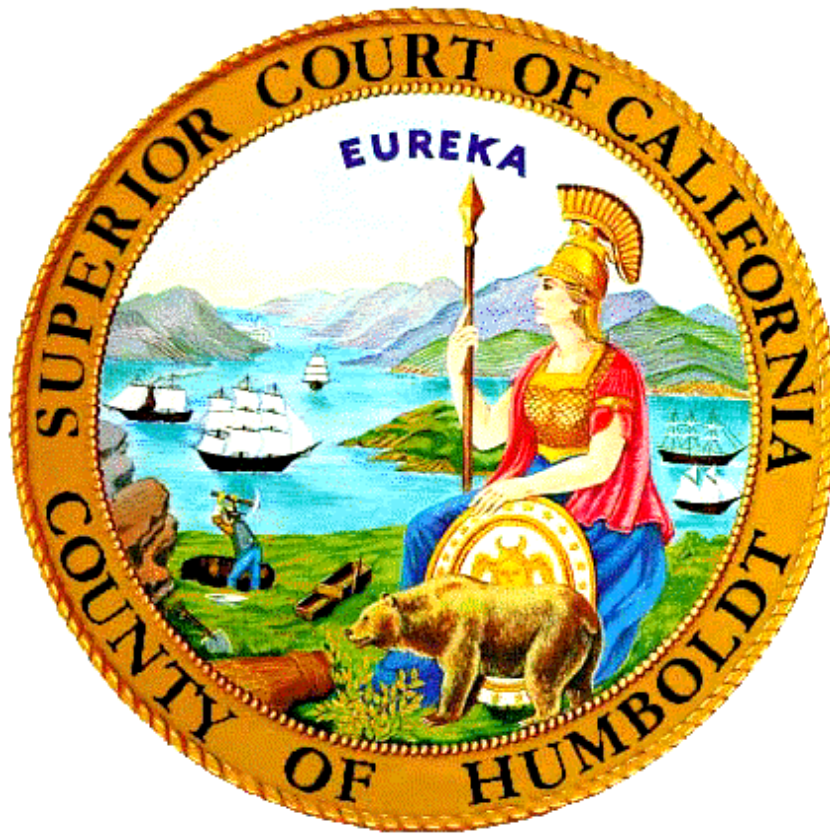


HUMBOLDT COUNTY SUPERIOR COURT



LOCAL COURT RULES

Effective January 1, 2023

LOCAL RULES FOR
THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

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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 January 1, 2023.

(Eff. 07/01/2010; as amended 07/01/2013, 01/01/2014, 07/01/2014, 01/01/2017, 07/01/2017, 01/01/2018, 01/01/2019, 07/01/2021, 01/01/2022, 07/01/2022, 01/01/2023)

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. 07/01/2010)

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:

Felony, Juvenile and Criminal Appellate Division cases: Court reporters are available.

Misdemeanor cases: Court reporters are normally available.

Misdemeanor Settlement Court and Outlying Courts: Court reporters are not available.

Traffic, Small Claims, and Unlawful Detainer cases: Court reporters are not available. However, court reporters may be made available if the party desiring reporting services complies with Local Rules 1.7.2 and 1.7.3.

Family Law, Family Support Civil and Non-Criminal Appellate Division cases: Court reporters may be made 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 may be available if the party desiring court reporting services complies with Local Rule 1.7.3. The Court may require counsel to provide a reporter at their own expense.

(Eff. 07/01/2014; as amended eff. 07/01/2018; as amended eff. 01/01/2019)

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 at: www.humboldt.courts.ca.gov.
- (b) In accordance with Government Code section 68086, the Court collects a fee as listed on the Court's fee schedule 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 fee shall be paid by the party that filed the paper that resulted in the proceeding being scheduled. If the fee is required for a proceeding as provided herein, that proceeding may be delayed if the 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), the 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, which request must be received within sixty (60) days after the conclusion of the scheduled hearing. Requests received after sixty (60) days will not be refunded. 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 (5) court days prior to the date initially scheduled for the proceeding, to file a written statement requesting a court reporter and to pay the fee for proceedings at which a court reporter is normally unavailable or normally not provided (*see* Local Rule 1.7.1). For hearings concerning solely family support and solely domestic violence restraining orders, the written statement requesting a court reporter is required as stated herein but the fee is not required. 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; as amended eff. 01/01/2018; as amended eff. 01/01/2019)

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 at: www.humboldt.courts.ca.gov.
- (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 said fees.

(Eff. 07/01/2014; as amended eff. 01/01/2017; as amended eff. 01/01/2019)

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 pursuant to California Rules of Court, rules 2.300-2.306. Please refer to the Court's website for fax filing agency and instructions at: www.humboldt.courts.ca.gov.

(Eff. 07/01/2010; as amended eff. 01/01/2014; as amended eff. 01/01/2018)

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 Clerk's Office 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 Remote Appearances (Telephonic and Video)

Except when a personal appearance is required, remote appearance by telephone or video is permitted under the circumstances and procedures listed in California Rules of Court, Rule 3.670. Personal appearances are required for evidentiary hearings, which include but are not limited to, testimony at trials, and domestic violence restraining order hearings.

Appearances for non-evidentiary hearings or case management conferences are pre-approved and do not require Court approval or notice to other parties of the remote appearance.

Parties requesting approval to appear remotely at evidentiary hearings must comply with California Rules of Court 3.672. Notice to the court must be given by filing the mandatory Judicial Council form "Notice of Remote Appearance" (JC Form #RA-010) and must specify whether the party intends to appear remotely throughout the case or for a specific hearing and whether the party intends to appear by videoconference or audio only (including telephone). Notice to the other parties and persons entitled to receive notice of the proceedings may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received within the time required by California Rules of Court 3.672 prior to the hearing.

A party that objects to the remote appearances for evidentiary hearings must file and serve the mandatory Judicial Council form "Opposition to Remote Proceeding for Evidentiary Hearing or Trial" (JC Form #RA-015). Upon receipt, the Court will consider the request and opposition and prepare the mandatory Judicial Council form "Order Regarding Remote Appearance" (JC Form #RA-020).

Any party or witness may ask the court for leave to appear remotely without notice. The court may permit the party or witness to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice (See CRC 3.672(j)(2).)

It is the responsibility of the party making the remote appearance to ensure that their internet connection, hardware, and software is sufficient for a clear connection to video and audio, so that the party can be seen and heard in the courtroom. A failure to appear because of difficulties with connecting to the courtroom remotely is not good cause for failing to appear.

Nothing in this rule is intended to nor shall diminish the legal and lawful authority of an individual judicial officer's right to control the order in their courtroom (Code Civ. Proc. § 128) or make discretionary decisions that deviate from this order but otherwise comply with the law.

Further information for parties desiring to appear remotely is available on the Court's website at: www.humboldt.courts.ca.gov.

(Eff. 01/01/2014; as amended eff. 01/01/2017; as amended eff. 07/01/2022)

1.14 Dangerous, Large or Bulky Exhibits

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

(1) Inherently dangerous, such as:

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

(2) Large and cumbersome, such as a ladder, sewer pipe, or automobile chassis.

- (b) If a party believes the exhibit should be brought into the courtroom without substitution, an application for permission must be made in writing and describe the materials to be brought into the courtroom and the reason a substitution should not be made. The option of viewing the materials at another location may be considered by the Court. If the Court grants permission for an exhibit to be brought into the courtroom, without substitution, the party shall also provide at the time of submission of the exhibit a corresponding photographic record of the exhibit for purposes of Rule 1.14(f).
- (c) Evidence received in any case shall be limited to those items required in the case and shall be retained by the Court for the minimum time required by law, unless good cause is shown to retain the evidence for a longer period of time.
- (d) No exhibits shall be accepted by the Clerk unless:
 - (1) All containers of controlled substances are securely sealed and protected against breakage to safeguard Court personnel, so that the contents cannot be spilled and odors cannot be emitted;
 - (2) All containers of liquid substances, including bodily fluids, are securely sealed and protected against breakage to safeguard Court personnel, so personnel are not exposed to the contents and odors;
 - (3) All objects containing bodily fluids or dangerous, controlled or toxic substances (e.g., bloody shirt, gasoline soaked rag, etc.) are placed in containers that are securely sealed and protected against breakage so that odors cannot be emitted and Court personnel are safeguarded;
 - (4) All firearms are secured by a nylon tie or trigger guard, and have been examined by the bailiff to determine that they have been rendered inoperable;
 - (5) All sharp objects, such as hypodermic needles, knives, and glass, are placed in containers that are securely sealed and protected against breakage, which will safeguard personnel;
 - (6) All containers with liquid substances are clearly marked and identified as to type and amount;
 - (7) All containers of controlled substances are clearly marked, identified, weighed, and sealed;
 - (8) All cash is specifically identified, whether individually or packaged, as to the total amount and number of each denomination.

- (e) All exhibits must be individually tagged with the proper exhibit tag, properly completed, and securely attached to the exhibit. Any exhibit improperly tagged, marked, weighed, or identified will not be accepted by the Court. Unless otherwise ordered, unidentified or improperly identified liquids, containers, controlled substances, or other suspect substances shall be returned to the party offering them.
- (f) When a dangerous, large or bulky exhibit that has been marked and identified or received in evidence poses a security, storage or safety problem, the Court may order that all or a portion of it be returned to the party that offered it pursuant to Penal Code §1417.1 through §1417.3. In the case of exhibits offered by the prosecutor in a criminal case, the Court may order that the exhibits be returned to the law enforcement agency involved. The order shall require that a full and complete photographic record of the exhibit or the portion returned be substituted for the exhibit. The party who offered the exhibit shall provide the photographic record as required in Rule 1.14(b). The party or agency to whom the exhibit is returned shall be responsible for maintaining and preserving the exhibit until there is a final disposition of the action or proceeding. All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial. In the event further proceedings of any Court having jurisdiction of the matter require the presence of the exhibit, the party or agency to whom it was returned shall promptly deliver the exhibit to the appropriate Court, with notice to all parties.
- (g) Prior to bringing any toxic, hazardous or potentially hazardous materials into the courtroom, counsel shall provide to the Court a written statement containing information as hereinafter set forth:
 - (1) A list of the technical and street names of the said materials.
 - (2) The types and sizes of the containers to be utilized for the materials.
 - (3) The name of the person who will transport the materials into the courtroom.
 - (4) Where the materials will be stored and the conditions, under which the materials will be stored, viewed or handled.
 - (5) The name of the person who will remove the materials.
 - (6) An explanation as to why the material is hazardous or potentially hazardous and the remedies to be followed in the event of a spill, leak or other accident.
 - (7) An explanation as to why the introduction of the materials into evidence must be accomplished by their physical presence in the courtroom, rather than proof of their existence by any other method.
- (h) Toxic, hazardous or potentially hazardous materials shall include, but not be limited to, all chemicals, pesticides, and explosives, other than ammunition. A comprehensive list of these materials is contained in the California Code of Regulations, Title 8, Section 339(3), entitled The Hazardous Substance List.

- (i) This rule does not, nor is it intended to, interfere with or be contrary to any existing statute or case law that governs the introduction of or the viewing of evidence.
- (j) This rule is made for the protection of the public and all persons involved in the processes of the justice system of Humboldt County.

(Eff. 07/01/2017)

1.15 Court File Retrieval and Records Research Fees

There is an imposition of fees for extraordinary retrieval of court files and court records research in accordance with California Rule of Court 10.815 and Government Code Sections 70627 and 70631, respectively.

(a) Court File Retrieval

Attorneys, parties, proprietary records research vendors and members of the public may request up to six (6) court files per day for viewing. If available and not in use by the Court, these files will be available for viewing the court day following the date of the request. To request more than six (6) court files to be viewed at one time, the Court will require a research fee for a search lasting longer than ten (10) minutes pursuant to the local fee schedule.

(b) Court Records Research

The fee for research requests shall be outlined in the fee schedule for each search of records or court files that lasts longer than ten (10) minutes. The fee is due and payable at the time of the request. If the requestor seeks information on more than one record or court file at one time, the Court presumes that the search will take longer than ten (10) minutes and a fee will be charged.

(c) Research Requests by Mail

If submitting research requests by mail, requestors must enclose a self-addressed stamped envelope with proper postage and a check made out to Superior Court of Humboldt County. Write in the amount previously provided by the Court or on the memo line write “amount not to exceed \$35.00,” if the amount of the research is unknown.

(Eff. 07/01/2017; as amended eff. 01/01/2019)

1.16 Court Interpreters

Parties' requests for interpreters for trial, preliminary examinations, motions, or any other appearances, must be made in open court at the time these matters are set. If an interpreter is required by any party to an action, and a request cannot be made in open court, counsel shall advise the Court of the need for an interpreter at least ten (10) court days prior to the appearance. A Request for Interpreter Form is available on the Court's website at: www.humboldt.courts.ca.gov and must be filed with the clerk's office at least ten (10) court days before the date of the trial, hearing, or other appearance for which an interpreter is required. Pursuant to Cal. Rule of Court 10.810, the Court will make arrangements for the foreign language interpreter to be present at the scheduled appearance and will pay the related costs. Counsel must immediately notify the Court not later than 48 hours prior to the scheduled hearing date upon learning that the services of the interpreter are not required. Failure to provide 48-hour notification to the Court of the cancellation of the need for an interpreter may result in an order for reimbursement to the Court for any cancellation fee the Court is required to pay to the interpreter.

For criminal and juvenile matters, the Court shall provide certified, registered or provisionally qualified interpreters. The Court will diligently attempt to secure a qualified interpreter pursuant to the priorities and provisions set forth in Evidence Code §756.

(a) Responsibility for Notice

The party requiring the services of an interpreter is responsible for providing Notice to the Court.

(b) Continuances

The Court will not grant continuances in proceedings where the Court has obtained the services of court interpreters without a showing of good cause.

Parties and counsel seeking the continuance of proceedings with court interpreters shall do so at least three (3) court days prior to the date of the proceeding by submitting a new Request for Court Interpreter Form, advising the Court that the interpreter will not be needed.

(c) Failure to Adhere

Absent a showing of good cause and proper notice to the Court, the judge may order that the cost of the interpreter be paid by the requesting party.

(Eff. 07/01/2021; as amended eff. 07/01/2022)

CHAPTER 2 – CIVIL RULES

2.1 Amendment of Pleadings

Parties shall use the Amendment to Complaint Form in Appendix 2.1 to add a properly named Doe defendant or correct an incorrectly named defendant.

(Eff. 01/01/2017)

2.2 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 2.2 and file it with the Court.

(Eff. 07/01/2010)

2.3 Mediator Complaint Process

All inquiries and complaints made pursuant to California Rules of Court 3.865 – 3.872 must be submitted or referred to the Complaint Coordinator in writing before they proceed with preliminary review. The Complaint Coordinator is the Humboldt County Superior Court Human Resources Manager.

(Eff. 07/01/2010; as amended eff. 01/01/2017)

2.4 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 civil law and motion calendar. 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.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 01/01/2018; as amended eff. 07/01/2022)

2.4.1 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)

2.5 Settlement Conferences

(a) Settlement Conference

The Court will schedule a settlement conference approximately two (2) months 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) court 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 five (5) court 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) court 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) court 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; as amended eff. 01/01/2018; as amended eff. 07/01/2022)

2.5.1 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)

2.6 Civil Trial Rules

These rules apply to all civil trials except unlawful detainer trials or as otherwise stated herein.

(a) Pretrial Conference Statement

No later than seven (7) court days prior to trial, the attorneys shall file and serve their respective Pretrial Conference Statements. Such statements shall include:

- (1) A list of witnesses, with expert witnesses categorized separately, expected to be called by the party and the estimated length of direct examination of each witness;
- (2) A statement of the case that counsel proposes to be read to the jury;
- (3) 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) Requests for judicial notice, identified by number in the body of the statement and with the items that are the subject of the requests appended as attachments;
- (6) Proposed jury instructions, identified by number in the body of the statement and appended as attachments in proposed final form.
- (7) Proposed verdict forms, identified by number in the body of the statement and appended as attachments in proposed final form.

- (8) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.
- (9) Any party wishing to use the long form juror questionnaire (Judicial Council form JURY-001) must submit the proposed long form questionnaire with any modifications to the Court no later than fifteen (15) court days prior to trial. All parties must agree to the proposed modifications prior to submission to the Court.

(b) Trial Memorandum

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, no later than seven (7) court days prior to the scheduled date of trial. Parties in unlawful detainer trials may submit a trial memorandum.

(c) 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.

(d) In Limine Motions

Unless otherwise agreed to by the court, counsel must file and serve motions in limine and opposition thereto no later than fourteen (14) court days and seven (7) court days, respectively, prior to the scheduled date of trial. Motions in limine shall include any evidentiary questions to be decided prior to, or during, trial, together with points and authorities where appropriate. Unless otherwise requested by counsel and approved by the court, the following motions in limine will be deemed granted at the time of trial, even when not made by counsel:

- (1) Motion excluding evidence of collateral source;
- (2) Motion excluding evidence of or mention of insurance coverage;
- (3) Motion excluding experts not designated pursuant to Code of Civil Procedure section 2034.300;
- (4) Motion excluding offers to settle and/or settlement discussions; and
- (5) Motion to exclude testifying witnesses prior to the time of testimony.

Written motions need not be submitted on the above issues unless the counsel is requesting otherwise.

If a motion in limine is granted, it is the duty of counsel to instruct associates, clients, witnesses, and other persons under their control that no mention or display be made in the presence of a jury of any matter that is the subject of the motion in limine. Without prior leave of court, counsel must not ask a question that: (1) suggests or reveals evidence excluded pursuant to a motion in limine; or (2) reasonably may be anticipated to elicit testimony that was excluded pursuant to a motion in limine.

(e) 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.

(f) 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; as amended eff. 1/1/2017; as amended eff. 07/01/17; as amended eff. 01/01/2018; as amended eff. 01/01/2019; as amended eff. 07/01/2022)

2.6.1 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; as amended eff. 01/01/2019)

2.7 Law and Motion Rules; Applicability

Except where another rule is specifically applicable, Local Rule 2.7.1 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)

2.7.1 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)

2.8 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)

2.8.1 Differentiated Case Management

The Court will endeavor to dispose of all cases within the time set by California Rules of Court 3.714.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 07/01/2022)

2.8.2 Filing and Service of Notice of Inclusion

At the time of filing the complaint herein, the Court shall cause to be issued a Notice of Inclusion in the Delay Reduction Program. (*See* Appendix 2.8.2). A copy of the notice shall be placed in the Court file. Said notice shall be served by the filing party with the complaint.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 01/01/2019)

2.8.3 SUBSECTION DELETED (Effective 07/01/2022)

2.8.4 Case Management Conferences and Reports

Please see California Rules of Court, Rule 3.725.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 07/01/2022)

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

Please see California Rules of Court, Rule 3.712.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 07/01/2022)

2.8.6 Exemption of Complex Litigation from the Delay Reduction Program

Please see California Rules of Court, Rule 3.714.

(Eff. 07/01/1994; as amended eff. 07/01/2010; as amended eff. 07/01/2022)

2.8.7 Dismissal Following Settlement

Please see California Rules of Court, Rule 3.1385.

(Eff. 07/01/2014; as amended eff. 07/01/2022)

2.9 Applications for Ex Parte Orders and Emergency Stays

- (a) This rule applies to ex parte applications in civil matters. It does not apply to family law matters, civil proceedings under the Lanterman-Petris-Short Act (Welfare and Institutions Code §§5000-5550, including hearings under Welfare and Institutions Code §5332 to determine a person's capacity or incapacity to refuse treatment with antipsychotic medication (“*Riese* hearings”)), or to ex parte civil or workplace harassment temporary restraining order requests under Code of Civil Procedure §§527.6 and 527.8.
- (b) Ex parte applications must be made in compliance with the California Rules of Court, including Rules 3.1201 through 3.1207 (Ex Parte applications) and Rule 3.670 (Telephonic appearances).
- (c) The Court will not issue any orders on ex parte requests unless the order requested is necessary to prevent injustice, irreparable harm, immediate danger, or states a proper statutory basis for granting ex parte relief, and due to time constraints, a noticed motion cannot be made. Failure to timely request a noticed motion must not have been due to any failure or lack of diligence on the part of the requesting attorney or party.
- (d) Except for applications for emergency stays and other emergency matters, all ex parte requests shall be made as follows:

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- (1) Civil ex parte matters will be placed on the court calendar and heard according to the schedule that is available on the Court's website.
 - (2) All pleadings from the party making the ex parte request must be received by the Court prior to 12:00 p.m. (noon) in order for an ex parte matter to appear on the next court day's calendar. If the pleadings are received after 12:00 p.m. (noon), the matter will not be placed on the court calendar before the date that is two (2) court days from the date of receipt of the pleadings.
 - (3) Any opposition or responsive pleadings must be filed no later than two (2) hours prior to the ex parte hearing.
 - (4) If any party wishes to have a court reporter for any hearing that proceeds, that party will be required to pay a court reporter fee in addition to any filing fees.
- (e) Applications for emergency stays or other emergency matters should be submitted with the words "EMERGENCY STAY REQUESTED" in the caption of the document and with a red cover sheet with the words "EMERGENCY STAY REQUESTED." In the application, a party must state facts that demonstrate that the application is an emergency application and that the party can not comply with the other time requirements of Local Rule 2.9.

(Eff. 07/01/2014; as amended eff. 07/01/2017; as amended eff. 01/01/2018; as amended eff. 07/01/2021)

2.10 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. 07/01/2017; as amended eff. 01/01/2018)

2.11 Reliance Upon Authorities Outside of California Official Reports

Citations to an official reporter must be provided for any legal authority which counsel wishes the Court to review. This includes any state or federal case law, statute, or regulation. If no citation to an official reporter is available, counsel must submit a complete hard copy of the legal authority (such as local ordinances or laws) to the court and to all other counsel. Counsel must also comply with CRC 3.1113 (case citation format) and CRC 8.1115 (citation of opinion).

(Eff. 07/01/2017; as amended eff. 01/01/2018; as amended eff. 07/01/2021)

CHAPTER 3 – CRIMINAL RULES

3.1 Filing Deadlines: Arraignments

(a) In Custody Defendants

- (1) Afternoon Arraignment Calendar: Matters pertaining to arraignments for persons who are in-custody for felony and/or misdemeanor charges, including serious or violent felonies, must be filed no later than 10:00 a.m. to be placed on the same day afternoon arraignment calendar. Except for serious or violent felonies, matters filed after 10:00 a.m. will be placed on the afternoon arraignment calendar for the next court day.
- (2) Late Arraignment Calendar: For serious or violent felonies only, which must be arraigned on the day of filing and which could not be filed by 10:00 a.m., matters must be filed before 2:00 p.m. to be placed on the same day late arraignment calendar. All other serious or violent felony matters filed after 2:00 p.m. will be heard the next Court day on the afternoon arraignment calendar, unless judicial authorization is obtained to place the matter on the same day late arraignment calendar.

(b) Out of Custody Defendants: All Complaints and Petitions pertaining to arraignments for persons who are out-of-custody must be filed ten court days prior to the date set for arraignment.

(c) Informations: Informations for arraignment must be filed by noon at least two (2) days prior to the date set for arraignment on the information.

(d) Refer to the Court's website for the Filing Deadlines Chart at: www.humboldt.courts.ca.gov.

(Eff. 01/01/2014; as amended eff. 01/01/2018; as amended eff. 01/01/2019; as amended eff. 07/01/2021)

3.2 Requesting Hearings

(a) Notice of Hearing: A party in a criminal action who wants a matter placed on calendar must file and serve on all parties a "Notice of Hearing". The Notice of Hearing must:

- (1) Be in writing and comply with Rules of Court 2.100 *et seq.* on format of papers;
- (2) State the nature of the proceeding and the relief sought in brief and concise terms;
- (3) List the date and time of the hearing;
- (4) Be signed and dated by counsel of record or the defendant if in *pro per*;
- (5) Have a memorandum of points and authorities and any supporting declarations or documents attached, including any substantiating documentation for the Court's consideration; and

(6) Be served on all parties, with a filed proof of service reflecting same.

(b) Date and Time of Hearings; Orders Shortening Time

- (1) The moving party may select a hearing date and time. The hearing date must comply with the service and notice requirements of Rule of Court 4.111 (ten court days prior to hearing).
- (2) Parties may apply in writing for an Order Shortening Time. Orders Shortening Time will not be granted unless a factual and particularized showing of necessity, good cause, and diligence is made in the application, and the application is served on all parties prior to submission to the court.

(c) Special Requirements:

In addition to the requirements above:

- (1) **Change of Plea:** Any Notice of Hearing for an early entry of plea or change of plea must have the written plea form signed by all necessary parties submitted with the Notice of Hearing;
- (2) **Commit to Jail Date:** Any Notice of Hearing to set or extend a commit to jail date must be filed, served and heard prior to the commit to jail date, and must have a declaration attached stating the reason for requesting a new commit to jail date. Notice of Hearing for a new commit to jail date submitted after the commit to jail date has passed will be rejected; instead, the defendant must surrender on any warrant issued.
- (3) **Warrant surrenders:** Warrant surrenders are not handled by the court. Instead, the defendant must surrender on the warrant to the appropriate law enforcement agency.

(Eff. 01/01/2014, as amended eff. 07/01/2017; as amended eff. 01/01/2018; as amended eff. 07/01/2021; as amended eff. 01/01/2022)

3.3 Written Plea Forms

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

(Eff. 07/01/2017)

3.4 Substitution of Attorney

- (a) Any attorney wishing to withdraw from representing a defendant must file and serve on all parties, including the defendant, a written notice of substitution of attorney, providing the name and contact information of the new attorney. The written notice must be signed by the new attorney. The substitution is not effective until proof of service of the notice is filed with the court.
- (b) Any appointed counsel who must withdraw from representing a defendant must arrange for a new attorney to be appointed, through the County of Humboldt's appointment panel. The withdrawing attorney must file and serve a written notice of substitution as in subparagraph (a) above.
- (c) In all cases, the withdrawing attorney must promptly provide the new attorney with all pleadings, discovery, and upcoming court dates.

(Eff. 07/01/2021)

3.5 Proposed and Submitted Orders

An original proposed order, with sufficient conforming copies for all the parties to the case, must be submitted with all motions, petitions, and other requests for relief or action by the Court. After hearing, if a proposed order was not submitted or if the proposed order does not conform to the order of the Court, the prevailing party or other party as ordered by the Court must submit an order, with sufficient conforming copies for all the parties to the case, for signature by the Court.

(Eff. 07/01/2017; as amended eff. 07/01/2021)

3.6 Trial Submissions

- (a) No later than the day of trial assignment, the attorneys or parties proceeding in pro per shall file and serve trial submissions including the following:
 - (1) Motions in Limine;
 - (2) Proposed jury instructions, identified by number and appended as attachments in proposed final form;
 - (3) Verdict forms, identified by number and appended as attachments in proposed final form;
 - (4) A list of witnesses, with expert witnesses categorized separately, expected to be called by the party, and the estimated length of direct examination of each witness;

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- (5) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.
- (b) In cases that counsel propose to have a long form jury questionnaire, consult the Court's website at www.humboldt.courts.ca.gov for the Juror Questionnaire for Criminal Cases. The long form jury questionnaire must be filed, with a courtesy copy for Jury Services, no later than fifteen (15) court days prior to trial.

Any opposition to motions in limine shall be filed and served no later than the date scheduled for trial.

(Eff. 07/01/2017; as amended eff. 01/01/2018; as amended eff. 07/01/2022; as amended eff. 01/01/2023)

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 Wills 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 the Clerk's Office at 421 I Street in Eureka 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.

(Eff. 07/01/2002; as amended eff. 07/01/2004, as amended eff. 01/01/2018)

7.2 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.3 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).

- (d) Individuals and agencies authorized pursuant to Welfare and Institutions Code §827 to inspect and/or copy juvenile case files must file a Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order. This Form can be found on the Court's website: www.humboldt.courts.ca.gov, or at the Clerk's Office located in the Humboldt County Courthouse at 421 I Street, Eureka, California.

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 01/01/2018; as amended eff. 01/01/2023)

7.4 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.5 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 Juvenile Court 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.6 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.7 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 is 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.8 Representation of Parties: Experience, Training, and Education of Attorneys

- (a) All attorneys appearing in juvenile dependency proceedings must meet minimum standards of competence as set forth in California Rules of Court rule 5.660.
- (b) Any attorney appearing in a dependency matter for the first time shall complete and submit a Certificate of Competency to the Court within ten (10) days of his or her first appearance in a dependency matter. The form is available on the Court's website at:
www.humboldt.courts.ca.gov.

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 01/01/2018)

7.9 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.10 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. No party or attorney shall cause a minor to undergo a physical, medical, or mental health evaluation without prior approval of the Juvenile Court. 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.11 Presence of Children 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.12 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.13 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 motion 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.14 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.15 Pre-hearing 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.16 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.17 Peremptory Challenge

Counsel is 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.18 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.19 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.20 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 Clerk's Office 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 (2) 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 Clerk's Office unless it is accompanied by a proof of service.

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 07/01/2017; as amended eff. 01/01/2018)

7.21 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.22 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.23 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.24 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.25 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.26 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.27 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.28 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.29 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.30 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.31 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 two (2) court days of the notice of the application for order. The order for authorization is effective 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 two (2) court days of the notice of the application for order. The order for authorization is effective until terminated or modified by court order or until 180 days from the order, whichever is earlier.

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 01/01/2018)

7.32 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.33 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.34 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.35 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.36 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.37 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
 - (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. Pre-jurisdiction 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.38 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.39 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.40 Child Advocates: Visitation Throughout Dependency

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

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 01/01/2018)

7.41 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.42 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.43 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.44 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:
 - (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 (see Appendix 7.44(d)) and incorporated herein by reference.
- (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 (see Appendix 7.44(e)) and incorporated herein by reference.

(Eff. 07/01/2002; as amended eff. 07/01/2004; as amended eff. 01/01/2018)

7.45 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.46 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 eff. 07/01/2004; as amended eff. 01/01/2018)

7.47 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 eff. 07/01/2004; as amended eff. 01/01/2018)

CHAPTER 8 - FAMILY LAW RULES

8.0 Purpose of Family Law Local Rules

The following Rules are enacted to provide uniform local rules governing all Family Law Matters, including all matters under 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, and any other matters involving child support, spousal support, or child custody and visitation.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.1 Application of Rules

Except as inconsistent with these Rules, Family Law Matters shall be subject to the Rules governing civil cases generally, including but not limited to the California Rules of Court, California Code of Civil Procedure, and Humboldt County Local Civil Rules of Court.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.2 Compliance with Rules – Sanctions

Strict compliance with these Family Law Rules is necessary to the expeditious resolution of family law matters and is therefore mandated for all participants. A failure by counsel or a self-represented party to comply with these Rules may be cause for imposition of sanctions payable to the court or to the aggrieved party or counsel. Such failure may also be cause for the imposition of payment of reasonable expenses, including attorney fees and costs, payable to the aggrieved party or counsel. In addition to monetary sanctions, the court may order removed from the calendar and/or dismissal of the action or proceeding or any part thereof.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.3 Filing and Service

(a) Completion of Forms

All Judicial Council forms, including declarations, must be timely filed. All blanks on the forms must be answered. Notations such as "Unk" for Unknown, "Est" for Estimate, "N/A" for Not Applicable, and "None" should be used to avoid leaving any item blank.

(Eff. 07/01/2013; as amended eff. 01/01/2017; as amended eff. 01/01/2018)

8.4 Family Law Case Management

- (a) The Court adheres to processes and procedures for management of family law matters from initial filing to final disposition as set forth in the Family Code, California Rules of Court, and Standards of Judicial Administration.
- (b) The Court may enact procedures to accomplish effective case management of all family law proceedings, including dissolutions, legal separations and nullity of marriages and registered domestic partnerships, parentage proceedings, matters of support and custody, and other matters involving child custody and child visitation, support of children, spouses and families, and all other matters subject to the Family Code. Such procedures may include, but are not limited to, mandatory case management conferences, voluntary or mandatory settlement conferences and status conferences.
- (c) Pursuant to the California Rules of Court, upon the filing of a family law matter, the Court shall provide the parties with information regarding the disposition of family law matters pursuant to the requirements of the California Rules of Court.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.5 Meet and Confer Requirement

All parties and all attorneys are to comply with the Court's Meet and Confer Orders (see Appendix 8.5) prior to a hearing on a Request for Order (FL-300) as required in California Rules of Court.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.6 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; as amended eff. 01/01/2017; as amended eff. 01/01/2018)

8.7 Preparation of Findings and Order After Hearing

The court may prepare the Order After Hearing and serve copies on the parties or their attorneys. Alternatively, the court may order one of the parties or attorneys to prepare the proposed order as provided in these rules. Findings and Orders after Hearing shall be prepared pursuant to the timelines and procedures set forth in the California Rules of Court.

(Eff. 07/01/2013; as amended eff. 01/01/2017; as amended eff. 01/01/2018)

8.8 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 (see Appendix 8.8), 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; as amended eff. 01/01/2017)

8.9 Mandatory Settlement Conference

(a) Calendaring and Attendance

The Court may require the parties to participate in a Mandatory Settlement Conference before a long cause matter or trial is set or heard. Absent a written court order allowing a party to appear by telephone, both parties and their counsel of record must personally attend the Mandatory Settlement Conference. Failure to comply may result in monetary sanctions, issues sanctions, or both. A Mandatory Settlement Conference may be continued by the Court for good cause, either sua sponte or upon a timely, properly noticed motion.

(b) Mandatory Settlement Conference Requirements

(1) Unless excused by the trial court, the parties shall comply with the following requirements:

- (a) No later than fourteen (14) calendar days before the Mandatory Settlement Conference, the parties shall exchange good faith settlement demands and final declarations of disclosure.
- (b) No later than ten (10) calendar days before the Mandatory Settlement conference, the parties shall:
 - (i). File with the Court a Declaration re: Service of Final Declarations of Disclosure, or alternatively, file a stipulation to waive service of final declarations of disclosure, file a Statement of Issues, Contentions, and Proposed Disposition of the Case.
 - (ii). If support or attorney's fees and costs or other financial relief is at issue, the parties shall exchange and file updated Income and Expense Declarations unless there are Income and Expense Declarations that are less than ninety (90) calendar days old on file and all information thereon is current.

(2) If both parties fail to comply with this order, then the trial date may be vacated. If only one party fails to comply and the other does, the Court may impose sanctions including but not limited to issue sanctions and monetary sanctions.

(c) Meet and Confer Requirements

Counsel and any unrepresented party shall meet and confer either in person or by phone before the day of the Mandatory Settlement Conference to resolve as many issues as possible as set forth in Rule 8.5 above.

(d) Settlement Conference Statements

When a matter is set for contested trial, both parties shall file and serve a "Statement of Issues, Contentions and Proposed Disposition of the Case" (see Appendix 8.9) no later than ten (10) calendar days prior to the settlement conference or ten (10) calendar days prior to the trial date, whichever is greater. The purpose of this statement is to assist the trial judge, and the time for filing of a statement may not be extended by stipulation.

(Effective 07/01/2013, as amended eff. 01/01/2018)

8.10 Child Custody Matters: Recommending Counseling Services

(a) Referral to Child Custody Recommending Counseling and Online Orientation Program

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 an informal mediation session prior to the court hearing with a Mediator and/or Child Custody Recommending Counselor (CCRC). If the parties are unable to reach an agreement, the court will set the matter for a CCRC recommending session. All parties ordered to a CCRC are required to complete the online orientation program and file a certificate of completion prior to a CCRC appointment.

(b) Recommendations of Child Custody Recommending Counselors

(1) Humboldt County is a “recommending jurisdiction.” If parties are unable to reach agreement, the Child Custody Recommending Counselors are authorized to render a recommendation to the Court as to the custody and visitation of children involved in a case.

(2) Failure to appear for a CCRC session without 48 hours’ notice may result in assessment of fees in the amount of \$50.00 for the missed appointment. If a CCRC session is rescheduled and the appointment is missed, an additional \$100.00 may be assessed.

(c) Change of Counselor

A CCRC may disqualify himself/herself from a case for good cause. A party does not have the right to disqualify a counselor. A party may request a different counselor by written request to the Court Executive Officer, Administration, Room 231, stating the reason(s) for the request. Copies of the request must be delivered by the requesting party immediate to the counselor and all the other parties and attorneys, if any. Requests based solely on disagreement with the counselor’s recommendations will not be honored.

(d) Domestic Violence

A party alleging domestic violence may elect to have a separate child custody recommending session as pursuant to Family Code § 3181 and California Rule of Court 5.215.

(e) Participation of Children

Children shall not be present for court hearings or CCRC sessions unless ordered by the court or requested by the Child Custody Recommending Counselor. The Court will determine whether and under what conditions a minor is interviewed. If a child who is 14 years or older 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.

(f) Interpreters in Child Recommending Counseling Sessions

If a court certified interpreter is not available to interpret for a party in a recommending counseling session, a neutral person fluent in the participant's native language may interpret for the party during the session. Individuals who serve in this capacity shall be required to sign a confidentiality agreement. No minor children of the parties will be allowed to serve as an interpreter.

(g) Declarations

- (1) All declarations submitted to the Child Custody Recommending Counselor for consideration shall comply with California Rules of Court, Rule 2.100. No single declaration shall exceed 10 pages in length nor shall the total number of pages submitted by or on behalf of any parent. All papers submitted to the Counselor for consideration shall first be filed with the Court and must be accompanied by a proof of service.
- (2) No court documents shall be served or exchanged at the Child Custody Recommending Counselor's office or the Self-Help Center. Videos, recordings, electronic communications and photos shall not be brought to the CCRC session.

(h) Testimony of Child Custody Recommending Counselor

A party seeking testimony at a hearing or trial from the Child Custody Recommending Counselor must pay a deposit, subpoena the counselor and provide at least ten (10) court days advanced notice to the Counselor. The deposit of \$275.00, pursuant to California Government Code § 68097.2, must be processed by the Family Law Clerk's office before the subpoena is served.

(i) Referrals

In some cases involving allegations of abuse, neglect or other serious unfitness of a parent, the investigation of these issues will be referred by the Court for an investigation under California Welfare & Institutions Code § 300. This referral may occur at any stage of the proceedings. Appointment of counsel under Family Code §§ 3150, et seq. will be considered.

(j) Complaints Regarding Child Custody Recommending Counselors

- (1) **Complaint Process:** As required by California Rules of Court, the Court has adopted a procedure for processing complaints regarding Child Custody Recommending Custody Counselors. A completed Mediator Complaint Form (see Appendix 8.10) must be completed and submitted to the Court's Human Resources Department. Complaints may not be lodged more than 45 days after receipt of recommending counselor services.
- (2) **Requests for a new Child Custody Recommending Counselor:** The requesting party shall complete and file with the court local form (see Appendix 8.10) which is included in the appendix to these rules. The judicial officer assigned to the case will determine if the request should be granted.

(k) Private Mediation

The parties may stipulate to have a private mediator or custody investigator attempt to help resolve their disputes regarding custody and visitation at their own expense.

(Eff. 07/01/2013; as amended eff. 01/01/2018; as amended eff. 01/01/2019)

8.11 Complaints Regarding Family Law Facilitator

A person who requests to file a complaint against the Family Law Facilitator shall complete the Family Law Facilitator Customer Complaint Form (*See* Appendix 8.11) and submit to the Court's Human Resources Department.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.12 Supervised Visitation

Providers of Supervised Visitation must adhere to the standards and rules of Family Code §3200 and Standards of Judicial Administration Standard 5.20 and shall complete and file the Declaration of Supervised Visitation Provider (Professional) (form FL—324(P)), along with the professional provider's original report required by Standard 5.20(j)(3); or either a Declaration of Supervised Visitation (Nonprofessional) (form FL-324(NP)) or the Nonprofessional Visitation Monitor Declaration of Qualifications (*see* Appendix 8.12) for each case wherein supervised visitation services are provided. The Declaration and professional provider's original report shall be maintained in each individual case file.

(Eff. 07/01/2013; as amended eff. 01/01/2018; as amended eff. 01/01/2022)

8.13 Judgments

(a) Judgment Requirements

Pursuant to California Rules of Court Judgments must include all matters subject to the court's jurisdiction for which a party seeks adjudication or an explicit reservation of jurisdiction over any matter not proposed for disposition at that time. Default judgments may not exceed the requested relief in the petition. If the parties submit a signed default Judgment ("Default with Agreement"), the signature of the defaulting party must be notarized.

(b) Approval of Department of Child Support Services (DCSS)

North Coast Regional Department of Child Support (DCSS) must approve the child support provisions of the Judgment if DCSS is providing services in the case.

(c) Nullity Judgment

- (1) A hearing is required for a judgment of nullity to prove the grounds for the annulment. The hearing is obtained by the filing of a Request for Order.
- (2) The requirements of Family Code §2100 regarding disclosures of assets and liabilities apply to nullity proceedings.

(Eff. 07/01/2013; as amended eff. 01/01/2018)

8.14 Ex-Parte Hearings and Orders

The procedure and notice of the submission of an application for emergency (ex-parte) orders and/or for a short notice hearing must be completed pursuant to applicable law and the California Rules of Court, 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. Applicants shall use the Declaration re Notice of Ex Parte Hearing (see Appendix 8.14) to verify compliance with notice requirements. The form is available on the Court's website at: www.humboldt.courts.ca.gov, or at the Clerk's Office located in the Humboldt County Courthouse at 421 I Street, Eureka, California.

(Eff. 01/01/2018)

8.15 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 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)

8.16 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 (*see* Appendix 8.16), 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.

(Eff. 07/01/2013; as amended eff. 01/01/2018; as amended eff. 01/01/2019)

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>): _____ | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 5 TH STREET EUREKA, CA 95501 | |
| PLAINTIFF(S)/PETITIONER(S): _____ DEFENDANT(S)/RESPONDENT(S): _____ | CASE No.: _____ |
| STATEMENT REQUESTING PRESENCE OF A COURT REPORTER | |

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 |
|------|------|--|

Superior Court of California, County of Humboldt

Appendix 2.1

| | | |
|--|------------------|---------------------------------|
| NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: | STATE BAR NUMBER | Reserved for Clerk's File Stamp |
| ATTORNEY FOR (Name): | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT | | |
| COURTHOUSE ADDRESS: | | |
| PLAINTIFF: | | |
| DEFENDANT: | | |
| AMENDMENT TO COMPLAINT (Fictitious /Incorrect Name) | | CASE NUMBER: |

☐ **FICTITIOUS NAME** (*No order required*)

Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME

and having discovered the true name of the defendant

TRUE NAME

amends the complaint by substituting the true name for the fictitious name wherever it appears in

DATE

TYPE OR PRINT NAME

SIGNATURE OF ATTORNEY

☐ **INCORRECT NAME** (*Order required*)

The plaintiff, having designated a defendant in the complaint by the

INCORRECT NAME

and having discovered the true name of the defendant

TRUE NAME

amends the complaint by substituting the true name for the incorrect name wherever it appears in

DATE

TYPE OR PRINT NAME

SIGNATURE OF ATTORNEY

ORDER

THE COURT ORDERS the amendment approved and filed.

Date

Judicial Officer

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 TH STREET EUREKA, CA 95501 | |
| PLAINTIFF(S)/PETITIONER(S): _____ DEFENDANT(S)/RESPONDENT(S): _____ | CASE No.: _____ |
| STIPULATION TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR) | |

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):

- ☐ Voluntary Mediation
☐ Binding Arbitration

☐ Non-Binding Arbitration

☐ Neutral Evaluation
☐ Other (specify): _____

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 |

Appendix 2.8.2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

| | | |
|------------|---|------------------------------|
| _____ |) | Case No.: _____ |
| Plaintiff, |) | |
| vs. |) | |
| _____ |) | NOTICE OF INCLUSION IN DELAY |
| Defendant |) | REDUCTION PROGRAM |
| |) | 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, 2.8 through 2.8.6.

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 2.8.5

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

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

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

Appendix 8.5

| | |
|--|--------------|
| MATTER OF (Last names, first names of parties) | CASE NUMBER: |
|--|--------------|

MEET AND CONFER ORDERS

(SEE PARAGRAPH 3 IF THERE ARE RESTRAINING ORDERS IN EFFECT)

1.
 - a. The parties and/or attorneys are ordered to peaceably contact each other, immediately upon service of these papers, and to make at least one peaceable attempt to settle these issues, ***before the date of this hearing.***
 - b. Each party and/or attorney shall make good faith, reasonable proposals on all issues in the attached documents, and shall try to settle all of the issues. They shall do this in writing or by fax or e-mail, or by telephone, or in person.
 - c. If the issues in the attached documents include child support, or temporary spousal support, each party shall prepare and give the other a printout of his or her proposed DissoMaster™ or the California Guideline Support calculator, <https://www.cse.ca.gov/ChildSupport/cse/guidelineCalculator> other computerized support calculation, ***before the date of the hearing.***
 - d. If the parties ***both agree*** that the scheduled hearing is not necessary, ***both parties or attorneys shall immediately notify the assigned judicial department,*** or the Court may impose sanctions upon one or both of the parties or attorneys.
2.
 - a. On the date of the hearing, and in addition to any child custody recommended counseling about child custody issues on that same or prior date, the parties and/or their attorneys shall peaceably meet and confer a ***second*** time, and make reasonable, good faith efforts to settle the issues of this hearing. They shall exchange all relevant documents, updated DissoMaster™ or other computerized support calculation printouts if applicable, and other information, in good faith efforts to settle all issues of this hearing. They shall cooperate so as to clearly outline and efficiently present any unsettled issues to the court at the hearing. The court may, in its discretion, decline to consider any document or information that was not exchanged before the hearing.
 - b. Failure to meet and confer in good faith may cause the hearing to be delayed, or postponed, or dropped from calendar, or the court may impose sanctions or other remedies upon one or both of the parties or attorneys.
3. These orders do not apply to the parties themselves if there are any restraining orders, from any court whatsoever, ordering one party to “not contact” or to “stay away” from any other party to this case, ***if such orders are still in effect at this time.*** Even if such “no contact” or “stay away” orders are in effect at this time, each party’s attorney must meet and confer with the other party’s attorney or the other party as stated in this Meet and Confer Order, and at the hearing the court may in its discretion order the parties themselves to meet and confer, under conditions that the court deems appropriate.

NOTE: For DissoMaster™ or Xspouse™ calculations, consult with an attorney of your choice, or contact the Humboldt County Superior Court Family Law Facilitator’s Office and Self-Help Center located at 825 Fifth Street, Room 310, Eureka, CA 95501.

AUTHORITY: California Family Code section 271; Rule 8.5 of the Humboldt County Superior Court Local Rules.

Appendix 8.8

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
825 5th ST., EUREKA, CA 95501
AT ISSUE MEMORANDUM

| | | |
|---|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): | | FOR COURT USE ONLY |
| TELEPHONE NO.: FAX NO: | | |
| ATTORNEY FOR (Name): | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT 825 FIFTH STREET, EUREKA, CA 95501 | | |
| PETITIONER: | | |
| RESPONDENT: | | |
| FAMILY LAW AT-ISSUE MEMORANDUM FOR TRIAL SETTINGS <input type="checkbox"/> FIRST <input type="checkbox"/> COUNTER <input type="checkbox"/> AMENDED | | CASE NO.: |

I hereby represent to the court that this case is ready for trial, and request that it be set for trial

1. TYPE OF ISSUE(S): (Check all that apply)

- ☐ Dissolution ☐ Nullity ☐ Legal Separation ☐ Paternity ☐ Visitation ☐ Injunctive Order
☐ Child Custody ☐ Child Support ☐ Spousal Support ☐ Division of Property ☐ Attorney Fees and Costs
☐ Other (specify):

2. If child custody or visitation is an issue in this proceeding, Family Code Section 3170 requires mediation before or concurrently with hearing.

☐ Parties have attended child custody mediation services as follows:

Date: _____ Time: _____ Address: _____
Agreement? ☐ Yes ☐ No

3. Time estimate for trial: _____ hours _____ days

4. Case entitled to preference? ☐ Yes ☐ No Under code section: _____

5. Declaration Regarding Service of Declaration of Preliminary Disclosure & Income Expense Declaration FL-141 was filed with the court by:

- ☐ Petitioner - Stating that service of disclosure has been completed.
☐ Respondent - Stating that service of disclosure has been completed.

6. Meet & Confer :

Date: _____ Time: _____ Address: _____

7. Dates Unavailable for Trial: _____

Preferable Dates for Trial (Not Guaranteed): _____

Superior Court of California, County of Humboldt

| | |
|--------------------------------|-----------|
| PETITIONER: RESPONDENT: | CASE NO.: |
|--------------------------------|-----------|

PROOF OF SERVICE OF AT ISSUE MEMORANDUM

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 provided in Rule 3.1380 of the California Rules of Court.

Dated: _____

Signature: _____

☐ Attorney for/or Petitioner ☐ Attorney for/or Respondent

Any party not in agreement with the information or estimates given in an at-issue memorandum shall within ten days after service thereof serve 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 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)

Appendix 8.9

1 Name:
2 Address:

3 Phone number:

4 In Pro Per

5
6
7 SUPERIOR COURT OF CALIFORNIA
8 IN AND FOR THE COUNTY OF HUMBOLDT

9 In re:) Case No.:
10 Petitioner: _____) STATEMENT OF ISSUES,
11 Counsel _____) CONTENTIONS, AND PROPOSED
12 and) DISPOSITION OF THE CASE
13 Respondent: _____) Mandatory Settlement
14 Counsel _____) Conference Date:
15) Time:
16) Trial Date:
17) Time:
18) Department:

16 I am the ☐ Petitioner ☐ Respondent and hereby submit my Statement of Issues, Contentions,
17 and Proposed Disposition of the Case in the above-captioned matter as follows:

18 A. **STATISTICAL INFORMATION:**

19 Date of Marriage: _____

20 Date of Separation: _____

21 Length of Marriage: _____

22 Minor Children: Age Gender

23 _____

24 _____

25 Date Petition filed: _____

26 Date of Service of Petition: _____

27 Date Response filed: _____

1 B. **AGREEMENTS, STIPULATIONS, AND ORDERS**

2 ☐ There are no agreements between the parties.

3 ☐ The parties have the following agreements: _____

4 _____
5 _____ See attached.

6 ☐ There are no current orders in this case.

7 ☐ There are current orders in this case on the following issues:

8 ☐ Custody and Visitation ☐ Child Support ☐ Spousal Support

9 ☐ Property Division ☐ Other Issues: _____

10 C. **CUSTODY AND VISITATION** Filed on: _____

11 ☐ There are current custody and/or visitation orders as follows: _____

12 _____
13 _____ ☐ See attached.

14 ☐ The parties have been to a Child Custody Recommending Counseling session (i.e., mediation).

15 ☐ I request that the current custody and visitation orders remain the same.

16 ☐ I am request the following custody orders:

17 ☐ Sole Physical Custody to: ☐ Petitioner ☐ Respondent

18 ☐ Joint Physical Custody

19 ☐ Sole Legal Custody to: ☐ Petitioner ☐ Respondent

20 ☐ Joint Legal Custody

21 ☐ Other: _____

22 ☐ I request the following visitation orders: _____

23 _____
24 _____
25 _____ ☐ See attached.

26 ☐ I ask the Court to consider the following facts in making any custody and/or visitation orders:

27 _____
28 _____

1 _____
2 _____ ☐ See attached.

3 **D. CHILD SUPPORT**

4 ☐ There are no current child support orders. Is DCSS involved? _____
5 ☐ There is a current child support order as follows: _____
6 _____ ☐ See attached.

7 ☐ I request that the current child support order remain the same.

8 ☐ I request the Court order ☐ Petitioner ☐ Respondent to pay child support to the other party
as follows: _____ ☐ See attached.

9 My gross income is \$ _____. I believe the other party's gross income is \$ _____.
10 We share time with the children as follows: _____% with me, and _____% with the other parent.
11 I ask the Court to consider the following information in making child support orders:
12 _____
13 _____
14 _____
15 _____ See attached.

16

17 **E. SEPARATE PROPERTY Filed on: _____**

18 ☐ There are current orders regarding separate property as follows: _____
19 _____ ☐ See attached.

20 ☐ To the best of my knowledge, the following separate property assets and/or debts are:
Description of Item/Debt: Date acquired: Estimated Net Value/ Belongs to:
Amount owed:

21
22 1) _____
23 2) _____
24 3) _____
25 4) _____
26 5) _____

27 ☐ Continued on attachment.

28 ☐ Separate Property is listed in the attached:

Superior Court of California, County of Humboldt

☐ Property Declaration (FL-160) ☐ other attachment.

F. **COMMUNITY PROPERTY ASSETS AND DEBTS AND PROPOSED DIVISION**

☐ There are no community property assets or debts to be disposed of by the Court.

☐ There are current orders regarding community property as follows: **Filed on:** _____
_____ ☐ See attached.

We have community property assets and/or debts. I propose the following property division:

| <u>Description of Item/Debt:</u> | <u>Date acquired:</u> | <u>Estimated Net Value/</u> <u>Amount owed:</u> | <u>Awarded to:</u> |
|----------------------------------|-----------------------|--|--------------------|
|----------------------------------|-----------------------|--|--------------------|

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Total Value Awarded to Petitioner: \$_____ Total Value Awarded to Respondent: \$_____

☐ Continued on other attachment.

☐ Community Property and its proposed division are set forth on the attached:

☐ Property Declaration (FL-160) ☐ Other attachment.

G. **FUNDS HELD BY OTHERS**

☐ There are no funds held by others.

☐ One of the parties has a retirement plan, profit sharing plan, or pension plan. List who maintains each plan (e.g., name of the business, agency, or employer), any identifying information (e.g., account number), and the current value and basis for calculation:

_____ ☐ See attached.

Superior Court of California, County of Humboldt

- 1 My interest in the plan is the following: _____
- 2 ☐ The following other funds (e.g., trust funds) are held by others: _____
- 3 _____
- 4 List who maintains each plan (e.g., name of the business, agency, or employer), any identifying
- 5 information (e.g., account number), and the current value and basis for calculation:
- 6 _____
- 7 _____ See attached.
- 8 H. **TRACING**
- 9 ☐ There are no issues regarding tracing in this case.
- 10 ☐ There are issues regarding tracing with the assets described below (include what you want the
- 11 Court to order): _____
- 12 _____
- 13 _____ ☐ See attached.
- 14
- 15 I. **REIMBURSEMENT CREDITS**
- 16 ☐ There are no issues regarding reimbursement credits.
- 17 ☐ There are issues regarding reimbursement credits as described below (include what you want
- 18 the Court to order): _____
- 19 _____
- 20 _____ See attached.
- 21 J.. **CURRENT INCOME AND EXPENSES**
- 22 ☐ I am filing a current Income and Expenses Declaration along with this statement.
- 23 K. **SPOUSAL SUPPORT**
- 24 ☐ There are no current spousal support orders.
- 25 ☐ There is a current spousal support as follows: **Filed on:** _____
- 26 _____ ☐ See attached.
- 27 ☐ I request that the current spousal support order remain the same.
- 28 ☐ I request the Court to ☐ reserve ☐ terminate jurisdiction over spousal support to Petitioner.

Superior Court of California, County of Humboldt

1 ☐ I request the Court to ☐ reserve ☐ terminate jurisdiction over spousal support to Respondent.
2 ☐ I request the Court order ☐ Petitioner ☐ Respondent to pay spousal support to the other party
3 as follows: _____ ☐ See attached.
4 My gross income is \$ _____. I believe the other party's gross income is \$ _____.
5 I ask the Court to consider the following information in making spousal support orders (you
6 should address all the factors listed in California Family Code section 4320): _____
7 _____
8 _____
9 _____ See attached.
10 **L. ATTORNEY FEES**
11 ☐ I am not requesting any attorney fees or costs from the other party.
12 ☐ I am requesting attorney fees or costs from the other party as described below (include the
13 amount requested and the reasons for this request, including the other's party's financial ability
14 to pay this amount): _____
15 _____
16 _____
17 _____ See attached.
18 **M. SANCTIONS**
19 ☐ I am not requesting any sanctions of the other party.
20 ☐ I am requesting sanctions of the other party as described below (include the nature of the
21 sanction requested and the reasons for this request): _____
22 _____
23 _____ ☐ See attached.
24 Respectfully submitted,
25 Dated: _____ Signature: _____
26 _____
27 Printed Name: _____
28 Dated: _____ Attorney signature _____

Appendix 8.10



SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FAMILY COURT MEDIATION SERVICES COMPLAINT FORM

The Court is committed to providing quality service to mediation customers and 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 Complaint Coordinator, Human Resources Manager, in Room 301, on the third floor of the courthouse. You can mail the form to Humboldt Superior Court, 825 Fifth Street, Eureka, CA 95501, or submit it in person.

The Complaint Coordinator will process your complaint according to the following procedure, which is set forth in this court's Local Rule 8.10(j) and California Rule of Court 5.210. The local rules are available in the Clerk's Office, the Court's Human Resources Office, and on the Court's website at: www.humboldt.courts.ca.gov:

The Complaint Coordinator 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 form is available in the Clerk's Office at 421 I Street in Eureka on the ground floor in the courthouse.

Superior Court of California, County of Humboldt

The Clerk's Office is open from 9 a.m. to 2 p.m. This packet may also be downloaded from this court's website at: www.humboldt.courts.ca.gov. Submitting a complaint through this office is not an appeal for a review of the Court's order.

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.

CRC RULE 5.210 MEDIATOR COMPLAINT FORM

Your Name: _____

Your Home Address: _____

Your Home Phone: _____ Your Work Phone: _____

Your Employer: _____

Your Work Address: _____

Name of Mediator: _____

Address of Mediator: _____

State exactly what the mediator has done, or failed to do, which you believe violates Rule 5.210 of the California Rules of Court. **PLEASE DESCRIBE YOUR COMPLAINT IN DETAIL.**

Use the back of this page or attach other pages if you need more space.

The information given in this complaint is true to the best of my knowledge and belief. I am aware that the mediator may be notified of my complaint.

Your Signature _____ Date _____

Appendix 8.11



SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

FAMILY LAW FACILITATOR CUSTOMER COMPLAINT FORM

Please complete the following information to help us better understand your complaint. Please complete the form and return it to the Complaint Coordinator, Human Resources Manager, in Room 301, on the third floor of the courthouse. You can mail the form to Humboldt Superior Court, 825 Fifth Street, Eureka, CA 95501, or submit it in person.

Your Name: _____

Your Address: _____

Your Phone Number(s): _____

Court Case Number, if any: _____

This complaint is regarding: ☐ 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 their name below:

What was the date the incident(s) occurred? Date: _____ ☐ a.m. ☐ p.m.

What is your complaint? Describe:

What other information do you think is important for us to know? _____

Date: _____

Signature: _____

Superior Court of California, County of Humboldt

Appendix 8.14

| | |
|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <div style="display: flex; justify-content: space-between;"> TELEPHONE NO.: FAX NO. (<i>Optional</i>): </div> E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: | |
| Petitioner/Plaintiff: RESPONDENT/DEFENDANT | |
| DECLARATION REGARDING NOTICE OF APPLICATION FOR EX PARTE ORDERS | 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:**
 - 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.
 - 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 8.14 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 Clerk's Office where you are submitting your paperwork for review.

Appendix 8.16



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 **\$65.00 (per person)** or a **current fee waiver**, issued from the courts within the last six months and valid the date of the workshop. **Please do not send cash through the mail.**

Make checks or money orders (**non-refundable deposit**) 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 please write spouse's name here:

Dates of the workshop are kept confidential until you are registered.

We require 24 hours' notice if you are unable to make the class. If you are late or unable to come without giving us 24-hour notice, you will have to re-register for the class and pay the \$65 fee again.

Appendix 8.16(a)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

In Pro Per

CASE NO.

Petitioner

vs.

Respondent.

APPLICATION FOR WAIVER
OF ATTENDANCE AT THE
CHILDREN OF DIVORCE
WORKSHOP; AND ORDER

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

APPENDIX
Forms by Number

| Form No. | Title | Mandatory or Optional | Amended Effective Date |
|-----------------|---|------------------------------|------------------------------------|
| 1.7 | Statement Requesting Presence of a Court Reporter | Mandatory | 7/1/2014 |
| 2.1 | Amendment to Complaint (Fictitious/Incorrect Name) | Mandatory | 1/1/2017 |
| 2.2 | Stipulation to Participate in Alternative Dispute Resolution (ADR) | Mandatory | 7/1/2010 |
| 2.8.2 | Notice of Inclusion in Delay Reduction Program | Mandatory | 7/1/1994; 7/1/2010; 1/1/2019 |
| 2.8.5 | Declaration in Support of Exemption | Optional | 7/1/1994; 7/1/2010 |
| 7.44(d) | Acknowledgement that "CAST TAPE" is Subject to Protective Order | Mandatory | 7/1/2002; 7/1/2004; 1/1/2018 |
| 7.44(e) | Stipulation for Discovery; and Order to Provide Copy of CAST TAPE(S) and Protective Order | Mandatory | 7/1/2002; 7/1/2004; 1/1/2018 |
| 8.5 | Meet and Confer Orders | Mandatory | 1/1/2018 |
| 8.8 | At-Issue Memorandum | Mandatory | 9/18 |
| 8.9 | Statement of Issues, Contentions, and Proposed Disposition of the Case | Mandatory | 1/1/2018 |
| 8.10 | Family Court Mediation Services Complaint Form | Optional | 7/1/13; 1/1/2017; 1/1/2018 |
| 8.11 | Family Law Facilitator Complaint Form | Optional | 7/1/13; 1/1/2017; 1/1/2018 |
| 8.12 | Visitation Monitor Declaration of Qualifications | Optional | 1/1/2018 |
| 8.14 | Declaration Re: Notice of Application for Ex Parte Orders | Mandatory | 7/1/13; 1/1/2018 |
| 8.16 | Children of Divorce Workshop Registration | Optional | 7/1/13; 1/1/2018; 1/1/2019 |
| 8.16(a) | Children of Divorce Workshop Waiver | Optional | 7/1/13; 1/1/2018 |
| 9.1 | Order for Defendant to Receive Reporter's Transcript Without Cost in Misdemeanor Appeal | Mandatory | 7/1/2010 |

APPENDIX
Forms by Name

| Form No. | Title | Mandatory or Optional | Amended Effective Date |
|-----------------|---|------------------------------|------------------------------------|
| 7.44(d) | Acknowledgement that "CAST TAPE" is Subject to Protective Order | Mandatory | 7/1/2002; 7/1/2004; 1/1/2018 |
| 2.1 | Amendment to Complaint (Fictitious/Incorrect Name) | Mandatory | 1/1/2017 |
| 8.8 | At-Issue Memorandum | Mandatory | 9/18 |
| 8.16 | Children of Divorce Workshop Registration | Optional | 7/1/13; 1/1/2018; 1/1/2019 |
| 8.16(a) | Children of Divorce Workshop Waiver | Optional | 7/1/13; 1/1/2018 |
| 2.8.5 | Declaration in Support of Exemption | Optional | 7/1/1994; 7/1/2010 |
| 8.14 | Declaration Re: Notice of Application for Ex Parte Orders | Mandatory | 7/1/13; 1/1/2018 |
| 8.10 | Family Court Mediation Services Complaint Form | Optional | 7/1/13; 1/1/2017; 1/1/2018 |
| 8.11 | Family Law Facilitator Complaint Form | Optional | 7/1/13; 1/1/2017; 1/1/2018 |
| 8.5 | Meet and Confer Orders | Mandatory | 1/1/2018 |
| 2.8.2 | Notice of Inclusion in Delay Reduction Program | Mandatory | 7/1/1994; 7/1/2010; 1/1/2019 |
| 9.1 | Order for Defendant to Receive Reporter's Transcript Without Cost in Misdemeanor Appeal | Mandatory | 7/1/2010 |
| 8.9 | Statement of Issues, Contentions, and Proposed Disposition of the Case | Mandatory | 1/1/2018 |
| 1.7 | Statement Requesting Presence of a Court Reporter | Mandatory | 7/1/2014 |
| 7.44(e) | Stipulation for Discovery; and Order to Provide Copy of CAST TAPE(S) and Protective Order | Mandatory | 7/1/2002; 7/1/2004; 1/1/2018 |
| 2.2 | Stipulation to Participate in Alternative Dispute Resolution (ADR) | Mandatory | 7/1/2010 |
| 8.12 | Visitation Monitor Declaration of Qualifications | Optional | 1/1/2018 |

LIST OF EFFECTIVE DATES

| <u>CHAPTER 1: GENERAL RULES</u> | | | | |
|--|-----------------|---|-----------------------|---|
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 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 | 7/1/2013; 1/1/2014; 7/1/2014; 1/1/2017; 7/1/2017; 1/1/2018; 1/1/2019; 7/1/2021; 1/1/2022; 7/1/2022; 1/1/2023 |
| 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 | 1.7.1 | Availability of Court Reporters | 7/1/2014 | 7/1/2018; 1/1/2019 |
| 1 | 1.7.2 | Court Reporters in Non-Criminal Cases - Proceedings Lasting One Hour or Less | 7/1/2014 | 1/1/2018; 1/1/2019 |
| 1 | 1.7.3 | Court Reporters in Non-Criminal Cases - Proceedings Lasting More than One Hour | 7/1/2014 | 1/1/2017; 1/1/2019 |
| 1 | 1.8 | Facsimile Filings | 7/1/2010 | 1/1/2014; 1/1/2018 |
| 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 | Remote Appearances | 1/1/2014 | 1/1/2017; 7/1/2022 |
| 1 | 1.14 | Dangerous, Large or Bulky Exhibits | 7/1/2017 | |
| 1 | 1.15 | Court File Retrieval and Records Research Fees | 7/1/2017 | 1/1/2019 |
| 1 | 1.16 | Court Interpreters | 7/1/2021 | 7/1/2022 |

| <u>CHAPTER 2: CIVIL RULES</u> | | | | |
|--------------------------------------|-----------------|--|-----------------------|--|
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 2 | 2.1 | Amendment of Pleadings | 1/1/2017 | |
| 2 | 2.2 | Stipulation to Alternative Dispute Resolution | 7/1/2010 | |
| 2 | 2.3 | Mediator Complaint Process | 7/1/2010 | 1/1/2017 |
| 2 | 2.4 | Continuance of Case Set for Trial | 7/1/1994 | 7/1/2010; 1/1/2018; 7/1/2022 |
| 2 | 2.4.1 | Continuance of Post-Trial Matter | 7/1/1994 | 7/1/2010 |
| 2 | 2.5 | Settlement Conferences | 7/1/1994 | 7/1/2010; 1/1/2018; 7/1/2022 |
| 2 | 2.5.1 | Sanctions for Failure to Attend Conference | 7/1/1994 | 7/1/2010 |
| 2 | 2.6 | Civil Trial Rules | 7/1/1994 | 7/1/2010; 1/1/2017; 7/1/2017; 1/1/2018; 1/1/2019; 7/1/2022 |
| 2 | 2.6.1 | Proposed Pattern Jury Instructions | 7/1/1994 | 7/1/2010; 1/1/2019 |
| 2 | 2.7 | Law and Motion Rules; Applicability | 7/1/1994 | 7/1/2010 |
| 2 | 2.7.1 | Law and Motion Hearings | 7/1/1994 | 7/1/2010 |
| 2 | 2.8 | Trial Court Delay Reduction Program | 7/1/1994 | 7/1/2010 |
| 2 | 2.8.1 | Differentiated Case Management | 7/1/1994 | 7/1/2010; 7/1/2022 |
| 2 | 2.8.2 | Filing and Service of Notice of Inclusion | 7/1/1994 | 7/1/2010; 1/1/2019 |
| 2 | 2.8.3 | Mandatory Discovery | 7/1/1994 | 7/1/2011; 7/1/2014; Rep. 7/1/2022 |
| 2 | 2.8.4 | Case Management Conferences and Reports | 7/1/1994 | 7/1/2010; 7/1/2022 |
| 2 | 2.8.5 | Exemption of Uninsured/Underinsured Motorist Cases and Bankruptcy Cases from Delay Reduction Program | 7/1/1994 | 7/1/2010; 7/1/2022 |
| 2 | 2.8.6 | Exemption of Complex Litigation from the Delay Reduction Program | 7/1/1994 | 7/1/2010; 7/1/2022 |
| 2 | 2.8.7 | Dismissal Following Settlement | 7/1/2014 | 7/1/2022 |

| <u>CHAPTER 2: CIVIL RULES (continued)</u> | | | | |
|--|-----------------|---|-----------------------|--|
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 2 | 2.9 | Applications for Ex Parte Orders and Emergency Stays | 7/1/2014 | 7/1/2017; 1/1/2018; 7/1/2021 |
| 2 | 2.10 | Attorney Fees in Default Proceedings | 7/1/2014 | |
| 2 | 2.11 | Reliance Upon Authorities Outside of California Official Reports | 7/1/2017 | 1/1/2018; 7/1/2021 |
| <u>CHAPTER 3: CRIMINAL RULES</u> | | | | |
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 3 | 3.1 | Filing Deadlines | 1/1/2014 | 1/1/2018; 1/1/2019; 7/1/2021 |
| 3 | 3.2 | Requesting Hearings | 1/1/2014 | 7/1/2017; 1/1/2018; 7/1/2021; 1/1/2022 |
| 3 | 3.3 | Written Plea Forms | 7/1/2017 | |
| 3 | 3.4 | Substitution of Attorney | 7/1/2021 | |
| 3 | 3.5 | Proposed and Submitted Orders | 7/1/2017 | 7/1/2021 |
| 3 | 3.6 | Trial Submissions | 7/1/2017 | 1/1/2018; 7/1/2022; 1/1/2023 |
| <u>CHAPTER 4: RESERVED</u> | | | | |
| <u>CHAPTER 5: RESERVED</u> | | | | |
| <u>CHAPTER 6: PROBATE RULES</u> | | | | |
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 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 |

| <u>CHAPTER 7: JUVENILE COURT RULES</u> | | | | |
|---|-----------------|---|-----------------------|---------------------------------|
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 7 | 7.1 | Preliminary Provisions | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.2 | Confidentiality of Juvenile Proceedings | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.3 | Discovery of Juvenile Records | 7/1/2002 | 7/1/2004; 1/1/2018; 1/1/2023 |
| 7 | 7.4 | Access to Probation Department and Department of Family and Children's Services Records by Court Designated Child Advocates | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.5 | Release of Records to Parties and Their Attorneys | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.6 | Release of Court Reports to Court-Approved Mental Health Evaluators | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.7 | Appearances and Daily Courtroom Practice | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.8 | Representation of Parties; Experience, Training and Education of Attorneys | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.9 | Representation of Parties; Complaints | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.10 | Representation of Minors; Access to Minors Petitioned Pursuant to Welfare and Institutions Section 300 | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.11 | Presence of Child in Court | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.12 | Hearing in Absence of Parents and Parties (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.13 | Objection to the Sufficiency of the Petition (Demurrer) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.14 | Amended Petition | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.15 | Prehearing Discovery (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.16 | Request for Transcripts | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.17 | Peremptory Challenge | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.18 | Use of Social Worker's or Probation Officer's Reports at Contested Hearings in Juvenile Matters | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.19 | Reports with Psychological Evaluations | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.20 | Requirements and Procedures for Motions other than Motions to Continue | 7/1/2002 | 7/1/2004; 7/1/2017; 1/1/2018 |

CHAPTER 7: JUVENILE COURT RULES (continued)

| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
|----------------|-----------------|--|-----------------------|-------------------------------|
| 7 | 7.21 | Ex Parte Applications and Orders | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.22 | Petitions for Modification of Orders; More Restrictive Placement (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.23 | Petitions for Modifications of Order; Less Restrictive Placement (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.24 | Petitions for Modification of Orders; Decrease in Visitation by Parent/Party (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.25 | Petitions for Modification of Orders; Temporary Removal Out of State | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.26 | Petitions for Modification of Orders; New Service Plan Requirements | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.27 | Notice re: Change in Placement | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.28 | Appointment of Experts (Dependency) | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.29 | Procedures for Establishing Paternity | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.30 | Determining the Mental Status of a Child | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.31 | Authorization for Use of Psychotropic Drugs | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.32 | HIV/AIDS Testing Procedure for Dependent Children | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.33 | Guardianship Proceedings | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.34 | 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; 1/1/2018 |
| 7 | 7.35 | Parents' Financial Responsibility for Out-of-Home Care for Children | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.36 | Child Advocate Program | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.37 | Child Advocates | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.38 | Child Advocates: Release of Information to Advocate | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.39 | Child Advocates: Right to Timely Notice | 7/1/2002 | 7/1/2004; 1/1/2018 |

CHAPTER 7: JUVENILE COURT RULES (continued)

| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
|----------------|-----------------|---|-----------------------|-------------------------------|
| 7 | 7.40 | Child Advocates: Visitation Throughout Dependency | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.41 | Child Advocates: Family Law Advocacy | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.42 | Guardian ad Litem | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.43 | Parental Visitation Before Detention Hearing | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.44 | CAST Tapes/Protective Orders | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.45 | Dependency Mediation | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.46 | Mental Health Evaluation of a Parent | 7/1/2002 | 7/1/2004; 1/1/2018 |
| 7 | 7.47 | Inquiry into Child's Tribal Status | 7/1/2002 | 7/1/2004; 1/1/2018 |

CHAPTER 8: FAMILY LAW RULES

| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
|----------------|-----------------|---|-----------------------|-------------------------------|
| 8 | 8.0 | Purpose of Family Law Local Rules | 7/1/2013 | 1/1/2018 |
| 8 | 8.1 | Application of Rules | 7/1/2013 | 1/1/2018 |
| 8 | 8.2 | Compliance with Rules - Sanctions | 7/1/2013 | 1/1/2018 |
| 8 | 8.3 | Filing and Service | 7/1/2013 | 1/1/2018 |
| 8 | 8.4 | Family Law Case Management | 7/1/2013 | 1/1/2018 |
| 8 | 8.5 | Meet and Confer Requirement | 7/1/2013 | 1/1/2018 |
| 8 | 8.6 | Stipulations in Open Court | 7/1/2013 | 1/1/2017; 1/1/2018 |
| 8 | 8.7 | Preparation of Findings and Order After Hearing | 7/1/2013 | 1/1/2017 |
| 8 | 8.8 | Master Family Law Calendar and Pro Per Calendar | 7/1/2013 | 1/1/2017 |
| 8 | 8.9 | Mandatory Settlement Conference | 7/1/2013 | 1/1/2018 |
| 8 | 8.10 | Child Custody Matters: Recommending Counseling Services | 7/1/2013 | 1/1/2018; 1/1/2019 |

| <u>CHAPTER 8: FAMILY LAW RULES (continued)</u> | | | | |
|---|-----------------|--|-----------------------|-------------------------------|
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 8 | 8.11 | Complaints re: Family Law Facilitator | 7/1/2013 | 1/1/2018 |
| 8 | 8.12 | Supervised Visitation | 7/1/2013 | 1/1/2018; 1/1/2022 |
| 8 | 8.13 | Judgments | 7/1/2013 | 1/1/2018 |
| 8 | 8.14 | Ex-Parte Hearings and Orders | 7/1/2013 | 1/1/2018 |
| 8 | 8.15 | Spousal or Domestic Partner Support | 7/1/2013 | 1/1/2018 |
| 8 | 8.16 | Children of Divorce Workshop | 7/1/2013 | 1/1/2018; 1/1/2019 |
| <u>CHAPTER 9: APPELLATE RULES</u> | | | | |
| Chapter | Rule No. | Rule Title | Effective Date | Amended Effective Date |
| 9 | 9.1 | Record in Misdemeanor and Infraction Appeals to the Appellate Department | 7/1/2010 | |
| 9 | 9.2 | Record in Limited Civil Appeals to the Appellate Department | 7/1/2010 | |

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