulged by any person subject to the protective order to any other person, except as necessary for the purpose of Juvenile Court proceedings;
- (3) The parties may not make any additional copies of the tapes without prior court order;
- (c) All C.A.S.T. tapes which are not in evidence with the Court or booked as evidence and retained by law enforcement shall be returned to the Court or to counsel for Child Welfare Services for destruction upon final disposition of the case. If there is an appeal, the tapes will be retained by counsel still subject to the protective order.
- (d) All parties receiving C.A.S.T. audio or videotapes shall sign a written Acknowledgment that the tape is subject to a protective order. An approved form for the Acknowledgment is attached and labeled "Local Form 7.50(d)" and incorporated herein by reference. (See Appendix 7.50(d))
- (e) The parties may stipulate that copies of C.A.S.T. tapes of a child be made available to the parties. An approved form of the stipulation is attached and labeled "Local Form 7.50(e)" and incorporated herein by reference. (See Appendix 7.50(e))

*(Eff. 07/01/2002; as amended 07/01/2004)*

**7.51 Dependency Mediation**

- (a) A dependency mediation session may be ordered by the Court on its own accord, or may be ordered by the Court upon request of any party, at any stage of the proceedings.
- (b) When the Court orders mediation, the courtroom clerk will provide the parties involved with the date, time and location where the mediation will take place. The clerk will also select the date and time for the parties to return from mediation and appear before the Court.
- (c) All parties are to prepare a Mediation Issue Statement, which is to be sent to the Dependency Mediation Coordinator and distributed to all other concerned parties, at least one week prior to mediation.
- (d) At the designated time and place, all parties shall meet with the Court-appointed mediator. It is not required that all attorneys attend, but their review and acceptance of any agreement reached will be required before reporting back to Court.
- (e) Children may participate in mediation, to an extent and manner within the discretion of the child's counsel.

- (f) All mediation sessions are confidential. No new information generated during the mediation session can be used in subsequent court proceedings, unless the information is such that a mandatory reporter would be required to report.
- (g) If an agreement is reached, it will be the responsibility of County Counsel to prepare the Agreement in final written form for submission to the Court at the next court date. All parties or their counsel involved in the mediation must review and sign any Agreement prior to its submission to the Court.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.52 Mental Health Evaluation of a Parent**

No party, attorney, or agency in a Juvenile Court proceeding shall cause a parent to undergo a mental health examination or evaluation without Court approval.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.53 Inquiry into Child's Tribal Status**

Unless affirmatively noted in the Petition or Detention report, at Arraignment or the earliest time thereafter, the Court shall inquire of the parents and, when appropriate, the child, if the child and/or parent(s) are members of an Indian Tribe or are eligible for membership in an Indian Tribe. This will be done for the purpose of determining whether the Indian Child Welfare Act shall apply to the case.

*(Eff. 07/01/2002; as amended 07/01/2004)*

### **7.54 Notice of Appeal/Notice of Intent to File Writ**

Any counsel filing a notice of appeal or notice of intent to file writ shall serve a copy on all other parties or their counsel.

*(Eff. 07/01/2002; as amended 07/01/2004)*

## CHAPTER 8 - FAMILY LAW RULES

### 8.0 Jurisdiction, Scope and Procedure

The Family Court has jurisdiction in all proceedings related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), the Uniform Interstate Family Support Act (UIFSA), the Domestic Partnership Act, and guardianships and adoptions. Unless the Judicial Council has adopted specific statutes or rules pertaining to family law matters, practice and procedure in Family Court is governed by the rules of civil procedure. (Family Code §210). The Court's Family Law Division may adopt Local Rules not inconsistent with statutes or California Rules of Court. (CRC 3.20). The Family Law Division manages cases pursuant to Family Code sections 2450 – 2451 and CRC 5.83.

*(Eff. 07/01/2013)*

### 8.1 Terms, Definitions and Forms

References to legal authority in these rules may be identified by the following acronyms and terms: CRC (California Rule of Court), FC (Family Code), Local Rules (Humboldt County Superior Court Local Rules), CCP (Code of Civil Procedure), PR (Probate Code) and PC (Penal Code). Forms referenced in these rules, such as FL-300, refer to standardized, Judicial Council forms, many of which are mandatory. These forms are available on the California Court's website at [www.courts.ca.gov](http://www.courts.ca.gov). Humboldt Superior Court Local Forms are located in the Appendix to these rules.

*(Eff. 07/01/2013)*

### 8.2 Enforcement

Violation of these rules or other applicable law is an unlawful interference with the proceedings of the court.

The court may order monetary sanctions against a person in any action or proceeding brought under the Family Code pursuant to CRC 5.14(a). A "person" is defined in CRC 5.14(b) and includes a party and a party's attorney. In addition to any other sanctions permitted by law, the court may order a person to pay reasonable monetary sanctions to the court or to an aggrieved person, or both, for failure without good cause to comply with the rules of this court or other applicable rules. Monetary sanctions may also be ordered pursuant to Family Code §271 and Code of Civil Procedure §177.5.

In addition to monetary sanctions, the court may order a change in the calendar status of a case or dismiss a pending action for violation of these rules or applicable law.

*(Eff. 07/01/2013)*

### **8.3 Service and Filing**

Unless otherwise provided by statute or rule of court, moving and responsive pleadings along with all supporting documents shall be filed and served on the opposing party or attorney in accordance with Code of Civil Procedure §1005. If service of moving papers cannot be made by any of the methods provided in CCP §1005, the court may allow service by posting in the courthouse at a location designated by the court. (CRC 5.72).

Filing fees, if applicable, must be paid at the time documents are submitted to the Clerk of Court for processing. A fee waiver by a qualified applicant may be submitted in lieu of the filing fee. Payment plans are subject to court approval. CCP §412.10.

Concurrent with service of the first Request for Order (FL-300), the moving party shall serve on the other party a copy of any ex parte order along with all moving papers, a Notice to Responding Party (Local Form HRNG-8.I), Family Law Policy Statement (Local Form HRNG-8.2), Responsive Declaration to Request for Order (FL-320) and a blank copy of any moving papers filed and served by the requesting party, including a Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105) and/or an Income and Expense Declaration (FL-150), if applicable to the relief sought by the moving party. If temporary spousal or domestic partner support is requested, the moving party and responding parties shall comply with Local Rule 8.22 regarding the calculation of temporary spousal or domestic partner support. All documents filed with the court must have social security numbers redacted.

All parties shall comply with the provisions of Family Code section 215, requiring service upon a party after entry of a final judgment of dissolution, paternity or after a permanent order in any other proceeding in which there was at issue the visitation, custody or support of a child.

*(Eff. 07/01/2013)*

### **8.4 Declarations**

All supporting and opposing declarations shall be made on personal knowledge, shall set forth admissible evidence, and shall provide facts that show affirmatively that the declarant is entitled to the relief requested and is competent to testify to the matters stated therein.

*(Eff. 07/01/2013)*

### **8.5 Proof of Service**

Proof of timely service should be filed with the Clerk of Court no later than five (5) calendar days before the date set for hearing. CRC 5.94(b). Parties should retain a file-stamped copy of the proof of service to provide to the court in the event the original has not yet been placed in the court file.

*(Eff. 07/01/2013)*

## 8.6 Family Law Temporary Restraining Orders at Initial Filing

- (a) Pursuant to Family Code section 2040, in actions for dissolution, annulment, and legal separation, certain temporary restraining orders issue automatically (Automatic Temporary Restraining Orders [ATROs]). The ATROS remain in effect until modified. These orders are mutual and restrain both the petitioner and respondent from doing any of the following acts:
- (1) Removing the minor child/ren of the parties from the state without the prior written consent of the other party or an order of the court;
  - (2) Cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage including life, health, automobile, and disability designated for the benefit of the parties and their minor child(ren); and
  - (3) Transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, without the written consent of the other party or an order of the court, except in the usual course of business or for the necessities of life. Each party shall notify the other party of any proposed extraordinary expenditures at least five (5) days before incurring those expenditures and account to the court for all extraordinary expenditures made after service of the Summons on that party. However, nothing shall preclude the use of community property to pay reasonable attorney fees in order to retain legal counsel in the action.
- (b) In Uniform Parentage or Petition for Custody and Support matters, certain temporary restraining orders issue automatically (Automatic Temporary Restraining Orders [ATROs]). The ATROS remain in effect until modified. These orders are mutual and restrain both the petitioner and respondent from doing any of the following acts:
- (1) Removing from the state, the minor child or children for whom the action seeks to establish a parent-child relationship or to make custody and support orders, without the prior written consent of the other party or an order of the court.

*(Eff. 07/01/2013)*

## Family Law Case Management

### 8.7 Family Centered Case Resolution Process

- (a) **Policy.** It is the policy of the Humboldt Superior Court that all family law cases be managed to expedite resolution of the case, reduce the cost of litigation, and focus on early settlement. These rules apply to all family law actions for dissolution, nullity, legal separation, partners in a domestic partnership, actions to establish parental relationship, and such other cases assigned to the program by the family law judge filed after January 1, 2013. The Family Centered Case Resolution process is set forth more fully in Family Code sections 2450-2451 and CRC 5.83. The terms Family Centered Case Resolution

and Family Law Case Management are used interchangeably in this section and refers to the same process.

**(b) Case Management Forms to be Issued by the Clerk Upon Filing of Petition**

Upon the filing of a case subject to Family Law Case Management Program, the petitioner shall receive two (2) copies of each of the following documents, one (1) of each to be served by petitioner upon the respondent:

(1) Guide to Case Management. (Local Form CM-8.1). This document provides a quick summary of the steps necessary for completing the Family Law Case Management Program, from the filing of the first papers in dissolution, legal separation, nullity or parentage actions through disposition of the case. The guide identifies local resources that offer procedural assistance, legal advice or information, settlement opportunities, and domestic violence services. It contains instructions for keeping the court informed of current contact information (address, telephone number and e-mail address). The Guide also contains information for self-represented parties about the opportunity to meet with court Self-Help Center staff and the Family Law Facilitator and information for litigants on how to request a Family Law Case Management Conference (CMC) earlier than or in addition to any CMC scheduled by the court. (CRC 5.83(g). The Guide also provides the dates by which the parties should file and serve required documents (*i.e.*, Proof of Service, Response or Request for Default, Petitioner's Preliminary Declaration of Disclosure of property and financial information, if a default is entered, the time by which a default judgment should be submitted or in an uncontested case when a written agreement for judgment should be submitted) and/or request setting of a trial date. (CRC 5.83(c)(4).

(2) Notice of Family Law Case Management Conference. (Local Form CM-8.2) This document provides the parties with notice of the date, time, and location of Family Law Case Management Conferences.

(3) Blank Case Management Conference Statement. (Local Form CM-8.3) This document provides the court with information regarding the status of the case.

**(c) Service of Summons and Petition -- Forms to be Served on Other Party**

The petitioner should serve the following documents on the opposing party within 60 days of filing:

(1) Summons (FL-110), Petition (FL-100), and, if applicable, petitioner's completed Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) (FL-105). [Note: A petitioner and/or respondent for dissolution, legal separation, or nullity of marriage shall serve a copy of the Preliminary Declaration of Disclosure (FL-140) at the time the petition or response is filed, or within 60 days of the filing of the petition or response unless that time period is extended by written agreement or court order. In addition, the petitioner and/or respondent must serve the last two years' tax returns as part of the disclosure (FC §2104). Any Response (FL-120) should be filed within 30 days of service of the Petition (FL-100) unless otherwise agreed by the parties. If no response has been filed, and the parties have not agreed on an extension of time to

respond, a request to enter default should be submitted within 60 days after the date the response was due. CRC 5.83(c)(4)(B).

- (1) Guide to Case Management (Local Form CM-8.1).
- (2) Notice of Family Law Case Management Conferences (Local Form CM-8.2).
- (3) Blank mandatory Family Law Case Management Conference Statement (Local Form CM-8.3).
- (4) Children of Divorce Workshop Registration (Local Form CCV-8.1) (if there are issues of child custody and visitation).

**(d) Case Management Conferences.**

(1) Calendar. The first Family Law Case Management Conference shall be set at least 180 days after the filing of the Petition (FL-100). No appearance is necessary if a judgment resolving all issues has been entered prior to the Family Law Case Management Conference. Once a date has been set for a Family Law Case Management Conference, it cannot be changed without a showing of good cause. A Request for Order (FL-300) containing a valid excuse shall be filed to request a change of the date set for the Family Law Case Management Conference.

(2) Appearance Mandatory. Appearance at the Family Law Case Management Conference is mandatory by counsel or the party if self-represented. Telephonic court appearances may be permitted with the approval of the judicial officer. Parties seeking a telephonic appearance shall contact a Court Secretary at least 5 days prior to the Case Management Conference at 707-269-1200. The court may require a party to make a written request using form FL-679, Request for Telephone Appearance. If granted, telephonic appearances shall be arranged and made through Court Call (888-882-6878). If the case is not resolved by the time of the initial Case Management Conference the court will schedule additional Case Management Conferences to monitor the progress of the case up to 18 months from the date of filing of the petition. The case will be considered inactive if the parties take no action by 18 months from the date of filing of the petition and the court will no longer track the progress of the case. CRC 5.83(c). A party must contact the Court Clerk's Office to reactivate the case and set a future Case Management Conference if the case is not resolved after 18 months. The Clerk of Court will require the filing of a Request for Order (FL-300) to schedule a new court date for further tracking of the case. [Petitioners shall proceed with reasonable diligence in prosecuting an action. A case is subject to dismissal if the Summons and Complaint are not served within three (3) years after the action is commenced (CCP §583.210) or if the matter is not brought to trial within five (5) years after the action is commenced (CCP §583.310)].

(3) Service of Case Management Conference Statement. Each party shall file and serve to all parties a family law Case Management Conference Statement (or jointly file a statement) at least fifteen (15) calendar days prior to the family law Case Management Conference. The parties shall use the Humboldt County Superior Court's mandatory

Case Management Conference Statement (Local Form CM-8.3), a local form available on the court's website at <http://www.humboldt.courts.ca.gov> and at the Court Clerk's office.

(4) **Purpose.** At the first family law Case Management Conference, the court will review the status of the case, discovery plans, settlement options, alternative dispute resolution, and unresolved issues. At this or any family law Case Management Conference, the court may make further orders that the court deems necessary, consistent with Family Code sections 2032(d), 2450 and 2451 (family centered case resolution plan), including but not limited to the following:

- (a) Set or reset a settlement conference, hearing, trial or further family law Case Management Conference;
- (b) Refer the parties to Family Court Services for custody and visitation mediation, appoint a child custody evaluator or minor's counsel;
- (c) Establish a discovery schedule;
- (d) Require counsel or the parties to meet and confer and file preliminary stipulations if issues can be narrowed;
- (e) Schedule disclosure of expert witnesses, appoint court experts, set a trial briefing schedule;
- (f) Dismiss the action in whole or in part, impose sanctions, bifurcate issues for trial or enter judgment.

*(Eff. 07/01/2013)*

## **Ex Parte Orders and Orders Shortening or Extending Time**

### **8.8 Ex-Parte Orders**

- (a) **Definition.** The term "Ex-Parte" means from or on one side only, with the other side absent or unrepresented. Ex-Parte orders are also known as "emergency orders." Emergency, ex parte orders are temporary pending hearing.
- (b) **Procedure and Notice.** The procedure and notice of the submission of an application for emergency (ex-parte) orders and/or for a short notice hearing must be pursuant to applicable law, including Family Code sections 241, 2045, and 3060 - 3064, and California Rules of Court, Rules 5.151 through 5.169, including all requirements for a declaration setting forth that notice to the other party has been given or, alternatively, the reason notice has not been given [Notice to the other party may be waived under exceptional circumstances as provided in CRC 5.165(b)(2) and as noted below]. Unless notice is waived by the court, the party requesting emergency orders must attempt to determine whether the other party objects to the proposed orders and whether that party intends to file written opposition to the requested orders. Applicants shall use the Declaration re Notice

of Ex Parte Hearing (Local Form HRNG-8.3) to verify compliance with notice requirements. The form is available on the court's website at <http://www.humboldt.courts.ca.gov> or at the Court Clerk's Office located in the Humboldt County Courthouse at 421 I Street in Eureka, California.

- (c) **Appearance.** The general policy of the court is to make ex parte, emergency orders based on the documents submitted without requiring the parties to appear at a hearing, as permitted by CRC 5.169. However, the court may require parties requesting ex parte emergency orders to comply with the provisions of California Rules of Court, Rules 151-167, and to appear personally to prove-up the necessity for temporary orders.

### **Request for Emergency Orders (CRC 5.151)**

- (a) **Application.** These rules do not apply to ex parte applications for domestic violence restraining orders under the Domestic Violence Prevention Act (Family Code §6300 et seq. and petitions for temporary orders in the following case types: Civil Harassment (CCP Code §527.6), Elder Abuse (Welfare and Institutions Code §15657.03) and Workplace Violence (CCP §527.8). These rules do apply to applications for orders shortening or extending time for service of notice and/or documents in support of such a request.
- (b) **Purpose.** The purpose of a request for emergency orders is to address urgent matters that require immediate court action. In this type of proceeding, notice to the other party is shortened. Notice to the other party can also be waived under exceptional circumstances. This process is used to request that the court:
- (1) Make orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter;
  - (2) Make orders to help prevent immediate loss or damage to property subject to disposition in the case; or
  - (3) Make orders about procedural matters, including orders shortening time for hearing, orders shortening or extending time for service of notice of hearing and supporting papers and orders continuing a hearing or trial.
- (c) **Required Documents.** A request for emergency orders must include all of the following documents (if applicable to the relief requested):
- (1) Request for Order (form FL-300);
  - (2) A current Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155) and/or Property Declaration (form FL-160);
  - (3) Temporary Orders (form FL-305);
  - (4) A written declaration, based on personal knowledge, regarding the notice given to the other party of the application for emergency orders.

**Contents of Application for Emergency Orders and Declaration in Support.**

- (1) **Identification of attorney or party.** An application for emergency orders must state the name, address, and telephone number of any attorney for any party or, if no such attorney is known, the name, address, and telephone number of the party, if known to the applicant.
- (2) **Factual showing.** The declaration must contain facts within the personal knowledge of the declarant that demonstrate why the matter should be handled as an emergency order, including a showing of irreparable harm, immediate danger, or any other statutory basis for granting relief without notice or with shortened notice to the other party.
- (3) **Disclosure of previous applications and orders.** An applicant should submit a declaration that fully discloses all previous applications made on the same issue and whether any orders were made on any of the applications, even if an application was previously made upon a different statement of facts. Previous applications include an order to shorten time for service of notice or an order shortening time for hearing.
- (4) **Disclosure of change in status quo.** The applicant has a duty to disclose that an emergency order will result in a change in the current situation or status quo. Absent such disclosure, attorney's fees and costs incurred to reinstate the status quo may be awarded.
- (5) **Applications regarding child custody or visitation (parenting time).** Applications for emergency orders granting or modifying child custody or visitation (parenting time) under Family Code section 3064 must:
  - (a) Provide a detailed description of the most recent incidents showing:
    - i. Immediate harm to the child as defined in Family Code section 3064(b); or
    - ii. Immediate risk that the child will be removed from the State of California.
  - (b) Specify the date of each incident described in (a);
  - (c) Advise the court of the existing custody and visitation (parenting time) arrangements and how they would be changed by the request for emergency orders;
  - (d) Include a copy of the current custody orders, if they are available. If no orders exist, explain where and with whom the child is currently living; and
  - (e) Include a completed Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105), if the form was not already filed by a party or if the information has changed since it was filed.

**(d) Contents of Notice of Application for Emergency Orders and Declaration in support.**

**(1) Contents of notice.** The person giving notice must:

- (a) State with specificity the nature of the relief to be requested;
- (b) State the date, time, and place for the presentation of the application;
- (c) State the date, time, and place of the hearing, if applicable; and
- (d) Attempt to determine whether the opposing party will appear to oppose the application (if the court requires a hearing) or whether he or she will submit responsive pleadings before the court rules on the request for emergency orders.

**(2) Declaration regarding notice.** An application for emergency orders must be accompanied by a completed declaration regarding notice that includes one of the following statements:

- (a) The notice given, including the date, time, manner, and name of the party informed, the relief sought, any response, and whether opposition is expected and that, within the applicable time under CRC 5.165, the applicant informed the opposing party where and when the application would be made;
- (b) That the applicant in good faith attempted to inform the opposing party but was unable to do so, specifying the efforts made to inform the opposing party; or,
- (c) That, for reasons specified, the applicant should not be required to inform the opposing party.

**Service of Notice of Application for Temporary Orders (CRC 5.165)**

- (a) Method of giving notice.** Notice of appearance at a hearing (if required) and/or notice of submission of a request for emergency orders may be given by telephone, in writing, or by voicemail message.
- (b) Notice to all parties.** A party seeking emergency orders must give notice to all parties or their attorneys so that it is received no later than 10:00 a.m. on the court day before the matter is to be considered by the court. For matters submitted on the pleadings, the date and time for consideration of the matter by the court shall be the time the moving papers are submitted to the Clerk of Court for review by the judicial officer. After providing notice, each party must be served with the documents requesting emergency orders as described in CRC 5.167 (See below). This rule does not apply to a party seeking emergency orders under the Domestic Violence Prevention Act.

(1) **Explanation for shorter notice.** If a party provided notice of the request for emergency orders to all parties and their attorneys later than 10:00 a.m. the court day before the submission of the documents or appearance (if required), the party must request in a declaration regarding notice that the court approve the shortened notice. The party must provide facts in the declaration that show exceptional circumstances that justify the shorter notice.

(2) **Explanation for waiver of notice (no notice).** A party may ask the court to waive notice to all parties and their attorneys of the request for emergency orders. To make the request, the party must file a written declaration signed under penalty of perjury that includes facts showing good cause not to give the notice. A judicial officer may approve a waiver of notice for good cause, which may include that:

- (a) Giving notice would frustrate the purpose of the order;
- (b) Giving notice would result in immediate and irreparable harm to the applicant, or the children who may be affected by the order sought;
- (c) Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;
- (d) The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders; and
- (e) The party made reasonable and good faith efforts to give notice to the other party, and further efforts to give notice would probably be futile or unduly burdensome.

### **Service of Application for Temporary Orders (CRC 5.167)**

(a) **Service of documents requesting emergency orders.** A party seeking emergency orders and a party providing written opposition must serve the papers on the other party or on the other party's attorney at the first reasonable opportunity before the hearing. Absent exceptional circumstances, no hearing may be conducted unless such service has been made. The court may waive this requirement in extraordinary circumstances if good cause is shown that imminent harm is likely if documents are provided to the other party before the hearing. This rule does not apply in cases filed under the Domestic Violence Prevention Act.

(b) **Service of temporary emergency orders.** If the judicial officer signs the applicant's proposed emergency orders and order shortening time, the applicant must have a conformed copy of the orders personally served on all parties.

**Court Policies Regarding Issuance of Temporary Orders (Non-child custody).**

- (a) **Exclusive Use of Vehicle.** An ex-parte order granting exclusive use of a vehicle may not be granted unless a declaration demonstrates that the opposing party has suitable transportation available, or requires no such transportation, or such order is necessary for the immediate best interests of child(ren) shared by the parties and/or the requesting party.
- (b) **Removal from Residence.** Unless a declaration is submitted that clearly states that the excluded party has previously voluntarily vacated the residence, an ex-parte order removing a party from a residence may not issue without facts demonstrating violence or threats of violence and the date(s) thereof, and fear that physical harm will result or such order is necessary for the immediate best interests of child(ren) shared by the parties and/or the party.
- (c) **Payment of Obligations.** An ex-parte order requiring the payment of obligations may not issue without financial facts justifying the order, plus a completed Income and Expense Declaration (FL-150) with an estimate of the opposing party's gross income.

**Set Aside of Ex-Parte or Emergency Short Notice Orders.**

If a responding party requests that an ex-parte or emergency order be set aside prior to the date set for hearing, notice must be given to the moving party as set forth in California Rules of Court, Rules 5.151 – 5.169, detailed above. The court may order an earlier hearing date, modify or set aside the emergency orders.

*(Eff. 07/01/2013)*

**Hearings – General**

**8.9 Setting Matters for Hearing**

- (a) **Definition:** A hearing is initiated by the filing of a Request for Order (FL-300), Order to Show Cause, Notice of Motion and/or an application for temporary orders. The estimated duration of the hearing determines whether it is a short or long cause matter. A short cause hearing must be concluded in no more than four hours. A long-cause matter is a hearing on a Request for Order (FL-300) that extends more than a single court day. (CRC5.393). Long-cause hearings must be specially set by the court.

All family law matters in which at least one party is represented by counsel are calendared in the master family law department, except child support enforcement. Family law matters in which both parties are self-represented are heard separately on the family law self-represented Pro Per Calendar, including restraining order hearings and probate guardianship proceedings. Child support enforcement proceedings where the Department of Child Support Services is appearing are heard on a separate calendar.

*(Eff. 07/01/2013)*

## 8.10 Master Family Law Calendar and Pro Per Calendar

- (a) At the Master Family Law Calendar and Pro Per Calendar call, counsel or self-represented parties shall state their names, appearances, whether moving or responding, and an accurate time estimate for the hearing on the matter of issues not agreed upon, including preliminary statements, testimony, and closing comments. The court will assign all matters to a department on a date and time certain, subject to availability. Counsel and the parties must be prepared to proceed at the time of hearing.
- (b) The court will grant priority, where possible, to matters where special circumstances exist (*e.g.*, out-of-town counsel or parties, witnesses under subpoena or present in court). At the calendar call, the court will give preference to stipulations, requests for continuances, and uncontested matters. Matters set for hearing on the master calendar and pro per calendar will be continued only in accordance with subsection D, below.
- (c) **Setting Trials.** After the filing of an At-Issue Memorandum (Local Form TR-8.1), the court will place the matter on the master calendar for setting of trial. The court will provide notice to the parties.
- (d) **Matters Taken Off Calendar.** After service of the moving papers, no matter shall be taken off calendar without stipulation or notice to the responding party or attorney and the court. The moving parties or their attorneys must notify the Family Division of the Clerk of Court immediately by telephone in the event the matter will not proceed to hearing. This notification should be followed by a written transmittal signed by a party or the attorney for a party confirming that the matter is to be taken off calendar with a copy to opposing counsel or self-represented party.

*(Eff. 07/01/2013)*

## 8.11 Continuances

- (a) Any request for continuance of a hearing shall be made by Stipulation or Request for Order (FL-300) with an order shortening time setting forth good cause before the assigned judge at least five (5) court days before the scheduled hearing with proof of notification to all parties.
- (b) A matter set pursuant to a Request for Order (FL-300) will only be continued with a Stipulation and Order or by submitting an Application and Order for Reissuance of Request for Order (FL-306).
- (c) An Order to Show Cause Re: Contempt (FL-410) will not be reissued. If a new hearing date is sought, a new Order to Show Cause Re: Contempt (FL-410) must be submitted to the court.
- (d) After service of an Order to Show Cause Re: Contempt (FL-410), a continuance will not be granted without a court appearance.

- (e) If a Request for Order (FL-300) cannot be timely served, the requesting party may request reissuance of the order by submitting an Application and Order for Reissuance of Request for Order (FL-306). Requests for reissuance may be submitted before the date set for hearing or at the scheduled hearing. The court prefers that a reissuance be requested prior to a set hearing when timely service is not possible and the matter cannot go forward on the calendared hearing date.

*(Eff. 07/01/2013)*

### **8.12 Meet and Confer Requirement/Settlement Efforts**

Except for proceedings under the Domestic Violence Prevention Act and petitions for temporary orders in the following case types: Civil Harassment, Elder Abuse, and Workplace Violence and the Humboldt County Department of Child Support Services calendar, counsel and parties in pro per must meet and confer prior to the beginning of a contested hearing to resolve or limit the disputed issues. "Meet and Confer" means a telephone conference between opposing parties or, whenever reasonably possible, a face-to-face meeting. A meet and confer obligation is not satisfied by an exchange of letters.

- (a) Failure to conduct such settlement discussions in good faith may cause attorney fees to be awarded to the other party and may result in a court-ordered continuance.
- (b) All parties are required to provide copies of documentary evidence to opposing parties prior to the hearing except where a document clearly and substantially impeaches the veracity of a party or witness, and the document is used primarily for that purpose. This document exchange must occur prior to or at the meet and confer session.
- (c) No case on the family law master calendar will be heard unless counsel, with their respective clients either physically present or immediately physically available, have met and conferred in good faith and attempted to resolve all disputed issues. The matter may be re-set for hearing by the filing of an Application and Order for Reissuance of Request for Order (FL-306).
- (d) When counsel cannot reasonably or economically meet prior to the hearing date due to geographical distances, counsel may meet on the day of the hearing prior to the call of the calendar, or in the discretion of the court, after the calendar is called but prior to the matter being heard.
- (e) When counsel is appearing at a mandatory settlement conference on behalf of clients who cannot be present at the hearing, counsel must arrange for the absent client to be on telephone standby.
- (f) Meet and confer requirements apply to pro per litigants as well. The court requires that all parties, including those in pro per, make a concerted effort to narrow issues for trial.

*(Eff. 07/01/2013)*

### 8.13 Stipulations in Open Court

The settlement of matters resulting in stipulations is favored and will take precedence on the calendar over contested matters.

(Eff. 07/01/2013)

### 8.14 Preparation of Order After Hearing

- (a) **In general.** The prevailing party must submit an Order After Hearing (FL-340) in accordance with California Rules of Court, Rule 5.125, unless the court orders otherwise. It is the responsibility of each party and/or counsel to keep the court informed of their current mailing address. This must be done in writing on Judicial Council Form MC-040, Notice of Change of Address or Other Contact Information. It is the policy of the Humboldt County Superior Court not to sign orders or judgments unless some portion of the text of the order or judgment appears on the page to which the Judicial Officer's signature is affixed so that the connection between the signature page and the remainder of the order or judgment is apparent.
- (b) **Submission of proposed order after hearing to the court.** In any matter where the court orders a party to prepare a written Order After Hearing (FL-340):
- (1) The party preparing the order must serve the proposed order to opposing counsel or self-represented party for approval within ten (10) calendar days of the hearing.
  - (2) If the other party did not appear at the hearing or the matter was uncontested, the party preparing the order shall submit the proposed order directly to the court without the other party's approval. A copy must also be served to the other party or attorney.
- (c) **Other party approves or rejects proposed order after hearing.** The other party must approve or reject the proposed order after hearing within 20 calendar days from the court hearing. If the other party approves the proposed order, that party shall sign and serve the order on the preparing party. If the other party rejects the proposed order, that party shall state any objection to the proposed order and prepare and serve an alternate proposed order on the party that was ordered to prepare the initial order after hearing.
- (1) Meet and confer to resolve disputes regarding orders after hearing. The parties have 10 calendar days following service of the objection and alternate proposed order after hearing to meet and confer to attempt to resolve the disputed language. If the parties fail to resolve the matter, each party shall submit its proposed order after hearing to the court within 10 calendar days following the meeting, along with a copy of the court record of the order and a cover letter explaining the disputed language between the parties.
  - (2) No response. If the preparing party does not receive a response within 20 calendar days of having mailed the proposed order to the opposing attorney or self-represented party, the preparing party must submit the order directly to the court within

25 calendar days of the date of hearing with a cover letter compliant with CRC, Rule 5.5.125(c)(2) advising the court of the situation. The order signed by the court shall be served by the preparing party on the other party.

- (d) **Failure to prepare proposed order after hearing.** If the party ordered to prepare and serve the proposed order fails to do so, the other party may prepare its own order after hearing and present it to the opposing party and the court in compliance with CRC Rule 5.125(d).

*(Eff. 07/01/2013)*

### **8.15 Settlement Conferences (Pre-Hearing)**

- (a) **Settlement Conferences.** Long-cause matters (estimated to take more than one court day) may be set for a Settlement Conference. At the Settlement Conference each party must provide an estimate of the amount of time that will be needed to complete the long-cause hearing. The estimate must take into account the time needed to examine witnesses and introduce evidence at the hearing. (CRC 5.393). The court must determine at the conference whether to require each party to submit a trial brief. If trial briefs will be required, they must comply with the requirements of CRC 5.394. It is the general policy of the court not to require a settlement conference if either party is self-represented.
- (b) **Voluntary Settlement Conferences.** A Settlement Conference may be held upon request of both parties and with the approval of the court. The Settlement Conference shall be calendared on the Master Family Law Calendar, either by request for order or upon request of both counsel at the family law Case Management Conference. The Settlement Conference will be assigned to a department on a date and time certain within that calendar week subject to availability. Each party and the attorney for each party must personally attend the Settlement Conference unless specifically excused by the court. A voluntary Settlement Conference should not be calendared until the case is adequately prepared and ready for a meaningful Settlement Conference.
- (c) **Discovery.** Discovery pertaining to the hearing to which the settlement conference relates must be completed no later than five (5) court days prior to the Settlement Conference, except upon order of court for good cause shown.
- (d) **Meet and Confer Requirement.** The parties or their attorneys must meet and confer in good faith, in person or telephonically, no later than two (2) court days before the Settlement Conference and attempt to resolve issues, stipulate to facts, and delineate the issues remaining for resolution at the Settlement Conference.
- (e) **Settlement Conference Statements.**
  - (1) **Time Requirements.** At least two (2) court days before the Master Family Law Calendar from which the Settlement Conference is to be assigned, or at least five (5) calendar days before a specially set Settlement Conference, each party must prepare, lodge with the court, and serve on the other party a Settlement Conference Statement as

set forth below. If service is by mail, an additional five (5) calendar days notice is required.

(2) Contents.

- (a) Caption. The caption shall contain the time and Master Family Law Calendar date and trial date if set.
- (b) Income and Expenses. In all cases where support or attorney fees is in issue, a current Judicial Council Income and Expense Declaration (FL-150) shall be prepared, signed, and dated. Two months evidence of proof of income shall be attached to the Income and Expense Declaration (FL-150).
- (c) Assets & Liabilities. In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed by the parties to be community property and/or community debt. This inventory can either be typed on applicable Judicial Council forms (FL-160 Property Declaration), or may be prepared in any form which contains substantially the same information as set forth on the Judicial Council forms.

The parties must attach to their Settlement Conference Statements copies of the completed inventory of assets and liabilities forms indicating their claim to values and proposal for division of the property.

In all cases where the characterization of real or personal property of the parties (whether community or separate) or reimbursement for contributions to the community from a separate property source is in issue, the parties must set forth all of the facts upon which their claims are based and cite appropriate legal authorities for each of those claims.

- (d) Contentions About Child and Spousal Support. Both parties shall specify their contentions as to the amount of child support and amount and duration of spousal or partner support. Include calculations showing guideline child support. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement shall show that the Department of Child Support Services has been notified of the time and date of the Settlement Conference and provided copies of all pertinent, current financial documents (*i.e.*, Income and Expense Declarations (FL-150), support calculations (Child Support Guideline Calculator results), etc.).
- (e) Contentions About Attorney Fees, Accountant Fees, Expert Fees, and Costs. Both parties shall include in their statement their position regarding requests for attorney and accountant fees, other expert fees, and court costs. Where appropriate, such requests shall be supported by adequate documentation.

(Eff. 07/01/2013)

**Trial**

**8.16 Pre-Trial Settlement Conference and Settlement Conference Statement**

- (a) All parties and attorneys must attend a mandatory settlement conference prior to trial on a date designated by the court, unless exempted from compliance with this rule. An exemption will be granted only upon a showing of good cause and leave granted by the court. A motion for leave to dispense with any mandatory Settlement Conference requirement must be filed, calendared, and heard on or before the date of the Settlement Conference. At the Settlement Conference each party must provide an estimate of the amount of time that will be needed to complete the trial. The estimate must take into account the time needed to examine witnesses and introduce evidence at the trial. (CRC 5.393). The court must determine whether to require each party to submit a trial brief. If trial briefs will be required, they must comply with the requirements of CRC 5.394.
- (b) At least ten (10) days before the settlement conference, each party must file with the court and serve on the opposing party a Settlement Conference Statement that must contain the following:
- (1) Caption. The caption shall contain the Trial Date, Time and Department.
  - (2) Community Property. A list of all community assets and debts related to them, including the date of acquisition, purchase price, and present fair market value. If there is a dispute as to whether the asset is community or separate property, a tracing of the funds should be included. The tracing shall describe the asset, its date of acquisition, its value, the dates and amount of payments toward the purchase of the asset or nature and extent of the transaction which resulted in its acquisition, and a statement of the contended segregation of the total value of the asset as to its community and separate property values.
  - (3) Separate Property. A list of all property that the party claims is separate property, including the date and method of acquisition. The fair market value of separate assets should also be included.
  - (4) Support and Attorney's Fees. The statement shall specify that party's contentions as to the amount and duration of child and spousal or partner support and the facts in support of (or in opposition to) a claim for child support, and/or spousal or partner support, and attorney fees. Any request for spousal or partner support must be supported by a statement addressing all relevant facts listed in Family Code Section 4320.
  - (5) Child Custody and Visitation. The statement shall specify that party's contentions as to child custody and visitation.
  - (6) Appraisals – Real and Personal Property
    - (a) Where the parties possess real property, the same must have been appraised before the date of the settlement conference, and a copy of the appraisal must be attached to the statement.

- (b) Where the furniture has not been divided, a complete inventory of the furniture must be attached along with an appraisal.
- (c) Motor vehicles listed must be accompanied by the Kelly Blue Book valuations.

(7) Pension and Retirement Plans. When the asset is a pension or retirement plan, unless the parties have agreed regarding the pension division, or anticipate it will be an in-kind division, an appraisal of the same must be attached to the statement; provided however, that if a party is willing to accept the “vested cash value,” such party may furnish a certified statement by the holder of the pension showing the “vested cash value” of the pension.

(8) Payments of Community Debts with Separate Property Money. If a spouse or domestic partner is claiming credit for payment of community debts after separation, an itemized list of the community obligations existing at time of separation, with proof of payment, must be attached.

(9) Valuation of Property After Separation and Before Trial. Absent a stipulation, any party contending that community property or quasi-community property of the parties should be valued at a date after separation and before trial shall file a Request for Order (FL-300), providing the opposing party 30 days notice, per FC §2552(b). Such motion must have been made and heard before the date of the settlement conference.

(10) Valuation Requirement. A statement that the value of an asset or liability is unknown (without a showing that a good faith appraisal thereof could not be made), or that a valuation of the asset is not made because a party seeks a sale, a deferred sale of home order, or equal division of the asset, will be deemed a material failure to comply with these rules.

(11) Disposition of Family Home. Where it is urged that the family home be retained pursuant to Family Code Section 3800, all facts relevant to this issue must be included in the statement.

(12) Judicial Council Forms Attached to Settlement Conference Statement. A final Declaration Regarding Service of Declaration of Disclosure (FL-141), current Income and Expense Declaration (FL-150) and a current Property Declaration (FL-160) as to community property and, if applicable, a current Property Declaration (FL-160) regarding separate property or a statement that no information has changed since the previous filing.

**(13) Settlement Conference – Documentary Evidence Requirement**

At the settlement conference the parties shall bring the following:

- (a) Copies of all real and personal property appraisals and pension plan evaluations.

- (b) Documentary evidence of relevant bank, credit union, savings account balances, and statements of balances of other liquid accounts, as of the date of separation and relevant dates thereafter.
- (c) Documentary evidence of promissory notes, deeds, and other documents of title or major debt, where at issue.
- (d) If the amount of earnings of a spouse or domestic partner is at issue, documentary evidence of such earnings.
- (e) A statement from the carrier of cash value of a whole life insurance policy or policies.
- (f) An itemization of all furniture, furnishings, appliances, utensils, and all other personal property, with the party's estimate of fair market value after each item must be included if the parties previously have not agreed to some reasonable division of these items.
- (g) Documentation of all debt payment as to which reimbursement is being claimed shall be brought to the settlement conference.

**Lack of Compliance with Rules.** In the absence of compliance with these rules regarding settlement conferences, the court may award attorney fees, impose sanctions, vacate the trial date or continue the settlement conference to another date, or take other action as appropriate.

*(Eff. 07/01/2013)*

### **8.17 Pre-Trial Conference and Trial Exhibits**

A list of all exhibits, except for those used solely for impeachment purposes, must be exchanged between counsel no later than five (5) court days prior to the Pre-Trial Conference at which the trial date shall be confirmed.

Upon completion of trial, all exhibits shall be retained by the court according to the following time schedule:

- (1) Until 90 days following judgment if no appeal is filed.
- (2) If an appeal is filed, until 30 days following the date of filing of the remittitur, assuming the judgment is affirmed.
- (3) If an appeal is filed and the judgment is reversed or otherwise requires further hearing, until resolution of the matter.

*(Eff. 07/01/2013)*

## 8.18 Contested Judgments

- (a) **Preparation of Judgment.** Following trial, unless a statement of decision is required, the party ordered by the court to prepare, serve, and submit the proposed Judgment (FL-180) shall do so within 10 days after the date of the order. CRC 3.1590(i).
- (b) **Objection.** Any party may, within 10 days after service of the proposed Judgment (FL-180), serve and file objections thereto. CRC 3.1590(j).
- (c) **Failure to Approve or Submit Alternative Judgment.** If the responding party fails to approve the Judgment (FL-180) or submit alternative language, the preparing party may present the proposed Judgment (FL-180) to the court for signature together with a declaration (with a copy to the responding party), stating that the Judgment (FL-180) was served upon the responding party on a certain date and describing the circumstances surrounding the responding party's failure to approve the Judgment (FL-180). If the responding party has submitted alternative proposed language to the preparing party, the preparing party shall submit both proposed forms of Judgment (FL-180) to the court, and the court shall select, modify if appropriate, and sign that form of Judgment (FL-180) which best reflects the court's decision. The court may order a hearing on proposals or objections to a proposed Judgment (FL-180). CRC 3.1590(k).
- (d) **Failure to Prepare and Serve Judgment.** If the party directed to prepare the Judgment (FL-180) fails to prepare and serve the Judgment (FL-180) as required, then the other party may prepare the proposed Judgment (FL-180) and mail it directly to the court without seeking the approval of opposing counsel, along with a letter to the court (with a copy to the opposing party) setting forth the applicable dates according to this rule and requesting that the court sign it.

*(Eff. 07/01/2013)*

## Monetary Awards and Allocations

### 8.19 Court Policies Regarding Financial Matters

**Introduction:** The goal and intention of the "Court Policies Regarding Financial Matters" is to encourage and enhance the ability of counsel and the parties to settle financial matters whenever possible.

**COURT POLICY #1:** Allocation of child care costs related to employment or to reasonably necessary education or training for employment skills is generally limited to costs incurred with non-relative, licensed providers.

**COURT POLICY #2:** Additional child support amounts are generally divided one-half to each parent. (Fam. Code §4061.) "Additional child support amounts" shall include:

- (1) Child care costs related to employment or to reasonably necessary education or training for employment skills;

- (2) The reasonable uninsured health care costs for the children as provided in Family Code §4063;
- (3) Costs related to the educational or other special needs of the children; and
- (4) Travel expenses for visitation. (Family Code §4062.)

**COURT POLICY #3:** In determining the amount of temporary spousal or partner support, the court generally does not consider overtime earnings.

**COURT POLICY #4:** Within 15 days following the court's service of a filed Family Law Minute Order or Judgment (FL-180 or FL-630) containing an order for child support, spousal or partner support, and/or family support, the prevailing party shall submit to the court an appropriate order form for wage withholding and, where child support is ordered, a Child Support Registry form (FL-191).

**COURT POLICY #5:** Attorney fee orders under Family Code Section 2030 are viewed as a means to insure that each party has access to legal representation. Attorney fee orders are not a mechanism to equalize the relative wealth of the parties. It is the court's view that attorneys should be held accountable to their own clients to justify the necessity for and the amount of the services that they perform. Attorney fees are generally ordered payable over time and contain a ten-day acceleration clause.

**COURT POLICY #6:** The court generally does not distribute debts at a hearing for temporary orders during the pendency of the case. However, when orders are made for the temporary use of property, orders are generally included for payment of loans related to that property.

*(Eff. 07/01/2013)*

## **8.20 Income and Expense Declarations and Supporting Documentation**

- (a) An Income and Expense Declaration (FL-150) must be filed and served with the moving and responsive papers in all matters where child support, spousal or partner support, or payment of obligations is at issue. This provision shall not apply to individuals who are subject to contempt proceedings for non-payment of support.
- (b) The failure to complete the Income and Expense Declaration (FL-150) fully, or attach the required pay stubs or income information, may result in sanctions as set forth in Local Rule 802.
- (c) If an Income and Expense Declaration (FL-150) is more than 90 days old, the party must file a current Income and Expense Declaration (FL-150). If there has been no change within the previous 90 days, a declaration under penalty of perjury to that effect must be filed with the court. In either case, current verification of earnings or income must be attached as set forth in subdivision (D) below.

- (d) For wage earners, pay stubs for the immediately preceding two months, or one pay stub showing year-to-date information, and W-2 forms for the prior year, must be attached to all Income and Expense Declarations.
- (e) For self-employed persons, their previous year's federal income tax return, including all Schedules, 1099 forms, and supporting Partnership or Corporate returns/schedules and a profit and loss statement for the current year, through the last quarter, showing income and deductions, must be attached to all Income and Expense Declarations (FL-150).
- (f) If documents are not available because they are in the possession and control of the other party, a declaration under penalty of perjury must state that fact.

*(Eff. 07/01/2013)*

### **8.21 Family Support, Dependency Exemption, Use of Assets Pending Trial**

- (a) In its discretion, the court may order that support be paid as family support. Also, in its discretion, the court may award the federal and state income tax dependency exemptions to either parent so as to maximize the total net income available for all family members.
- (b) **Payment for use of assets pending trial.** While not obligated to do so, any party may raise by Request for Order (FL-300) prior to trial, issues relating to the payment due to the community for the reasonable value of the use of a marital asset by a party between the date of separation and date of disposition of said asset.

**Comment:** When temporary spousal or partner support is ordered, the court in its discretion may apportion liability for reasonable value of use of a community asset depending on the net incomes of both the supporting party and the party receiving temporary support. This issue is best resolved at the time the court establishes temporary child or spousal/partner support or makes an interim award of attorney fees or expenses of litigation.

*(Eff. 07/01/2013)*

### **8.22 Spousal or Domestic Partner Support**

- (a) **Permanent Spousal or Domestic Partner.** Permanent spousal or domestic partner support shall be established according to the provisions of Family Code §4300 et seq. and California Rules of Court 5.260 and 5.275.
- (b) **Temporary Spousal or Domestic Partner Support.** Temporary spousal or domestic partner support shall be determined based on the factors, guidelines and schedules set forth below. The schedules are subject to change. Temporary support may be calculated manually or by a certified software program designated in the California Rules of Court that contains the Humboldt County Superior Court's formula option. Temporary support calculations shall not be used as a guideline for long term support at trial or thereafter.

The court will consider the following factors in determining temporary support:

- (1) The total net monthly income (including all cash flow) after deduction of mandatory taxes, social security, medical insurance, union dues, and mandatory retirement contributions.
- (2) Whether the supported spouse or domestic partner has use of the family residence and is making payments thereon, including utilities, insurance, taxes or rent.
- (3) The total assets and liabilities and marital living standard.
- (4) The actual tax consequences to the parties of entry of the temporary order.

In general, the court will select among three support options in setting the amount of temporary support: minimum, average and maximum support. The court will adopt the average in determining temporary spousal or partner support unless good cause is shown. Good cause to deviate from the average spousal or partner support guideline may exist if the child support obligations of the supporting spouse or domestic partner are an amount greater than 50% of the net monthly income of the supporting spouse or partner.

### **Temporary Spousal or Domestic Partner Support Schedule**

Note: If the supported spouse or domestic partner is working, and receives a net monthly income equal to 60% or more of the supporting spouse or partner, generally no temporary spousal support will be ordered. Also, if child support is paid by the supporting spouse or domestic partner, the supporting spouse's or partner's net monthly income shall be reduced by the amount of child support paid before applying the calculations set forth below.

### **If There Are No Minor Children**

- (a) Minimum Support. If there are no minor children, and the supported spouse or partner receives a net monthly income less than 60% of the supporting spouse or partner, minimum temporary support is computed by subtracting one-half of the supported spouse's or domestic partner's net monthly income from 30% of the supporting spouse's or partner's net monthly income.
- (b) Average Support. If there are no minor children, the average temporary spousal or partner support is computed by subtracting 50% of the supported spouse's or domestic partner's net monthly income from 35% of the supporting spouse's or partner's net monthly income.
- (c) Maximum Support. If there are no minor children, the maximum temporary spousal or partner support is computed by subtracting 50% of the supported spouse's or domestic partner's net monthly income from 40% of the supporting spouse's or partner's net monthly income.

**If There Are Minor Children**

- (a) Minimum Support. If there are minor children, and the supported spouse or domestic partner receives a net monthly income less than 60% of the supporting spouse or partner, the minimum temporary spousal or partner support is computed by subtracting one-half of the supported spouse's or partner's income from 25% of the supporting spouse's or partner's net monthly income.
- (b) Average Support. If there are minor children, the average temporary spousal or partner support is computed by subtracting 50% of the supported spouse's or domestic partner's net monthly income from 30% of the supporting spouse's or partner's net monthly income.
- (c) Maximum Support. If there are no minor children, the maximum temporary spousal or partner support is computed by subtracting 50% of the supported spouse's or domestic partner's net monthly income from 35% of the supporting spouse's or domestic partner's net monthly income.

*(Eff. 07/01/2013)*

**8.23 Attorney Fees**

- (a) Except as provided in Local Rule 802, or as otherwise allowed by statute, attorney fees and costs will not be awarded unless an Income and Expense Declaration (FL-150) is filed *by the requesting party*, with the attorney's fees disclosure at Item 15 fully and accurately completed.
- (b) If attorney's fees and/or costs of litigation (including fees for experts) are requested and the combined amount is in excess of \$2,500.00, the request must be supported by a separate declaration signed by the attorney, describing services performed, time expended, hourly rate, and all reasonably anticipated fees and/or costs. In the absence of such declaration, no award in excess of \$2,500.00 for fees and costs will be granted.
- (c) Without compliance with Local Rule 812 (meet and confer), no attorney fees under Family Code Section 271 will be awarded at any hearing.

*(Eff. 07/01/2013)*

**Child Support, Title IV-D**

**8.24 Department of Child Support Services Matters**

- (a) **Application of General Family Laws.** Except as otherwise provided in this section, all Local Rules applicable to Family Law generally apply to cases enforced by the Humboldt County Department of Child Support Services ("IV-D cases"). To the extent that the

rules in this section conflict with rules applicable to Family Law rules, the rules in this section shall prevail in IV-D cases.

- (b) **Appearance by the Humboldt County Department of Child Support Services.** The Humboldt County Department of Child Support Services (Child Support Services) will be deemed to have appeared in any action filed by the department initially and in any case in which a Notice Regarding Payment of Support has been filed indicating Child Support Services is providing services. (CRC 5.360) Once an appearance has been made by Child Support Services, all attorneys and parties shall give notice to Child Support Services of all moving papers and stipulations involving support according to the timelines for service otherwise required by law.
- (c) **Independent Enforcement Action.** Before independent enforcement actions may be taken to enforce an IV-D order, a Notice to Local Child Support Agency of Intent to Take Independent Action to Enforce Support Order (FL-645) must be executed and served in accordance with Family Code section 17404(f)(2).
- (d) **Proceedings Before IV-D Commissioner.** Pursuant to Family Code section 4251 and California Rules of Court, Rule 5.305, all IV-D cases shall be assigned to an IV-D Commissioner. Under some circumstances such as the unavailability of an IV-D Commissioner, a judge may preside. All attorneys and parties are put on notice that objections to a hearing in front of a commissioner must be made in accordance with the procedure outlined in Family Code section 4251.
- (e) **Dedicated Calendar.** IV-D cases are set on a dedicated weekly calendar. Attorneys and parties must be prepared to proceed to hearing at that time. All motions involving support in which Child Support Services has appeared shall be scheduled on the dedicated calendar absent a finding of good cause.
- (f) **Income and Expense Declarations.** A current (less than 90 days old) Income and Expense Declaration (FL-150) must be completed and filed with the court, including the other party's income, or a fair estimate thereof. The following information shall be attached:
  - (1) Wage earners shall attach a pay stub showing year-to-date income covering the last 90 days, or sufficient pay stubs without year-to-date information to cover the last 60 days of employment.
  - (2) Self-employed persons shall attach copies of their previous year's Federal Income Tax return and a profit and loss statement for the current year, through the last quarter, showing income and applicable deductions.
- (g) **Stipulations.** All stipulations in an IV-D case must be presented to Child Support Services for approval before submission to the court. (FC §4065(c)).
- (h) **Child Support Calculations.** All IV-D cases shall use the CSE-CCSAS Guideline calculator or other certified child support calculator for purposes of determining the guideline child support obligation. A public version of the CSE-CCSAS guideline

calculator can be accessed by litigants at no charge on the Department of Child Support Services' website: [www.childsup.ca.gov](http://www.childsup.ca.gov).

- (i) **Telephonic Appearances.** Telephonic appearances in Title IV-D child support hearings and conferences will be permitted as set forth in California Rules of Court, rule 5.324. The court may require the requesting party to file a Request for Telephone Appearance (FL-679) to confirm the necessity for a telephone appearance.

*(Eff. 07/01/2013)*

## **Child Custody and Visitation**

### **8.25 Children of Divorce Workshop**

- (a) **Policy.** After filing a petition for dissolution of marriage or legal separation, the court's policy is that those parties with children should attend the Children of Divorce Workshop, which is a program designed to inform parents of the effects of divorce on their children.
- (b) **Post-Judgment Modification of Custody and/or Visitation Orders.** After entry of a judgment of dissolution of marriage or legal separation, neither party may modify child custody and/or visitation orders (unless by stipulation) without completing the Children of Divorce Workshop and providing proof to the court or obtaining a waiver of this requirement from the court.
  - (1) This requirement does not apply to parties seeking restraining orders or temporary orders in emergency circumstances. In those cases the court will make child custody and/or visitation orders in the best interest of the child(ren). The court may require parties requesting temporary orders to appear personally to prove-up the need for such orders.
- (c) **Local Form CCV-8.1** (Children of Divorce Workshop Registration) shall be served with the summons and petition in any divorce or legal separation case involving minor children.

*(Eff. 07/01/2013)*

### **8.26 Mediation and Child Custody Recommending Counseling**

At the hearing on a Request for Order (FL-300) requesting child custody and/or visitation orders, the Judicial Officer may order the parties to engage in Mediation and/or Child Custody Recommending Counseling.

- (a) **Mediation Regarding Child Custody and Visitation.** At the hearing, the judicial officer may order the parties to engage in an informal child custody and visitation mediation session outside the courtroom. Court Staff will work with the parties to effect

settlement of disputed issues. If the parties are unable to reach an agreement regarding child custody and/or visitation orders during informal mediation, the court will set the matter for a Child Custody Recommending Counseling session.

- (b) **Child Custody Recommending Counseling.** Contested issues regarding the custody and/or visitation (parenting time) of a minor are scheduled for Child Custody Recommending Counseling as required by Family Code §3170 and set forth in California Rules of Court 5.210. A court mediator shall serve as a Child Custody Recommending Counselor and will facilitate this process. There is no fee for Child Custody Recommending Counseling.
- (c) **No Agreement.** If no agreement is reached by the parties during the child custody recommending counseling session, the Child Custody Recommending Counselor will file a written report with the court containing a recommendation with respect to the disputed child custody and visitation issues that contains a proposed parenting plan. The report may be lodged with the court prior to the return to court date; however, the court may not review the report and no hearing in the matter may be held until the parties have had the opportunity to read the report. (FC §3183). If one party is self-represented, and the attorney for the represented party receives a copy of the report prior to the court date at which the report is to be considered by the court, the attorney shall notify the self-represented party that the report is available for inspection. The self-represented litigant may obtain a copy of the report from the Court Clerk's Office. The Child Custody Recommending Counselor may request an extension of time to conduct further investigation or prepare a report.
- (d) **Domestic Violence.** A party alleging domestic violence may elect to have a separate mediation or child custody recommending counseling session (Family Code §3181, California Rule of Court 5.215). Any party protected by a protective order has the right to have a support person attend any mediation orientation, mediation, or child custody recommending counseling session. (CRC 5.215(h)(1). A party requesting a separate session should arrange this with the mediator or Child Custody Recommending Counselor and/or the Family Law Facilitator to provide adequate protection for the party alleging domestic violence. Separate sessions may be at separate times to avoid in-person contact between the parties.
- (e) **Participation of Children.** Children should not be present for mediations, court hearings or Child Custody Recommending Counseling sessions unless ordered by the court or requested by the mediator or Child Custody Recommending Counselor. The court and/or the Family Law Facilitator will determine whether and under what conditions a minor may be interviewed. However, if the child is 14 years of age or older and wishes to address the court regarding custody or visitation, the child shall be permitted to do so, unless the court determines that doing so is not in the child's best interests. In that case, the court shall state its reasons for that finding on the record. Nothing in this section shall be interpreted to prevent a child who is less than 14 years of age from addressing the court regarding custody or visitation, if the court determines that is appropriate pursuant to the child's best interests. If the court precludes the calling of any child as a witness, the court shall provide alternative means of obtaining input from

the child and other information regarding the child's preferences. (FC §3042 and CRC 5.250).

- (f) **Attendance and Participation of Interpreters in Mediation or Child Custody Recommending Counseling.** A neutral person who is fluent in both English and the party's native language may interpret for a party in mediation or a recommending counseling session if there is no court appointed mediator or Child Custody Recommending Counselor available to conduct the mediation in that party's native language. Individuals who serve in this capacity may be required to sign a confidentiality agreement. In no case may a minor child of the parties serve as an interpreter.
- (g) **Only Parties in Family Court Services.** Only the parties involved in the mediation or child custody recommending counseling process are to be present during the session, unless otherwise requested by the Mediator or Child Custody Recommending Counselor. However, pursuant to Family Code Section 6303(c) a support person must be permitted to accompany a person protected by a restraining order when that person is attending mediation or CCRC sessions, including separate sessions and parent orientation. The presence of the support person does not waive the confidentiality of the mediation or child custody recommending counseling session.
- (h) **Telephonic Appearance.** At the time the Child Custody Recommending Counseling (CCRC) session is set by the court, a party may request a telephonic appearance for his/her CCRC session if he/she resides more than 100 miles from Humboldt County or for other good cause at the court's discretion. If granted, the party requesting the telephonic appearance may initiate the telephone call to the Child Custody Recommending Counselor (CCRC) as determined and arranged by the CCRC. The court prefers that parties appear personally for mediation or child custody recommending counseling. The court has found that it is less likely that parties will be able to reach an agreement without in-person contact with the Child Custody Recommending Counselor and the other party.
- (i) **Confidentiality.** Mediation and Child Custody Recommending Counseling proceedings will be held in private, and all written and verbal communication will be deemed "official information" (Evidence Code §1040).
- (j) **Orientation Class.** Prior to a Child Custody Recommending Counseling session, each party must attend an orientation scheduled and conducted by Family Court Services or an organization designated by Family Court Services. CRC 5.210(e)(2). The Children of Divorce Workshop satisfies this requirement. If exceptional circumstances exist, the court may exempt a party from attending the orientation or refer the party to an on-line orientation.
- (k) **Sanctions.** The court may sanction any party who fails to attend Orientation and/or Child Custody Recommending Counseling. Sanctions may include, but are not limited to, monetary fines, denial of relief sought, dismissal of the Request for Order or other moving papers, entry of substantive orders, or contempt.

- (l) **Subsequent Child Custody Recommending Counseling.** If temporary orders are entered and a review hearing requested as part of a court order regarding child custody and/or visitation, the court may order the parties to attend a further child counseling recommending session in lieu of a court hearing, on a date set by the court on the court's mediation calendar, along with a return to court date. If permanent agreement is reached at the recommending counseling session, the mediator shall draft a stipulation to be signed by the parties and the court and the return to court date vacated. If the court date is to be vacated, the stipulation must state this, as well as the date of the court date to be vacated. If no agreement is reached, the parties shall attend the return to court date and the court will take further action as it deems appropriate.
  
- (m) **Authentication of Child Custody Recommending Counselor's Report.** The Child Custody Recommending Counselor's report shall be received into evidence at court without evidentiary foundation and no appearance or subpoena of the Child Custody Recommending Counselor shall be required for such purpose. However, the Child Custody Recommending Counselor must appear in court when subpoenaed as a witness.
  
- (n) **Ex Parte Communication with Child Custody Recommending Counselor.** Absent a stipulation to the contrary, and except as provided in Family Code §216 and California Rule of Court 5.235, there must be no ex parte communication between the Child Custody Recommending Counselor and the attorney for either party, minor's counsel or the court, except to schedule appointments or regarding other issues as permitted by CRC 5.235(e) or other applicable law. If ex parte contact has been authorized by the parties, an attorney may provide the Child Custody Recommending Counselor with documents about the case but only after giving the other party or that party's attorney (if any) and minor's counsel (if any) a copy of the documents. Any documents that a party wants the Child Custody Recommending Counselor to consider must be submitted to the Child Custody Recommending Counselor no less than five (5) days prior to the scheduled child custody recommending counseling appointment. The Child Custody Recommending Counselor may have contact with either or both parties as needed. Such contact is not considered ex parte communication. After obtaining releases from the party, the counselor shall have the discretion to communicate with any party, person or agency that may provide information relevant to the case. (CRC 5.235).
  
- (o) **Complaints Regarding Mediators or Child Custody Recommending Counselors and Requests for a New Mediator or Recommending Counselor.**
  - (1) **Complaint Process.** The court's mediation services demonstrate accountability by providing for acceptance of and response to complaints about a mediator's performance. (CRC 5.210(d)(1)(C)). The court has adopted the complaint process set forth in California Rules of Court 3.865 through 3.872 for complaints regarding Mediators and Child Custody Recommending Counselors.
  
  - (2) **Summary of Complaint Procedure.** The complaint process is confidential. Complaints are submitted in writing to the Family Law Facilitator or other person designated by the court on a complaint form available from the Family Law Facilitator's Office, the Court Clerk's Office or the Court's Human Resources Office. The Family Law Facilitator or other appointed person shall serve as the Court's Complaint

Coordinator. The Complaint Coordinator shall send a written acknowledgement of the complaint and promptly conduct a preliminary review to determine if the matter can be resolved informally or merits investigation. If a complaint is not resolved during the preliminary review, the complaint shall be investigated by the Complaint Coordinator and the Mediator or Child Custody Recommending Counselor shall be given written notice of the complaint and an opportunity to respond in writing. The Complaint Coordinator shall make a recommendation concerning court action on the complaint to the Presiding Judge, Chief Executive Officer of the Court or other designee who will conduct further investigation and make a final decision. The final decision may be one or more of the following: (1) Direct that no action be taken on the complaint; (2) Counsel, admonish or reprimand the Mediator or Child Custody Recommending Counselor; (3) Impose additional training requirements or (4) terminate the Mediator or Child Custody Recommending Counselor's employment.

- (p) **Requests for a New Mediator or Child Custody Recommending Counselor.** The requesting party should complete and file with the court Local Form CCV-8.5 (Ex Parte Request and Order Re: Disqualification of Mediator or Evaluator) which is provided in the appendix to these rules. The requesting party must show that there is a conflict of interest or other good cause for the grant of this relief. Any party filing such a request shall serve it upon the other party and the Family Law Facilitator. If directed by the court, the Family Law Facilitator will consult with the mediator or Child Custody Recommending Counselor assigned to the case and makes a recommendation to the court regarding the request for disqualification. The judicial officer assigned to the case will determine whether to replace the challenged mediator or Child Custody Recommending Counselor or take no action.

*(Eff. 07/01/2013)*

## 8.27 Supervised Visitation

- (a) **Purpose.** To establish uniform practices regarding the provision of supervised visitation. Also, this rule is to assure that the two primary goals of supervision are met. The first priority is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Once safety is assured, the most important goal is to support and protect the best interest of the child.
- (b) **Application.** These rules apply to all providers of supervised visitation, including non-professional visitation supervisors. FC §3200, CRC 5.20.
- (c) **Qualifications of Supervisor.** A visitation supervisor, whether non-professional or professional, should meet these minimum standards. CRC 5.20(c)(1).  
**The Supervisor SHOULD:**

- Be at least 21 years old;
- Have no convictions for DUI within the last 5 years;
- Not have been on probation or parole for the last 10 years;

- Have no record of conviction for child molestation, child abuse or crimes against a person;
- Have a valid driver's license and proof of insurance (if transporting child);
- Have had no civil, criminal, or juvenile restraining orders against him or her within the last 10 years;
- Have no current or past court order in which the supervised visitation provider is the person being supervised;
- Not be financially dependent on the person being supervised or have any other conflict of interest (including being an employee of the person being supervised or being in an intimate relationship with the person being supervised); and,
- Agree to enforce the court order regarding supervised visitation.

**Duties.** The visit supervisor should monitor conditions to assure the safety and welfare of the child, enforce the frequency and duration of the visits ordered by the court, remain unbiased, ensure that all contact between the child and the noncustodial party is within the provider's hearing and sight at all times and that discussions are audible to the provider. CRC 5.20(j).

**The Visit Supervisor SHOULD NOT ALLOW any of the following actions or behavior:**

- Making derogatory comments about the other parent, his or her family, caretaker, child or child's siblings;
- Discussion of the court case or possible future outcomes;
- Using the child to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- Emotional, verbal, physical or sexual abuse or corporal punishment; or
- Visits to occur while the visiting party appears to be under the influence of alcohol or illegal drugs.

**Suspension or Termination of Visits.** If a provider determines that the rules of the visit have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit may be temporarily interrupted, rescheduled at a later date or terminated. CRC 5.20(n).

*(Eff. 07/01/2013)*

## **8.28 Drug/Alcohol Abuse Testing**

- (a) In order to determine the best interest of a child, the court may order drug testing for any person seeking custody of or visitation with a child if the court finds by a preponderance of the evidence that the person engages in the habitual, frequent or continual illegal use of controlled substances or the habitual or continual abuse of alcohol. The court shall order the least intrusive form of drug testing, as required by Family Code section 3041.5, unless the parties stipulate to more extensive drug testing, including hair follicle testing. The results of this testing shall be confidential and maintained as a sealed record in the

court file and may not be released to any person except the parties, their attorneys or any person to whom the court expressly grants access by written order made with prior notice to all parties. (FC §3041.5).

- (b) By court order, parties may drug test at the Humboldt County Probation Office located on the third floor of the Humboldt County courthouse. The parties must pay a fee for this service that cannot be waived by the court. Results from tests at the Probation Department can only be released to the court. The Probation Department does not release the results directly to the tested party, the other party or an attorney for either party. The court's standing order is that the results from testing by the Probation Department may be released to the parties or their attorneys. Test results may be obtained from the Court Clerk's Office. Proof of identity is required for any party requesting a copy of the results. Personnel from the offices of attorneys of record may pick up test results. Test results are made available to Child Custody Recommending Counselors upon execution by the parties and the court of an Order Appointing Court Investigator And/Or Child Custody Recommending Counselor And Releasing Information. (Local Form CCV-8.3).

*(Eff. 07/01/2013)*

### **8.29 Appointment of Counsel for the Child**

- (a) **Generally.** In any proceeding covered by the family law rules, the court may, if it finds it would be in the best interest of the minor child, appoint counsel to represent the interests of the child. (FC §3150, et seq.)
- (b) **Compensation.** When the court appoints counsel to represent the minor, counsel shall receive a reasonable sum for compensation and expenses. Compensation and expenses shall be determined by the court and paid by the parents in such proportion as the court deems just, or by the court under Government Code section 77003(a)(4).
- (c) **Appointment termination.** Minor's counsel may be relieved 90 days after the action is resolved. At the end of the appeal period, the Court Clerk's Office shall mail a Notice to Relieve Minor's Counsel to the appointed attorney, which states the attorney will be relieved 30 days from the date of the notice unless good cause is shown not to do so.
- (d) **Complaints.** Complaints regarding the conduct of or procedures employed by counsel for minor children appointed by the court must be made in writing to the Presiding Family Law Judge. A copy of the complaint must be provided to all parties. The court will determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board. The court will provide a written response to the complaint to all parties and minor's counsel.

*(Eff. 07/01/2013)*

### 8.30 Child Custody Evaluations

- (a) **Purpose.** A Child Custody Evaluation is an investigation, assessment and analysis used to assist the court and the family in determining the best interest of the child(ren) and the most effective way to support the child(ren)'s health, safety and welfare with regard to disputed child custody and visitation issues.
- (b) **Applicable Law.** Child Custody Evaluations are governed by Family Code sections 1815, 1816 and sections 3110 through 3118, as well as California Rules of Court 5.220, 5.225 and 5.230. Generally, evaluations are conducted according to FC §3111. Evaluations are conducted pursuant to FC §3118 when there are allegations of "serious" sexual abuse.
- (c) **Qualifications and Training.** A Child Custody Evaluator must be a licensed Psychiatrist, Psychologist, Marriage and Family Therapist or Clinical Social Worker. CRC 5.225(c). An evaluator must complete the domestic violence and child abuse training set forth in Family Code sections 1815, 1816, 3110.5(b)(2) and 3111 and comply with the training requirements set out in California Rules of Court 5.225 and 5.230.

Each evaluator must submit a declaration verifying completion of all updated training as required by CRC 5.225 and 5.230. The declaration shall be on form FL-325 (Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications) or FL-326 (Declaration of Private Child Custody Evaluator Regarding Qualifications), as appropriate.

- (d) **Appointment.** Child Custody Evaluators may be either court-connected (under contract with the court) or independent professionals. Appointments may be made by the court or by stipulation of the parties. A child custody evaluation pursuant to Family Code sections 3110 et seq. requires written authorization of a judicial officer. In cases where the parties stipulate to an investigation, such stipulation will only be approved where the alleged facts, in the opinion of the judicial officer, warrant an investigation. The order appointing a child custody evaluator shall be on form FL-327.

(1) Written stipulation of the parties. If both parties agree to an evaluation and the identity of the evaluator, they may enter into a stipulation. Such stipulations shall name the evaluator, the issues presented for evaluation, the relative obligations of the parties for payment of professional fees, releases of information, and obligations of the parties regarding the provision of documents to the evaluator.

(2) Request for Order filed by either party or by Court Order. If the parties cannot agree on the necessity for, or details of an evaluation, a party may bring a Request for Order (FL-300) for evaluation pursuant to Family Code §3110. Moving papers shall specify the necessity for the evaluation, the identity of the evaluator, the proposed allocation of payment for the evaluation, the issues to be evaluated and the documents to be reviewed. If the parties agree on the necessity for an evaluation but cannot agree upon the identity of the evaluator, the parties will nominate three qualified professionals and the court will choose from that list. If the parties cannot agree on the proposed allocation of payment, the court shall make an order allocating costs and fees between the parties using as a guideline Family Code §3112.

- (e) **Court Proceedings.** The written evaluation report shall be received into evidence at a trial or hearing in the same case in which child custody or visitation is at issue provided the report is not more than one (1) year old and the author of the report is available for examination at the option of any party. (FC §3117). The parties must receive written notice of their right to cross-examine the evaluator after having had a reasonable time to review the evaluator's report. (FC §3117). The party seeking to examine the evaluator is responsible to subpoena him or her.

If a party seeks to file a child custody evaluation that was obtained without notice to the other party, or which was obtained without an attempt to include the other party in the evaluation, such evaluation shall be subject to a motion to strike. If a party seeks to introduce evidence obtained as the result of such an evaluation, the court may, in its discretion, exclude such evidence on the grounds that the evaluation does not comply with these rules.

- (f) **Scope of Evaluation.** An evaluation may be either full or partial. The evaluator must be given, before the evaluation begins, a copy of the court order that specifies the appointment of the evaluator under FC §3110 and the purpose and scope of the evaluation. CRC 5.220(d)(1)(B).
- (g) **Content of Report.** The report of the evaluator shall conform to the requirements of CRC 5.220(e) and include a written explanation of the process that describes the purpose of the evaluation, the procedures used, the scope of the evaluation, the limits on confidentiality and costs and payment responsibility for the evaluation. The report must disclose the data and analysis that substantiates the evaluator's interpretations and conclusions regarding each child's developmental needs, the quality of attachment to each parent, that parent's social environment and the child(ren)'s reaction to the dispute between the parents. The evaluator may present his or her findings in writing or orally.
- (h) **Service of Report.** The report shall be filed with the court and served on the parties or their attorneys and any appointed minor's counsel 10 days before any hearing regarding custody of the child. FC §3111(a).
- (i) **Peremptory Challenge.** In all cases referred for evaluation for which there is no previous stipulation as to the evaluator, the parties will nominate three qualified professionals, and the court will choose from that list. No preemptory challenge will be allowed once the name of the evaluator is so chosen.
- (j) **Fees and Costs.** When ordering an evaluation, the court will make an order allocating the payment of the evaluator's fees and costs between the parties. CRC 5.220(d)(1)(D).
- (k) **Withdrawal From a Case.** An evaluator may request to withdraw from a case by delivering a written declaration demonstrating good cause under penalty of perjury to the judicial officer assigned to the case and must give copies of the request to all parties and minor's counsel. Any objections to the request to withdraw must be filed with the court and served on the evaluator, all parties, and minor's counsel within ten (10) days of the service of the request to withdraw. After time for filing of objections to the request to withdraw has expired, the court may, upon a finding of good cause, grant the request to withdraw, deny the request, or set a noticed hearing to resolve the issue.

- (l) **Complaints Regarding Evaluators.** Complaints regarding the conduct of, or procedures employed by, a child custody evaluator must be made in writing to the judicial officer assigned to the case. A copy of the complaint must be provided to the evaluator, all parties, and to any minor's counsel. The court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board.
- (m) **Removal of Evaluator.** A party may seek to remove an evaluator only on a clear and convincing showing of professional misconduct or incompetence or a violation of these rules. A request for the removal of an evaluator must be filed with the judicial officer assigned to the case, and served on the evaluator, all parties, and minor's counsel, if applicable. Local Form CCV-8.5 may be used to request disqualification of an evaluator.
- (n) **Confidentiality.** All child custody evaluation reports to the court will remain confidential, and their duplication and dissemination may be subject to appropriate protective orders as determined by the court. No report may be disseminated to any individual not a party to the proceeding, or to their attorneys, except by order of the court. Without a court order, no person with access to a child custody evaluation report may use the report or information contained therein for any purpose outside the custody proceeding for which the report was ordered. A violation of this rule may result in the imposition of monetary sanctions. FC §3111(d).

A Notice Regarding Confidentiality of Child Custody Evaluation Report (form FL-328) must be attached as the first page of the child custody evaluation report when filed with the court and served on the parties or their attorneys and any counsel appointed for the child, to inform them of the confidential nature of the report and the potential consequences for the unwarranted disclosure of the report. The report shall be placed in the court file in an envelope marked CONFIDENTIAL.

(o) **Conduct of Evaluation.**

- (1) Assessment Methods. Evaluators shall utilize interview, assessment, and testing procedures for all parties that are consistent with generally accepted professional standards and strive to minimize the potential for psychological trauma to children during the evaluation. In performing an evaluation, the child custody evaluator must comply with the ethical requirements set forth in CRC 5.220(h).
- (2) Parents. Evaluators must include both parents in a custody evaluation. No recommendations may be offered about a party unless that party has been evaluated. CRC 5.220(h)(3). The evaluator should interview both parents and must inform each adult party of the purpose, nature, and method of the evaluation. CRC5.225(1)(2). The evaluator should observe the child or children with each parent, unless the evaluator determines this is detrimental to the health, safety, welfare and best interest of the child(ren). CRC 5.220(h)(4).
- (3) Domestic Violence. Where there has been a history of domestic violence between the parties, or where a protective order is in effect, at the request of the party alleging domestic violence (in a written declaration under penalty of perjury) or at the request of a party who is protected by the order, the parties shall meet with the court-appointed investigator separately and at separate times. (FC §3113).

(4) Children. The evaluator should interview all minors whose custody or visitation is at issue unless the age of a minor, in the evaluator's opinion, makes such personal interview detrimental. Siblings may be interviewed separately unless, in the opinion of the evaluator, separate interviews are not in the best interest of the children. Children must not be pressured to state a custodial preference. CRC 5.220(h)(7).

At the initial meeting with each child the evaluator must provide an age-appropriate explanation of the evaluation process, including the limitation on the confidentiality of the process. Children must be informed that the evaluator may need to tell the judicial officer what was discussed during their conversations. CRC 5.220(d)(2)(C).

(5) Mandated Reporting. The evaluator must inform the parties of his or her reporting requirements, including, but not limited to, suspected child abuse and neglect and threats to harm one's self or another person. CRC 5.225(h)(8).

(6) Collateral Contacts. The evaluator must maintain objectivity and gather balanced information for both parties. The confidentiality of the parties and the children must be protected in any collateral contacts. CRC 5.220(h).

The evaluator should interview, in person or by telephone, such other persons who, in the judgment of the evaluator, may possess information necessary to conduct a comprehensive evaluation.

The evaluator should review all court, educational, medical, psychological, law enforcement, social service and other records which, in the evaluator's judgment, are necessary to conduct a comprehensive evaluation. The parents should sign releases of information that allow the evaluator access to such records.

(7) Ex-parte communication. Unless there is a stipulation between the parties, ex parte communication by counsel verbally or in writing with the evaluator is prohibited, except to schedule appointments. If there is such a stipulation, an attorney for a party or minor's counsel must not provide the evaluator with documents pertaining to the case without first providing the other party and minor's counsel, if any, with a copy of the documents. While protecting confidentiality as required under CRC 5.220(h), and after obtaining releases from the party, the evaluator shall have the discretion to communicate with any party, person or agency that may provide information relevant to the evaluation.

*(Eff. 07/01/2013)*

### **8.31 Custody Orders and Agreements**

As allowed by Family Code Section 3024, all child custody agreements and orders must contain language that is in substantial conformity to the following:

“If either parent plans to change the residence of a child, subject to this order, for more than thirty (30) days, and that change will affect the ability of either parent to fulfill this parenting plan, unless there is a written agreement of the parties, the parent contemplating the move shall notify the other parent of said move by mail, return receipt requested and postage prepaid, to the last known address of the parent to be notified. A copy of the notice shall also be sent to that parent's attorney of record. To the extent

feasible, the notice shall be provided within a minimum of 45 days prior to the proposed change of residence so as to allow time for mediation of a new agreement concerning custody and visitation.”

Failure to comply with this notice requirement is not sufficient to bar a change of an existing order of custody and visitation.

*(Eff. 07/01/2013)*

## **Default and Uncontested Judgments**

### **8.32 Entry of Default**

Envelopes provided to the Superior Court Clerk for mailing to parties on entry of default must contain the return address of the Superior Court Clerk, not the address of the moving party.

The Court’s address is: Clerk of the Humboldt County Superior Court, 825 Fifth Street, Eureka, CA 95501. Case Number \_\_\_\_\_.

*(Eff. 07/01/2013)*

### **8.33 Default or Uncontested Judgments**

(a) **By Affidavit or Declaration.** No court appearance is necessary to obtain a default or uncontested judgment unless the court requires it, in which case the court shall notify the parties. To obtain a Judgment of Dissolution or Legal Separation by declaration (non-appearance) pursuant to Family Code section 2336, the following completed forms must be submitted to the clerk:

(1) Declaration for Default or Uncontested Dissolution (FL-170), signed by one of the parties. The relief sought in the declaration must be consistent with the relief sought in the Petition. If either party is receiving public assistance, that fact shall be stated.

(2) Current Income and Expense Declaration (FL-150) if (1) support is to be ordered, (2) there are minor children and child support is not reserved, or (3) the marriage lasted for ten (10) years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or Stipulated Judgment.

(3) Request to Enter Default (FL-165) or Appearance, Stipulation and Waiver form (FL-130), whichever applies.

(4) Petitioner’s Declaration Regarding Service of Declaration of Disclosure (FL-141) (preliminary).

(5) Original and two (2) copies of Judgment (FL-180).

(6) Original and two (2) copies of Notice of Entry of Judgment (FL-190).

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(7) Two (2) envelopes, stamped with proper postage and addressed to each of the parties, with a return address of the Humboldt County Superior Court, 825 Fifth Street, Eureka, CA 95501.

- (b) **Acknowledgment of Receipt and Proof of Service.** Unless the court orders otherwise, a default will not be entered based on a Notice and Acknowledgment of Receipt (FL-117) or a certified return receipt (if the party is out-of-state) signed by a person other than the party to whom it is directed. In addition, no default will be entered without filing a Proof of Service of Summons (FL-115) with the clerk.
- (c) **Child Support, Spousal or Partner Support and Attorney Fees Awards.** No award of child support, spousal/partner support, or attorney fees will be granted unless there is either an attached agreement or stipulation between the parties settling those issues, or there is sufficient information on which the court may base an order, including a fully completed and executed current Income and Expense Declaration (FL-150) (with information regarding the other party's income if available) and a child support calculation, if applicable.
- (d) **Procedures for Entry of Judgment with Child Support Orders.** If either party is receiving public assistance, the signature of an attorney in the Department of Child

Support Services consenting to the child support provision must be affixed to the judgment or a copy of a current child support order shall be incorporated into the judgment. A judgment containing child support orders shall make provision for medical support for children pursuant to Family Code sections 3750 - 3753.

All proposed judgments where child support is ordered shall contain the following language:

- (1) "Pursuant to Family Code Section 4062, each parent is responsible for one-half of all reasonable uninsured health care costs for the children. All judgments shall include a copy of the Notice of Rights and Remedies - Health Care Costs and Reimbursement Procedures (FL-192); and
- (2) "Pursuant to Family Code Section 4062, each parent is responsible for one-half of child care costs related to employment or for reasonably necessary education or training for employment skills. All expenses for child care shall be documented, including, but not limited to, name of care provider, facility license, contract for services, and monthly billing; and this document shall be provided to the obligor parent in a timely manner."

All stipulations waiving guideline child support shall include the following language:

"The parties agree to an amount of child support that is not pursuant to current guideline formula. The parties further agree that, pursuant to Family Code Section 4065(a):

- (1) They are fully informed of their rights concerning child support.
- (2) The order is being made without coercion or duress.

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- (3) The agreement is in the best interest of the child/ren involved.
- (4) The needs of the child/ren will be adequately met by the stipulated amount.
- (5) The right of support has not been assigned to the county pursuant to Welfare and Institutions Code Section 11477, and no public assistance application is pending.”

All judgments and orders after hearings in which a child support order is contained and the Department of Child Support Services is enforcing the order shall include the following language:

“All child support payments must be made to the California State Disbursement Unit at P.O. Box 989067, West Sacramento, CA 95798-9067. Parties must notify the Department of Child Support Services in writing within ten (10) days of any change of residence, income, or employment.”

- (e) **Community and/or Separate Property and Debts.** No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is either an attached agreement or stipulation settling those issues, or there is a completed Property Declaration regarding community property (and a Property Declaration regarding separate property, if applicable) attached to and served with the Request to Enter Default.
- (f) **Child Custody and Visitation.** In cases involving minor children, the petitioner must file a current Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105). Where the judgment is taken by default and either supervised visitation or denial of visitation is requested, unless a settlement agreement or stipulation of the parties concerning child custody and visitation is submitted with the judgment, a factual declaration under penalty of perjury shall be submitted with and incorporated into the Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170) at item 6.d. The declaration shall include the following:
  - (1) Where a party is seeking to deny visitation between a child and the defaulting party. The specific reasons visitation should be denied; the date upon which the last visitation between the child and the defaulting party occurred; and a statement that the whereabouts of the defaulting party is unknown, or, if known, the defaulting party’s address.
  - (2) Where a party is seeking supervised visitation between a child and the defaulting party. The reasons such visitation should be supervised; when and where supervised visitation should occur; the name and address of the person or agency who/which will perform the supervision; and the method by which the supervisor is to be compensated.
  - (3) Other information. The date upon which the parties separated, the identity of the primary caretaker of the child during the last six (6) months, and the extent of contact between the child and the non-caretaker parent during that time.

- (g) **Children of Divorce Workshop.** The court's policy is that when a judgment of divorce or legal separation contains child custody and visitation orders that both parties complete the Children of Divorce Workshop and file proof of completion with the court. Judgment may enter without completion of the workshop; however, a party that does not complete the Children of Divorce Workshop cannot permanently modify child custody or visitation orders unless he/she completes the workshop and provides proof to the court or obtains a waiver of this requirement from the court. In emergency circumstances, including requests for restraining orders, the court may grant temporary orders modifying child custody and/or visitation.

*(Eff. 07/01/2013)*

### **8.34 Marital Settlement Agreements and Stipulations for Judgment**

#### **Approval or Incorporation of Marital Settlement Agreement or Stipulation for Judgment**

- (a) No marital settlement agreement or stipulation for judgment shall be approved by the court or incorporated by reference in a judgment unless:

- (1) The settlement agreement or a stipulation provides that the agreement or stipulation shall be incorporated into the judgment,
- (2) The agreement or stipulation is signed and acknowledged by the parties; and
  - (a) If both parties are represented by counsel, the agreement or stipulation is signed by both attorneys, or
  - (b) If only one party has legal counsel, any marital settlement agreement or stipulation should contain language which is in substantial conformity with the following:

“Petitioner/Respondent acknowledges by the initials at the end of this paragraph that he/she has been advised to obtain independent legal counsel and that he/she has voluntarily chosen not to do so; that he/she has read and understands the contents and legal effect of this agreement or stipulation and has entered into it and signed it freely and voluntarily.” (Initials of party)

- (c) If neither party is represented by counsel, any marital settlement agreement or stipulation should contain language which is in substantial conformity with the following:

“Petitioner and Respondent acknowledge they are aware of the right to consult independent counsel and that both parties have read and understand the contents and legal effect of this agreement or stipulation and have entered into it and signed it freely and voluntarily”; and

- (3) The parties acknowledge, in writing, that all disclosures required to be made to them have been made, and that the agreement is fair and equitable.

(4) Where a default judgment is requested, the signature of the spouse or domestic partner who has defaulted shall be notarized on any marital settlement agreement or stipulated judgment. (FC §2338.5(a)).

*(Eff. 07/01/2013)*

## Miscellaneous Provisions

### 8.35 Domestic Violence Coordination Rules

- (a) **Court Communication.** It is this court's goal to coordinate domestic violence orders. It is the clerk's responsibility, upon any request for protective orders, to determine if any such orders have already been issued as to the same parties or children in any other department by accessing the court's case management system. The court's family law department shall use all reasonable efforts to communicate and exchange information with other court departments regarding any domestic violence orders.
- (b) **Avoiding Conflicting Orders.** The Family Court shall not issue a protective order or custody order in conflict with an order of the criminal court. If such an order issues inadvertently, the orders of the criminal law proceeding shall have priority.
- (c) **Modification of Criminal Orders.** A court issuing a criminal protective order may, after review of any existing Family or Juvenile Court orders, modify the criminal protective order to allow or restrict contact between the restrained person and his or her child(ren), spouse, or other protected person.
- (d) **Coexisting Criminal, Family and/or Juvenile Orders.** A Family or Juvenile Court order may coexist with a Criminal Court protective order, subject to the following:
  - (1) Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the child(ren) and shall not contain language either printed or handwritten that violates a "no contact order" issued by a criminal court.
  - (2) Safety of all parties shall be the court's paramount concern. The Family Court order shall specify the time, day, place, and manner of transfer of the child/ren, as provided in Family Code Section 3100.
- (e) **Issuance and Enforcement of Restraining Order.** Upon granting of relief (through initial petition, modification, or termination), the clerk shall convey within 24 hours a file-endorsed copy of the order to the Humboldt County Sheriff's Department for input into CLETS (a statewide computerized registration system for restraining orders).

*(Eff. 07/01/2013)*

### **8.36 Stepparent Adoption**

- (a) If a petition for adoption is filed under Family Code §8802, without an order or judgment under Family Code §7840 freeing the child free from the custody and control of either or both parents, and there are no consents from the parents in the file, there shall be a special hearing entitled “Necessity of Consent” hearing.
- (b) The clerk shall immediately notify the probation officer of the filing of the petition, and the probation officer shall report in the same manner as provided in Family Code §7851.
- (c) A citation in the form provided by Family Code § 7881 shall be issued on the filing of the petition, and shall be served on the persons and in the manner described in Family Code sections 7880 and 7881. The citation shall require the persons served to show cause, if any, why the minor should not be found to be abandoned and why the consent of the named parent of the minor is necessary.
- (d) The hearing date selected shall be within not more than forty five (45) days after the petition is filed. FC §7870.
- (e) The proceeding under this rule is in addition to that required by Family Code sections 9000-9007.

**Comment:** It is preferred that Division 12 of the Family Code Part 4, §7800, et seq. rather than Division 13, Part II of the Family Code be used in an abandonment proceeding because of the specification of the notice procedures. However, when Division 13, Part II is used, the hearing on the necessity of consent is required as the probation officer cannot recommend favorably until there is consent or an order finding no necessity to consent.

*(Eff. 07/01/2013)*

### **8.37 Adoption Where Natural Father Not Found**

If it is claimed that an alleged natural father under Family Code §7666 cannot be found, or is unidentifiable, the petitioner shall file a petition under Family Code §7662, and the clerk shall set a hearing on the regular Adoption Calendar, to be scheduled within sixty (60) calendar days of the filing of the adoption petition, to determine whether notice to any alleged natural father may be dispensed with and if the father is unidentifiable. The petitioner shall appear and present evidence at the hearing.

*(Eff. 07/01/2013)*

### **8.38 Duties of the Family Law Facilitator**

Pursuant to Family Code section 10004, the Family Law Facilitator shall have the following duties:

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- (a) Providing educational materials to parents concerning establishing parentage, establishing, modifying, and enforcing child support and spousal support;
- (b) Distributing court forms and voluntary declarations of paternity;
- (c) Providing assistance in completing forms;
- (d) Preparing child support calculations; and,
- (e) Providing referrals to the local child support agency, family court services and other community agencies and resources that provide service for parents and children.

Pursuant to Family Code section 10005, the Family Law Facilitator may have the following additional duties:

- (a) Meeting with litigants to mediate issues of child support, spousal or partner support, and maintenance of health insurance, subject to California Family Code §10012 (Domestic violence);
- (b) Drafting stipulations, which may include issues other than those specified in California Family Code §10003;
- (c) If the parties are not able to resolve issues with the assistance of the Family Law Facilitator, the Facilitator, before or at the hearing, and at the court's request, shall review documents, prepare support schedules, and advise the court whether the matter is ready to proceed;
- (d) Assisting the clerk in maintaining records;
- (e) Preparing orders consistent with the court's announced order where both parties are self-represented;
- (f) Serving as a special master and making findings to the court, unless the Facilitator has served as a mediator in the case;
- (g) Providing the services specified in FC §10004 concerning the issues of child custody and visitation as they relate to calculating child support;
- (h) Assisting the court with research and any other responsibilities that will enable the court to be responsive to the litigants' needs;
- (i) Developing programs for bar and community outreach that will assist underrepresented and financially disadvantaged litigants in gaining meaningful access to family court, including information concerning underutilized legislation, such as expedited child support orders (FC §3620 et seq.) and any preexisting, court-sponsored programs, such as supervised visitation and appointment of attorneys for children.

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- (j) Such additional duties as may be delegated by the Presiding Family Law Judge, consistent with Family Code Section 10005.

*(Eff. 07/01/2013)*

**CHAPTER 9 – APPELLATE RULES**

**9.1 Record in Misdemeanor and Infraction Appeals to the Appellate Department**

**Trial court file instead of clerk’s transcript.** Pursuant to California Rules of Court, Rule 8.914 for infractions and Rule 8.863 for misdemeanors, the Court elects to use the original trial court file in lieu of a clerk’s transcript.

*(Eff. 07/01/2010)*

**9.2 Record in Limited Civil Appeals to the Appellate Department**

**Trial court file instead of clerk’s transcript.** Pursuant to California Rules of Court, Rule 8.833, in limited civil appeals to the appellate division of the Court, the Court elects to use the original trial court file in lieu of a clerk’s transcript.

*(Eff. 07/01/2010)*

*Superior Court of California, County of Humboldt*

**Appendix 1.7**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and address</i> )    TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 <sup>TH</sup> STREET EUREKA, CA 95501	
PLAINTIFF(S)/PETITIONER(S): _____  DEFENDANT(S)/RESPONDENT(S): _____	CASE No.: _____
<b>STATEMENT REQUESTING PRESENCE OF A COURT REPORTER</b>	

This statement is made by or on behalf the following party/parties: \_\_\_\_\_  
 \_\_\_\_\_

I request that the Court provide an official court reporter at the proceeding identified below. I understand that requesting a court reporter is not the same as requesting a court reporter's transcript, and does not entitle me to transcripts.

Description of proceeding: \_\_\_\_\_  
 Courtroom/Department Number: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Time: \_\_\_\_\_

I estimate that the proceeding will take:

- one hour or less.
- more than one hour.

Date	Name	Signature of Party or Attorney for Party
Date	Name	Signature of Party or Attorney for Party

Adopted for Mandatory Use  
 Appendix 1.7, Eff. 07/01/2014

*Superior Court of California, County of Humboldt*

**Appendix 2.1**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and address</i> )   TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 <sup>TH</sup> STREET EUREKA, CA 95501	
PLAINTIFF(S)/PETITIONER(S): _____  DEFENDANT(S)/RESPONDENT(S): _____	CASE No.: _____
<b>STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)</b>	

Pursuant to California Rules of Court, Rule 3.726, the parties stipulate that all claims pursuant in this action shall be submitted to (select one):

- |  |   |
|--|---|
| <input type="checkbox"/> Voluntary Mediation     | <input type="checkbox"/> Neutral Evaluation     |
| <input type="checkbox"/> Binding Arbitration     | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Non-Binding Arbitration | _____   |

Case Type:     PI/PD-Auto     PI/PD-Other     Contract     Other: \_\_\_\_\_

Is the Neutral you selected listed on the Court's List of Mediators?     Yes     No

Neutral's name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_ Email (optional): \_\_\_\_\_

Attorneys signing on behalf of their client(s) have been given the authority to stipulate to ADR. Original signature required.

Date	Name	Signature of Party or Attorney for Party
Date	Name	Signature of Party or Attorney for Party
Date	Name	Signature of Party or Attorney for Party
Date	Name	Signature of Party or Attorney for Party

*Superior Court of California, County of Humboldt*

**Appendix 2.2**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar Number and address)</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 <sup>TH</sup> STREET EUREKA, CA 95501	
PLAINTIFF(S)/PETITIONER(S): _____  DEFENDANT(S)/RESPONDENT(S): _____	CASE No.: _____
<b>FINDINGS AND ORDER AFTER HEARING</b>	

1. This proceeding was heard:

on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Department: \_\_\_\_\_  
 by Judge *(name)*: \_\_\_\_\_  Temporary Judge *(name)* \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Petitioner/Plaintiff present | <input type="checkbox"/> Attorney present <i>(name)</i> : _____ |
| <input type="checkbox"/> Respondent/Defendant present | <input type="checkbox"/> Attorney present <i>(name)</i> : _____ |
| <input type="checkbox"/> Other Present                | <input type="checkbox"/> Attorney present <i>(name)</i> : _____ |

On the order to show cause or motion for \_\_\_\_\_ filed  
 on: *(date)* \_\_\_\_\_, 20\_\_\_\_ by *(party)* \_\_\_\_\_, the Court Orders:

1. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3.  Continued on Attachment 3.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judicial Officer

The proposed order was submitted to the other party for approval as conforming to court order on \_\_\_\_\_, 20\_\_\_\_.

The response of the other party was  none  \_\_\_\_\_.

\_\_\_\_\_  
 Date Signature of Attorney for  Petitioner/Plaintiff  Respondent/Defendant

Adopted for Optional Use  
 Appendix 2.2, Eff. 07/01/2010

California Rules of Court, Rule 3.1312

Appendix 2.7.2

Attorney or Party Without Attorney:  
(Name, Address and State Bar Number)

Phone Number:

Attorney for (Name):

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

	)	Case No.: _____
Plaintiff,	)	
vs.	)	NOTICE OF INCLUSION IN DELAY REDUCTION PROGRAM
	)	
Defendant	)	NOTICE OF CASE MANAGEMENT CONFERENCE

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that the above-entitled action has been included in the Delay Reduction Program of the County of Humboldt. You are required to comply with the guidelines for Program cases as set forth in California Rules of Court, Title 3, Division 7, Chapters 1, 2, and 3, and Humboldt County Local Rules, 2.7 through 2.7.6.

You are further advised that a CASE MANAGEMENT CONFERENCE in the above action has been scheduled for \_\_\_\_\_20\_\_\_\_, at \_\_\_\_:\_\_\_\_ AM/PM in Department # \_\_\_\_ of the above entitled Court. Initial CASE MANAGEMENT STATEMENT on Judicial Council form CM-110 shall be filed with the Court and exchanged among the parties no later than 15 days before the Case Management Conference.

DATE: CLERK, By \_\_\_\_\_, Deputy

*Superior Court of California, County of Humboldt*

**Appendix 2.7.5**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and address</i> )   TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 <sup>TH</sup> STREET EUREKA, CA 95501	
PLAINTIFF(S)/PETITIONER(S): _____  DEFENDANT(S)/RESPONDENT(S): _____	CASE No.: _____
<b>DECLARATION IN SUPPORT OF EXEMPTION</b>	

I, \_\_\_\_\_, declare: I am the Attorney/Plaintiff/ Defendant for:

Plaintiff \_\_\_\_\_ Defendant \_\_\_\_\_

Cross-Complainant \_\_\_\_\_ Cross-Defendant \_\_\_\_\_, herein.

I am able to competently testify to the facts and information set forth in this declaration.

The above captioned case is scheduled for a Case Management Conference on \_\_\_\_\_, 20\_\_\_\_.

This case should be exempt from the Trial Delay Reduction Rules because:

\_\_\_\_\_ a. It is an uninsured/underinsured motorist case.

\_\_\_\_\_ b. One or more of the defendants, specifically, is under Bankruptcy stay order from the Federal Court. (Copy of Bankruptcy Order must be attached.)

Explain:

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

Executed on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_  
Signature

**ORDER**

\_\_\_\_\_ The foregoing request for exemption is granted on the grounds that the interest of justice requires a modification of the routine processes as prescribed by Trial Delay Reduction Rules.

\_\_\_\_\_ The Case Management Conference has been rescheduled to \_\_\_\_\_  
Date Time

\_\_\_\_\_ The foregoing request for exemption is denied. The Case Management Conference date remains as scheduled.

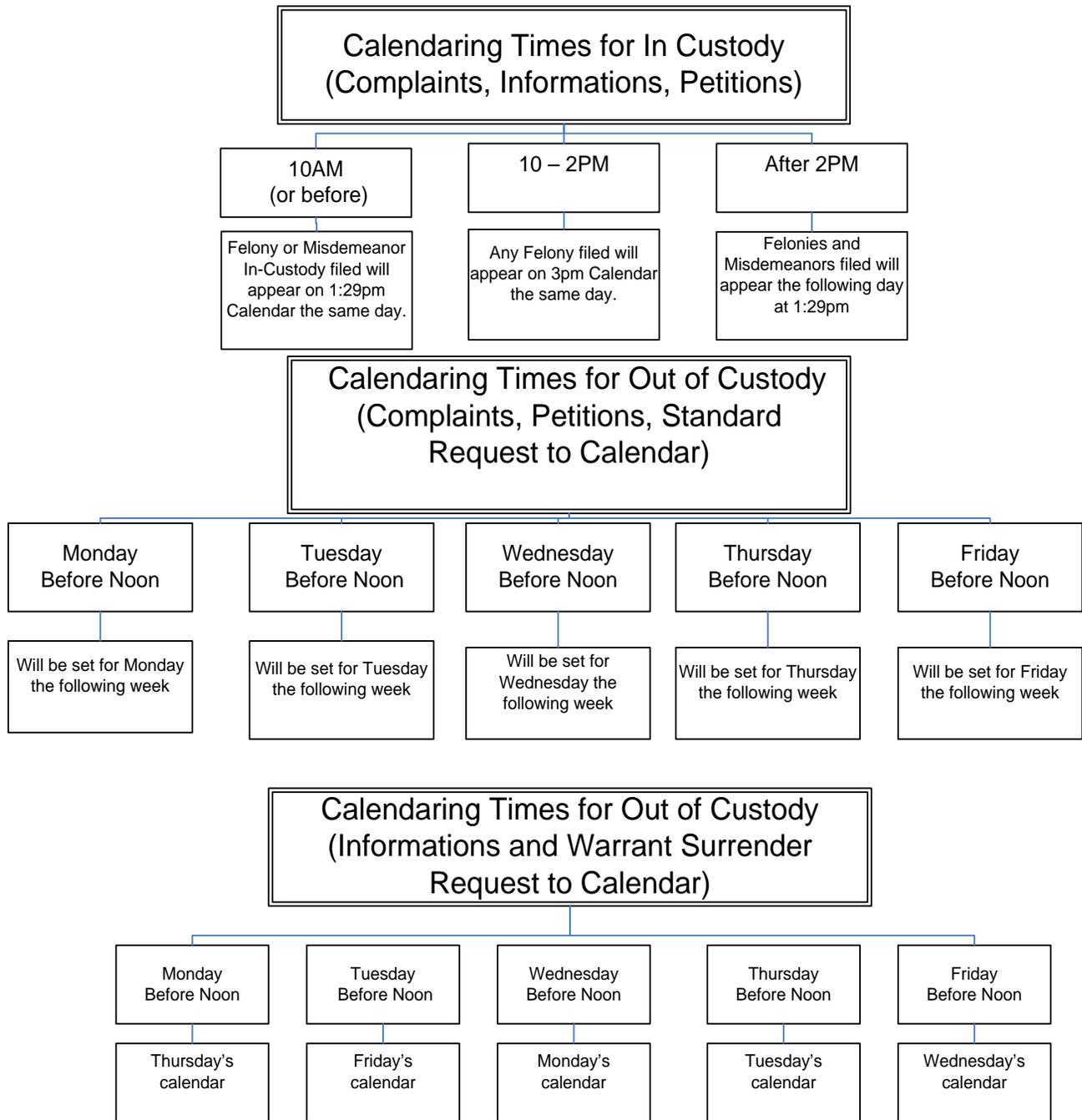
Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

Adopted for Optional Use  
Appendix 2.7.5, Eff. 07/01/1994; amended 07/01/2010

Appendix 3.1

Local Form 3.1



Superior Court of California
County of Humboldt

Request to Calendar Case

PEOPLE OF THE STATE OF CALIFORNIA,

Vs.

Case No.(s):

\_\_\_\_\_
\_\_\_\_\_

\_\_\_\_\_
Defendant

Requesting party: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Calendar date requested: \_\_\_\_\_ (Not the date to appear until approved by Court)

Phone number: \_\_\_\_\_

Warrant surrender:

[ ] Defendant previously failed to appear in Ct \_\_\_\_\_ at \_\_\_\_\_ for \_\_\_\_\_
(time) (hearing type)

Statement of basis for calendaring; supporting documentation attached.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
=====

[ ] Calendar Request Granted

[ ] Calendar Request Denied

Comment: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Judicial Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Set case on calendar \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_
(Date) (Time)

\*\*\*\*\*

Copy to (circle): DA PD CC ALT DEF ATTY \_\_\_\_\_ (Date) \_\_\_\_\_ (Clerk Initials)



*Superior Court of California, County of Humboldt*

Except as specified in Paragraph Number 1 above, no person shall be granted access to any discovery unless the person has first signed a stipulation in writing and filed it with the above-entitled court stating that he or she has received a copy of the protective order and that he or she agrees to comply with the order. The tapes shall not be given, loaned, sold or shown to any person except as provided by the protective order or by subsequent order of this Court;

4. Unless otherwise provided by order of this court, no additional copies of the tapes or any portion of the tapes shall be made without prior court order; and

5. Upon final disposition of this matter, all items of discovery which are not in evidence with the Court or booked as evidence and retained by law enforcement and which relate to a minor's disclosure of sexual molestation shall be returned to the Court or to counsel for Child Welfare Services for destruction. If there is an appeal of the case, the items of discovery will be retained by counsel still subject to this protective order. No copies of said material may be disseminated in any way other than as provided by this order.

THE UNDERSIGNED ACKNOWLEDGES THAT VIOLATING THE TERMS OF THE PROTECTIVE ORDER AS DESCRIBED ABOVE IS A VIOLATION OF A COURT ORDER AND WOULD SUBJECT THE UNDERSIGNED TO THE COURT'S CONTEMPT POWER.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
ATTORNEY



**ORDER TO PROVIDE COPY OF CAST TAPE(S) AND PROTECTIVE ORDER**

Good cause appearing, therefore, IT IS HEREBY ORDERED that the \_\_\_\_\_  
\_\_\_\_\_ [name of custodian] shall release to Humboldt County Counsel,  
within seven calendar days of receipt of this order, a copy of the tapes of the CAST interviews,  
conducted on or about \_\_\_\_\_ [date], of \_\_\_\_\_  
[name of person(s) interviewed]; and IT IS FURTHER ORDERED that said tapes be subject to  
the following protections:

1. Tape(s), as used in this order, refers to any video or audio recordings, and includes all writings, documents, or records, of investigatory interviews of the victim(s) or other witness(es) regarding sexual molestation of a minor, made during the course of the investigation of the conduct at issue in the above-referenced case;

2. All tape(s) provided to counsel in the above-referenced matter may be viewed only by parties, their counsel, and counsels' employees, investigators and experts, solely for the purpose of prosecution or defense of this action;

3. No part of the tape(s), or the substance of any portion thereof, shall be divulged by any person subject to this protective order to any other person, except as necessary for the trial or preparation for trial in this proceeding, and such information shall be used only for purposes of the trial and preparation trial herein. No person shall be granted access to any tape(s) unless the person has first signed a stipulation in writing stating that he or she has received a copy of this order, that he or she submits to the Court's jurisdiction with respect to it, and that he or she will be subject to the Court's contempt powers for any violation of it. The stipulation shall be filed with the above-entitled court. The tapes(s) shall not be given, loaned, sold or shown to any person except as provided by this order or by subsequent order of this Court;

4. Unless otherwise provided by order of this court, no additional copies of the tape(s) or any portion of the tape(s) shall be made without prior court order; and

5. Upon final disposition of this matter, all tape(s) which are not in evidence with the Court or booked as evidence and retained by law enforcement and which relate to a minor's disclosure of sexual molestation, shall be returned to the Court or to counsel for Child Welfare Services for destruction.

*Superior Court of California, County of Humboldt*

If there is an appeal of the case, the tape(s) will be retained by counsel still subject to this protective order. No copies of said material may be disseminated in any way other than as provided by this order.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Juvenile Court



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT**

[THIS NOTICE SHALL BE SERVED WITH THE RESPONSIVE DECLARATION]

**NOTICE TO RESPONDING PARTY:**

You are being sued. The court may decide against you without you being heard unless you file a responsive declaration with the court.

You must file your responsive declaration with the court and serve the other party at least nine (9) court days prior to the hearing date, which is listed on the legal papers you were served (unless otherwise ordered by the court).

You must use the responsive declaration attached to this notice.

**PLEASE BE ADVISED:** The court has the authority to disregard any responsive declaration filed less than (9) court days prior to the hearing.

Please submit an original and two copies of the responsive declaration for filing to the Humboldt Superior Court Clerk's Office located at 421 I Street. Two file-stamped copies will be returned to you – one for your records and one for service on the other party.

The responsive declaration may be served by mail after your case is begun. Service must be by another adult or by law enforcement.

The Court Clerk's Office hours are 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding judicial holidays.

You may submit your documents in the drop box located at the entrance of the Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m.

**SUPERIOR COURT FAMILY LAW POLICY STATEMENT**

(A COPY OF THIS DOCUMENT SHALL BE SERVED  
ON EACH PARTY BY THE MOVING PARTY)

ALL TEMPORARY ORDERS WILL REMAIN IN EFFECT UNTIL TRIAL UNLESS  
CHANGED BY THE COURT DUE TO CHANGED CIRCUMSTANCES

1. **Restraining Orders.** Restraining Orders forbidding the parties from molesting or harassing each other, and from transferring or disposing of community property, except for necessary living expenses, will usually be given upon request.
2. **Attorney Fees.** When either party lacks sufficient assets to pay for an attorney, the Court may order the other party to pay those reasonable attorney fees, or make other arrangements.
3. **Residence Exclusion.** The Court may order the temporary exclusion of one party from the family dwelling when there is a showing that the party to be excluded has assaulted, or threatens to assault, the other party and that physical or emotional harm would result to the other party (or another person under the care, custody or control of the other party) unless the assaultive party is excluded.
4. **Child and Temporary Spousal or Partner Support.** Pending resolution and upon application, the Court may order child support and/or spousal/partner support.

The Court will consider all forms of income, including public assistance, and may consider ability to earn as well as actual earnings.

It is not unusual that the parties' needs exceed their combined incomes. The Court is primarily concerned with the actual income of the parties and only secondarily with their living expenses.

5. **Custody of Children.**
  - (a) Child custody and visitation will be awarded according to the best interests of the child. The Court's primary consideration is the health, safety and welfare of the child. Domestic violence and abuse of illegal drugs or alcohol may preclude an award of custody and/or visitation to the parent engaging in such behavior. Once the child(ren)'s health, safety and welfare is secure, the court's will make orders ensuring that both parents have frequent and continuing contact with the child(ren). Supervised visitation may be ordered at the court's discretion.
  - (b) The Court may refer a child custody dispute to an appropriate agency for investigation and report. This referral may be at the expense of the parties. The Court does not routinely refer child custody disputes for an investigation and report.
  - (c) If there is a dispute over child custody or visitation the parties will be referred to mediation or child custody recommending counseling. (FC §3170 et seq.).

*Superior Court of California, County of Humboldt*

- (d) In all cases in which there are minor children both parties should attend the Children of Divorce Workshop when obtaining a divorce or legal separation. Any party failing to attend the Children of Divorce Workshop cannot modify child custody or visitation orders entered as part of a judgment of dissolution or legal separation. This requirement does not apply in cases involving restraining orders or emergency circumstances. In such cases the court will make child custody and/or visitation orders in the best interest of the child(ren).
  
- (e) A party alleging domestic violence may elect to have a separate mediation or child custody recommending counseling session (Family Code §3181, California Rule of Court 5.215). Any party requesting a separate session should arrange this with the mediator or Child Custody Recommending Counselor and/or the Family Law Facilitator to provide adequate protection for the party alleging domestic violence. Separate sessions may be at separate times to avoid in-person contact between the parties.



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**  
**GUIDE TO CASE MANAGEMENT**

**NOTE:** *The information in this document is not legal advice.* It is intended to provide general information, primarily for the self-represented litigant (SRL) on what to expect at a Family Law Case Management Conference.

California family courts manage cases through the “family centered case resolution” process. This court’s process is the Family Law Case Management Program. This case management procedure is aimed at early settlement, quicker trial dates, reduced expense of litigation, and better assistance to families. Cases will be managed through two or more Case Management Conferences (CMC) at which the parties, attorneys and a judicial officer will discuss a “case resolution plan”. The family centered case resolution plan may be set forth on Form FL-174 (Family Centered Case Resolution Order), which is available on the California Court’s Website at [www.courts.ca.gov](http://www.courts.ca.gov). The Notice of Case Management Conferences (Local Form-CM-8.2), which sets two mandatory Case Management Conferences (the first at 180 days and the second at 360 days from the date the petition is filed), must be served with the summons and petition. Other Case Management Conferences may be set by the court as needed or if requested by a party. A party may request additional Case Management Conferences by filing a Request for Order (Form FL-300) with the Court Clerk’s Office at 421 I Street in Eureka California. Additional information can be found in Family Code sections 2550 and 2541, California Rule of Court 5.83, the Humboldt County Superior Court’s Local Rules and website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov) and on the California Court’s Website at [www.courts.ca.gov](http://www.courts.ca.gov).

**FAMILY LAW CASE MANAGEMENT CONFERENCE**

**What is it?** A Family Law Case Management Conference (CMC) is a meeting of the parties and the attorneys with a judicial officer to develop a case resolution plan for managing the case and resolving issues as quickly, fairly and efficiently as possible. It is not an evidentiary hearing or a settlement conference.

**Attendance and Orders.** Each party’s attorney or the self-represented litigant must attend the CMC in person, unless the court orders otherwise. Both attorneys and self-represented litigants must be familiar with the case and be prepared to discuss the party’s position on all issues as well as potential agreements or stipulations regarding compliance with required legal procedures. The case resolution plan will become a written case resolution order signed by the judicial officer. This order will provide an easily accessible written record of the decisions made at the CMC, facilitate future case management planning, and minimize disputes over previous decisions.

**CASE MANAGEMENT PROGRAM TIMELINES**

Cases should proceed in an effective and timely manner. Litigants should comply with the following timelines in processing their case:

- (A) A proof of service of summons and petition should be filed within 60 days of case initiation;
- (B) If no response has been filed, and the parties have not agreed on an extension of time to respond, a request to enter default should be submitted within 60 days after the date the response was due;
- (C) The petitioner's preliminary declaration of disclosure should be served within 60 days of the filing of the petition;
- (D) When a default has been entered, a judgment should be submitted within 60 days of the entry of default;
- (E) If a response has been filed and this is a contested matter, an at-issue memorandum should be filed as soon as pre-trial procedures have been completed, including discovery;
- (F) When the parties have notified the court that they are actively negotiating or mediating their case, a written agreement for judgment should be submitted within six months of the date the petition was filed, or a request for trial date is submitted.

**FAMILY LAW FACILITATOR SERVICES**

Self-represented litigants are encouraged to meet with Family Law Facilitator staff or attend a workshop before their first CMC to help prepare their case. For more information about Family Law Facilitator services, visit [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov).

**CHANGE OF ADDRESS**

Litigants must keep the court informed of their current mailing address and telephone number. If you move, you must file a Notice of Change of Address (Form MC-040) with the Court Clerk's Office immediately. This form is available at the Court Clerk's Office or online at [www.courts.ca.gov](http://www.courts.ca.gov).

**FAMILY LAW CASE RESOURCE INFORMATION**

Family Law cases include dissolution of marriage (divorce) or domestic partnership, legal separation, annulment of marriage (nullity), paternity, and domestic violence. Detailed information about each type of family law case can be found on the court's website [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov) and the California Court's Website: [www.courts.ca.gov](http://www.courts.ca.gov). Among other information, these websites provide answers to frequently asked questions, terms and definitions used in family law cases, forms with step-by-step instructions, local rules, California Rules of Court, and information on where to find help. Judicial Council Form FL-107-INFO

(Legal Steps for a Divorce) is available on the California Court's website, which provides an overview of the legal steps for a divorce, important notices, statewide resources, and services

available at all California courts. The following topics contain general information specific to the Humboldt County Superior Court.

### **SELF-REPRESENTED LITIGANTS)**

Individuals who represent themselves may get help through the Family Law Facilitator's Office, which is located in room 305 on the third floor of the Humboldt County Courthouse located at 825 Fifth Street in Eureka, California. The facilitator provides both one-on-one services and group workshops. The services are free and they are usually offered on a first-come, first served basis; although, some appointments are available. The court's website ([www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov)), under "Self Help" provides contact information and information about services offered by the Facilitator's Office.

**Procedural Assistance:** If you do not have an attorney, you can get help with filling out forms and information about filing documents, serving papers and other types of procedural assistance from the Family Law Facilitator's Office.

### **LOCAL RESOURCES**

**Legal Advice and Information:** If you would like to consult with an attorney but cannot afford one there may be free services available through Redwood Legal Services, 123 Third Street, Eureka, CA 95502 (707) 445-0866 or for Senior Legal Assistance call (707) 443-9747. Legal information is available through the Humboldt County Law Library, which is located in the ground floor of the courthouse at 812 4th Street, Eureka, CA (707) 476-2356, including access to legal reference materials; however, law library staff cannot give legal advice.

#### **Settlement Opportunities:**

- **Child Custody:** Before a court order can be made on a dispute over child custody and visitation, the parties must participate in a child custody recommending counseling session facilitated by a Child Custody Recommending Counselor, who will help both parents work together toward a mutually acceptable agreement that is in the best interest of the children. The parties may also stipulate to private mediation at their own expense. The recommending counseling session allows both parents to work together toward a mutually acceptable agreement which is in the best interest of the child(ren). For additional information, view the Mediation Orientation Presentation available on the court's website [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov).
- **Private Resources:** Mediation and other types of settlement resolutions may be available from private providers at the parties' own cost. The Family Law Facilitator's Office may
- have brochures or other referral information; however, the court cannot recommend or endorse any private business.

**Domestic Violence Victim Services:** The Family Law Facilitator's Office provides help preparing applications for restraining orders. Comprehensive information about domestic violence is available on the court's website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov), including forms.

*Superior Court of California, County of Humboldt*

Victims of domestic violence may contact **Humboldt Domestic Violence Services' 24 hour crisis line at (707) 443-6042**. The National Domestic Violence Hotline (24 hours) can be reached at 1-800-799-7233. Victims of crime may contact the Humboldt County Victim/Witness program at 707-445-7417.

**The Humboldt Community Switchboard:** This is a free service that offers a comprehensive database of information on resources available in Humboldt County. You can search the database on their website <http://theswitchboard.org/> or call their help line at **707-441-1001**.

**DISCLAIMER:**

This information sheet is intended to provide general information for litigants in family law cases. It may not include all information that is legally required, it is not legal advice, and it should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. If you should have any questions about your legal rights, you should talk to an attorney.

With the exception of the Humboldt County Superior Court's website, the Humboldt County Superior Court does not control or maintain the websites referred to in this information sheet and cannot be responsible for the accuracy of the information or content they contain. In addition, the content of a website may change, and the court would not necessarily be made aware of the change. When you access one of these websites, you are subject to the terms of use and privacy policies of that website.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

	)	Case No.: _____
Petitioner,	)	
and	)	NOTICE OF FAMILY LAW CASE
	)	MANAGEMENT CONFERENCES
Respondent.	)	
	)	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that the above-entitled action has been included in the Family Law Case Management Program of the Humboldt County Superior Court. You are required to comply with the guidelines set forth in this court’s Guide to Case Management (Local Form CM-8.1), Local Rules 800 and 807, Family Code Sections 2450 – 2451 and California Rule of Court 5.83.

You are further advised that Case Management Conferences are scheduled on the following dates:

\_\_\_\_\_20\_\_\_\_\_, at \_\_\_\_:\_\_\_\_ AM/PM in Department #\_\_\_\_ and  
 \_\_\_\_\_20\_\_\_\_\_, at \_\_\_\_:\_\_\_\_ AM/PM in Department #\_\_\_\_ of the above  
 entitled Court. You must personally appear at all Case Management Conferences. Each Party shall file and serve to all parties a family law Case Management Conference Statement (or jointly file a statement) at least fifteen (15) calendar days prior to the family law Case Management Conference. The parties shall use the Humboldt County Superior Court’s mandatory Case Management Conference Statement (Local Form CM-8.3), a local form available on the court’s website at <http://www.humboldt.courts.ca.gov> and at the Court Clerk’s Office.

DATE: CLERK, By \_\_\_\_\_, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO.(Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT</b>	
STREET ADDRESS: 825 Fifth Street MAILING ADDRESS: CITY AND ZIP CODE: <b>Eureka, CA 95501</b>	
Petitioner: RESPONDENT: OTHER PARENT:	
<input type="checkbox"/> PETITIONER'S <input type="checkbox"/> RESPONDENT'S <input type="checkbox"/> OTHER _____ <b>CASE MANAGEMENT CONFERENCE STATEMENT</b> DATE OF STATUS CONFERENCE: _____	CASE NUMBER:

**Complete all questions, check-boxes, and blanks that apply. Use extra pages if needed. You must file and serve this Case Management Conference Statement on the opposing attorney or party (and DCSS if applicable) 15 days prior to the Case Management Conference and file a Proof of Service with the court.**

**1. PETITION:**

**Dissolution of Marriage/Domestic Partnership:**

The Petition for  Dissolution of Marriage/Domestic Partnership  Legal Separation  Nullity was filed on: \_\_\_\_\_ (date).

Date of Marriage \_\_\_\_\_, Date of Separation \_\_\_\_\_ Is duration disputed?  No  Yes

**Parentage Actions:**

The Petition for  Establishment of Parental Relationship  Custody and Support was filed on: \_\_\_\_\_ (date).

**2. SERVICE AND RESPONSE (ALL CASES):**

Respondent was served with the Petition on \_\_\_\_\_ (date), by (which method):  
 personal service  substituted service  publication  notice/acknowledgement of receipt  
 other \_\_\_\_\_.

- Respondent has not been served with the Petition.
- Respondent filed a Response on (date) \_\_\_\_\_.
- Respondent has not filed a Response with the court.

**3. DISCOVERY:**

**Dissolution of Marriage/Domestic Partnership:**

The following documents have been served on the opposing party:

- Schedule of Assets and Debts (FL-140)** or  **Property Declaration (FL-160)** or  **Both**
- Income and Expense Declaration (FL-150):** Date yours was last filed and served: \_\_\_\_\_
- Declaration Regarding Service of Declaration of Disclosure (FL-141):**  
 Preliminary: (Date filed) \_\_\_\_\_  Final: (Date filed) \_\_\_\_\_
- Appraisal(s) of:**  Real Estate  Other: \_\_\_\_\_
- Pension Plan Documents**  Other documents served: \_\_\_\_\_

Superior Court of California, County of Humboldt

Other discovery is needed on: \_\_\_\_\_

**Parentage Actions:**

The following documents have been served on the opposing party:

Income and Expense Declaration (FL-150): Date yours was last filed and served: \_\_\_\_\_

Other discovery is needed on: \_\_\_\_\_

**4. BASIC LIST OF THE ISSUES—CHECK ALL THAT APPLY:**

**All Actions:**

Parentage of Minor Child     Child Custody and Visitation     Child Support     Attorney Fees and Costs

Other: \_\_\_\_\_

**Dissolution Actions (only):**

Real Property Division     Business Division     Personal Property Division     Division of Other Property

Work-Related Benefit Division     Spousal Support     Other \_\_\_\_\_

**5. CHILDREN:**

Number of children of this relationship: \_\_\_\_\_. Age(s) of child(ren): \_\_\_\_\_.

The parties last engaged in child custody mediation on (date) \_\_\_\_\_ with Mediator \_\_\_\_\_.

My Declaration Under The UCCJEA (FL-105) has been filed.

All Child Custody and Visitation issues have been resolved.

Further mediation might help.

It should address the following issues: \_\_\_\_\_.

A child custody evaluation is needed, to be paid for as follows: \_\_\_\_\_.

It should address the following issues: \_\_\_\_\_.

**6. SUPPORT:**

All Child Support issues     have     have not been resolved.

All financial information     including FL-150's has been exchanged for meaningful settlement talks, or trial.

More information must be obtained before the parties can hold a meaningful settlement conference or trial.

An expert witness must be retained before the parties can hold a meaningful settlement conference or trial.

What kind of information or expert?: \_\_\_\_\_

The Department of Child Support Services ("DCSS") of \_\_\_\_\_ County is involved in this case.

All Spousal Support issues     have     have not been resolved. (Dissolution only)

**7. PROPERTY DIVISION (Divorce Only):**

All Property Division issues     have     have not been resolved.

All information     including FL-160's or equivalent has been exchanged for meaningful settlement talks or trial.

More information must be obtained before the parties can hold a meaningful settlement conference or trial.

An expert witness must be retained before the parties can hold a meaningful settlement conference or trial.

What kind of information or expert?: \_\_\_\_\_

**9. SETTLEMENT CONFERENCE AND/OR TRIAL:**

This case should be ready by these dates for: Settlement Conference \_\_\_\_\_ Trial \_\_\_\_\_

I  am     am not requesting a trial date at this time. My estimate of the total time needed for trial is \_\_\_\_\_ hours.

**10. SPECIAL CONSIDERATIONS:**

I reside more than one hundred miles from the courthouse.

I request to appear telephonically at the Case Management Conference. (Explain why this is necessary): \_\_\_\_\_

I need an interpreter for the following language: \_\_\_\_\_.     I can provide this interpreter.

I need the following special access (e.g., wheelchair) to the courts: \_\_\_\_\_

*Superior Court of California, County of Humboldt*

**11. OTHER INFORMATION:**

Other information the Judicial Officer needs to know about your case in order to prepare for the Case Management Conference.

\_\_\_\_\_

The name of the other party's attorney is \_\_\_\_\_

Are there other court cases between or involving the parties?  No  Yes: (List county, file number, status): \_\_\_\_\_

Additional page(s) attached concerning item(s) numbered: \_\_\_\_\_.

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Signature of Party or Attorney for Party**

Appendix 8.8

Local Form HRNG-8.3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO.(Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:	
Petitioner/Plaintiff: RESPONDENT/DEFENDANT	
<b>DECLARATION REGARDING NOTICE OF APPLICATION FOR EX PARTE ORDERS</b>	CASE NUMBER: _____

I, the undersigned, declare:

1. **I am** (choose one):

- attorney for Petitioner     
  attorney for Respondent     
  attorney for child(ren)  
 self-represented Petitioner     
  self-represented Respondent  
 other (explain): \_\_\_\_\_

2. **The opposing party or minor child(ren) is represented by an attorney:**  Yes       No

(If you checked "yes," fill in the attorney's name, address, and telephone number. If you checked "no," fill in the other party's name, address, and telephone number.

Party/Attorney name: \_\_\_\_\_

Address/Telephone number: \_\_\_\_\_

Child's attorney name and address: \_\_\_\_\_

3. **OTHER CASES:** Have the parties to this case been involved in another Family, Probate, Juvenile, or Criminal court case?

Yes  No If yes, fill in the case number: \_\_\_\_\_ and date and county of filing \_\_\_\_\_.

4. **NOTICE:**

**A. I HAVE given notice to the opposing party and/or their attorney by the following method:**

- Telephone  Voicemail Message  In writing by  Personal delivery  Fax  Overnight Carrier  First Class Mail  
 Other: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ (Notice must be given by 10 a.m. the court day prior to the time the matter is to be submitted to the court unless excused by the court)

I have received confirmation that the other party has received my papers as follows: (Check one below)

- In person/telephone (describe): \_\_\_\_\_  
 Confirmation of receipt  Other: \_\_\_\_\_

The other party:  does not object or  objects and  intends  does not intend to file written opposition.

**B. I HAVE NOT given notice of the ex parte request for orders because (check all that apply):**

- This is an application for Domestic Violence Prevention Act (DVPA) restraining orders or restraining orders for Civil Harassment, Elder Abuse or Workplace Violence.  
 Great or irreparable injury will result to me or children affected by this order before the matter can be heard on notice  
 Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in this case.  
 I am unable to serve the other party 21 days before the hearing.  It is impossible to give notice and futile to try do so.  
 Giving notice would frustrate the purpose of the order (explain) \_\_\_\_\_  
 The other party agrees to the orders requested.  
 A hearing between the parties is already set, I am asking that his motion be heard at the same time.  
 Other: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_ Date \_\_\_\_\_ Signature of Declarant \_\_\_\_\_ Print Name \_\_\_\_\_

**INSTRUCTIONS**

**Please refer to Superior Court of California, County of Humboldt Local Rule 8.8 for more information.**

This form is required in Humboldt County, if you are asking the Judge to make immediate orders without the other party being present for a hearing. These orders are called ex parte orders. This form must be completed in any case where ex parte orders are requested. If you have given notice to the other party in your case, you must state the form of notice given. Notice means providing the other side of the case, either attorney or a self-represented party, with copies of any papers that you want the Judge to review and any orders that you are requesting. If you have not given notice, you must explain why you have not given notice. There are some circumstances when notice may be waived, such as cases involving allegations of domestic violence where the safety of a party or a child might be at risk if notice is given. It is up to the Judge in your case to determine whether notice will be required or not.

**SECTION #1**

State whether you are the Petitioner or Respondent in the case. Once a case is filed, the parties keep the same status in the case. You do not change from the Respondent to the Petitioner by filing a new Request for Order in the case. If you do not have an attorney, you are considered self-represented.

**SECTION #2**

If the other party is represented by an attorney, you must provide the Court with the attorney's name and address. If the other party is not represented by an attorney, you must provide the Court with the other party's address.

**SECTION #3**

It is very important to list all other court cases in which you and the other party have been involved. This includes other Family Law, Probate, Juvenile, Restraining Order, Child Support, Civil, or Criminal matters. If you do not have the case number, please put unknown and list the date and the county of the filing, if possible.

**SECTION #4A**

**Unless notice is excused by the Court, you must provide notice of your Request for Order to the other party before you deliver it to the Court. When you give such notice, specify how you did it (by telephone, voice mail message, or in writing, for example) and at what time and date. Explain how you know that the other side received notice and if possible, copies of your papers and what response you were given. You must state whether the other party objects to the request and, if so, whether that party intends to file a written opposition.**

**SECTION #4B**

**If you did not give notice of this application, in the box marked other, explain why in this section. Check as many boxes as apply. You may also write out any further explanation of your reasons for not giving notice. Additional pages attached \_\_\_\_\_.**

*Superior Court of California, County of Humboldt*

After this form is completed, attach it to your ex parte request and submit both documents to the Court Clerk's Office where you are submitting your paperwork for review.

Adopted for Mandatory use  
Declaration Re: Notice of Ex Parte Hearing  
Form HRNG-8.3, Eff. 07/01/13

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Name)  
(Address)  
(Tele. number)

In Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF HUMBOLDT

\_\_\_\_\_, ) Case No.:  
Petitioner, )  
and ) DECLARATION IN OPPOSITION TO  
\_\_\_\_\_, ) ORDER TO SHOW CAUSE RE CONTEMPT  
Respondent. )

I, \_\_\_\_\_, declare:

- 1. I am the defending party in the above-entitled action.
- 2. I contend that the Order to Show Cause re Contempt should be denied based on the following defenses to the charge of contempt and facts in support [check all that apply and state facts in support of defense(s)]:
  - \_\_\_ The order or judgment is invalid.
  - \_\_\_ I did not have notice or knowledge of the order or judgment.
  - \_\_\_ I was unable to comply with the order or judgment.
  - \_\_\_ I acted in good-faith and am willing and able to comply with the order or judgment at the time of hearing.
  - \_\_\_ Other.

Facts in Support of Opposition to Order to Show Cause re Contempt:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Superior Court of California, County of Humboldt*

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WHEREFORE, \_\_\_\_\_ (your name), the defending party,  
requests that the court find that the defending party has not willfully disobeyed the order or  
judgment of the court entered on \_\_\_\_\_ (date), and that this proceeding be dismissed.

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

Dated \_\_\_\_\_

---

---

Defending party in pro per (name)

SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

Guardianship of the Person of: ) Case No.:

Minor(s) ) ORDER APPOINTING INVESTIGATOR

) FOR THE GUARDIANSHIP OF

) [ ] PERSON [ ] ESTATE

)

)

)

)

)

)

)

---

To:

[ ] Child Welfare Services

[ ] Court Investigators

You are hereby appointed Court Investigator in the above-entitled matter.

PRIOR TO APPOINTMENT OF A GUARDIAN:

YOU ARE DIRECTED TO make an investigation and file with the Court a report concerning this proposed guardianship. Said report shall include an investigation and discussion of the following:

[ ] Guardianship of the Person:

1. A social history o the guardian;
2. A social history of the proposed ward, including, to the extent feasible, an assessment of any identified developmental, emotional, psychological or educational needs of the proposed ward, and the capability of the proposed guardian to meet those needs.
3. The relationship of the proposed ward to the guardian, including the duration and character of the relationship.
4. A statement of the proposed ward’s attitude concerning the proposed guardianship

*Superior Court of California, County of Humboldt*

and whether that attitude is affected by the proposed ward's developmental, physical or emotional condition.

5. The anticipated duration of the guardianship and plans of the natural parents and the proposed guardians for the stable and permanent home for the child.

Guardianship of the Estate:

The need for, or desirability of, a guardian of the ward's estate and, if funds are to be expended from such estate, the nature of such expenditure.

YOU ARE FURTHER DIRECTED TO file your report at least five (5) days before the date set for hearing, and mail a copy of your report to the following:

1. The proposed guardian, or their attorney, if any.
2. The proposed ward if over the age of fourteen years, or the proposed ward's attorney, if any.
3. The natural parent(s) of the proposed ward, or their attorney, if any.
4.  Other persons ordered by the Court as specified in Attachment 1 hereto.

The report filed with the Court shall be sealed subject to being opened and inspected only by a judge of said court.

---

Dated

---

Judge/Judicial Officer of the Superior Court

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT  
825 5<sup>th</sup> ST., EUREKA, CA 95501  
AT ISSUE MEMORANDUM**

Name, Address and Telephone No. of Attorney or Party Appearing without Attorney  Attorney for	For Court Clerk Use Only
Plaintiff/Petitioner vs. Defendant/Respondent	
<input type="checkbox"/> AT-ISSUE MEMORANDUM <input type="checkbox"/> COUNTER AT-ISSUE	CASE NO:

1. Nature of Case:
  - Domestic Relations/Family Law
  - Other: (Specify)
2. Date of Prior At-Issue: \_\_\_\_\_
3. Time Estimated for Trial: \_\_\_\_\_ Hours \_\_\_\_\_ Days
  - a. If Domestic Relations/Family law and custody-visitation are an issue,  Yes  No  
has mediation been ordered?  Yes  No
  - b. If custody and visitation are an issue, have parties attended Children of Divorce Workshop?  
Petitioner  Yes  No      Respondent  Yes  No
4. Case entitled to preference?  Yes  No    Under Code Section \_\_\_\_\_
5. If a Long Cause matter, does either party request a settlement conference? If yes, please see Local Rule 8.9.
  - Petitioner     Yes  No
  - Respondent     Yes  No

Indicate party being represented:

Plaintiff/Petitioner  
Attorney

Defendant/Respondent  
Attorney

Firm

Firm

Address

Telephone No.

Address

Telephone No.

Plaintiff/Petitioner

Defendant/Respondent

Attorney

Attorney

Firm

Firm

Address

Telephone No.

Address

Telephone No.

Superior Court of California, County of Humboldt

For additional parties, please attach a separate sheet. See reverse side for certificate of mailing.

MEMORANDUM THAT CIVIL CASE IS AT ISSUE

I hereby represent to the court that all essential parties have been served with process or have appeared herein and that this case is at issue as to all such parties: that no amended or supplemental complaint or cross-complaint or other affirmative pleading remains unanswered: that to my knowledge no other parties will be served with a summons prior to the time of trial, and I know of no further pleading to be filed. My parties are ready and they desire to have the case set for trial. All discovery will be completed at least thirty days prior to trial except as may be allowed by order of court for good cause shown or as may be had by stipulation of the parties or through voluntary exchange of information as provide in Rule 3.1380 of the California Rules of Court.

Dated: \_\_\_\_\_  
Attorneys for \_\_\_\_\_

Any party not in agreement with the information or estimates given in an at-issue memorandum shall within ten days after service thereof service and file a memorandum in his behalf.

(PROOF OF SERVICE BY MAIL – 2015.5 C.C.P.)

I am a citizen of the United States and a resident of the County of \_\_\_\_\_

I am over the age of eighteen years and not a party to the within above-entitled action; my residence/business address is:

\_\_\_\_\_

On \_\_\_\_\_, 20 \_\_\_\_, I served the within documents \_\_\_\_\_ on the (Petitioner/Respondent/ \_\_\_\_\_) in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box located at \_\_\_\_\_, addressed as follows:

DECLARATION:

I declare under the penalty of perjury under the laws of the State of California that the foregoing, including any attachment, is true and correct and that this declaration executed on (date) \_\_\_\_\_, 20 \_\_\_\_

at (place): \_\_\_\_\_

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

\_\_\_\_\_  
(Signature of Declarant)



*A Local Non-Profit Counseling Agency*

1802 California Street, Eureka, CA 95501 **Phone:** (707) 443-7358 **Fax:** (707) 443-1092

**Children of Divorce Workshop Registration**

**Instructions:** Please fill in the information requested below. Return this form with either a **check for \$50.00 (per person)** or a **current fee waiver**, filed with the court within the last six months that contains all updated information about your income and expenses. **Please do not send cash through the mail.**

Make checks or money orders payable to either Humboldt Family Service Center or HFSC.

Mail to: **HUMBOLDT FAMILY SERVICE CENTER  
1802 CALIFORNIA STREET  
EUREKA, CA 95501**

**DATE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY:** \_\_\_\_\_ **ZIP:** \_\_\_\_\_

**HOME PHONE:** \_\_\_\_\_ **WORK:** \_\_\_\_\_

If you wish to be in a **separate** workshop from your spouse or domestic partner, please write spouse or domestic partner's name here:

\_\_\_\_\_

***Dates of the workshop are kept confidential until you are registered.***

This registration form is valid to re-register for a maximum of six workshops or until you no longer qualify for a fee waiver.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**

In Pro Per

CASE NO.

Petitioner

APPLICATION FOR WAIVER  
OF ATTENDANCE AT THE  
CHILDREN OF DIVORCE  
WORKSHOP; AND ORDER

vs.

Respondent.

I, \_\_\_\_\_, am the Petitioner/Respondent in this matter.  I have attended,  I have not attended, and provided proof of completion of the required Children of Divorce Workshop. The Petitioner/Respondent, has not attended the required workshop for the following reasons:

I am asking the Court to allow entry of the Judgment of Dissolution with a provision that Petitioner/Respondent may not modify any terms of child custody and/or visitation without first attending, completing, and providing proof of completion of the required workshop.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Respondent

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer



## SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT

### MEDIATION INFORMATION

**MEDIATION DATE:** \_\_\_\_\_ at \_\_\_\_\_, Room 305.

**RETURN TO COURT:** \_\_\_\_\_ at \_\_\_\_\_, Dept. \_\_\_\_.

***Before mediation you must:***

- Watch the Mediation Orientation Power Point Presentation.  
(Superior Court of Humboldt website: [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov))
- If your child is 7 years of age or older, he or she will attend mediation.  
Arrangements must be made to have the child excused from school.
- Complete Mediation Data Sheet and return it to the Superior Court Clerk's Office (located on the ground floor of courthouse, "I" Street entrance.)

If you do not need the mediation appointment you must cancel it at least 48 hours prior to the appointment time. Please call 707-269-1210 for cancellations. ***If you do not cancel the appointment and/or fail to appear for the appointment you may be ordered by the court to pay a monetary sanction of up to \$1,500 pursuant to Code of Civil Procedure §177.5.***



SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FAMILY COURT SERVICES (FCS) DATA SHEET (CONFIDENTIAL)

Case Name \_\_\_\_\_

Case No. \_\_\_\_\_

FCS Date \_\_\_\_\_

Next Court Date \_\_\_\_\_

PLEASE COMPLETE ALL THREE PAGES

Have you previously been to Family Court Services?  Yes  No

IF YOU ARE BEING PROTECTED BY A RESTRAINING ORDER OR IF YOU ALLEGE DOMESTIC VIOLENCE, YOU MAY BE SEEN SEPARATELY. Are you requesting a separate session?  Yes  No

If you want to be seen separately, please advise the Family Law Facilitator and/or your Mediator when you check in.

SUPPORT PERSON: If you are being protected by a restraining order, a support person may accompany you during your session. The support person must first sign a Family Court Services Domestic Violence Support Person Agreement. Please advise the Family Law Facilitator and/or the Mediator of your support person when you check in.

Are you requesting that your address and telephone number remain confidential?  Yes  No

CHECK ONE  Father  Mother  Grandparent  Other: specify relationship \_\_\_\_\_

FULL LEGAL NAME \_\_\_\_\_ AKA OR MAIDEN NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Number and Street Apt. # City State Zip Code

HOME TEL. NO. \_\_\_\_\_ WORK TEL. NO. \_\_\_\_\_ WORK SCHEDULE \_\_\_\_\_

SOCIAL SECURITY NUMBER \_\_\_\_\_ BIRTH DATE \_\_\_\_ / \_\_\_\_ / \_\_\_\_ PLACE OF BIRTH \_\_\_\_\_

DRIVER LICENSE NUMBER \_\_\_\_\_ STATE \_\_\_\_\_ CURRENTLY VALID  Yes  No

ATTORNEY \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

Number and Street Apt. # City State Zip Code

CHILD(REN)'S ATTORNEY (if any) \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

Number and Street Apt. # City State Zip Code

PARENTS:

Date of Marriage \_\_\_\_\_ or Date Began Living Together \_\_\_\_\_ Date of Separation \_\_\_\_\_

If dissolution filed, when? \_\_\_\_\_

Superior Court of California, County of Humboldt

NAME OF MINOR CHILD(REN)

Table with 6 columns: First, Middle, Last, Date of Birth, Place of Birth, Parent with whom residing. Rows 1-4.

MEDICAL AND DENTAL INFORMATION

Child(ren) Doctor's Name Telephone No.

ADDRESS Number and Street Apt. # City State Zip Code

Please list medical/dental information to be discussed at the session:

EDUCATION

Table with 4 columns: Child, Name of School, Teacher/Counselor, Grade. Rows 1-4.

COUNSELING

Is Child(ren) Father Mother in Counseling? Yes No
Counselor for: Counselor for:
Counselor's Name Counselor's Name
Address Address
Telephone No. Telephone No.
When did counseling begin? When did counseling begin?

CHILD(REN)'S ACTIVITIES AND OTHER SPECIAL NEEDS (Such as special classes, team activities, transportation to and from these activities)

- 1. Are there allegations of verbal intimidation or threats? Yes No
2. Has there been physical violence between the parents? Yes No
If yes, how long ago? 0 - 6 mos. 6 mos. - 1 yr. 1 yr. or more
3. Has law enforcement been involved? Yes No

Please provide details:

- 4. Have there been allegations of abuse against the child(ren)? Yes No
a. If yes, when:
b. Who made the allegations?

*Superior Court of California, County of Humboldt*

- c. Who was the alleged abuser? \_\_\_\_\_
- d. Has Child Welfare Services (CWS) been involved?  Yes  No
- e. CWS worker's name and telephone number \_\_\_\_\_

**FAMILY COURT MEDIATION DATA SHEET**  
**Please complete the following questions.**

- 1. Which parent filed the current court action? \_\_\_\_\_
- 2. What is the action regarding? \_\_\_\_\_  
\_\_\_\_\_
- 3. Is there a court order regarding custody and visitation now?  Yes  No
- a. If yes, briefly summarize: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. When was it issued? \_\_\_\_\_
- 4. If there is no court order or a different schedule is being practiced, please summarize your current parenting schedule. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5. What parenting schedule would you like to have? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Party Filling Out This Form

**NO ATTACHMENTS PLEASE**

<p><b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number &amp; address):</b></p> <p>TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>EMAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<p><i>FOR COURT USE ONLY</i></p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 Fifth Street Eureka, CA 95501</p>	
<p>PETITIONER: _____</p> <p>RESPONDENT: _____</p> <p>CLAIMANT: _____</p>	
<p><b>EX-PARTE REQUEST AND ORDER RE: DISQUALIFICATION OF MEDIATOR OR EVALUATOR</b></p>	<p>CASE NUMBER: _____</p>

1. I am the  Petitioner  Respondent  Other (affiliation with case): \_\_\_\_\_ in the action.
  
2. I move to disqualify (name of mediator or evaluator) \_\_\_\_\_ to act as Mediator or Evaluator in the matter herein for the following reasons:
  - a. Conflict of Interest. (Please state all facts which support this claim. You may attach additional pages as needed).
  
  - b. Other. (Please state all facts which support this claim. You may attach additional pages as needed).

Matter of: \_\_\_\_\_ Case No.: \_\_\_\_\_

**ORDER**

The Court hereby:

Denies the Order requested:

Grants the Order requested:

**IT IS SO ORDERED.**

\_\_\_\_\_  
Judicial Officer of the Superior Court

**PROOF OF SERVICE BY MAIL**

On \_\_\_/\_\_\_/\_\_\_\_\_, I served the above Ex-Parte Request and Order Re: Disqualification of Mediator or Evaluator by depositing a copy thereof, enclosed in a sealed envelope, with postage prepaid, in the United States mail to the following parties and/or their attorney of record at the following addresses:

At the time of service, I was at least 18 years of age and NOT a party to the action. My address is:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration is executed on *(insert date)* \_\_\_\_\_, at *(insert city)* \_\_\_\_\_, California.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**

**In the Matter of:**

**Case No:**

**Petitioner:** \_\_\_\_\_

**Respondent:** \_\_\_\_\_

**ORDER APPOINTING COURT INVESTIGATOR AND/OR CHILD CUSTODY RECOMMENDING COUNSELOR AND RELEASING INFORMATION**

1. Having found good cause, the Court appoints Paul Landrum, Joseph Hale and/or \_\_\_\_\_ as Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s) in regard to the issues set forth in Family Code §§3110, et seq.
  
2. The court finds that the following records may have direct bearing on the issues of child custody, visitation, safety, health, welfare and the best interests of the child(ren) of the parties in this action. Copies of all documents contained in the file shall be provided to the Court's Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s) in order to assure that the court is able to perform the duties set forth in the law relative to the custody, visitation, safety, welfare and stability of the child(ren):
  - a. Criminal history information including arrest records, probation reports, parole records and records relating to criminal acts that may show histories, or characteristics that interfere with the ability to offer safety and stability to children.
  - b. Law enforcement records, such as contacts or field interrogations, not resulting in criminal history, showing domestic violence or incapacity to parent effectively, including issues related to drugs or mental health problems.
  - c. Child Welfare Service records dealing with abuse or neglect by one or both parents and records regarding foster home or group home placement or placements with relatives.
  - d. Alternative Response Team (ART) records.
  - e. School records of each child involved in the litigation.
  - f. Medical records of both parents and each child involved in the litigation and pharmacy records of the family.
  - g. Mental health records of both parents and each child involved in the litigation. These may include drug or alcohol treatment records and records of any treatment in rehabilitation facilities or halfway houses.
  - h. Mediator records.
  - i. Military Service records of the parents.
  
3. Should counsel be appointed for the minor child(ren) of the parties, the above-noted records shall be released to Minor's Counsel upon written request to the Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s).

**CONSENTS**

I, \_\_\_\_\_, am the father in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: \_\_\_\_\_  
Father

I, \_\_\_\_\_, am the mother in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: \_\_\_\_\_  
Mother

I, \_\_\_\_\_, am the new spouse/an adult living with one of the parties in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: \_\_\_\_\_  
Other Adult

I, \_\_\_\_\_, am the new spouse/an adult living with one of the parties. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: \_\_\_\_\_  
Other Adult

**ORDER**

Based on the applicable law and on the above consents, the Court appoints the Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s) as outlined in this order. Copies of the documents specified in this order shall be delivered to the custody of the Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s), who shall treat them as confidential records of the Court.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner of the Superior Court

**ATTACHMENT TO APPOINTMENT ORDER:**

NAMES, ADDRESSES, AND DATES OF BIRTH OF PERSONS SUBJECT TO THE APPOINTMENT ORDER.

**FATHER:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Superior Court of California, County of Humboldt

Aliases/Previous names: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell): \_\_\_\_\_

**MOTHER:**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Aliases/Previous names: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell): \_\_\_\_\_

**MINORS:**

- 1. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- 2. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- 3. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- 4. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- 5. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- 6. Name \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**OTHER (New Spouse or Other Adult Living in Home)**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Aliases/Previous Names: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell): \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Aliases/Previous Names: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_ (Work) \_\_\_\_\_

(Cell): \_\_\_\_\_



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

### FAMILY COURT MEDIATION SERVICES COMPLAINT FORM

Thank you for informing us of your complaint about the services provided by Family Court Mediation Services Staff and/or the procedures employed in the mediation process. We are committed to providing quality service to mediation customers and the court takes complaints seriously.

Attached is a set of questions that will help us better understand the nature of your complaint. Please complete the form and return it to the Family Law Facilitator in Room 305E, on the third floor of the courthouse. This office is located in the same location where your mediation took place. You can mail the form or submit it in person.

The Family Law Facilitator will process your complaint according to the following procedure, which is set forth in this court's Local Rule 826 and California Rule of Court 5.210. The local rules are available in the Court Clerk's Office, the Court's Human Resources Office and on the court's website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov):

The Family Law Facilitator will:

- Review your complaint.
- Acknowledge receipt of your complaint.
- Contact the mediator(s) involved and obtain his/her response to your concerns.
- Respond to your concerns in person or in writing.
- Determine whether your complaint can be handled informally.
- If no informal resolution can be reached, the complaint will be referred to a court officer designated by the Presiding Judge to handle this type of complaint. If necessary, the matter may be referred to the Presiding Judge for review and decision.

The following is some general information that may help you understand how Family Court Mediation Services and the court work. The mediation that you and the other parent participated in is called Child Custody Recommending Counseling. The reason it is termed that is because if parties are unable to reach an agreement regarding child custody and visitation (parenting time), the Child Custody Recommending Counselor must provide the Court with a recommendation regarding what he/she thinks is the best plan for you and your child(ren). The Child Custody Recommending Counselor can only offer recommendations and cannot make orders.

The Court is responsible for making binding orders about parenting arrangements. Only a judicial officer can change a court order. If you and the other parent cannot agree on a parenting plan, a Request for Order (Judicial Council Form FL-300) must be filed with the court for a review of the orders in your case. This

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form is available in the Court Clerk's Office at 421 I Street in Eureka on the ground floor in the courthouse. The Clerk's Office is open from 9 a.m. to 4 p.m. This packet may also be downloaded from this court's website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov). Submitting a complaint through this office is not an appeal for a review of the court's order.

Again, thank you for bringing your concerns to our attention. We will review your complaint thoroughly and make every effort to respond to your concerns promptly. If you have any questions regarding your complaint, please contact the court's Family Law Facilitator at the phone number and/or address listed at the top of this document.



<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT</b></p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:</p>	<p><i>(Receive Stamp Only)</i></p>
<p>PETITIONER/PLAINTIFF:</p>	
<p>RESPONDENT/DEFENDANT:</p>	
<p><b>FAMILY LAW JUDGMENT CHECKLIST DISSOLUTION (DIVORCE), LEGAL SEPARATION AND DOMESTIC PARTNERSHIP</b></p>	<p>CASE NUMBER:</p>

Attorney

Self-Represented Party

**INSTRUCTIONS**

Use this checklist to show the Court that you have turned in all the forms needed to get a Judgment in your case.

1. Default – no Response filed, no written agreement
2. Default with written agreement – no Response filed.
3. Uncontested – appearance by both parties and a written agreement.

Check the box below for your type of case (one of the three listed above). Then complete all the items in that checklist. You only need to complete the checklist for your case type. All items **must** be completed either by checking each line to indicate you have filed that form or by marking “N/A” to say that an item is not applicable.

So that we can return the judgment, please submit two envelopes addressed to each party that are of sufficient size and have sufficient postage.

**DEFAULT CASE (no response filed and NO WRITTEN AGREEMENT between the parties)**

1.  Proof of Service of Summons [FL-115] (check one of the following):
  - Personal Service [FL-115]
  - Notice and Acknowledgment of Receipt attached [FL-117]
  - Service out-of state by certified mail with receipt attached [FL-115 or out-of state form]
  - Other, (please describe) \_\_\_\_\_

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2.  Request to Enter Default [FL-165] with one (1) self-addressed envelope with postage prepaid
- Income and Expense Declaration [FL-150]  
(if you are requesting spousal support or attorney fees/costs)
  - Financial Statement (simplified) [FL-155]
- (If you have a minor child, you are not requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)
- Property Declaration [FL-160]  
(if you have requested any property in your petition)
3.  Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]
4.  Declaration Regarding Service of Petitioner's (Preliminary) Declaration of Disclosure [FL-141] (submit endorsed-filed copy if previously filed)
5.  Judgment [FL-180]
- If you are requesting property division include Property Order Attachment [FL-345]
6.  If there are minor children in the case attach a:
- Child Custody and Visitation Attachment [FL-341]
  - Child Support Order Attachment [FL-342]
  - Guideline Child Support Calculation (California Guideline Support Calculator)
  - Non-guideline Child Support Findings Attachment [FL-342(A)]
  - Notice of Rights and Responsibilities/Information Sheet on Changing a Child Support Order [FL-192]
  - Child Support Case Registry Form [FL-191]
  
  - Order/Notice to Withhold Income [FL-195]
  - Children of Divorce Workshop Certificate of Completion, Petitioner
  - Children of Divorce Workshop Certificate of Completion, Respondent
  - Children of Divorce Workshop Waiver
7.  Notice of Entry of Judgment [FL-190] and two (2) self-addressed stamped envelopes (one for each party)
- DEFAULT CASE WITH WRITTEN AGREEMENT (no response filed)**
1.  Proof of Service of Summons [FL-115] (check one of the following):
- Personal Service [FL-115]

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- Notice and Acknowledgement of receipt attached [FL-117]
  - Service out-of-state by certified mail with receipt attached [FL-115 or out-of-state form]
  - Other (please describe)
- 

2.  Request to Enter Default [FL-165]
  - Income and Expense Declaration [FL-150]  
(if you are requesting spousal support or attorney fees/costs)
  - Financial Statement (simplified) [FL-155]  
  
(if you have a minor child, you are not requesting spousal support or attorney fees/costs, and you qualify for this form according to the instructions on page 2 of the form; if you have a minor child and you do not qualify, you must complete an Income and Expense Declaration)
  - Property Declaration [FL-160]  
(if you have requested any property in your petition)
  - Written Agreement
3.  Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]
4.  Declaration Regarding Service of Petitioner's and Respondent's (Preliminary) Declaration of Disclosure [FL-141]
5.  Judgment [FL-180] with written agreement  
(must address issues regarding spousal support and property division)
  - Signature is notarized for defaulted party. Family Code §2338.5
  - Attorney has signed and approved Judgment for represented parties.
- 5a. If there are minor children:
  - Child Support – State whether child support is at guideline amount or not and include language required in Family Code §4065
  - If below guideline, attach guideline support calculation (California Guideline Support Calculator)
  - Medical insurance and uninsured health care costs addressed
  - Notice of Rights and Responsibilities/Information Sheet on Changing a Child Support Order [FL-192]
  - Child Support Case Registry Form [FL-191]
  - Order/Notice to Withhold Income [FL-195]
  - Children of Divorce Workshop Certificate of Completion, Petitioner
  - Children of Divorce Workshop Certificate of Completion, Respondent

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- Children of Divorce Workshop Waiver
6.  Notice of Entry of Judgment [FL-190] and two (2) self-addressed stamped envelopes (one for each party)
- UNCONTESTED CASE (Response or Appearance, Stipulation and Waivers filed by Respondent and a written agreement)**
1.  Proof of Service of Summons [FL-115] (check one of the following):
- Personal Service [FL-115]
  - Notice and Acknowledgment of Receipt attached [FL-117]
  - Service out-of state by certified mail with receipt attached [FL-115 or out-of state form]
  - Other, (please describe) \_\_\_\_\_
2.  Response [FL-120 or FL-123].
3.  Appearance, Stipulations, and Waivers [FL-130] (along with Respondent's first appearance fee if not already paid)
4.  Declaration for Default or Uncontested Dissolution/Legal Separation [FL-170]
5.  Declaration Regarding Service of Petitioner's and Respondent's (Preliminary) Declaration of Disclosure [FL-141]
6.  Declaration regarding Service of Petitioner's and Respondent's (Final) Declaration of Disclosure [FL-141] or Waiver of Final declaration of Disclosure [FL-144]
7.  Judgment [FL-180] with written agreement  
(Spousal support and property division issues are addressed)
- Signature(s) are notarized for unrepresented parties
  - Attorney has signed and approved Judgment for represented parties
- 6a. If there are minor children:
- Child custody/visitation and Family Code §3048 issues are addressed
  - Child Support – State whether child support is at guideline amount or not and include language required in Family Code §4065
  - If below guideline, attach guideline support calculation (Dissomaster or X spouse)
  - Medical insurance and uninsured health care costs addressed
  - Notice of Rights and Responsibilities/Information Sheet on Changing a Child Support Order [FL-192]
  - Child Support Case Registry Form [FL-191]
  - Order/Notice to Withhold income [FL-195]
  - Children of Divorce Workshop Certificate of Completion, Petitioner
  - Children of Divorce Workshop Certificate of Completion, Respondent

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Children of Divorce Workshop Waiver

8.  Notice of Entry of Judgment [FL-190] and two (2) self-addressed stamped envelopes (one for each party)

*I certify that all of the information indicated in this checklist has been provided to the court.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Submitting party's signature

DO NOT WRITE BELOW THIS LINE

Date of Service or Jurisdiction for Respondent \_\_\_\_\_

Date Default may enter (if applicable) \_\_\_\_\_

Date Check List compared with file \_\_\_\_\_

Date Rejection Letter sent \_\_\_\_\_

\_\_\_\_\_  
Reviewed by (Clerk's Name)

\_\_\_\_\_  
Reviewed on (Date)



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT**

**FAMILY LAW FACILITATOR CUSTOMER COMPLAINT FORM**

The Family Law Facilitator takes all customer complaints seriously. You are encouraged to notify the Family Law Facilitator of your complaint as early as possible. Every effort will be made to respond to your concerns in a prompt and thorough manner. If your complaint is about the Family Law Facilitator, it will be reviewed by his/her supervisor.

Please complete the following items to help us better understand your complaint. Mail or deliver your Completed form to:

Family Law Facilitator  
Humboldt Superior Court  
825 Fifth Street  
Eureka, CA 95501

Your Name: \_\_\_\_\_

Your Address: \_\_\_\_\_

Your Daytime Phone Number: \_\_\_\_\_

Court Case Number, if any: \_\_\_\_\_

- This complaint is about:
- an individual in the Family Law Facilitator’s Office
  - a Family Law Facilitator’s Office policy or procedure
  - both

If an individual is the source of your concern, please provide the name below, if known:  
\_\_\_\_\_

When did the action about which you are concerned happen? Date: \_\_\_\_\_  a.m.  p.m.

What is your complaint? Describe:  
\_\_\_\_\_  
\_\_\_\_\_

What other information do you think is important for us to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Adopted for Optional Use  
FL Complaint Form  
Form COMPL-8.2, Eff. 07/01/13

**Appendix 9.1**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar Number and address</i> )  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 <sup>TH</sup> STREET EUREKA, CA 95501	
PLAINTIFF(S)/PETITIONER(S): _____ DEFENDANT(S)/RESPONDENT(S): _____	
<b>ORDER FOR DEFENDANT TO RECEIVE REPORTER'S TRANSCRIPT WITHOUT COST in MISDEMEANOR APPEAL</b>	

- Defendant's notice of appeal was filed in the trial court on \_\_\_\_\_, 20\_\_\_\_\_.
- Defendant notified the trial court on \_\_\_\_\_, 20\_\_\_\_\_, of defendant's election to use the reporter's transcript of the oral proceedings in the trial court.
- The defendant filed a declaration of indigence on \_\_\_\_\_, 20\_\_\_\_\_.

Pursuant to California Rules of Court, Rule 8.866, and based on the appellant's declaration of indigence, the Court has determined that the defendant is indigent and should therefore receive the reporter's transcript in this appeal without cost. Preparation of the reporter's transcript shall be provided at County expense.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge of the Superior Court

**APPENDIX**

<b>Form No.</b>	<b>Title</b>	<b>Mandatory or Optional</b>
1.7	Statement Requesting Presence of a Court Reporter	Mandatory
2.1	Stipulation to Participate in Alternative Dispute Resolution (ADR)	Mandatory
2.2	Findings and Order After Hearing	Optional
2.7.2	Notice of Inclusion in Delay Reduction Program	Mandatory
2.7.5	Declaration in Support of Exemption	Optional
3.1	Filing Deadlines Chart	Mandatory
3.2	Request to Calendar Case	Mandatory
7.50(d)	Acknowledgement that "CAST TAPE" is Subject to Protective Order	Mandatory
7.50(e)	Stipulation for Discovery and Order to Provide Copy of CAST TAPE(S) and Protective Order	Mandatory
8.3(a)	Notice to Responding Party	Mandatory
8.3(b)	Family Law Policy Statement	Mandatory
8.7(a)	Guide to Case Management	Mandatory
8.7(b)	Notice of Family Law Case Management Conferences	Mandatory
8.7(c)	Case Management Conference Statement	Mandatory
8.8	Declaration Regarding Notice of Application for Ex Parte Orders	Mandatory
8.9(a)	Declaration in Opposition to OSC Re: Contempt	Optional
8.9(b)	Order Appointing Investigator for the Guardianship of the Person or the Estate	Mandatory
8.10	At-Issue Memorandum	Mandatory
8.25	Children of Divorce Workshop Registration	Mandatory
8.25(a)	Children of Divorce Workshop Waiver	Mandatory
8.26	Mediation Information and Data Sheet	Mandatory
8.26(a)	Ex Parte Request and Order Re: Disqualification of Mediator or Evaluator	Optional
8.28	Order Appointing Court Investigator and/or Child Custody Recommending Counselor and Releasing Information	Mandatory
8.30	Complaint Regarding Mediator	Mandatory
8.34	Judgment Checklist	Mandatory
8.38	Complaint Regarding Family Law Facilitator	Optional
9.1	Order for Defendant to Receive Reporter's Transcript Without Cost in Misdemeanor Appeal	Mandatory

**LIST OF EFFECTIVE DATES**

<b>Chapter</b>	<b>Rule No.</b>	<b>Rule Title</b>	<b>Effective Date</b>	<b>Amended Effective Date</b>
<b><u>CHAPTER 1: GENERAL RULES</u></b>				
1	1.1	Scope of Rules	7/1/2010	-
1	1.2	Citation of Rules	7/1/2010	-
1	1.3	Effective Date of Rules	7/1/2010	-
1	1.4	Construction and Application of Rules	7/1/2010	-
1	1.5	Failure to Comply with Rules	7/1/1994	7/1/2010
1	1.6	Judicial Vacation Day Defined	7/1/2010	-
1	1.7	Official Reporting Services	7/1/2010	Deleted 7/1/2014
1	1.7.1	Availability of Court Reporters	7/1/2014	
1	1.7.2	Court Reporters in Non-Criminal Cases - Proceedings Lasting One Hour or Less	7/1/2014	
1	1.7.3	Court Reporters in Non-Criminal Cases - Proceedings Lasting More than One Hour	7/1/2014	
1	1.8	Facsimile Filings	7/1/2010	1/1/2014
1	1.9	Ex Parte Communication with the Court	7/1/2010	-
1	1.10	Reasonably Necessary Photocopying	7/1/2010	-
1	1.11	Payment of Fees and Fines in Coinage	7/1/2010	-
1	1.12	Photographing, Videotaping, and Electronic Recording	7/1/2013	-
1	1.13	Telephonic Appearances	1/1/2014	-
<b><u>CHAPTER 2: CIVIL RULES</u></b>				
2	2.1	Stipulation to Alternative Dispute Resolution	7/1/2010	-
2	2.2	Mediator Complaint Process	7/1/2010	-

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Chapter	Rule No.	Rule Title	Effective Date	Amended Effective Date
<b><u>CHAPTER 2: CIVIL RULES, continued</u></b>				
2	2.3	Continuance of Case Set for Trial	7/1/1994	7/1/2010
2	2.3.1	Continuance of Post-Trial Matter	7/1/1994	7/1/2010
2	2.4	Settlement Conferences	7/1/1994	7/1/2010
2	2.4.1	Sanctions for Failure to Attend Conference	7/1/1994	7/1/2010
2	2.5	Civil Trial Rules	7/1/1994	7/1/2010
2	2.5.1	Jury Fees and Expenses - Waiver of Right to Trial by Jury in Civil Cases	7/1/1994	7/1/2010; 7/1/2014
2	2.5.2	Proposed Pattern Jury Instructions	7/1/1994	7/1/2010
2	2.6	Law and Motion Rules; Applicability	7/1/1994	7/1/2010
2	2.6.1	Law and Motion Hearings	7/1/1994	7/1/2010
2	2.7	Trial Court Delay Reduction Program	7/1/1994	7/1/2010
2	2.7.1	Differentiated Case Management	7/1/1994	7/1/2010
2	2.7.2	Filing and Service of Notice of Inclusion	7/1/1994	7/1/2010
2	2.7.3	Mandatory Discovery	7/1/1994	7/1/2011; 7/1/2014
2	2.7.4	Case Management Conferences and Reports	7/1/1994	7/1/2010
2	2.7.5	Exemption of Uninsured/Underinsured Motorist Cases and Bankruptcy Cases from Delay Reduction Program	7/1/1994	7/1/2010
2	2.7.6	Exemption of Complex Litigation from the Delay Reduction Program	7/1/1994	7/1/2010
2	2.7.7	Dismissal Following Settlement	7/1/2014	
2	2.8	Applications for Ex Parte Orders	7/1/2014	
2	2.9	Attorney Fees in Default Proceedings	7/1/2014	
<b><u>CHAPTER 3: CRIMINAL RULES</u></b>				
3	3.1	Filing Deadlines	1/1/2014	-
3	3.2	Requests to Calendar	1/1/2014	-

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<b><u>CHAPTER 4: RESERVED</u></b>				
<b><u>CHAPTER 5: RESERVED</u></b>				
Chapter	Rule No.	Rule Title	Effective Date	Amended Effective Date
<b><u>CHAPTER 6: PROBATE RULES</u></b>				
6	6.1	Additional Requirements	7/1/1994	1/1/2004
6	6.2	Copies of Handwritten Will and Codicils; Translation of Foreign Wills	7/1/1994	1/1/2004
6	6.3	Time for Submitting Papers and Orders	7/1/1994	1/1/2004
6	6.4	Uncontested Matters	7/1/1994	1/1/2004
<b><u>CHAPTER 7: JUVENILE COURT RULES</u></b>				
7	7.1	Preliminary Provisions	7/1/2002	7/1/2004
7	7.2	Definitions, Construction of Terms	7/1/2002	7/1/2004
7	7.3	Nature of Hearings	7/1/2002	7/1/2004
7	7.4	Standing, Rights and Levels of Participation in Dependency Cases	7/1/2002	7/1/2004
7	7.5	Confidentiality of Juvenile Proceedings	7/1/2002	7/1/2004
7	7.6	Discovery of Juvenile Records	7/1/2002	7/1/2004
7	7.7	Access to Probation Department and Department of Family and Children's Services Records by Court Designated Child Advocates	7/1/2002	7/1/2004
7	7.8	Release of Records to Parties and Their Attorneys	7/1/2002	7/1/2004
7	7.9	Release of Court Reports to Court-Approved Mental Health Evaluators	7/1/2002	7/1/2004
7	7.10	Appearances and Daily Courtroom Practice	7/1/2002	7/1/2004
7	7.11	Representation of Parties; Experience, Training and Education of Attorneys	7/1/2002	7/1/2004
7	7.12	Representation of Parties; Standard of Representation	7/1/2002	7/1/2004
7	7.13	Representation of Parties; Complaints	7/1/2002	7/1/2004

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Chapter	Rule No.	Rule Title	Effective Date	Amended Effective Date
<b><u>CHAPTER 7: JUVENILE COURT RULES - continued</u></b>				
7	7.14	Representation of Minors; Duties of Counsel for Children	7/1/2002	7/1/2011
7	7.15	Representation of Minors; Access to Minors Petitioned Pursuant to Welfare and Institutions Section 300	7/1/2002	7/1/2004
7	7.16	Presence of Child in Court	7/1/2002	7/1/2004
7	7.17	Mental Health Evaluation of Child	7/1/2002	7/1/2004
7	7.18	Hearing in Absence of Parents and Parties (Dependency)	7/1/2002	7/1/2004
7	7.19	Objection to the Sufficiency of the Petition (Demurrer)	7/1/2002	7/1/2004
7	7.20	Amended Petition	7/1/2002	7/1/2004
7	7.21	Prehearing Discovery (Dependency)	7/1/2002	7/1/2004
7	7.22	Request for Transcripts	7/1/2002	7/1/2004
7	7.23	Peremptory Challenge	7/1/2002	7/1/2004
7	7.24	Use of Social Worker's or Probation Officer's Reports at Contested Hearings in Juvenile Matters	7/1/2002	7/1/2004
7	7.25	Reports with Psychological Evaluations	7/1/2002	7/1/2004
7	7.26	Requirements and Procedures for Motions other than Motions to Continue	7/1/2002	7/1/2004
7	7.27	Ex Parte Applications and Orders	7/1/2002	7/1/2004
7	7.28	Petitions for Modification of Orders; More Restrictive Placement (Dependency)	7/1/2002	7/1/2004
7	7.29	Petitions for Modifications of Order; Less Restrictive Placement (Dependency)	7/1/2002	7/1/2004
7	7.30	Petitions for Modification of Orders; Decrease in Visitation by Parent/Party (Dependency)	7/1/2002	7/1/2004
7	7.31	Petitions for Modification of Orders; Temporary Removal Out of State	7/1/2002	7/1/2004
7	7.32	Petitions for Modification of Orders; New Service Plan Requirements	7/1/2002	7/1/2004

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<b>Chapter</b>	<b>Rule No.</b>	<b>Rule Title</b>	<b>Effective Date</b>	<b>Amended Effective Date</b>
<b><u>CHAPTER 7: JUVENILE COURT RULES - continued</u></b>				
7	7.33	Notice re: Change in Placement	7/1/2002	7/1/2004
7	7.34	Appointment of Experts (Dependency)	7/1/2002	7/1/2004
7	7.35	Procedures for Establishing Paternity	7/1/2002	7/1/2004
7	7.36	Determining the Mental Status of a Child	7/1/2002	7/1/2004
7	7.37	Authorization for Use of Psychotropic Drugs	7/1/2002	7/1/2004
7	7.38	HIV/AIDS Testing Procedure for Dependent Children	7/1/2002	7/1/2004
7	7.39	Guardianship Proceedings	7/1/2002	7/1/2004
7	7.40	Procedure by Which Any Person May Request that a Minor be Brought Under the Protection of the Juvenile Court	7/1/2002	7/1/2004
7	7.41	Parents' Financial Responsibility for Out-of-Home Care for Children	7/1/2002	7/1/2004
7	7.42	Child Advocate Program	7/1/2002	7/1/2004
7	7.43	Child Advocates	7/1/2002	7/1/2004
7	7.44	Child Advocates: Release of Information to Advocate	7/1/2002	7/1/2004
7	7.45	Child Advocates: Right to Timely Notice	7/1/2002	7/1/2004
7	7.46	Child Advocates: Visitation Throughout Dependency	7/1/2002	7/1/2004
7	7.47	Child Advocates: Family Law Advocacy	7/1/2002	7/1/2004
7	7.48	Guardian ad Litem	7/1/2002	7/1/2004
7	7.49	Parental Visitation Before Detention Hearing	7/1/2002	7/1/2004
7	7.50	CAST Tapes/Protective Orders	7/1/2002	7/1/2004
7	7.51	Dependency Mediation	7/1/2002	7/1/2004
7	7.52	Mental Health Evaluation of a Parent	7/1/2002	7/1/2004

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<b>Chapter</b>	<b>Rule No.</b>	<b>Rule Title</b>	<b>Effective Date</b>	<b>Amended Effective Date</b>
<b><u>CHAPTER 7: JUVENILE COURT RULES - continued</u></b>				
7	7.53	Inquiry into Child's Tribal Status	7/1/2002	7/1/2004
7	7.54	Notice of Appeal/Notice of Intent to File Writ	7/1/2002	7/1/2004
<b><u>CHAPTER 8: FAMILY LAW RULES</u></b>				
8	8.0	Jurisdiction, Scope and Procedure	7/1/2013	
8	8.1	Terms, Definitions and Forms	7/1/2013	
8	8.2	Enforcement	7/1/2013	
8	8.3	Service and Filing	7/1/2013	
8	8.4	Declarations	7/1/2013	
8	8.5	Proof of Service	7/1/2013	
8	8.6	Family Law Temporary Restraining Orders at Initial Filing	7/1/2013	
8	8.7	Family Centered Case Resolution Process	7/1/2013	
8	8.8	Ex-Parte Orders	7/1/2013	
8	8.9	Setting Matters for Hearing	7/1/2013	
8	8.10	Master Family Law Calendar and Pro Per Calendar	7/1/2013	
8	8.11	Continuances	7/1/2013	
8	8.13	Stipulations in Open Court	7/1/2013	
8	8.14	Preparation of Order After Hearing	7/1/2013	
8	8.15	Settlement Conferences (Pre-Hearing)	7/1/2013	
8	8.16	Pre-Trial Settlement Conference and Settlement Conference Statement	7/1/2013	
8	8.17	Pre-Trial Conference and Trial Exhibits	7/1/2013	
8	8.18	Contested Judgments	7/1/2013	
8	8.19	Court Policies Regarding Financial Matters	7/1/2013	

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Chapter	Rule No.	Rule Title	Effective Date	Amended Effective Date
<b><u>CHAPTER 8: FAMILY LAW RULES, continued</u></b>				
8	8.20	Income and Expense Declarations and Supporting Documentation	7/1/2013	
8	8.21	Family Support, Dependency Exemption, Use of Assets Pending Trial	7/1/2013	
8	8.22	Spousal or Domestic Partner Support	7/1/2013	
8	8.23	Attorney Fees	7/1/2013	
8	8.24	Department of Child Support Services Matters - Child Custody and Visitation	7/1/2013	
8	8.25	Children of Divorce Workshop	7/1/2013	
8	8.26	Mediation and Child Custody Recommending Counseling	7/1/2013	
8	8.27	Supervised Visitation	7/1/2013	
8	8.28	Drug/Alcohol Abuse Testing	7/1/2013	1/1/2014
8	8.29	Appointment of Counsel for the Child	7/1/2013	
8	8.30	Child Custody Evaluations	7/1/2013	
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