



SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO

LOCAL RULES

Effective January 1, 2012

These rules may be purchased for \$10.00 at the civil filing counter at the main courthouse, 720 Ninth Street, or the family law filing counter at the Family Relations Courthouse, 3341 Power Inn Road.

Superior Court of California, County of Sacramento

LIST OF CURRENTLY EFFECTIVE RULES
AND THE DATE OF ADOPTION OF LATEST
AMENDMENT TO EACH RULE

1.00 – 1.01	January 1, 1999	5.14	January 1 2005	9.04	January 1, 2012
1.02	July 1, 2008	5.15 - 5.16	July 1, 1994	9.05	January 1, 2007
1.03	January 1, 1998	5.17	July 1, 2007	9.06	January 1, 2010
1.04 - 1.05	January 1, 1999	5.18	July 1, 2007	9.07	January 1, 2006
1.06 - 1.07	July 1, 2006	5.19 - 5.29	July 1, 1994	9.09	July 1, 1994
2.00	January 1, 2012	5.30	January 1, 2007	9.10	July 1, 2008
2.01	July 1, 2008	5.31	January 1, 2010	9.11	July 1, 1994
2.02	January 1, 2010	5.32	January 1, 2011	9.12	January 1, 1998
2.03	January 1, 2010	5.40	January 1, 2011	9.13	July 1, 1994
2.04	January 1, 2008	5.41-5.44	January 1, 2011	9.14	January 1, 2006
3.00	January 1, 2010	5.50	January 1, 2012	9.15 - 9.16	July 1, 1994
3.02	July 1, 1994	5.51	July 1, 2007	9.16.5	July 1, 2008
3.03	January 1, 2010	5.52	January 1, 2012	9.17 - 9.19	July 1, 1994
3.04	January 1, 2011	5.53	January 1, 2011	9.20	January 1, 2002
3.05	July 1, 1996	5.54	January 1, 2012	9.21	July 1, 1994
3.06 - 3.07	January 1, 1999	5.55	January 1, 2011	9.22	July 1, 2008
3.08	January 1, 1996	5.56 - 5.59	July 1, 1994	9.23	January 1, 2006
3.11	January 1, 2011	5.60	January 1, 2012	9.24	January 1, 2012
3.12	January 1, 2009	5.61	July 1, 1994	9.25	January 1, 2012
3.13	January 1, 2000	5.62	January 1, 2002	9.26	January 1, 2012
3.14	January 1, 2012	5.63	July 1, 1994	9.27	January 1, 2009
3.15	July 1, 1994	6.00	July 1, 2004	9.28	July 1, 2006
3.16	January 1, 1999	6.00.5	July 1, 2008	9.29	July 1, 2003
3.17	July 1, 1994	6.01	January 1, 2010	9.30	January 1, 2005
3.18	July 1, 2001	6.02– 6.06	July 1, 2004	9.31	July 1, 2007
3.19	July 1, 1994	6.07	January 1, 2012	9.32	July 1, 2006
3.20	January 1, 2010	7.00	January 1, 2003	9.33	July 1, 2007
3.21	January 1, 2009	7.01	January 1, 2008	9.34	January 1, 2008
4.00	January 1, 2012	7.02	July 1, 1994	9.35	January 1, 2012
4.01	January 1, 2012	7.03	January 1, 2008	10.00	January 1, 2012
4.02 - 4.03	January 1, 1999	7.04	January 1, 2010	10.01	July 1, 2005
5.00	January 1, 2002	8.00	July 1, 1999	10.02	January 1, 1995
5.01	January 1, 2007	8.01	January 1, 2011	10.03	January 1, 1997
5.02 - 5.09	July 1, 1994	8.02	January 1, 2012	10.04	July 1, 1997
5.10	January 1, 2010	9.00	January 1, 2010	11.00	July 1, 2004
5.11	July 1, 1994	9.01	January 1, 2000	11.00.5	January 1, 2010
5.12	January 1, 1999	9.02	July 1, 2006	11.00.6	January 1, 2009
5.13	July 1, 1994	9.03	January 1, 2012	11.01	January 1, 2012

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11.02 – 11.03	July 1, 2004	14.15	January 1, 2011	15.41	January 1, 2010
11.04	January 1, 2007	14.16-14.18	January 1, 2012	15.42	January 1, 2011
11.05	January 1, 2008	14.19-14.21	January 1, 2011	15.43	January 1, 2010
11.055	July 1, 2007	14.22	January 1, 2012	15.44	January 1, 1999
11.056	July 1, 2004	15.00	January 1, 2012	15.45	January 1, 2010
11.06	January 1, 2008	15.00.1-15.01	January 1, 2010	15.46	January 1, 2010
11.07	July 1, 2004	15.02-15.02.2	January 1, 2012	15.46.5	July 1, 2005
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11.11 – 11.13	July 1, 2004	15.02.6-15.03	January 1, 2009	15.47	January 1, 2010
11.15	July 1, 2007	15.04-15.04.5	January 1, 2012	15.48	January 1, 2012
11.16	July 1, 2008	15.05 – 15.06	July 1, 2005	15.49	January 1, 2011
11.18	January 1, 2009	15.07	January 1, 2010	15.50	July 1, 2005
11.19	July 1, 2004	15.08	January 1, 2011	15.51	January 1, 2011
11.20	January 1, 2005	15.09-15.10.4	January 1, 2012	15.52	January 1, 2006
12.00	January 1, 2007	15.10.5	January 1, 2011	15.53 - 15.54	January 1, 1997
12.01	January 1, 2010	15.10.6	July 1, 2005	15.55	July 1, 2005
12.02 – 12.04	January 1, 2007	15.10.7	January 1, 2012	15.57	January 1, 1997
12.05	January 1, 2010	15.10.8	January 1, 2010	15.58	January 1, 1994
12.06 – 12.12	January 1, 2007	15.11	January 1, 2011	15.59	January 1, 1997
12.13	January 1, 2012	15.12	January 1, 1994	15.60	January 1, 1999
12.14 – 12.15	January 1, 2007	15.13	January 1, 2010	15.61	January 1, 2011
12.16	January 1, 2009	15.14	January 1, 2010	15.62	July 1, 2005
12.17	January 1, 2007	15.15	January 1, 2010	15.63	January 1, 2006
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12.20 – 12.21	January 1, 2007	15.18	January 1, 1994	15.66 – 15.67	July 1, 2005
12.215	January 1, 2011	15.20	July 1, 2005	15.68	January 1, 2011
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12.23	January 1, 2012	15.24	July 1, 2000	15.71	January 1, 2010
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12.25	January 1, 2007	15.26	January 1, 2010	15.73	January 1, 2010
12.26	January 1, 2010	15.27 - 15.28	January 1, 1994	15.74	January 1, 2010
12.27 - 12.28	January 1, 2007	15.29	January 1, 1997	15.76	January 1, 1999
13.00-13.07	January 1, 2011	15.31	January 1, 2010	15.78	January 1, 2012
14.00	January 1, 2011	15.32	January 1, 2010	15.80	January 1, 2006
14.01-14.04	January 1, 2012	15.34	January 1, 2010	15.81	July 1, 2005
14.05	January 1, 2011	15.35	July 1, 2005	15.83	January 1, 1999
14.06-14.08	January 1, 2012	15.36	January 1, 2010	15.84	January 1, 2010
14.09	January 1, 2011	15.37	July 1, 2005	15.85	January 1, 2010
14.10-14.14	January 1, 2012	15.40	January 1, 2010	15.86	January 1, 2010

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15.87.5	January 1, 2012	17.16	July 1, 2001	22.07 – 22.08	January 1, 2000
15.89-15.89.01	January 1, 2012	17.17	January 1, 2011	22.08.5	January 1, 2012
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15.92	January 1, 2006	17.20	January 1, 2012	22.11	January 1, 2011
15.93	July 1, 2005	17.21	January 1, 2000	22.12	January 1, 2012
15.94	January 1, 2012	17.23 - 17.24	January 1, 2006	22.13	January 1, 2011
15.95	January 1, 1997	17.25 - 17.27	July 1, 2003	22.14	January 1, 2011
15.97	July 1, 2005	17.28 - 17.30	January 1, 2006	22.15	January 1, 2011
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15.101	January 1, 2010	17.33	January 1, 2010	22.17	July 1, 2004
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15.103	July 1, 2006	17.35	January 1, 2011	22.19	January 1, 2012
15.104	January 1, 2011	17.35.10	January 1, 2011	22.20	January 1, 2009
15.105	July 1, 2005	17.36	January 1, 2011	23.00-23.01	January 1, 2012
15.106	January 1, 2010	17.37	July 1, 2007	23.02	January 1, 2011
15.106.5	January 1, 2010	17.38	July 1, 2002	23.03	January 1, 2012
15.07-15.08	July 1, 2005	17.39	January 1, 2011	Appendix A	January 1, 2001
15.109	January 1, 2011	17.40	January 1, 2010	Appendix B	July 1, 2008
15.110	January 1, 2011	17.41	January 1,, 2009	Appendix C	January 1, 2010
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16.01	January 1, 2012	18.00	July 1, 1997		
16.02	July 1, 2005	19.00	January 1, 2009		
16.03	January 1, 2011	19.01	January 1, 2000		
16.04	January 1, 1996	19.02	January 1, 2012		
16.05	January 1, 2010	19.05	January 1, 2001		
17.00	January 1, 2000	19.06 – 19.10	July 1, 2005		
17.01	July 1, 2002	19.11 - 19.12	January 1, 2001		
17.02 - 17.03	January 1, 2001	20.00 - 20.07	January 1, 1999		
17.04	January 1, 2011	21.00 - 21.02	January 1, 1999		
17.06 - 17.06	January 1, 2001	22.00	January 1, 2011		
17.07	January 1, 2012	22.01	January 1, 2000		
17.08 - 17.10	January 1, 2000	22.02	January 1, 2011		
17.11	January 1, 2012	22.03	January 1, 2011		
17.12	January 1, 2011	22.04	January 1, 2011		
17.13 - 17.14	January 1, 2000	22.05	January 1, 2000		
17.15	January 1, 2011	22.06	January 1, 2010		

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CHAPTER 1 - GENERAL RULES

1.00 Scope of Rules.

These Local Rules of Court apply to the Superior Court of California, County of Sacramento.
(Amended effective 1/1/99)

1.01 Citation of Rules.

These Rules shall be known and cited as the "Local Rules for the Superior Court of California, County of Sacramento."
(Amended effective 1/1/99)

1.02 (deleted effective 7/1/08)

1.03 Effect of Rules.

These Rules shall on their effective date supersede all local court rules previously adopted by the Sacramento Superior Court, the Sacramento Municipal Court District, and the South Sacramento Municipal Court District.
(Amended effective 1/1/98)

1.04 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 Superior Court of California, County of Sacramento.
(Amended effective 1/1/99)

1.05 Amendment, Addition, or Repeal of These Rules - Sanctions for Failure to Comply with Rules.

(A) These Local Rules may be adopted, amended, or repealed by a majority vote of the judges of the court at any regular or special judges meeting. Any rules adopted or amended shall be effective subject to the notice and publication requirements of Code of Civil Procedure section 575.1 and the requirements of Government Code section 68071.
(Amended effective 1/1/99)

(B) These Rules, where applicable to civil actions and proceedings and as amended from time to time, are adopted pursuant to Code of Civil Procedure section 575.1. Any counsel, party represented by counsel, or party appearing in pro per, who fails to comply with any of the requirements set forth in these Rules, shall upon motion of a party or the court be subject to the sanctions set forth in Code of Civil Procedure section 575.2.
(Effective 7/1/94)

1.06 Self-Represented Parties Acting as Counsel.

For purposes of these rules, the term counsel shall include self-represented parties.
(Added effective 7/1/06)

1.07 Assignment Following Remand.

Where a case previously tried in this court is remanded back to the court for further proceedings by the appellate court, the case shall be automatically assigned to the judge who heard the trial effective the fifth calendar day after the

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remittitur is issued by the appellate court, provided that judge is still on the bench, unless the presiding judge by written order assigns the case to another judge.

(Added effective 7/1/06)

CHAPTER 2 - MASTER CALENDAR DEPARTMENTS

2.00 Master Calendar Departments.

The Department of the Presiding Judge is designated as the primary Master Calendar Department.

In the discretion of the Presiding Judge, there shall additionally be designated subordinate master calendar departments for criminal cases, civil cases, limited civil cases, juvenile court cases, and unlawful detainer proceedings.

The several master calendars shall be called each judicial day by the Presiding Judge or designee, and the cases then ready for trial shall be transferred to any department of the court designated by the Presiding Judge.

(Amended effective 1/1/12)

2.01 Prerogative Writs.

(A) Except as provided in paragraph (H), petitions for writs of mandate, review, and prohibition shall be filed with the clerk of the court and shall be immediately assigned to a judge for all purposes, as directed by the Presiding Judge and a Notice of Assignment shall issue. If the petition is combined with a complaint for injunctive and/or declaratory relief, the assignment shall apply to the complaint as well as the petition.

(Amended effective 1/1/07)

(B) When filing any papers related to a petition for prerogative writ, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and two copies in a format pursuant to California Rules of Court, rule 3.1110.

(Amended effective 1/1/08)

(C) All subsequent documents in the case shall be filed and paid for at the court's public filing counter. Documents filed within one day of the hearing shall be filed and paid for at the court's public counter and an endorsed copy shall be delivered to the assigned department.

(Amended effective 7/1/08)

(D) Points and authorities prepared for a hearing on the merits of a writ petition shall not exceed 50 pages in length and shall be filed in accordance with the following schedule: The opening points and authorities shall be filed at least 45 days prior to the hearing date; the opposition shall be filed at least 25 days prior to the hearing date; and the reply shall be filed at least 15 days prior to the hearing. Points and authorities prepared for a motion to be heard prior to the merits of a writ petition shall comply with the filing schedule and page limits specified in rules 3.1113 and 3.1300 of the California Rules of Court. In the event that the points and authorities exceed 10 pages in length, the filing party must also comply with subsection (B) above.

(Renumbered and amended effective 1/1/07)

(E) A guide to the procedures for prosecuting petitions for prerogative writs in the Sacramento Superior Court is provided by the legal process clerks to each party filing a civil writ petition, is available from the clerk in each assigned writ department, and is posted on the Sacramento Superior Court's internet website (<http://www.saccourt.ca.gov>). Counsel shall obtain and follow this procedural guide in applying for a stay, setting a hearing by notice or alternative writ on the merits of a writ petition, bringing a motion prior to a hearing on the merits, and taking other actions covered in the guide.

(Renumbered effective 1/1/07)

(F) All applications for relief from this rule shall be made to the judge assigned the case.

(Renumbered effective 1/1/07)

(G) Mediation in Land Use and Environmental Actions. The petitioner in land use and environmental writ proceedings, at the time of the deadline for the response to the petition, shall prepare and lodge with the assigned department a notice form for the court's signature inviting mediation pursuant to Government Code section 66031(b). A sample form may be obtained from the clerk in the assigned department.

(Renumbered effective 1/1/07)

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(H) Petitions for writs of mandate, review, and prohibition arising from any misdemeanor case, infraction case, or limited civil action shall be filed with the clerk of the appellate unit of the clerk's office and heard by the Appellate Division of the Superior Court in accordance with the rules of the Appellate Division.
(Renumbered effective 1/1/07)

2.02 Presiding Judge Law and Motion Proceedings.

(A) Master Calendar Departments are designated as law and motion departments for such matters as the Presiding Judge may direct in relief of the other law and motion departments. Law and motion matters in the Master Calendar Department will be called Tuesday through Friday mornings at a time to be designated by the Presiding Judge.
(Amended effective 1/1/06)

(B) Unless otherwise directed by the Presiding Judge, in civil and limited civil actions, all motions for consolidation, severance, bifurcation, intervention, pretrial conference, coordination and to advance or for continuance of trial, a setting conference, or pretrial conference shall be heard by the Presiding Judge. All motions for change of venue in Family Law cases shall be filed and heard in the Family Law Department in which the case is assigned. All other change of venue motions shall be heard by the Presiding Judge. Motions to continue trial setting conferences when brought more than seven (7) days in advance of the trial setting conference shall be heard by the CMP program judge pursuant to Local Rule 11.16. Except for good cause, any such motions shall be made upon written notice to all parties. The notice shall be given and the motion made promptly upon the necessity for the continuance, change of venue, consolidation, coordination, intervention, severance, pretrial conference, or bifurcation being ascertained.
(Amended effective 7/1/07)

(C) Motions to Continue Trial Date.

(1) All trial continuances, including those requested upon the parties' stipulation pursuant to section 595.2 of the Code of Civil Procedure, are within the court's discretion.

(2) For the purpose of assigning a trial date in the tentative rulings, all motions to continue a trial date shall include the moving party's attorney's calendar showing the attorney's availability as follows:

- (a) If no new trial date is requested, for the 90-day period following the current trial date.
- (b) If a new trial date is requested, for the 60-day period following that date.

All other parties, whether or not they oppose the motion to continue the trial date, shall, within the time limits for filing an opposition, file papers showing the attorney's calendars for the time period specified above.
(Amended effective 1/1/96)

(D) Tentative Ruling System.

(1) All parties appearing on the law and motion calendar in the Presiding Judge's department shall utilize the tentative ruling system. On the afternoon of the court day before each calendar, the Presiding Judge will publish a tentative ruling on each matter on the next day's calendar. The tentative rulings will be available after 2:00 p.m. on the court day before the matter is heard by accessing the court's website at <http://www.saccourt.ca.gov>. The complete text of the tentative rulings for the department may be downloaded off the court's website. If the party does not have online access, they may call (916) 874-8142 between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling.
(Amended effective 1/1/10)

(2) The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the department clerk no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

(3) Where appearance has been requested by counsel or invited by the court, limited argument will be entertained.

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(4) All noticed motions in the Presiding Judge's department shall include the following information in the notice:

"Pursuant to Local Rule 2.02(D), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling, call the Presiding Judge's department at 874-8142. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held."

(Amended effective 7/1/00)

2.03 Continuance of Civil Setting Conference, Civil Pretrial Conference, or Civil Trial.

In civil matters, a continuance of a trial, whether or not opposed, shall be by order of the Presiding Judge or the Presiding Judge's designee. Motions to continue or extend a referral to the trial setting process shall be heard by the designated Case Management Program judge. Continuance of a pretrial conference shall be ordered by the judge before whom the conference is to be heard.

(Amended effective 1/1/10)

2.04 Ex Parte Applications in Presiding Judge's Department.

(A) All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders shall be set in the department of the Presiding Judge each day, by appointment only, with at least 24 hours' notice to the opposing party or counsel. Ex Parte Applications and supporting documents shall be filed and paid for at the court's public counter and endorsed copies shall be brought to the department at the time of the appointment. Such applications must include a written supporting declaration, stating whether opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, or why the order should be issued without such notice. The adequacy of the application for temporary relief will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written, by either party.

(Amended effective 1/1/08)

(B) Except by order of the court, upon a showing of good cause, all ex parte applications presented to the court seeking to set a matter on shortened time must provide for opposition papers to be filed and served five (5) court days and reply papers to be filed and served two (2) court days prior to the hearing date. The court, in its discretion, may order a shorter time or that there be no reply; but in no event shall the last paper be filed later than 9:00 a.m. two (2) court days before the hearing. The moving papers must be accompanied by a copy of the order and all papers, including subsequent papers filed in the matter, must indicate on the caption page that the matter was brought on an order shortening time with specific identification of the date of the order and name of the Presiding Judge.

(Effective 7/1/94)

2.05 (deleted effective 1/1/01)

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CHAPTER 3 - CIVIL LAW AND MOTION RULES

3.00 Civil Law and Motion Departments.

(A) Civil law and motion proceedings (on all matters other than small claims and unlawful detainer cases) for the court shall be heard in departments designated by the Presiding Judge. In addition to the matters defined in California Rules of Court, rule 3.1103, except for those matters specifically excluded herein, such departments shall also hear petitions for change of name and applications for appointment of a guardian ad litem pursuant to Code of Civil Procedure section 373. All probate matters will be heard in the Probate Department. (See Local Rule 15.10(C).) (Amended effective 1/1/06)

(B) Petitions for writs of mandate, prohibition, or review and related law and motion matters shall be heard in departments designated by the Presiding Judge in accordance with Local Rule 2.01.

(C) Motions for change of venue, consolidation, severance, intervention, pretrial conference, coordination, and to advance or for continuance of trial, a setting conference, or pretrial conference shall be presented to the Presiding Judge in accordance with Local Rule 2.02.

(D) The following motions shall be made to the trial judge:

(1) Motions in limine;

(2) Motions for new trial, or to set aside and vacate a judgment and enter a different judgment pursuant to the provisions of Code of Civil Procedure section 663;

(3) Motions to stay judgments; and

(4) Proceedings to settle any statement on appeal.

(5) Motion to tax costs after trial.

(Added effective 1/1/00)

(E) Petitions for Emancipation of Minors shall be filed with the Legal Process Clerk in the Family Law Filing Unit, and heard on the family law calendar.

(Added effective 7/1/00)

(F) Where two or more departments are designated to hear similar proceedings, matters shall be assigned on a rotating basis as designated by the Presiding Judge and posted in the offices of the clerk of the court and provided on the court's website at <http://www.saccourt.ca.gov>.

(Amended effective 1/1/10)

(G) The calendars in law and motion departments will be called at such times as are designated by the Presiding Judge and periodically published in the local legal newspaper. As to any matter for which an appearance is required, a failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar or denied.

(Renumbered effective 7/1/00)

(H) When a matter is to be dropped, counsel for the moving party shall promptly notify the law and motion calendar unit or, if within one (1) week prior to the hearing date, the clerk of the assigned department. (Cal. Rules of Court, rule 3.1304(b).)

(Renumbered effective 7/1/00)

(I) Requests for continuance must be made in writing by letter to the clerk of the department and must be requested by the moving party. No matters will be continued by stipulation of the parties without approval by the court for good cause shown.

(Amended effective 1/1/09)

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(J) Appearance By Telephone. Parties are encouraged to appear by telephone, when appropriate, at all hearings and conferences, except unlawful detainer proceedings, judgment debtor exemptions, claims of exemption, contempt, default, emancipation of minors, name changes, orders of examination, preliminary injunctions, receiverships, and writs of attachment. Failure to appear by telephone may in the court's discretion be considered in awarding or denying attorney's fees for travel time.

(Renumbered effective 7/1/00)

3.01 (deleted effective 1/1/01)

3.02 Sanctions.

Failure to comply with any Local Rule or California Rules of Court may subject the party to sanctions pursuant to California Rules of Court, rule 2.30; Code of Civil Procedure sections 177.5, 575.2.

(Effective 7/1/94)

3.03 Filing of Papers.

(A) All papers relating to a law and motion matter shall be filed with or mailed to the civil customer service counter at 720 9th Street, Room 102, Sacramento, California 95814.

(Amended effective 1/1/10)

(B) All opposition and reply papers shall be served upon opposing counsel by personal delivery, telecopy, express mail, or other means designed to ensure that the opposition and reply papers are received by opposing counsel no later than one court day after filing.

(Amended effective 1/1/97)

(C) Failure to comply with the requirements of this rule concerning filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule and cause for imposing sanctions. (Cal. Rules of Court, rule 2.30; Code of Civ. Proc., sections 177.5 and 575.2.)

(D) When more than one motion in the same case is to be heard in different departments, they shall be set on different dates. All motions to be heard by different departments must be separately noticed and served.

(E) Unless previously filed, proofs of service must be filed by 9:00 a.m. five calendar days before the hearing, or the matter may be dropped from the law and motion calendar.

(Amended effective 1/1/07)

(F) Lodging of deposition transcripts is not permitted unless requested by the court. Copies of pertinent portions of depositions shall be attached as exhibits to the motion and incorporated by reference in a declaration.

(Amended effective 1/1/95)

(G) When filing any motion/petition or opposition to a motion/petition which is subject to California Rules of Court, rule 3.1110, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110. This section shall not apply to any motion or petition filed pursuant to California Rules of Court, rule 3.1114.

(Amended effective 1/1/08)

3.04 Tentative Rulings.

(A) Certain designated law and motion departments will issue tentative rulings. In those departments, on the afternoon of the court day before each calendar, the judges will publish a tentative ruling on each matter on the next day's calendar. The tentative ruling will be available after 2:00 p.m. on the court day before the matter is heard through the court's online services at <http://www.saccourt.ca.gov>. The complete text of the tentative rulings for each department may be downloaded off the court's website. If a party does not have online access they may call

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(916) 874-8142 between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling.

(Amended effective 1/1/10)

(B) The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the clerk of the designated department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the clerk that such party has notified the other side of its intention to appear.

(Amended effective 1/1/11)

(C) Where appearance has been requested or invited by the court, limited argument will be entertained.

(Effective 7/1/94)

(D) All noticed motions and demurrers in departments which issue tentative rulings shall include the following information in the notice:

"Pursuant to Local Rule 3.04, the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. You may access and download the court's ruling from the court's website at <http://www.saccourt.ca.gov>. If you do not have online access, you may obtain the tentative ruling over the telephone by calling (916) 874-8142 and a deputy clerk will read the ruling to you. If you wish to request oral argument, you must contact the clerk at (916) 874-7858 (Department 53) or (916) 874-7848 (Department 54) and the opposing party before 4:00 p.m. the court day before the hearing. If you do not call the court and the opposing party by 4:00 p.m. on the court day before the hearing, no hearing will be held."

(Amended effective 1/1/11)

3.05 (deleted effective 7/1/98)

3.06 Demurrers in Limited Civil Cases.

Demurrers and decisions thereon shall comply with Code of Civil Procedure section 90 et seq., which provide limits on pleadings in limited civil cases.

(Amended effective 1/1/99)

3.07 Motions to Strike in Limited Civil Cases.

Motions to strike shall comply with Code of Civil Procedure section 90 et. seq., which provide limits on motions to strike in limited civil cases. The court will exercise its inherent power to strike an unauthorized pleading or a pleading filed in violation of a court order.

(Amended effective 1/1/99)

3.08 (deleted effective 7/1/98)

3.09 (deleted effective 7/1/00)

3.10 (deleted effective 7/1/00)

3.11 Motions to Compel Entry of Judgment. Orders After Hearing.

Motions to compel entry of judgment pursuant to Code of Civil Procedure section 664.6 may be heard in the department of the judge before whom the parties stipulated, or in the law and motion departments.

(Amended effective 1/1/11)

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3.12 Defaults and Default Judgments.

(A) A party who submits an Application for Default in reliance upon service of summons by substituted service pursuant to CCP section 415.20(b) shall submit a declaration by the process server indicating:

(1) The factual basis upon which the process server concluded that the place of service and mailing was either the "dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service box" of the person served;

(Amended effective 1/1/09)

(B) If a default judgment is requested by affidavit pursuant to Code of Civil Procedure section 585(d), the request and accompanying declarations shall be submitted to the courtroom clerk in the appropriate law and motion department. If, after reviewing the materials submitted, the court determines that personal testimony is required, the clerk shall so advise the moving party. If testimony is required, the moving party must notify the law and motion clerk to arrange a hearing date.

(Renumbered effective 7/1/00)

(C) Requests for Entry of Default must be accompanied by either the original summons and proof of service for filing or filed endorsed copies. On cases where the complaint was filed prior to 1/1/06 or if the original summons was issued and given to filing party at the time of filing, said summons (or file endorsed copy) must be provided prior to entry of default.

(Amended effective 7/1/07)

3.13 Orders After Hearing.

(A) Unless otherwise provided in the minute order pursuant to tentative decision, orders after hearing shall be prepared pursuant to California Rule of Court 3.1312 and shall specify, immediately below the case number, the date the matter was last calendared for hearing and the judge who heard the matter. Such order shall be served within five (5) days of receipt of the order signed by the court. Unless otherwise directed, compliance with the order shall be within 10 days of service of the order.

(Amended effective 1/1/00)

(B) If the moving party has served and submitted a proposed order with the moving papers, and no opposition to the motion is filed, the court may deem that the party who failed to oppose the motion has approved the form of the proposed order, except as to any sanctions included in the proposed order. This rule is not intended to provide for the granting of sanctions not otherwise authorized by statute.

(Amended effective 1/1/00)

3.14 Ex Parte Applications.

All ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders sought in the law and motion departments shall be presented by appointment only at such times as are designated by the Presiding Judge and published on the court's website at <http://www.saccourt.ca.gov>. All ex parte matters presented in a law and motion department shall comply with Rule 2.04.

(Amended effective 1/1/12)

3.15 Discovery Sanctions. Code of Civil Procedure Section 2023(c).

When seeking monetary sanctions under the Civil Discovery Act, the requesting party must so state in the notice of motion, and state against whom sanctions are sought. The request must be supported by the appropriate legal authority (e.g., interrogatories, Code of Civil Procedure section 2030(k).) The motion shall be accompanied by a declaration setting forth facts supporting the amount of any monetary sanctions sought, including the service provided, the date and the attorney's fee for the service. Conclusory allegations that the amount of sanctions sought is reasonable are insufficient to support the request.

(Effective 7/1/94)

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3.16 Matters Regarding Discovery in Limited Civil Cases.

(A) Motions regarding discovery in limited civil cases shall comply with Code of Civil Procedure section 94 et seq., if applicable.

(Amended effective 1/1/99)

(B) If discovery is sought in violation of Code of Civil Procedure section 94, it is a sufficient response to object on the ground of violation of that section, setting forth specifically the manner in which the discovery sought violates that section. Failure to timely so object will be deemed a waiver of such objection.

(C) Where an order compelling or limiting discovery is sought, and relevancy to the subject matter is in issue, the moving papers shall set forth a synopsis of each pertinent cause of action and each defense in a manner sufficient that it will not be necessary for the court to read the pleadings.

(Effective 7/1/94)

3.17 Compensation of Discovery Referees.

In the absence of an order to the contrary, all counsel and all parties are jointly and severally liable for the costs and expenses of discovery referees.

(Effective 7/1/94)

3.18 Substitution or Association of Attorneys or of Party In Pro Per.

(A) A substitution of attorneys or substitution of a party in pro per will not be accepted for filing unless the address and telephone number of the new attorney or party in pro per is included as part of the substitution.

(Amended effective 7/1/07)

(B) An association of attorney will not be accepted for filing unless the attorney's name, State Bar number, firm name, address, and telephone number of the associated attorney are included as part of the document.

(Amended effective 7/1/01)

3.19 Joining Motions of Other Parties.

If a party desires to receive the same relief as another party and files papers "joining" another party's motion, the court will not consider the papers to be a separate motion and will not grant relief to the party joining the motion unless that party has complied with all procedural requirements for the filing of motions, including payment of filing fees, proper notice, format of motion and method of service.

(Effective 7/1/94)

3.20 Reserving Hearing Dates.

Hearing dates for motions for summary judgment, summary adjudication, judgment on the pleadings, special motions to strike pursuant to Code of Civil Procedure section 425.16, and demurrers must be reserved in advance by telephoning the calendar clerks at (916) 874-7848 (Department 54) or (916) 874-7858 (Department 53).

(Amended effective 1/1/10)

3.21 Examination of Judgment Debtors, Garnishees, and Others Noticed for Appearance at the Main Downtown Courthouse.

(A) Applications. All applications for such orders shall be delivered to the Civil Clerk's office for presentation to the department designated by the Presiding Judge to hear orders of examination (hereinafter Order of Examination Department). A file-endorsed copy of the Judgment, if entered prior to November 13, 2007, shall be submitted as an exhibit to the application.

(Amended effective 1/1/09)

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(B) When service is completed, proofs of such service must be filed in the Order of Examination Department on the date of the hearing. If such proof is not filed in accordance with this rule, the court may refuse to issue a bench warrant for nonappearance of the judgment debtor or third party.
(Amended effective 1/1/09)

(C) Failure to Appear at Hearing:

(1) If the party or attorney who procured the order fails to appear at the time and place specified in any such order, but the person, corporation, association, or trust named in the order appears, the proceeding for such examination may be dismissed forthwith without costs.

(2) A bench warrant for the arrest of a party, or in case of a corporation, association, or trust, the person served on behalf of the entity may be issued in the form referenced in Local Rule 9.25. The judgment creditor shall prepare the bench warrant and submit it to the Order of Examination Department, together with a check for service of the bench warrant in the appropriate amount and made payable to the Sacramento County Sheriff's Department. The bench warrant must be served on or before 120 days after its issuance. The Judge in the Order of Examination Department will set bail in an amount to be determined. Upon receipt of a bench warrant for service, the Sheriff may send a courtesy letter offering the named party seven days within which to appear voluntarily.
(Amended effective 1/1/09)

(3) When a bench warrant is served and the field officer determines that the named party cannot afford to pay the bail; and if the field officer further determines that it would require extraordinary time and additional manpower to book the defendant, the field officer may call the clerk of the Order of Examination Department, and request the Judge thereof to determine whether said named party can be released on his or her own recognizance.

(D) This rule does not cover applications noticed for appearance at other than the main downtown courthouse.
(Added effective 7/1/02)

(1) Applications for Appearance and Examination are submitted at the public filing counter and reviewed ex parte by the judicial officer in the designated Order of Examination Department. An attached copy of the judgment will expedite the process for the judicial officer when reviewing the application or issuing a warrant at the time of hearing. Judgments entered after November 13, 2007 are available in CCMS. Judgments entered in legacy cases prior to November 13, 2007 are not readily available and would require obtaining the court file from the Records Unit or Records Retention Center. If the judgment is attached as an exhibit to the application, it will be scanned together with the application and become available for viewing in CCMS.

(2) A change of process became effective in November 2007 that requires the person submitting the bench warrant for signature to deliver the document directly to the designated Order of Examination Department instead of the civil filing counter.

(3) A change of process in filing and retaining the order when the order is signed negates the requirement for the order to be returned prior to the issuance of a warrant. The proof of service may now be filed by itself because the order is already on file with the court.
(Added effective 1/1/09)

CHAPTER 4 - SETTLEMENT CONFERENCES

(Heading amended effective 1/1/99)

4.00 Settlement Conferences.

(A) The court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process. Good faith efforts to settle shall be made during settlement conferences in conformity with the rules of this chapter.

(B) All long cause civil matters, except unlawful detainers, family law, writs, petitions, and small claims cases, shall participate in the Mandatory Settlement Conference program, unless ordered exempt by the court pursuant to Local Rule 12.20. The mandatory settlement conference shall be scheduled in Department 59 approximately 30 court days before trial. A trial date settlement conference may be scheduled at the discretion of the Supervising Settlement Judge or the Presiding Judge. Probate matters will participate as ordered by the Probate Judge.
(Amended effective 1/1/12)

(C) Parties to any civil proceeding may apply to the Supervising Settlement Judge for a specially set voluntary settlement conference, which shall be subject to the rules of this chapter.
(Amended effective 7/1/04)

(D) If any counsel or party subject to these rules fails to comply with any rule in this chapter, the court on motion of a party or on its own motion, may strike all or part of any pleading of that party, dismiss the action or proceeding or any part thereof, enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order the offending attorney or party to pay reasonable costs, including attorney fees.
(Amended effective 7/1/04)

4.01 Settlement Conference Procedures; Assignments, Duties and Requirements of Counsel, Parties, and Insurers.

(A) Assignments.

The court will maintain a list of attorneys and retired judges who may act as settlement conference temporary settlement judges. The Supervising Settlement Judge may assign specific settlement conferences to one or more persons from said list and/or to a member of the judiciary. The Presiding Judge may authorize experienced attorneys to act as a Supervising Temporary Settlement Judge, who shall have all the powers of the Supervising Settlement Judge as set forth in these rules.
(Amended effective 7/1/05)

(B) Required Attendance.

All persons whose consent is required to effect a binding settlement shall be personally present at a settlement conference unless excused by the Supervising Settlement Judge as provided in paragraph (F) of this rule. Included among such persons, but without limitation, are the following:

(1) The attorney(s) for the plaintiff(s) and the plaintiff(s);

(2) The defendant(s), the attorney(s) for the defendant(s), and if the defendant is insured, the attorney for the carrier or carriers, and the claims adjuster or adjusters;

(3) If a named defendant is being defended with a reservation of rights or if there is personal financial exposure to the named defendant for any other reason (other than a small deductible), said named defendant must personally appear for the settlement conference in addition to the insurer.

(4) An authorized representative of a corporation or other business or governmental entity which is a litigant, whether plaintiff or defendant.

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(C) Authority to Settle.

(1) Each person required by subdivision (B) to attend the settlement conference must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.

(2) Anyone appearing in a representative capacity must have full unlimited authority to resolve the case. Said representative must have adequate knowledge of the case to evaluate offers by the opposing side and to re-evaluate his/her own offer based upon information or questions presented during the settlement conference.

(3) The attorneys for all parties appearing in the action who attend the conference must be thoroughly familiar with the available evidence involving both liability and damages. The attorney assigned to try the case shall be present at the settlement conference, unless good cause for his/her absence is shown.

(4) All counsel shall ascertain whether there are claims or liens which may affect a settlement. Any party subject to a lien(s) shall initiate negotiations on all such liens. The parties shall advise the court regarding the status of negotiations to resolve any outstanding liens. A party subject to a lien may request in writing that the lien claimants or their representatives attend the settlement conference or in the alternative, provide contact information where they can be reached at the time of the settlement conference. This rule authorizes a party to give notice on behalf of the court pursuant to Government Code Section 985(c) to collateral source providers that are state or local public entities.

(Amended effective 1/1/12)

(D) Settlement Conference Statements and Supporting Documents.

(1) Not less than 10 days prior to the scheduled settlement conference, each party shall ensure that an original and one copy of the Settlement Conference Statement is received by the clerk of the Supervising Settlement Judge and received by every other party. Parties may submit their settlement conference statements in electronic form to the Department of the Supervising Settlement Judge by sending an email to the address specified on the court's website at <http://www.saccourt.ca.gov/civil/settlement-conference.aspx>.

The Settlement Conference Statement shall be in writing and comply with the format set forth in Appendix C to these rules, which may be obtained on the court's website at <http://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf>, at the civil filing counter or in Department 59. The statement and supporting material (normally three to ten pages) must be sufficiently detailed to enable the Supervising Settlement Judge and the settlement conference temporary judge to conduct a meaningful settlement conference. Counsel shall certify his/her good faith belief in the accuracy of the information provided and shall certify that he/she is fully aware of the requirements of these rules. The Supervising Settlement Judge, in his/her discretion, may order a settlement conference statement stricken that fails to comply with these rules (including untimely filing) and may impose appropriate sanctions as set forth in Rule 4.00(D). The settlement conference statement shall not be made a part of the court's file.

(Amended effective 1/1/12)

(2) The attorney(s) for each party claiming damages for personal injuries (including psychological injuries) shall bring all reports and records of all examining doctors to the conference, shall include a list of all special damages claimed in the settlement conference statement, and shall have corroborating evidence at the settlement conference for examination by the Supervising Settlement Judge and the settlement conference temporary judge.

In personal injury actions, the special damages for each plaintiff shall be current, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any.

Opposing counsel shall have all reports and records of all doctors employed by them, their insurance carrier or principal at the settlement conference for consideration by the Supervising Settlement Judge and the settlement conference temporary judge.

(Amended effective 7/1/06)

(3) All counsel shall organize and bring to the conference all documents pertinent to settlement of the case for examination by the settlement conference temporary judge, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.

(Amended effective 7/1/06)

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(E) Powers of the Court at Settlement Conferences.

(1) Neither the Supervising Settlement Judge nor the settlement conference temporary judge shall hear or rule upon any motion not specifically authorized by this chapter.

(2) In all conferences resulting in settlement of an unlimited civil case, the terms thereof shall be placed on the record and recorded by a court reporter or shall be reduced to writing on a form provided by the court and signed by all necessary parties and the fact of the settlement shall be entered by minute order. All such settlements shall be deemed enforceable pursuant to Code of Civil Procedure section 664.6. (See Local Rule 3.11.)
(Amended effective 1/1/11)

(3) Requests for a change of the date or time of a settlement conference only shall be addressed to the Supervising Settlement Judge. Requests for change of the settlement conference date in conjunction with a change of the trial date shall be made to the Presiding Judge. The Supervising Settlement Judge or the settlement conference temporary judge may, at the conclusion of the conference, continue it to any convenient date or time prior to the trial date.

4) The Supervising Settlement Judge may issue judgment on compromise of minor's claims resolved in the settlement department, provided there is compliance with the provisions of Chapter 10 (Claims of Minors and Incompetent Persons) of the Local Rules.
(Amended effective 7/1/06)

(F) Excuses from Attendance; Telephone Availability.

(1) A request to the court to excuse attendance of any person whose attendance is required by these rules shall be made to the Supervising Settlement Judge not less than seven court days before the date set for the settlement conference with a copy contemporaneously served on all parties. The request shall state that all parties have been consulted and whether oppose or do not oppose the request. If there is opposition, the request must contain a brief recitation of the facts of the case and sufficient information to enable the court to make an informed decision whether to grant the request. Any formal opposition to the request must be submitted in writing to the Supervising Settlement Judge no less than three court days before the date of the settlement conference.

(2) Any person whose presence at a settlement conference is required by these rules may be excused by the court upon a showing of good cause. Persons so excused shall be immediately available for telephone communication with counsel and the court during the entire settlement conference, notwithstanding that they may be located in a different time zone. The attorney responsible for the appearance of such person shall notify the person appearing by phone of this requirement. The court shall impose sanctions on all persons failing to comply with this rule, as set forth in section 4.00(D) of these rules. The Supervising Settlement Judge or the settlement conference temporary judge shall have the discretion to order the personal appearance of the person excused for a further settlement conference whenever it appears that such personal appearance may be necessary to effectuate settlement.
(Amended effective 7/1/05)

(G) Notice to Court Upon Settlement.

If a case settles or otherwise terminates before the date of the settlement conference, the parties shall immediately notify both master calendar and the clerk of the settlement conference department.
(Amended effective 7/1/05)

(H) Waiver of Rules.

Waiver of the provisions of this chapter is disfavored. However, the court may, in its discretion, waive any provisions for good cause; provided that the court shall not waive the provisions of subdivision (D) relating to settlement conference statements in the absence of extraordinary circumstances.
(Amended effective 7/1/05)

4.02 (deleted effective 1/1/99)

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4.03 Probate Matters.

Regardless of the foregoing, no court orders shall be made regarding probate matters, except monetary sanctions for wrongful failure to comply with settlement conference rules.

(Added effective 1/1/99)

CHAPTER 5 – CRIMINAL

PART ONE. General

5.00 Charging Documents.

(A) All charging documents shall be filed by the prosecuting agency with the criminal calendaring clerk in the manner and location designated by the Presiding Judge.

(Amended effective 1/1/02)

(B) The prosecuting agency shall place the following information in the upper-right corner of the first page of all original and amended charging documents:

(1) The arresting agency report number;

(2) The arrest or booking number as determined by the Sacramento County Sheriff's Department;

(3) The defendant's cross-reference number as determined by the Sacramento County Sheriff's Department;

(4) The court or team designation sufficient to identify in which court the matter will be filed.

(Effective 7/1/94)

5.01 Arraignment.

The time and place for the initial appearance by the defendant shall be in the department and at the time set forth by the Presiding Judge. For any matter where the defendant was arrested for a misdemeanor, but the prosecuting agency has determined to file a felony complaint, the complaint may be filed in open court on the day of the arraignment in the court where the matter was originally scheduled. For any matter where the defendant was arrested for a felony, but the prosecuting agency has determined to file a misdemeanor complaint, the complaint may be filed in open court on the day of the arraignment in the court where the matter was originally scheduled.

(Amended effective 1/1/07)

5.02 Continuances.

No matters will be continued, even by stipulation of the parties, except with approval by the court for good cause shown. Compliance with Penal Code section 1050 is required unless excused by the court.

(Effective 7/1/94)

5.03 Withdrawal as Attorney of Record.

An attorney retained to represent a client in a criminal proceeding shall not withdraw from such representation except by order of the court either upon a timely motion or by the consent of the defendant.

(Effective 7/1/94)

(Rules 5.04-5.09, reserved)

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PART TWO. Law and Motion for All Matters

5.10 Criminal Law and Motion Departments.

The Presiding Judge shall designate the departments of the court to hear criminal law and motion proceedings. The calendars for law and motion matters will be published in the Home Court Schedule, disseminated to the Sacramento County Justice Agencies, when revisions are made, and made available on the court's website at <http://www.saccourt.ca.gov>.

(Amended effective 1/1/10)

5.11 Pretrial Motions not waived.

Any pretrial motions, including demurrers, may be made after arraignment and notwithstanding a not guilty plea.

(Effective 7/1/94)

5.12 Filing of Papers.

(A) A law and motion matter may be set:

(1) By filing a noticed motion within the time requirements prescribed by Local Rule 5.14;

(2) With oral permission of the court upon oral request of a party made in open court at a time when the case is otherwise regularly calendared; or

(3) Upon 48 hours' notice by submitting a Request for Calendaring form signed by a judge, using a form provided by the court and notifying opposing counsel of the order granting the request at least 24 hours prior to the hearing.

(Amended effective 1/1/99)

(B) All initial moving papers relating to pretrial motions, including those filed after obtaining an order shortening time, shall be filed with the criminal calendaring clerk in either the main courthouse or at the main jail. It is preferred that papers pertaining to motions that are to be set for hearing in the main courthouse be filed with the criminal calendaring clerk in the main courthouse, and that papers pertaining to motions that are to be set for hearing in the main jail be filed with the criminal calendaring clerk in the main jail. No matter shall be calendared prior to the filing of the moving papers and no hearing will be set contrary to the provisions of rule 5.14 except as approved by the court. Failure to file written documentation concerning the motion may cause the motion to be dropped from the calendar.

(C) All other papers, including opposition, reply papers, and proofs of service, if filed less than five days prior to the hearing, must be filed in the department in which the matter is to be heard.

(D) Failure to serve and file papers in opposition to a motion, other than an ex parte application, may in the court's discretion be deemed a waiver of any objections and an admission that the motion or other application is meritorious.

A party who has not timely filed written opposition to a noticed motion may, in the court's discretion, be precluded from offering oral argument at the hearing.

(E) All opposition and reply papers shall be served upon opposing counsel by personal delivery, telecopy, express mail, federal express, or other means designed to ensure that the opposition and reply papers are received by opposing counsel within 24 hours of filing. The motion shall not be heard unless the above-mentioned documents have been served on all parties to the proceeding within the time limits specified.

A party shall not be deemed to have been served until that party receives actual notice of the motion; or if the notice of motion is mailed through the U.S. mail, a party shall be deemed to have been served five calendar days after the posting of the notice of motion.

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(F) Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving initial papers may, in the discretion of the court, be deemed an admission that the motion is without merit. Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule.

(G) The above filing rules, paragraphs (A) through (D), do not apply to motions for continuance.
(Effective 7/1/94)

5.13 Format of Motions; Citations.

(A) Caption. The caption of all law and motion papers must contain the department, date and time of the hearing, and the trial date. The moving papers shall provide spaces for the insertion of the dates on which opposition and reply are due.

Required format as follows:

No. Dept.

MOTION TO
(CAPTION)

Opposition Due :

Moving Party Reply :

Hearing Date :

_____/ Trial Date:

(B) Citations. Citations to California cases must be by reference to the official reports and should indicate the year of the decision, the volume number, the first page of the case, and the specific page or pages on which the pertinent matters appear.

(C) If counsel relies on other than California state statutory or case authority, a copy of such authority shall be provided upon request of the court. This rule applies to Attorney General opinions, local ordinances, law review articles, citations to other state cases and statutes, and to all federal cases, other than United States Supreme Court decisions.

(Effective 7/1/94)

5.14 Time Limits on Notice of Motion.

(A) Waiver of Notice.

The notice requirements as specified in subdivision (B) of this section will be strictly enforced unless:

- (1) The opposing parties waive the right to be served in a timely manner; or
- (2) The court grants an order shortening the time for service; or
- (3) The court finds good cause for failure of the moving party to comply with the time limits for service.

(B) Notice Requirements.

(1) Fifteen (15) Calendar Days (all cases):

(a) Motion to set aside conviction; Penal Code section 1203.4.

(b) Bail bond motions.

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- (2) Ten (10) Calendar Days (five (5) calendar days for misdemeanor cases):
 - (a) Motion to amend complaint/information.
 - (b) Motion to consolidate.
 - (c) Motion to sever.
- (3) Ten (10) Calendar Days (all cases):
 - (a) Motion for new trial.
 - (b) Motion for sentence in absentia.
 - (c) Motion to compel disclosure of confidential informant.
 - (d) Motion for conditional examination of witnesses.
 - (e) Demurrers.
 - (f) Motion for discovery.
 - (g) Motion to dismiss information or count pursuant to Penal Code section 995.
 - (h) Motion for handwriting exemplar and/or prints.
 - (i) Motion to join defendants.
 - (j) Motion to withdraw plea.
 - (k) Request to set a restitution hearing.
 - (l) Motion to suppress in felony cases (except motion made at preliminary hearing).
- (4) Five (5) Court Days (all cases):
 - (a) Motion to strike prior convictions for enhancement, including driving under the influence matters.
 - (b) Motion to suppress to be made at the preliminary hearing.
- (5) Two (2) Court Days (May use Request for Calendaring Form):
 - (a) Motion to reduce/ increase/set bail.
 - (b) Motion to stay/recall bench warrant.
 - (c) Motion to continue trial date.
 - (d) Motion to enter plea.
 - (e) Faretta motion (request for in pro per status).
 - (f) Request for juror personal identifying information.
 - (g) Motion for line up.
 - (h) Motion to modify sentence.

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- (i) Motion for plea negotiation conference.
- (j) Motion for release on own recognizance.
- (k) Motion to be relieved as attorney of record.
- (l) Motion for substitution of attorney.

(Amended effective 1/1/05)

5.15 Failure of Counsel to Appear in Law and Motion.

A failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar. In the event of an unavoidable schedule conflict, the attorney with the conflict can avoid having the matter dropped by calling the court at any time prior to the scheduled hearing and reporting the conflict.
(Effective 7/1/94)

5.16 Taking Matters off Calendar.

A matter may be dropped up to 48 hours before the calendar appearance date by notifying opposing counsel and the court. Within 48 hours of the calendar appearance, the moving party must appear, unless excused by the court.
(Effective 7/1/94)

5.17 Setting Evidentiary Hearing Motions.

Motions requiring the testimony of witnesses, including but not limited to a motion to suppress evidence or motions seeking discovery or disclosure of personnel records including but not limited to Discovery Motions (Pitchess) shall not be set for an evidentiary hearing except on a date as selected by the court with both sides present and after conferring with the law enforcement agency. A motion to set such an evidentiary hearing date may be brought within the time requirements prescribed by Local Rule 5.14.
(Amended effective 7/1/07)

5.18 Setting Evidentiary Hearing on Discovery Motions (Pitchess).

Motions seeking discovery or disclosure of personnel records including but not limited to a Discovery Motion (Pitchess) shall not be set for an evidentiary hearing except on a date as selected after conferring with opposing party and law enforcement agency. A motion to set such an evidentiary hearing may be brought within the time requirements prescribed by Local Rule 5.14.
(Added effective 7/1/07)

(Rules 5.19, reserved)

PART THREE. Discovery

5.20 Discovery Requests.

(A) At the time of the defendant's first appearance on a felony or misdemeanor matter, an informal request for continuing discovery shall be deemed to have been made by the defendant requesting the prosecuting attorney to disclose all materials and information set forth in Penal Code section 1054.1 and as required to be disclosed by the state and federal Constitutions, including exculpatory information regarding guilt or innocence and sentencing mitigation covered by Brady v. Maryland (1963) 373 U.S. 83 and its progeny.

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(B) At the time the prosecuting attorney provides the discovery of items in compliance with subparagraph (A) above, the prosecuting attorney shall provide a written receipt showing the date of compliance and shall include a written notice that either an informal request is made that the defense disclose all materials and information set forth in Penal Code section 1054.3 or that no informal request is being made.

(C) Upon receipt of the original request as specified above or any other informal request, the receiving party shall respond by either providing the information requested or specifying the items the party refuses to produce and the reason for the refusal.

(Effective 7/1/94)

5.21 Numbering of Discovery Documents and Tapes.

Any discovery material provided to the opposing side, including documents, photographs, audio, or video tape recordings, shall be recorded in a document retained by the party providing the discovery memorializing the specific items provided and the date they were provided to the opposing side.

(Effective 7/1/94)

5.22 Discovery Motions.

(A) When a party's compliance with an informal discovery request under Local Rule 5.20 is considered insufficient in some particular by the requesting party, the requesting party shall make an informal request for the particular items sought prior to making a formal discovery motion.

(B) A formal motion for an order to compel discovery shall be supported by a declaration stating facts showing a failure by the opposing party to comply with the informal request for discovery. The declaration shall specify in particular those items not disclosed in response to any informal request for discovery.

(Effective 7/1/94)

(Rules 5.23-5.29, reserved)

PART FOUR. Matters Applicable to Felony Cases

5.30 Filing of Information.

At the conclusion of the preliminary hearing, if the magistrate issues an order holding the defendant to answer, either the prosecuting attorney shall immediately produce a document to be filed as the Information in the case or the magistrate, in his or her capacity as a Superior Court judge, shall deem a copy of the complaint on file to be the Information. The defendant shall then be immediately arraigned on the Information and a mandatory trial readiness conference and trial date will be set along with any other appropriate court appearance dates for a felony case. For good cause shown, the filing of the information and/or the arraignment may be delayed to a later date.

(Amended effective 1/1/07)

5.31 Bail Schedule.

The court shall review, approve and post an annual bail schedule on the court's website at <http://www.saccourt.ca.gov> Criminal Division.

(Amended effective 1/1/10)

5.32 (deleted 1/1/11)

PART FIVE. Matters Applicable to Misdemeanor Cases and Infractions

5.40 Law and Motion; Trial Date.

After arraignment no law and motion matter may be heard unless a trial date has been set for a misdemeanor case. Upon concluding the law and motion matter, unless dispositive, the case shall be confirmed for trial and the trial date shall not be continued except pursuant to Penal Code 1050.
(Amended effective 1/1/11)

5.41 Trial Readiness Conference.
(Heading Amended 1/1/11)

At the Trial Readiness conference hearing, a defendant shall appear personally with an attorney or through an attorney provided the attorney has been authorized to accept or reject a settlement offer from the prosecution. Authority to act and accept a settlement offer on behalf of the defendant shall be evidenced by way of a fully executed Waiver and Plea and Plea In Absentia form and the Work Project Supplement form (if applicable). At the court's discretion, a continuance may be granted when defendant or the attorney fails to comply with the requirements of this section and the attorney is authorized to appear on the defendant's behalf as evidenced by an executed waiver pursuant to Penal Code section 977.
(Amended effective 1/1/11)

5.42 (deleted 1/11/11)

5.43 (deleted 1/11/11)

5.44 (deleted 1/11/11)

PART SIX. Trial

5.50 Assignment for Trial.

Each case set for trial shall be assigned to the criminal courts master calendar and shall then be assigned to a department for trial.
(Amended effective 1/1/12)

5.51 Jury Instructions.

In criminal jury trials, the court shall, insofar as is practicable, use those instruction forms obtained from Judicial Council of California Criminal Jury Instructions (CALCRIM) In proposing any instruction to the court, counsel shall provide in writing the number and text of the proposed instruction with appropriate modifications. Instructions other than CALCRIM shall be numbered consecutively, show the name of the party offering same, and contain citations of authority therefore. The court, in its discretion, may allow counsel to provide a list of the numbered CALCRIM instructions desired in lieu of providing the text.
(Amended effective 7/1/07)

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5.52 Mandatory Trial Readiness Conference for Criminal Cases.

For any criminal case that is set for trial, a mandatory Trial Readiness Conference (TRC) must be set in the week preceding the trial date as set forth in the Home Court Schedule. The TRC date shall not be set less than two (2) court days before the trial date.

(Amended effective 1/1/12)

5.53 Purpose of Trial Readiness Conference.

The purpose of trial readiness conferences is to attempt to negotiate resolution of pending cases and to confirm the readiness of pending trials

(Added effective 1/1/11)

5.54 Trial Readiness Notification.

All counsel shall notify the court of their readiness to begin trial. If the case is set for trial on Monday or Tuesday following a Monday holiday, all counsel shall notify the court by 3:00 p.m. two (2) court days prior to the trial date. For all other cases, all counsel shall notify the court by 3:00 p.m. one (1) court day prior to the trial date. Such notification shall be done electronically by accessing the "Criminal Trial Readiness Notification" link on the Sacramento Superior Court's website at www.saccourt.ca.gov. Upon accessing the website all counsel shall provide information as to the status of the case.

Notification by this method does not abrogate compliance with Penal Code section 1050.

(Amended effective 1/1/12)

5.55 Obtaining Web-Based Application Login.

(A) Counsel in all criminal cases set for trial in the Sacramento Superior Court shall obtain a web-based login and password in order to post their respective trial readiness status (Local Rule 5.54). Counsel must complete an Account Registration Form available on line at www.saccourt.ca.gov or at the Master Calendar office located at 720 9th Street, Room 609.

(B) The following information is required for the Account Registration: First Name, Last Name, Bar Number, Current Phone Number (Area code + Phone Number), and Current E-mail Address. Presentation of a current California Driver's License or Identification card (private counsel) or authentication by affiliated agencies (PD, DA, CCD, AG, Sac City Attorney) will be required prior to account activation.

(Added effective 1/1/11)

PART SEVEN. Miscellaneous

5.60 Probable Cause Hearings.

Upon the booking of any person into the county jail, except pursuant to an arrest warrant, the arresting agency shall present a declaration to the Criminal Division, Jail Support Unit establishing probable cause for the detention. The declaration shall be on a form approved by the court.

(Amended effective 1/1/12)

5.61 Temporary Release from Jail.

(A) Except as indicated below, applications by or on behalf of inmates confined in the county jail, as sentenced or committed prisoners, for temporary release from custody (in the custody of the sheriff or without such custody) for

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medical, family emergency, education, employment, and related purposes shall be made to the sheriff and not to the court.

(B) Only the following applications shall be made to the court:

(1) Orders to produce an inmate to testify as a witness in court.

(2) Applications to the court by affidavit of the sheriff for removal of an inmate who requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at county jail pursuant to Penal Code section 4011;

(3) Commitment of inmate to mental facility pursuant to Penal Code section 4011.6.

(4) Removal of inmate for mental health services pursuant to Penal Code section 4011.8.

(Effective 7/1/94)

5.62 (deleted effective 1/1/02)

5.63 Standing Income Deduction Order.

This local rule creates a Standing Income Deduction Order which shall apply in any case in which the court at time of sentencing orders that the defendant pay restitution to the victim and/or the Restitution Fund pursuant to Government Code section 13967(c) and/or Penal Code section 1203.04 and also orders an income deduction from all income due and payable to the defendant pursuant to Government Code section 13967.2. This Standing Income Deduction Order shall be effective so long as the order for restitution upon which it is based is effective or until further order of the court.

The terms of the Standing Income Deduction Order are:

(A) The matter is referred to the Sacramento County Department of Revenue Recovery (D.R.R.) for an evaluation and recommendation regarding the defendant's ability to pay restitution and ability to pay through an income deduction. If the defendant does not consent to the amount of the income deduction recommended by D.R.R., the matter shall be set for a hearing before the court. The court shall determine the total amount of income to deduct for each pay period and shall determine all applicable fees and interest.

(B) All payers of income due and payable to the defendant are directed to deduct from those amounts that sum of money fixed by the court according to paragraph one (A) above.

(C) This order applies to all current and subsequent payers and periods of employment.

(D) A copy of this order shall be served on the defendant's payer(s).

(E) This order is stayed until D.R.R. determines that the defendant has failed to meet his/her obligation under the restitution order and the defendant has failed to provide D.R.R. with good cause for the failure according to the procedure below.

(F) If D.R.R. determines that the defendant has failed to meet his/her obligation under the restitution order, D.R.R. shall request the defendant to provide evidence indicating that timely payments have been made or provide information establishing good cause for the failure.

(G) If, within five days of the request, the defendant fails to provide D.R.R. with the evidence required in paragraph (F) or fails to establish good cause, D.R.R. shall immediately inform the defendant of that fact and shall inform the court that the stay on the income deduction order should be lifted and a notice to payer should be issued.

(H) If the Clerk of the Court receives information from D.R.R. as provided in paragraph (G) above, the clerk shall prepare and endorse an income deduction order and notice to payer. Unless the defendant applies within a 15-day

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period for a hearing to contest the lifting of the stay and enforcement of the income deduction order, the clerk shall forward the order and notice to D.R.R. for service on the defendant's payers.

(I) The defendant, within 15 days after being informed by D.R.R. pursuant to paragraph (G) above that the order staying the income deduction order shall be lifted, may apply for a hearing to contest the enforcement of the income deduction order only 1) on the ground of mistake of fact regarding the amount of restitution owed, or 2) on the ground that the defendant has established good cause for the nonpayment.

(J) Upon the filing of defendant's request pursuant to paragraph (I) above within the 15-day period, the matter shall be set for a hearing before the court to determine whether the enforcement of the income deduction order is proper.

(K) The defendant shall provide to D.R.R. the address of his/her current and subsequent payers and within seven days shall notify D.R.R. of any change of payer.

(L) The defendant shall notify D.R.R. within seven days of his/her change of address.
(Effective 7/1/94)

CHAPTER 6 - CIVIL PRETRIAL AND TRIAL SETTING FOR CIVIL CASES

6.00 Applicability of Chapter.

This chapter shall apply to all civil cases that have not otherwise been assigned to a judge for trial.
(Amended effective 7/1/04)

6.00.5 Setting Civil Cases for Trial.

(Heading amended effective 1/1/03)

(A) Limited Cases

All limited civil cases including those previously exempted from the Case Management Program, shall be set for trial by filing an appropriately completed Case Management Statement requesting trial (or a certificate in compliance with Local Rule 11.056). Short cause limited civil cases (five hours or less) will be set for trial by Department 47 at 8:30 a.m. on Fridays. Long cause limited civil cases will be set for trial in accordance with Rule 6.01.
(Amended effective 7/1/08)

(B) Unlimited Cases

All unlimited cases, including those exempt from the Case Management Program, shall be set for trial by either: (1) a judge ordering the matter set for a short cause trial after review of a Case Management Statement or a certification in compliance with Local Rule 11.056; (2) a judge ordering the matter to trial setting in accordance with Rule 6.01 after a Case Management Conference; (3) a judge who finds that direct trial setting to a date certain is appropriate in a particular case; or (4) a party filing a request for a trial de novo after arbitration.
(Amended effective 7/1/04)

6.01 Trial Setting Process for Civil Cases Other Than Short Cause Matters.

(Heading amended effective 7/1/08)

(A) Within 60 calendar days of the date of the order to trial setting or the filing of a request for trial de novo after arbitration, the parties must confer and agree on a trial and a settlement conference date. Plaintiff's counsel will call the Master Calendar Department to advise the court of the dates selected and will serve and file a Notice of Time and Date of Trial and Mandatory Settlement Conference. Available trial and settlement conference dates will be provided on the court's website at <http://www.saccourt.ca.gov> and will be updated daily.
(Amended effective 1/1/10)

(B) If the parties cannot agree or fail to select dates within the time specified in paragraph (A) of this rule, the court will select a trial date and a mandatory settlement conference date and serve notice on the parties.
(Amended effective 7/1/08)

6.02 (deleted effective 7/1/04)

6.03 (deleted effective 7/1/04)

6.04 (deleted effective 7/1/04)

6.05 (deleted effective 7/1/04)

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6.06 Duties if Case Settles.

Whenever a case assigned a trial date settles, the parties shall immediately notify the court. The plaintiff has the primary obligation to notify the court. Notification may be made by telephone to the Master Calendar Clerk and must be followed by a letter of confirmation. When written confirmation is received, the court will vacate the trial date and drop the action from the civil active list.

(Amended effective 7/1/04)

6.07 Civil Trial Readiness Notification.

All counsel shall notify the court by 1:30 p.m. on the Thursday before a jury trial date of their readiness to begin trial. Such notification shall be done electronically by accessing the "Civil Trial Readiness Notification" link on the Sacramento Superior Court's website at www.saccourt.ca.gov/civil. Instructions for accessing the program are available on the court's website. Upon accessing the website all counsel shall provide information as to the status of the case.

(Added effective 1/1/12)

CHAPTER 7 - CONDUCT OF TRIAL

7.00 Voir Dire Juror Questionnaire.

The Jury Commissioner shall cause prospective jurors to complete juror questionnaire forms before such jurors leave for their assigned trial department. The court shall retain all originals of any questionnaire completed by a juror who is sworn to hear the cause (herein "sworn jurors"). For all criminal cases, the following shall apply: Upon a verdict being rendered in a criminal case, counsel shall return to the court clerk all of their copies of the juror questionnaire forms of the sworn jurors. After discharge of the jury in a criminal case, and upon written request from counsel, counsels' respective copies of the such forms will be returned to them, provided that all personal identifying information shall be redacted from such juror questionnaire forms, and provided further that the court does not elect to seal such forms for good cause shown.

This procedure for the use, handling and retention of these questionnaire forms is subject to modification by the trial judge.

(Amended effective 1/1/03)

7.01 Jury Instructions.

In civil jury trials, it is the policy of the court, so far as practicable, to use those instruction forms obtained from California Jury Instructions – Civil (CACI, published by the Judicial Council of California). Photocopies of standard instructions may be obtained at the Sacramento County Public Law Library. On the first day of trial, each party shall submit copies of a complete set of individual pre-printed requested instructions to the court, with service on each opposing party. All requested specially drafted instructions shall be numbered consecutively, show the name of the party offering the instructions and provide citations of authority supporting the request. Instructions shall be presented in accordance with the provisions of Code of Civil Procedure section 607a and California Rules of Court, rules 2.1055. All jury instructions must utilize the format of the standard instructions.

All instructions shall be on plain white paper or pleading paper. The name of the firm, attorney or party shall not appear on the instruction. Instructions shall be double spaced. The instruction number and the title of the instruction shall be at the top of the page.

(Amended effective 1/1/08)

7.02 Examination of Witnesses.

During the examination of witnesses, attorneys shall remain behind the counsel table, except when presenting exhibits to the witness, unless permission of the court to approach the witness stand is first obtained.

(Effective 7/1/94)

7.03 Trial Briefs and Other Documents Filed During Trial.

In the event that a party files a trial brief or other document for a civil trial with the court, the party shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110.

(Amended effective 1/1/08)

7.04 Use of Courtroom Technology.

Subject to availability, the court provides an Audio/Visual Cart for use in civil and criminal trials.

The Audio/Visual Cart consists of a digital visualizer (document camera); image projector; DVD/VHS player; speakers and a laptop computer containing various software. For additional information about the specific software technology and available programs, refer to the court's website at <http://www.saccourt.ca.gov>. This technology is subject to change.

(Amended effective 1/1/10)

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CHAPTER 8 - SELECTION AND IMPANELMENT OF JURORS

8.00 (deleted effective 7/1/99)

8.01 Requests for Excuse--Procedure.

Requests for excuse from or deferral of jury service based upon undue hardship should be submitted in writing to the Jury Commissioner at least five days prior to the scheduled start date, or, in exceptional circumstances, at the earliest possible time. Such request must be supported by facts specifying the hardship. If the request is for excuse rather than deferral, the request must demonstrate why deferring jury service rather than granting the excuse cannot suffice to avoid the hardship. The Jury Commissioner will promptly determine whether the excuse shall be granted or the prospective juror's service shall be deferred.

Where a prospective juror requests an excuse based on reasons that require verification, it is the responsibility of the prospective juror to provide sufficient verification or a means of verification to the Jury Commissioner. Where the prospective juror requesting an excuse fails to provide verification or a means of verification, the Jury Commissioner may, on the basis of such failure alone, deny the request.

The denial of a prospective juror's request to be excused or exempted from jury service may be reviewed by the Presiding Judge or his/her designee. The juror's appeal must be submitted in writing to the Jury Commissioner's office and include any and/or all supporting documentation.

(Amended effective 1/1/11)

8.02 (deleted effective 1/1/12)

8.03 (deleted effective 1/1/01)

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CHAPTER 9 - MISCELLANEOUS

9.00 Party In Forma Pauperis.

Each party applying for a waiver of court fees and costs shall submit a separate application on Judicial Council form FW-001. Application packets are available without charge at all court filing counters and at the court's website, <http://www.saccourt.ca.gov>.

The clerk is authorized to grant application for fee waivers that meet the standards of eligibility established by subdivision (a)(6)(A) or (a)(6)(B) of the Government Code section 68511.3.

Applications for a waiver of additional fees and costs shall be made on Judicial Council form FW-002. In the event that the party applying for a waiver of additional fees and costs has not previously submitted an Application for Waiver of Fees and Costs or if such application was filed more than 120 days earlier, a current Application (form FW-001) must accompany any Application for Waiver of Additional Fees and Costs. If the relief sought is the waiver of jury fees, the application shall be made at least 25 days prior to the commencement of the trial for which the relief from fees imposed is sought, or at least five days in unlawful detainer proceedings.

In all cases in which a prevailing party has been granted a waiver of fees, and is awarded costs, the court shall order that the party bearing fees and costs pay the sum of any fees and costs that were waived to the county, or to the clerk and serving and levying officers respectively, and the court will order the amount of waived fees and costs added to the judgment and so identified by the clerk.

(Amended effective 1/1/10)

9.01 Printed Forms.

Whenever a preprinted form minute order is used, those portions checked or filled in shall be deemed to be the order of the court, and those portions not checked or left blank shall be deemed to be purposefully omitted from the order.

(Amended effective 1/1/00)

9.02 Acceptance of Checks and Other Negotiable Paper.

(Adopted pursuant to Government Code section 71386(a).)

No checks or money orders will be accepted in payment of court fees and/or fines unless they meet the requirements set forth in rule 10.821, California Rules of Court. Prior to acceptance of any check or money order, the clerk may require satisfactory proof of its validity and of the identity of the person who tenders it.

In criminal proceedings, a personal check will be accepted in payment of any fine or for a deposit of bail for any offense which is not declared to be a felony. A personal check will not be accepted for an amount in excess of \$300.00 from a defendant in custody as a deposit of bail for an alleged violation of law in which the bail is not forfeitable under the court's bail schedule.

Any person or firm who tenders a check or money order in payment of a court fee or fine, which check or money order is dishonored, shall be assessed a service charge in the maximum amount permitted by section 71386 of the Government Code. Collection will be sought for any personal check or money order which is returned without payment for any reason in addition to any amount allowed by law for the failure to make payment following a written demand as provided in Civil Code section 1719. In addition, no further court filings will be accepted from said person or firm until payment is received, and all future filings will be accepted on a cash-only basis. Exceptions to the cash-only basis will be made only at the direction of the Executive officer or as designated by the Presiding Judge.

(Amended effective 7/1/06)

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9.03 Jury Fees.

(A) At least 25 days prior to the date set for trial, or at least five (5) days in an unlawful detainer proceeding, each party demanding a trial by jury shall deposit One Hundred Fifty dollars (\$150) with the Clerk of the Court.

(Amended effective 1/1/12)

(B) If all parties demanding a trial by jury fail to deposit jury fees as required in paragraph (A) of this rule, the jury is deemed waived and the trial shall proceed without a jury.

(Amended effective 7/1/08)

(C) At the commencement of the second day of voir dire examination, and on each succeeding day of voir dire, such party shall deposit with the Clerk of the Court a sum equal to the panel's one-day jury fees and mileage.

(Amended effective 7/1/98)

(D) When the trial commences after voir dire, and on each succeeding day of the trial, such party shall deposit with the Clerk of the Court a sum equal to one day's jury fees and mileage for the jurors and alternates.

(E) If, during voir dire or trial, the party responsible for jury fees waives the jury or fails to pay jury fees as prescribed in (C) or (D), any other party may pick up the jury by depositing fees as therein required. If no other party picks up the jury, the jury is waived and the trial shall proceed without a jury.

(Effective 7/1/94)

9.04 (deleted effective 1/1/12)

9.05 Reporting Services Fees.

In civil cases the parties requesting reporting services shall pay in equal proportion the appropriate fee to the Clerk of the Court prior to the commencement of each day of trial. Should any party refuse to pay the pro rata fee, the other party may elect to pay the entire fee. In either case, all amounts so paid may be recovered as taxable costs. If the entire fee is not paid, reporting services shall be deemed waived.

The party(ies) requesting a daily transcript in a civil case shall pay the fees therefore to the Clerk of the Court prior to the commencement of each day of trial.

(Amended effective 1/1/07)

9.06 Requesting Reporting Services.

(A) The services of official court reporters are normally available for civil trial departments during regular business hours. The services of official court reporters are not normally available for Law and Motion hearings but can be arranged by contacting the Court Reporters office at (916) 874-5781 prior to the date set for hearing in accordance with section (B).

(B) Any party desiring an official record of a civil proceeding other than a limited civil action shall make arrangements for reporting services not later than the court day prior to the date set for hearing or, in a department using a tentative ruling system, not later than 4:30 p.m. on the day before the hearing.

Any party desiring an official record of a family law or probate proceeding, other than settlement conferences shall make arrangements for reporting services not later than 48 hours prior to the date set for hearing.

(Amended effective 1/1/10)

9.07 Interpreters and Translators.

The court will make a reasonable effort to maintain and make available a list of interpreters and translators for all languages, the blind and the hearing impaired. A request by any party to a civil action for the use of interpreters or

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translators for hearing impaired shall be made in compliance with statutory time requirements. The request shall be made through the Interpreter Services Coordinator. Failure to maintain such a list, or failure to have on such list the type of interpreter or translator requested will not, standing alone, ordinarily constitute basis for a continuance.
(Amended effective 1/1/06)

9.08 (deleted effective 7/1/05)

9.09 Contacting Court's Legal Research Staff.

No party, or attorney for a party, in any action or proceeding pending in this court shall contact or attempt to contact any member of the court's legal research staff concerning such pending matter, without the prior approval of the judge to whom the matter has been assigned, or if the matter has not been assigned, the Presiding Judge.
(Effective 7/1/94)

9.10 Appearance by Telephone.

(A) Except as provided in Rule 9.10(H), a party shall have the option of appearing by telephone in the following departments:

(1) CMP Departments. All noticed hearings and conferences.
(Amended effective 1/1/07)

(2) Civil Law and Motion Departments. All noticed hearings and conferences, except hearings regarding contempt and orders of examination;

(3) Department of the Presiding Judge. All noticed hearings and conferences, applications for stays and temporary restraining orders;
(Amended effective 7/1/08)

(4) Any other department regarding a civil action or proceeding not involving oral testimony upon prior authorization of the judicial officer presiding in the department in which the matter is pending.
(Renumbered effective 7/1/08)

(B) Notification of Intent to Appear by Telephone.

A party wishing to appear by telephone in a particular hearing or conference shall notify the court of his or her intention by any of the following methods:

(1) Placing the phrase "Telephone Appearance" below the title of the party's initial moving or opposition papers and all subsequent papers;

(2) Personally serving and filing, in the department in which the matter is to be heard, a separate notice at least five court days prior to the hearing;

(3) In civil law and motion departments only, parties may request a telephone appearance for matters designated in subsection (A)(2) above by 4:00 p.m. the court day before the hearing.
(Amended effective 7/1/06)

(C) Pursuant to Local Rule 3.00, failure to appear by telephone may be considered by the court in awarding or denying attorney's fees for travel time.
(Renumbered and amended effective 7/1/06)

(D) If a party noticing an intent to appear by telephone subsequently decides to appear in person, that party shall so notify the court and all other parties at least two court days before the hearing.
(Renumbered and amended effective 7/1/06)

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(E) Lead Party.

The first party noticing an intent to appear by telephone in accordance with subsection (B)(1) or (B)(2) shall be designated the lead party for purposes of this rule. In the event that two or more parties notice their intention to appear by telephone on the same day, those parties shall confer and select one party as the lead party.

(Renumbered effective 7/1/06)

(F) Responsibility of the Lead Party in Matters Other Than Civil Law and Motion.

The lead party shall be required to do the following:

(1) Notify the clerk of the appropriate department by telephone at least two court days prior to the date set for the hearing that it is the lead party and obtain from the clerk a specific time in which to place the telephone call constituting the appearance;

(2) Notify all other parties at least 24 hours prior to the hearing that it is the lead party, pursuant to this rule, and of the time for the telephonic appearance;

(3) Arrange the conference call with all other parties noticing an intent to appear by telephone and place the call at the designated time, having all necessary parties on the conference call at the time the court is called.

(Renumbered effective 7/1/06)

(G) Any party wishing to appear in person may do so.

(Renumbered effective 7/1/06)

(H) The cost of a telephonic appearance shall be borne by the lead party who ultimately places the phone call, unless the parties agree otherwise.

(Renumbered effective 7/1/06)

(I) Court's Authority to Require Personal Appearances.

Notwithstanding any other provision of this rule, the court may at any time direct that all parties to a particular proceeding appear in person.

(Renumbered effective 7/1/06)

(J) For the purposes of this section, the court has designated CourtCall LLC as its conference call provider. Court Call LLC can be contacted at (888) 88-COURT.

(Added effective 1/1/06)

9.11 Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures; Attorney's Fee Schedule.

The following attorney's fees shall, under normal circumstances, be awarded in actions on promissory notes, contracts providing for the payment of attorney's fees, and foreclosures:

(A) (Default action on note or contract) Exclusive of costs:

25 percent of first \$1,000 with minimum fee of \$150
20 percent of next \$ 4,000
15 percent of next \$ 5,000
10 percent of next \$10,000
5 percent of next \$30,000
2 percent of the amount over \$50,000

(B) Notwithstanding subdivision (A), in a default action to obtain a judgment in which attorney's fees are awarded under sections 2983.4 or 2988.9 of the Civil Code, in no event shall attorney's fees exceed one thousand (\$1,000) dollars except in unusual circumstances. Any application for attorney's fees for an amount in excess of one thousand (\$1,000) dollars shall be filed before the default hearing and shall be accompanied by a declaration.

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(C) (Contested action on note or contract) The same amount as computed under subdivision (A), increased by such reasonable compensation computed on an hourly or per-day basis for any additional research, general preparation, trial, or other services as may be allowed by the court.

(D) (Foreclosure of mortgage or trust deed) The same amount as computed under subdivision (A) or (B), increased by 10 percent.

(E) (Foreclosure of assessment or bond lien relating to a public improvement) The same amount as computed under subdivision (A) or (B), except that the minimum fee shall be \$75 in an action involving one assessment or bond, and an additional \$20 for each additional assessment or bond being foreclosed in the same action.

(F) Where a defendant is the prevailing party, the fee will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(G) Where prevailing party is entitled to the recovery of a reasonable attorney's fee in an otherwise appropriate clerk's judgment, the clerk shall include an attorney fee computed pursuant to the schedule set forth in subdivision (A) above.

(H) In any case where a party claims fees in excess of those allowed by this rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fee will thereupon be fixed by the court.

(Effective 7/1/94)

9.12 Attorney's Fees in Residential Unlawful Detainer Actions.

In actions for unlawful detainer for possession of residential property, except for property governed by Civil Code section 798 et seq, the attorney's fees awarded by the court will not, under normal circumstances, exceed the following amounts:

(A) \$200.00 in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure section 1170.

(B) \$300.00 in cases uncontested at trial where the defendant has filed an answer.

(C) \$425.00 in cases contested at trial.
(Amended effective 1/1/98)

9.13 Unlawful Detainer Advisement, Code of Civil Procedure Section 1161.2.

Upon the filing of any unlawful detainer case after June 30, 1994, the Clerk of the Court shall mail the notices required by Code of Civil Procedure section 1161.2 to each defendant named in the action.

(Effective 7/1/94)

9.14 (deleted effective 1/1/06)

9.15 Ex Parte Requests for Access to Unlawful Detainer Cases.

Any ex parte requests for access to unlawful detainer case files, which access would otherwise be denied pursuant to Code of Civil Procedure section 1161.2, shall be in writing, shall require the payment of a motion fee or appropriate waiver of fee request, and shall be filed with the court clerk. The clerk shall present any such requests promptly for determination to the judge currently handling the Unlawful Detainer Master Calendar, or, if that judge is unavailable, to whatever other judicial officer the Presiding Judge, or his or her designee, directs.

(Effective 7/1/94)

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9.16 Form of Judgment.

In drafting forms of judgment for the trial judge to sign, counsel shall:

(A) Clearly show the full names of the parties for whom, and against whom, the judgment is rendered, including their capacities as plaintiffs, defendants, cross-complainants and cross-defendants.

(B) Refer to such full names as they appear in the pleadings, or obtain an order amending the pleadings in respect to such names.

(C) Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows:

" . . . and costs in the sum of \$_____."
(Effective 7/1/94)

9.16.5 Motion to Tax Costs.

Except as to matters subject to the Electronic Filing Program (see Chapter 23), all motions to tax costs must have a copy of the memorandum of costs attached. Motions to tax costs shall be filed at the Court's public filing counter. Motions to tax costs on judgments entered in a law and motion department shall be filed at the law and motion public filing counter.

(Amended effective 7/1/08)

9.17 Stipulated Judgment Form to Be Separate from Stipulation.

If the parties enter into a written stipulation for judgment, the form of the proposed judgment to be signed and filed shall be a separate document. A copy thereof may be attached as an exhibit to, or incorporated by recital in, such stipulation.

(Effective 7/1/94)

9.18 Replacing Lost Papers.

If an original pleading or paper previously filed with the court is lost, an order authorizing the filing of a copy in lieu of the original is required, and may be based upon declaration of the requesting attorney or pro per party, or the certificate of the Clerk.

(Effective 7/1/94)

9.19 Appeal from Decision of Labor Commissioner under Labor Code Section 98.2.

(A) Any party filing a Notice of Appeal of the order, decision or award of the Labor Commissioner pursuant to Labor Code section 98.2, shall file with the Clerk of the Court:

(1) A copy of the complaint and any answer filed with the Labor Commissioner; and

(2) A copy of the order, decision or award of the Labor Commissioner, which shall include a summary of the hearing and the reasons for the decision; and

(3) A declaration of proof of service of a copy of the Notice of Appeal upon the Labor Commissioner.

(B) Appellant shall file the papers prescribed in paragraph (A) with the Notice of Appeal or within 10 days thereafter. The Clerk shall set the matter for hearing de novo upon the filing of said papers.

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(1) Appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant for delay in prosecution of the appeal under Code of Civil Procedure section 177.5 if the appellant fails to file such papers timely.

(2) If sanctions are imposed under Code of Civil Procedure section 177.5, appellant shall file the papers prescribed in paragraph (A) within 30 days thereafter. If the appellant fails to file such papers timely, appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant under Government Code section 68606, including dismissal of the appeal.

(C) The Notice of Appeal filed pursuant to Labor Code section 98.2 shall be treated as the first paper for the purpose of determining the filing date.
(Effective 7/1/94)

9.20 Fax Filing.

A party may transmit a document relating to civil, family or probate matters by fax to a fax filing agency for filing with the court. The fax filing agency shall prepare the document in compliance with California Rules of Court, rule 2.303. Nothing in this rule shall prevent the direct filing of a faxed verification of a pleading as an original verification pursuant to California Rules of Court, rule 2.305(d).

(Amended effective 1/1/02)

9.21 Transfer of Court Related Functions of the County Clerk to the Superior Court Executive Officer.

Pursuant to the authority contained in Government Code section 69898, the Superior Court transfers from the County Clerk to the Superior Court Executive officer, under the direction of the Presiding Judge, all the powers, duties, and responsibilities required or permitted to be exercised or performed by the County Clerk in connection with judicial actions, proceedings, and records.

(Effective 7/1/94)

9.22 Standards of Professional Conduct for Attorneys.

The court recognizes the existence of the California Attorney Guidelines of Civility and Professionalism, adopted by the State Bar of California, and the Standards of Professional Conduct, adopted by the Sacramento County Bar Association. Upon a motion of any party pursuant to CCP Sections 128, 128.5, 128.7, 177, and 177.5, conduct inconsistent with these Standards may be considered in the discretion of the court in determining if sanctions are warranted. The current versions of these Standards are attached to these rules as Appendices A and B.

(Amended effective 7/1/08)

9.23 Typing Services or Non-Attorney Court Document Preparers.

(A) The name, address and phone number of the litigant who is representing him/herself must appear at the top of all filed pleadings.

(Amended effective 1/1/06)

(B) Non-attorney court document preparers shall comply with the requirements of Business and Professions Code section 6408. The clerk shall not accept for filing any document presented by a non-attorney court document preparer that does not comply with these requirements.

(Amended effective 1/1/06)

(C) Notices of Entry shall be sent directly to the litigant, even when presented for filing by a non-attorney court document preparer.

(Amended effective 1/1/06)

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(D) Nothing in this rule is intended to encourage or condone the unauthorized practice of law. In the event it appears that a preparer is engaging in the unauthorized practice of law under the guise of this rule, that matter will be reported to the appropriate authorities.

(Renumbered effective 1/1/06)

9.24 (deleted effective 1/1/12)

9.25 Mandatory Civil Local Forms.

The following adopted local forms shall, whenever applicable, be used. The current version of each of these forms is available for viewing and downloading on the court's website at <http://www.saccourt.ca.gov>.

CV/E-112–Attorney's Compliance Statement
CV/E-113–Designation Statement
CV/E-115–Ex Parte Application to Extend
Arbitration Date
CV/E-119–Qualification Statement
CV/E-123–Judgment Pursuant to 1710.25
(Sister State)
CV/E-125–Arbitrator's Fee Statement
CV/E-126–Award of Arbitrator
CV/E-127A&B–Order of Examination Bench
Warrant with Instructions
CV/E-128–Certificate of Service
CV/E-131–Certification for Short Cause Matters
CV/E-132–Uninsured Motorist Statement
CV/E-143U–Program Case Notice - Unlimited
CV/E-143L–Program Case Notice- Limited
CV/E-144–Case Management Conference Request
(Pursuant to Local Rule 11.00)
CV/E-148–Default Judgment Status Statement
CV/E-MED-170–Declaration and Request for
Exemption from Mandatory Settlement Conference
Program
CV/E-MED-172–Mediation Statement
CV/E-MED-174–Mediator's Fee Statement and
Order for Reimbursement
CV/E-MED-179–Stipulation and Order to Mediation
CV/E-184–Notice of Assignment of Arbitration
Hearing Date
CV/E-TSP-185–Ex Parte Application to Extend
Time to Select Trial Date and Mandatory
Settlement Conference Date
(Amended effective 1/1/12)

9.26 Drop Box.

A depository is available to file documents with the court but shall not be used to file documents that must be filed in a specific department. Matters assigned to a judge for all purposes must be filed directly in the appropriate department. All documents placed in the drop box must be time-stamped on the back of the last page of the document. If time-stamped before 5:00 p.m., the document will be filed on the date of deposit. Any document date/time stamped after 5:00 p.m., will be deemed filed the next Court business day.

(Amended effective 1/1/12)

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9.27 Issuance of Writs and Abstracts.

Except as to matters subject to the Electronic Filing Program (see Chapter 23), a file-endorsed copy of the judgment(s) and memos of costs, if applicable shall be submitted for issuance of writ of execution or possession and/or abstract of judgment.

(Amended effective 1/1/09)

9.28 Civil Harassment Temporary Restraining Orders.

Any person seeking a temporary restraining order and injunctions preventing civil harassment and workplace harassment must take the application to the Legal Process Clerk located in the Family Law Filing Unit, the office hours for which are 8:30 a.m. to 4:30 p.m. Monday through Friday. Any request submitted after 2:00 p.m. will be processed the following court day. If a person submits a request after 2:00 p.m. and claims to be in immediate danger, Legal Process personnel will assist that person in contacting the Sheriff's office to secure an Emergency Protective Order.

(Added effective 7/1/00)

9.29 Sexually Violent Predator Cases.

(A) As petitions requesting that a respondent be committed as a sexually violent predator pursuant to Welfare and Institutions Code section 6600 et seq. are civil matters, each party is entitled to six peremptory challenges.

(B) All such petitions filed by the District Attorney's office shall be numbered sequentially with the last two digits of the year the petition was filed, followed by the letters "SVP," followed by a three digit sequential number representing the number of cases filed in the year in question. Thus, 03SVP001 would be the civil number assigned to the first such case filed after January 1, 2003. All such petitions shall make reference in the text of the heading for the case to the Sacramento County felony case file number the respondent was originally confined under, i.e., such as:

The People of the State of California,
Petitioner, Case No. 03SVP001

vs.

(underlying felony case number 00F01234)

John Doe,

Respondent.

(C) In the absence of any specific demand from any party for civil discovery to be conducted in accordance with otherwise applicable civil discovery rules, the Court deems it necessary to have a discovery cut-off date, an exchange of witness list date, and an exchange of expert witness list/data date. Nothing in these rules precludes a party from pursuing formal civil discovery proceedings or relieves any party or attorney from complying with all of the discovery requirements set out in the Sexually Violent Predator law, Welfare and Institutions Code section 6600 et seq.

(D) There is a general discovery cut-off date of 15 calendar days before the date initially set for trial. Absent a court order, discovery shall not be allowed within 15 days of trial in any Sexually Violent Predator proceeding. No later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange their list of witnesses they plan to call at trial. Included with this submission shall be a brief statement of the subject of each witness's testimony and an estimate of the time required for direct examination of each witness. Separate and apart from the above requirement, no later than the 15th day before the date initially set for trial of the action, each side is required to submit and exchange a list of all expert witnesses they plan to call at trial. Included with this submission shall be a declaration from the expert stating the expert's qualifications, the general substance of the expert's expected testimony, and a copy of all written reports, writings, and testing data made by the designated expert in the course of preparing their opinion.

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(E) If a trial is rescheduled after the date initially set for trial and the rescheduled date is more than 30 days after the date previously set for trial, discovery shall reopen until a new cut-off date of 15 calendar days before the newly set trial date and each side shall be required to submit a new witness list and a new expert witness list/data. If a prior exchange has already taken place and nothing has changed in regard to discoverable matters, a party may comply with this new list requirement by informing the other side in writing that a previous witness list and/or a previous expert witness list/data remains unchanged.

(Added effective 7/1/03)

9.30 Resolving Conflicting Protective Orders.

Courts issuing criminal protective orders shall make reasonable efforts to determine whether there exist any child custody or visitation orders that involve any party to the pending criminal action. At a minimum, this would include court staff checking reasonably available resources to determine such information. Courts issuing orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the pending civil action. At a minimum, this would include court staff checking reasonably available resources to determine such information. Judges in either criminal or civil actions are expressly authorized (1) when necessary, to directly consult with another judge that has issued a subsequent order involving or impacting child custody or visitation, and (2) to modify any protective order to allow or restrict contact between the person restrained by the order and his or her children any time such actions appear to the judge to be in the best interest of any child concerned.

(Added effective 1/1/05)

9.31 Required Information on Appeal Documents.

All documents filed with the court on appellant filings shall include: (1) the full case title specifically identifying all parties; (2) the attorney's address and California state bar number; (3) which party in the action the attorney represents; (4) and an endorsed copy of the judgment or order being appealed.

(Amended effective 7/1/07)

9.32 Stipulations – Required Party Information.

All written stipulations shall contain the name, address, telephone number, and Bar number (if applicable) of each attorney or party appearing in pro per to the stipulation.

When there is more than one defendant or plaintiff, attorney(s) shall indicate which party(ies) they represent.

(Added effective 7/1/06)

9.33 Confidential Information in Civil Filings.

(A) When filing any documents with the court in a civil action, all parties shall exclude social security numbers from the documents to be filed. If a party intends to file any document which would otherwise include an individual's social security number, the party shall redact that social security number prior to filing the document with the court. The filing party shall be responsible for retaining such information and providing it to the court only upon order of the court.

(B) A party wishing to file a document containing the unredacted social security number may submit a motion or ex parte application to file an unredacted document under seal. Such document may only be filed with the court upon order of the court.

(C) The responsibility for redacting these personal identifiers rests solely with the filing party.

(D) Civil actions refer to all civil cases except family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, and domestic violence restraining orders.

(Added effective 7/1/07)

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9.34 Civil Filings.

When filing documents, the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110.
(Added effective 1/1/08)

9.35 Self-Addressed Stamped Envelopes.

For Civil proceedings, sufficient return postage is required if the filer provides a self-addressed stamped envelope. The court will not be held responsible for adding sufficient postage or for any delivery delays resulting from insufficient postage.
(Added effective 1/1/12)

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CHAPTER 10 – CLAIMS OF MINORS AND INCOMPETENT PERSONS

10.00 Application for Appointment of Guardian Ad Litem.

Petitions for appointment of a guardian ad litem for a minor or incompetent person, except in family law, probate, juvenile, civil harassment or other special proceedings, shall be submitted by ex parte application to the law and motion departments.

(Amended effective 1/1/12)

When an application is made for appointment of a guardian ad litem and the nominee for appointment is a plaintiff in the same action with the ward or in some manner was a participant in the transaction or occurrence giving rise to the alleged injury to the ward, the nominee will ordinarily not be appointed unless the application is accompanied by:

(A) A declaration under penalty of perjury setting forth facts establishing that no other parent, relative, or friend can or will accept the appointment of guardian ad litem for the minor in the action; and

(B) A declaration under penalty of perjury by the attorney for the nominee stating that the attorney, having investigated the circumstances, has represented to the nominee and represents to the court that there is no conflict of interest between the nominee and the minor if the nominee is appointed the guardian ad litem.

(C) Attorney fee contracts, payment of attorney's fees and disbursement of settlement proceeds shall be ordered in accordance with California Rules of Court, rules 7.950 through 7.955.

(Amended effective 1/1/12)

(D) No "Guardian ad litem" appointment is required for the filing of a minor's compromise by a custodial parent under Probate Code section 3500 without the filing of a civil action.

(Added effective 1/1/97)

10.01 Compromise of Claims.

All petitions and orders for the compromise of claims of minors or incompetent persons shall be filed in compliance with Probate Code section 3500, Code of Civil Procedure section 372, and California Rules of Court, rule 7.950.

(Amended effective 1/1/12)

10.02 (deleted effective 1/1/12)

10.03 Withdrawal of Funds.

(A) Any order authorizing the withdrawal of funds for the purpose of transferring said funds from one financial institution to another shall contain the language set forth in California Rules of Court, rule 7.953(a) and shall further provide that the draft of the institution from which the funds are withdrawn shall be payable to the financial institution to which the funds are to be transferred for deposit in a blocked account.

(Renumbered and amended effective 1/1/12)

(B) Applications for withdrawal of funds shall be filed and heard in the probate department.

(Renumbered and amended effective 1/1/12)

10.04 Disposition of Proceeds by Probate Department.

Requests to place compromise or judgment proceeds for minors or incompetents into any trust, or to transfer the assets worth more than \$20,000 to a custodian under the California Uniform Transfers to Minors Act, shall be heard in the probate department as provided in Local Rule 15.105.

(Added effective 7/1/97)

CHAPTER 11 - TRIAL COURT DELAY REDUCTION PROJECT (ACT)

Deleted Effective 7/1/04

CHAPTER 11 - CASE MANAGEMENT PROGRAM (CMP)

11.00 Application of Case Management Program Rules.

Civil cases filed after January 1, 2003 are subject to the case management rules set forth in this chapter. Any civil cases filed before January 1, 2003 that (1) have not been assigned to the Case Management Program for review under rule 3.720, California Rules of Court or exempt from case management rules as an exceptional case and (2) have not had an at-issue memorandum filed prior to July 1, 2004, shall be assigned to the Case Management Program. Any plaintiff in such a case shall submit a request prior to October 31, 2004 to the previously assigned Accelerated Civil Trial (ACT) judge for a Case Management Conference. Any defendant who has appeared in such a case shall, if no plaintiff has submitted a request prior to October 31, 2004, submit a request for a Case Management Conference prior to December 31, 2004.

(Amended effective 7/1/04)

11.00.1 Case Management Program.

These rules, adopted pursuant to the Trial Court Delay Reduction Act (Gov. Code section 68600 et seq.) and the Case Management Rules adopted by the Judicial Council (CRC 2.2 et seq.), shall be known as the Case Management Program (CMP).

(Amended effective 7/1/04)

11.00.5 CMP Tentative Rulings.

All CMP departments will issue tentative rulings. Not later than 2:00 p.m. of the court day before each calendar, the judges will prepare and publish a tentative ruling on each matter on the CMP calendar. Tentative rulings will be published via the civil and probate case information link on the court's website at <http://www.saccourt.ca.gov>. Parties contesting the tentative ruling must request a hearing by notifying the court and all opposing parties not later than 4:00 p.m. on the day before the hearing. If a hearing is not requested by 4:00 p.m., the tentative ruling will be affirmed without further hearing.

(Amended effective 1/1/10)

11.00.6 Preparation of Notices.

(A) Absent a request to appear and be heard for any matter on the Case Management Calendar, all posted tentative rulings shall become the final ruling of the court. Should a hearing be requested by any party or ordered by the court, the Court may, in its discretion, modify or affirm the tentative ruling and advise the parties of its ruling at the hearing.

(B) The plaintiff shall serve all parties with written notice of all final rulings of the court.

(Added effective 1/1/09)

11.01 Included Actions; Exceptions; Excluded Actions.

(A) All civil actions as defined in Local Rule 11.00 and in subdivision (B) of this rule shall be included in the CMP.

(B) Civil actions refer to all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act; freedom from parental custody and control proceedings; and adoption proceedings), juvenile court proceedings, small claims proceedings, unlawful detainer proceedings, cases included in petitions for coordination, petitions for a writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, change of name and such "other civil petitions" as defined by the Judicial Branch Statistical Information Data Collection Standards.

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(C) In all program cases, the Clerk of the Court shall make available a Program Case Notice. A copy of the Notice shall be served with the summons and complaint.

(Amended effective 1/1/12)

(D) Any Case Management Statement or other document filed with the court shall be served on all parties or their counsel of record unless otherwise directed by the court.

(Amended effective 1/1/07)

(E) The court may in the interest of justice exempt a civil case from the Case Management Program when the court determines that there are exceptional circumstances that will prevent an incarcerated civil litigant, appearing in pro per, from meeting the goals and deadlines imposed by the program.

(Added effective 1/1/07)

(F) Cases designated as Complex pursuant to California Rules of Court are exempt from the Civil Case Management Program and subject to Management pursuant to the Case Management Orders issued by the Complex Case Management Department of this Court. California Rules of Court 3.714.

(Added effective 1/1/08)

The Program Case Notice referenced in paragraph (C) will be modified to be consistent with the new case management rules.

(Amended effective 7/1/04)

11.02 Disposition of Program Cases.

It is the goal of the court that all program cases shall be tried or otherwise disposed of within the following time limits, unless exempted upon a showing of exceptional circumstances:

Class I cases: 12 months

Class II cases: 18 months

Class III cases: 24 months

(Amended effective 7/1/04)

11.03 Service of Complaint, Cross-Complaint, Response and Written Statement of Damages.

(A) The complaint must be served on all named defendants and proofs of service on those defendants must be filed with the court within 60 days after the filing of the complaint. When the complaint is amended to add a defendant, the added defendant must be served and proof of service must be filed within 30 days after the filing of the amended complaint.

(B) A cross-complaint against a party who has appeared in the action must be accompanied by proof of service of the cross-complaint at the time it is filed. If the cross-complaint adds new parties, the cross-complaint must be served on all parties and proofs of service on the new parties must be filed within 30 days of the filing of the cross-complaint.

(C) The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint.

(D) The court, on its own motion or on the application of a party, may extend or otherwise modify the times provided in (A)-(C). An application for a court order extending the time to serve a pleading must be filed before the time for service has elapsed. The application must be accompanied by a declaration showing why service has not been effected, documenting the efforts that have been made to effect service, and specifying the date by which service is proposed to be effected.

(E) If a responsive pleading is not served within the time limits specified in this rule and no extension of time has been granted, the plaintiff must file a request for entry of default within 10 days after the time for service has elapsed.

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(F) When a default is entered, the party who requested the entry of default must apply for a default judgment against the defaulting party within 45 days after entry of default if there is no other party in the case that has filed a responsive pleading in regard to the matter the default has been entered on, unless the court has granted an extension of time.

(G) In actions to recover damages for personal injury or wrongful death, a written statement of damages shall be served together with the complaint. In an action seeking punitive damages, a written statement of the amount of punitive damages shall also be served with the complaint, except in those actions in which leave of court to assert punitive damages must be first obtained.

(H) The times for service set forth in this rule do not shorten the mandatory time period for service set forth in Code of Civil Procedure section 583.210(a). Accordingly, failure to serve the complaint or cross-complaint within the time period set forth in this rule shall not constitute a ground for dismissal pursuant to Code of Civil Procedure sections 583.210 and 583.250. Failure to comply with the requirements of this rule may, however, result in the imposition of sanctions.

(Amended effective 7/1/04)

11.03.5 Form of Case Management Documents.

All program case forms shall include the date, time, and department where the matter is set for hearing.

(Amended effective 7/1/04)

11.04 Court Review; Certificate of Service; Ex Parte Application for Extension of Time to Serve Pleading.

(A) Within 75 days of the filing of the complaint, plaintiff must: (1) file a Certificate of Service on form #CV/E-128 provided by the court certifying that all named defendants have either been served or made general appearances; or (2) submit an Ex Parte Application for Extension of Time to Serve Pleading on Judicial Council form CM-020 specifying plaintiff's efforts to serve all defendants, why service has not been accomplished, and when it will be accomplished.

(Amended effective 1/1/07)

(B) A general appearance by, or entry of default against one or more defendants, does not relieve a party of its obligation to file a Certificate of Service. Compliance with this rule may be reviewed at the initial Case Management Conference, through an Order to Show Cause, or by such orders as the court deems necessary.

(Amended effective 7/1/04)

11.04.5 Uninsured Motorist Cases: Duty to Advise Court of Uninsured Motorist Claim; Additional Time for the Resolution of Claim; Duty to Advise Court of Resolution of Claim.

(A) If the complaint includes an uninsured motorist claim as defined in Government Code section 68609.5 and Insurance Code section 11580.2, plaintiff shall so advise the court in an Uninsured Motorist Statement to be filed at the earliest possible date but in no event later than 75 days after the action is filed.

(B) Once plaintiff has properly advised the court of the claim, the court will toll the CMP timelines for the period commencing on the date of filing of the action and terminating on the date of filing of the arbitration award, the date the claim is otherwise concluded, or 180 days after the case is designated an uninsured motorist case, whichever is earlier.

(C) If the arbitration award has not been rendered or the claim concluded within six months of the filing of the original Uninsured Motorist Statement, plaintiff shall file a Supplemental Uninsured Motorist Statement within 10 days thereafter setting forth the reasons for the delay and the expected date of the award or the conclusion of the claim.

(D) Plaintiff shall file a Supplemental Uninsured Motorist Statement within 10 days of the date of the arbitration award or the date the claim is otherwise concluded, setting forth the date of the award or the date the claim concluded.

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(E) If a Supplemental Uninsured Motorist Statement is not timely filed, the case will be dismissed without prejudice. The dismissal may be set aside upon ex parte application establishing that the party seeks to enforce an arbitration award, pursue subrogation, enforce an arbitration award, set a minor's compromise hearing or for other good cause.

(F) Once the period of tolling has terminated, a plaintiff or real party in interest seeking to pursue the action shall do so in accordance with CMP timelines and the other provisions of this chapter. The CMP timelines will be measured from termination of the tolling period.

(Amended effective 7/1/04)

11.05 Case Management Conference.

(A) Except as otherwise provided in these Local Rules or as ordered by the court, civil cases will be set for a Case Management Conference. The court will serve a Notice of Case Management Conference on all parties approximately 120 days after the complaint is filed. Plaintiff shall serve by mail within 10 days of the date of receipt of the Notice of Case Management Conference a copy of such notice on any parties to the action not included in the court's proof of service. Proof of such service shall be filed with the court and shall be accompanied by a declaration stating the name of the party served and the name, address and phone number of any such party's counsel of record.

(B) At the Case Management Conference, counsel for each party and each self-represented party must appear personally or, if permitted under California Rule of Court 3.670, by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in California Rule of Court 3.724 and 3.727.

(C) A Case Management Conference will not be continued except on a showing of good cause. The motion to continue shall be heard on the court's regular CMP calendar. The motion must set forth the date of the Case Management Conference in its caption. Unless otherwise ordered, a continuance of the Case Management Conference will not result in an extension of time to file a Case Management Statement.

(D) Case Management Conferences will not be held in limited civil cases unless specifically ordered by the court.
(Amended effective 7/1/04)

(E) The Plaintiffs in any case designated as Complex shall contact the Complex Case Management Department of this court within 30 days of said Complex designation to select a date for an initial Case Management Conference and give written notice to all other parties who have appeared in the case of the time and date for the Initial conference and the requirement that each shall comply with California Rules of Court 3.750 and Local Rule 11.06 (G).
(Added effective 1/1/08)

11.055 Case Management Statements, Filing a Joint Statement, Default Judgment Status Statements, Meet and Confer Period.

(A) Except as otherwise provided in this chapter, Case Management Statements shall be filed by all parties no more than 45 and no less than 15 calendar days prior to the date set for each Case Management Conference. In limited civil cases, the Case Management Statements shall be filed between the 160th and 180th day after the filing of the complaint. In filing the Case Management Statements, parties shall utilize the form mandated by the Judicial Council.

(Amended effective 1/1/06)

(B) The parties are encouraged to file a single joint Case Management Statement. The parties are encouraged to utilize the meet and confer conference mandated by California Rule of Court 3.724 to develop their joint Case Management Statement.

(C) If at the time a Case Management Statement is due a party has filed a request for a default judgment as to all other parties remaining in the case, that party shall file a Default Judgment Status Statement on a form provided by the court in lieu of a Case Management Statement. In the event a party has filed a request for a default judgment against fewer than all remaining parties, that party shall file a Default Judgment Status Statement together with a Case Management Statement.

(Added effective 1/1/06)

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(D) In cases where a Case Management Statement will be filed, the parties must meet and confer, in person or by telephone as required in California Rules of Court 3.724 no later than 30 calendar days before the Case Management Conference date in order to facilitate timely filing of the Case Management Statements.
(Renumbered and amended effective 1/1/06)

(E) In cases where a Case Management Statement will be filed, the Mediation Statement shall be filed concurrently with the Case Management Statement as required under Local Rule 12.18 unless the parties have filed a Stipulation for Alternative Dispute Resolution form with the ADR Administrator at any time up to 15 calendar days prior to the Case Management Conference.
(Added effective 7/1/07)

11.056 Exemption for Short Cause Cases upon Certification of All Parties.

Upon determination by the court or on certification of a party that a case is short cause (five hours or less of trial time), that the pleading stage is complete and that the case will be ready for trial within 60 days, the case will be exempted from any further case management requirements and will be set for trial within 60-120 days after filing of the certification. The certification shall be entered upon a form provided by the court. The certification may be filed in lieu of a Case Management Statement, if filed at least 15 calendar days before the date set for the Case Management Conference. Any party objecting to certification shall file and serve a motion before the appropriate CMP judge within 10 days of the filing of the certification.
(Amended effective 7/1/04)

11.06 Case Designation and Designation Statement.

All cases, are deemed to be Class I under Local Rule 11.02 upon the filing of the Complaint.

(A) Any party who requests Class II, III, or Complex Case designation may file a Designation Statement on a form provided by the court, no later than 25 days prior to the Case Management Conference. If redesignation is desired after the Case Management Conference is held, the parties may proceed by way of noticed motion in the appropriate Case Management Program department. (CRC 3.401; 3.750)
(Amended effective 1/1/08)

(B) The Designation Statement shall set forth all information required therein describing the nature and complexity of the substantive and procedural issues, discovery, law and motion, and any other factors affecting designation of the case.

(C) All Designation Statements shall be subject to review by the court staff and the project judges.

(D) In the event of disagreement between parties as to the designation of the action, or after review, the court determines that the action should not be designated in a class requested by one or more parties, the court may in its discretion upon motion of any party, or its own motion, order a hearing on the question of designation.

(E) Whenever a party files a Designation Statement, all other parties who have appeared in the action may, within 10 days of service of the statement, file a Designation Statement. If a party fails to file a Designation Statement in response to that of another party, the court will assume that the party not filing agrees with the Designation Statement(s) filed by other parties.

(F) The court may at any time after the initial case management conference, on motion of a party, or on its own motion, modify the designation of any action in the project. The decision will be based upon the merits of the individual case.
(Amended effective 1/1/07)

(G) The characteristics of the case will be reviewed by the court to determine whether disposition of the same may be made within the time limits prescribed. The burden is on the party or parties proposing a new designation to establish the need for such a designation. In reviewing the case, the court shall consider the following factors and any

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other information the court deems relevant; no one factor or set of factors shall be controlling; and the unique characteristics of each case shall be taken into account:

- (1) Type of action and subject matter.
- (2) Number of causes of action or affirmative defenses alleged.
- (3) Number of parties with separate interests.
- (4) Number of cross-complaints, type, and subject matter.
- (5) Complexity of substantive and procedural issues, including issues of first impression.
- (6) Difficulty in identifying, locating, and serving adverse parties.
- (7) Nature and extent of discovery procedures and situs of witnesses.
- (8) Number and location of percipient and expert witnesses.
- (9) Estimated length of trial or successive trials.
- (10) Whether some or all issues can be arbitrated.
- (11) Statutory priority for trial as to some/all issues.
- (12) Likelihood of review by writ or appeal.
- (13) Amount in controversy and the type of remedy sought, including measures of damage.
- (14) Pendency of other actions or proceedings which may affect the case.
- (15) Nature and extent of law and motion procedures.
- (16) Nature and extent of injuries and damages.
- (17) Pendency of underinsured claims.
- (18) Any other factor that would affect the time for disposition of the case.

(Amended effective 7/1/04)

(H) The designation of any case as Complex is provisional only and subject to review at the initial Case Management Conference conducted in this Court's Complex Case Management Department. (CRC 3.400; 3.750)

(Added effective 1/1/08)

11.07 Exclusion of Arbitration Period from Delay Reduction Timelines in Certain Public Works Cases.

In a case governed by article 1.5, chapter I, part 3 of the Public Contract Code (commencing with section 20104) where the parties stipulate to appointment of an arbitrator experienced in construction law and agree to pay said arbitrator his or her reasonable hourly rates pursuant to Public Contract Code section 20104.4(b)(2), the court, upon written notification of the parties, shall toll the CMP timelines for the period commencing on the date the matter is submitted to arbitration and concluding on the date of filing a request for trial de novo.

(Amended effective 7/1/04)

11.10 Arbitration.

(A) A case may be referred to judicial arbitration at the direction of the CMP judge.

(B) By stipulation, parties shall select an arbitrator and an alternate arbitrator from a list of qualified arbitrators maintained by the arbitration administrator. If the arbitrator is disqualified, or unable to act, the alternate arbitrator shall immediately be substituted in the arbitrator's place.

(Amended effective 7/1/06)

(C) The arbitration hearing shall be concluded within 60 days after assignment of the arbitrator absent a continuance.

(Amended effective 7/1/06)

(D) Within 10 days after the conclusion of the arbitration hearing, the arbitrator shall file his or her award with the clerk, with proof of service on each party to the arbitration. Within the time for filing the award, the arbitrator may file and serve an amended award.

(Amended effective 7/1/04)

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11.11 Time Limits on Referrals to Arbitration; Waiver.

Absent a waiver by the parties, a case may not be referred to arbitration prior to 210 days after the filing of the complaint, exclusive of the period of continuance provided for in Local Rule 11.09. Failure to object to an earlier referral to arbitration at or before the arbitration conference shall be deemed a waiver.

(Amended effective 7/1/04)

11.12 Sanctions.

If any counsel, party, person or entity subject to these rules, fails to comply with any part thereof, the court on motion of a party or on its own motion may strike out all or any part of any pleading of that party, or, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that the offending attorney, party, person or entity pay reasonable costs, including attorney fees, to the court and to other participants.

(Amended effective 7/1/04)

11.13 Settlement Conferences.

Pretrial settlement conferences in Delay Reduction cases shall be governed by Local Rules 4.00 and 4.01.

(Amended effective 7/1/04)

11.15 Attorney's Compliance Statement.

At any time the court issues an Order to Show Cause for failure to comply with any of these rules, the party to whom the Order is directed shall file an Attorney's Compliance Statement with the court not later than 15 calendar days before the date set for hearing on the Order to Show Cause, and each continued hearing thereafter. The Attorney's Compliance Statement shall include a description of the relevant action taken in the case to date, any action that should have been taken under these rules but has not, and the reasons for failure to take such action. The statement shall include a proposed schedule of future action and the dates by which such action will be completed.

Whenever a compliance statement is required, the court may issue an order approving a schedule for future action and requiring adherence thereto.

(Amended effective 7/1/07)

11.16 Motions to Implement and for Relief.

The parties may not extend time periods or alter any provisions of these rules by stipulation. Motions to implement and for relief from the provisions of CMP rules shall be heard by the designated CMP judges. The CMP judge shall hear motions to extend the time for the trial setting process. Motions for relief from CMP rules may be granted only upon a showing of good cause. On motion of a party or on its own motion and on a showing of good cause, the court may shorten the time to perform an act required by these rules.

Law and motion judges hear all law and motion matters.

(Amended effective 7/1/08)

11.18 Trial Setting.

(A) No referral to the trial setting process, CMP timeline or trial date may be dropped, extended or continued by stipulation of the parties.

(Amended effective 1/1/09)

(B) All parties shall confer and agree on a trial date and settlement conference date. If the parties fail to schedule a trial date as required by Rule 6.01 or extended by judicial order, the court will set a trial date.

(Amended effective 7/1/08)

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11.19 Conflicts between Case Management Program Rules and Other Local Rules.

Cases included in the Case Management Program are subject to the rules developed specially for this program. Whenever the program rules are inconsistent with other Local Rules of the court, the program rules shall control.
(Amended effective 7/1/04)

11.20 Bankruptcy Matters.

Any party to a civil action that becomes aware of a bankruptcy stay being lifted shall file and serve written notice to the assigned Case Management Program department within five court days.
(Added effective 1/1/05)

CHAPTER 12 – ALTERNATIVE DISPUTE RESOLUTION

(Heading amended effective 1/1/07)

PART ONE – General ADR Information

12.00 Alternative Dispute Resolution Policy Statement.

Many cases can be resolved to the satisfaction of all parties without the necessity of traditional litigation, which can be expensive, time consuming and stressful. It is the policy of the Sacramento Superior Court to strongly support the use of Alternative Dispute Resolution (ADR). It is expected that litigants will utilize some form of ADR as an alternative to traditional litigation, including arbitration or mediation, in addition to traditional settlement conferences. Participation in ADR shall not affect time periods specified in the Trial Court Delay Reduction Act.

(Added effective 1/1/07)

12.01 ADR Information.

Attorneys shall provide their clients with a copy of the Sacramento County Superior Court ADR information package at the earliest available opportunity and prior to completing the Case Management Conference Statement. The ADR information package may be obtained from the Mediation Clerk, Room 101 or on the Court's website at <http://www.saccourt.ca.gov>. Plaintiffs and cross complainants shall serve a copy of the Sacramento County Superior Court ADR information package on each defendant or cross-defendant at the time the complaint or cross-complaint are served as required by California Rules of Court, rule 3.221.

(Amended effective 1/1/10)

12.02 ADR Program Administrator.

Management of the Superior Court judicial arbitration and mediation programs is conducted under the supervision of the ADR Program Administrator. The principal office of the ADR Program Administrator is located in the Gordon D. Schaber Courthouse, Room 101.

(Added effective 1/1/07)

12.03 ADR Participation.

Participation in any of the court's ADR programs is strongly encouraged. Parties may request ADR by choosing an ADR option on the Case Management Form (Judicial Council Form CM-110), or by jointly filing a Stipulation for ADR.

(Added effective 1/1/07)

12.04 ADR Assessment at Case Management Conference.

The Case Management Conference is intended, in part, to assist those parties who have not stipulated to ADR to select the most effective and appropriate ADR method to fully resolve the case.

(Added effective 1/1/07)

12.05 ADR Neutral List.

To assist parties and counsel in obtaining access to experienced and affordable ADR neutrals, the Court shall develop and maintain panels of arbitrators and mediators. Eligibility criteria for appointment to the Court's arbitration or mediation panel(s) shall be consistent with CRC 10.781, CRC 3.810, et seq., and such other criteria as may be established by the Court. The panels of arbitrators and mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website and shall be made available in hard copy for public inspection in the office of the ADR Program Administrator. Individuals interested in serving on either of the

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court's ADR panels must complete an application found on the Court's website at <http://www.saccourt.ca.gov>, and update their panel member information as changes occur.

(Added effective 1/1/10)

12.06 Notice of Settlement.

If a case that has been scheduled for judicial arbitration or court mediation settles, plaintiff must immediately serve a copy of written notice of the settlement or other disposition on the ADR provider involved in the case and the ADR Program Administrator.

(Added effective 1/1/07)

12.07 ADR Grievance Procedure.

It is the goal of the Sacramento Superior Court to encourage excellence and the highest ethical standards in ADR practice. In the event of any concern regarding the ADR process or the conduct of any ADR panel member (judicial arbitration or Court mediation), the parties are encouraged to first discuss that concern with the panel member. If the concern cannot be resolved in this manner, the parties may file a written complaint with the ADR Program Administrator.

(Added effective 1/1/07)

PART TWO – Arbitration

12.08 Arbitration Proceedings Regarding a Limited Civil Case in General.

(A) Arbitration is mandatory in a limited civil case under the following circumstances:

(1) When all parties stipulate to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(2) When the plaintiff files a timely election to arbitration pursuant to Code of Civil Procedure section 1141.12 and California Rules of Court, rule 3.812.

(Rule renumbered and amended effective 1/1/07)

(B) A stipulation for arbitration shall be filed not later than the time the initial case management statement is filed, unless the court orders otherwise.

(Amended effective 7/1/06)

(C) A written election by the plaintiff to submit an action or proceeding to arbitration shall be filed no later than the time the initial case management statement is filed, unless the court orders otherwise.

(Rule renumbered and amended effective 7/1/06)

12.09 Judicial Arbitration under Code of Civil Procedure Section 1141.10 Et Seq.

(A) Should an objection to arbitration be raised, the party may file a motion in the appropriate CMP department and notify the parties of the hearing date.

(Amended effective 7/1/04)

(B) If the objection to arbitration is sustained under paragraph (A), the action or proceeding shall thereafter proceed as if no stipulation or election regarding arbitration had been filed.

(Renumbered effective 1/1/99)

(C) Upon filing by the arbitrator of an award with the Arbitration Administrator, the Administrator shall proceed in accordance with California Rules of Court, rule 3.825.

(Renumbered effective 1/1/99)

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(D) Notice to vacate a judgment based upon an arbitration award shall be governed by California Rules of Court, rule 3.825.

(Renumbered effective 1/1/99)

(E) A request for trial after an arbitration award shall be filed with the Arbitration Administrator. The trial shall be governed by California Rules of Court, rule, 3.826.

(Renumbered and amended effective 1/1/99)

(F) The clerk shall forward to the Arbitration Administrator a copy of any court order affecting the arbitration award and a copy of the minute order upon disposition of a trial after an arbitration award.

(Renumbered effective 1/1/99)

(Rule renumbered effective 1/1/07)

12.10 Arbitration of Attorney's Claims in Connection with Action to Recover Attorney's Fees and/or Costs.

The rules of this chapter do not apply to the arbitration of attorney's claims in connection with actions to recover attorney's fees or costs. Actions by attorneys or their assignees to collect attorney's fees, costs or both from their clients are governed by Business and Professions Code section 6200 et seq. and related Rules of the Sacramento County Bar Association.

(Renumbered and amended effective 1/1/07)

12.11 Failure to Meaningfully Participate in Arbitration Procedures.

(A) For the willful failure to meaningfully participate in arbitration proceedings the CMP Judge, on noticed motion, may impose sanctions; including arbitrator's fees, attorney's fees and costs.

(1) The following may be considered failures to meaningfully participate in arbitration:

- (a) Non-appearance, at the time set for hearing, of any person necessary to proceed to a meaningful conclusion. (Phone calls to the arbitrator at the time set for hearing will not be deemed an appearance.)
- (b) Failure to offer any evidence or rebuttal.
- (c) Submission of a motion to continue the arbitration hearing less than five days before the scheduled date, except upon a showing of good cause.
- (d) Failure to complete arbitration within the time fixed therefore.

(B) In the event of such failure to meaningfully participate, the arbitrator may present a declaration to the court requesting sanctions against the offending party or attorney. The declaration shall be lodged with the Arbitration Administrator, and an order to show cause shall be issued and set for hearing. (Renumbered and amended effective 7/1/06)

(Rule renumbered effective 1/1/07)

PART THREE – Voluntary Pilot Mediation Program

12.12 Voluntary Civil Mediation.

Mediation is a voluntary, flexible, and confidential process in which a neutral third party mediator facilitates negotiations. The goal of mediation is to reach a mutually satisfactory agreement that resolves all or part of the dispute after exploring the significant interests, needs, and priorities of the parties in light of relevant evidence and law.

(Added effective 1/1/07)

12.13 (deleted effective 1/1/12)

12.14 Type of Mediation Available.

Parties may elect to utilize either of the following options for mediation:

(A) Private Mediation. Parties to a civil action may agree to mediate their dispute with a mediator of their choice without Court assistance.

(B) Court Mediation. Upon stipulation of the parties, a mediator will be selected from a Court-approved list of mediators. The mediator will be compensated pursuant to Section 12.23. The Court will confirm the selected mediator and send notice to the parties. The mediator will then be responsible for contacting the parties to confirm a date, time, and place for mediation.

(Added effective 1/1/07)

12.15 Eligible Cases.

The mediation program provided for in these rules applies only to unlimited civil matters. The program does not apply to limited civil matters, unlawful detainer, family law, probate, writs, petitions, and small claims cases.

(Added effective 1/1/07)

12.16 Stipulation to Mediation.

Parties may elect voluntary mediation in lieu of judicial arbitration. Parties may opt for mediation by filing a Stipulation and Order to Mediation form with the ADR Program Administrator at any time up to 15 calendar days prior to the Case Management Conference. This form is included in the ADR information packet provided when the complaint is filed.

If parties agree to mediate the case within 15 days prior to the Case Management Conference they shall appear at the Case Management Conference and request mediation unless the judge has excused their appearance by way of tentative ruling. The parties shall execute and file a Stipulation and Order to Mediation form either in the appropriate Case Management Department at the time of the Case Management Conference or with the ADR Program Administrator within 14 calendar days after the Case Management Conference.

In the event the parties fail to file the stipulation within 14 calendar days of the Case Management Conference, the CMP Judge will issue an Order to Show Cause re Compliance and for appointment of a mediator. If parties agree on a mediator and two alternates before the OSC hearing they shall notify the court before the hearing.

If the parties opt for mediation after the case has been sent either to judicial arbitration or referred to the trial setting program the parties shall file a Stipulation and Order to Mediation form with the ADR Program Administrator who will forward the Stipulation to the Supervising Settlement Judge.

(Amended effective 1/1/09)

12.17 Vacancy and Challenge of ADR Neutral.

If the original mediator should resign, die, withdraw, be disqualified, refuse or be unable to perform the duties of a mediator, the parties shall within five (5) days after receiving notice of such event inform the ADR Program Administrator. An alternate mediator will then be substituted in the original mediator's place.

(Added effective 1/1/07)

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12.18 Mediation Statement.

The Mediation Statement shall be filed with the Case Management Statement as required under Local Rule 11.055 unless the parties have filed a Stipulation and Order to Mediation form with the ADR Administrator at any time up to 15 calendar days prior to the Case Management Conference.

(Amended effective 7/1/07)

12.19 Timing of Mediation and Trial Dates.

(A) All cases referred to mediation will be referred to the Trial Setting Process. All mediations should be completed prior to the 60th day from the date of referral to the Trial Setting Process unless an extension of time is granted by the Case Management Program Judge.

(Amended effective 1/1/09)

(B) Absent an order providing for additional time, actions in which mediation has not taken place within the period specified herein will be subject to an order to show cause why appropriate sanctions should not be imposed.

(Added effective 1/1/07)

12.20 Exemption from Mandatory Settlement Conference Program.

All long cause civil matters shall be included in the Mandatory Settlement Conference Program as required by Local Rule 4.00 (B). However, any party who has participated in mediation may submit a declaration to the Supervising Settlement Judge requesting that the party's case be exempted from the Mandatory Settlement Conference Program. The declaration shall state the grounds for the exemption. The Supervising Settlement Judge will then decide whether the matter shall be exempt. The declaration shall be submitted to the Supervising Settlement Judge at least 20 days prior to the scheduled Mandatory Settlement Conference. The declaration form will be included in the ADR information packet provided when the complaint is filed.

(Added effective 1/1/07)

12.21 Appearances Required at Mediation.

The parties shall personally appear at all mediation sessions unless excused by the mediator. When the party is other than a natural person, that party shall appear by a representative with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such an agreement. Each party shall have counsel present at all mediation sessions unless excused by the mediator. An insurance representative of a covered party shall also be present unless excused by the mediator.

(Added effective 1/1/07)

12.215 Mediation Program Statements and Supporting Documents.

(A) Not less than 10 days prior to a scheduled mediation, each party shall lodge an original and one copy of the Mediation Program Statement with the mediator and serve all other parties. The Mediation Program Statement shall comply with the format for Mandatory Settlement Conference Statements set forth in Appendix C to these rules, which may be obtained on the court's website at <http://www.saccourt.ca.gov/civil/docs/settlement-conference-statement.pdf>, the civil filing counter and Department 59. The statement and supporting material must be sufficiently detailed to enable the mediator to facilitate meaningful negotiations. Counsel shall certify good faith belief in the accuracy of the information provided and shall certify knowledge of the requirements of these rules. The Mediation Program Statement shall not be included in the court's file.

(B) In personal injury actions, counsel for each party claiming damages shall bring pertinent medical reports and records to the mediation. The Mediation Program Statement shall include a current statement of all economic damages claimed and counsel shall have corroborating evidence at the mediation for examination by the mediator. Opposing counsel shall have all reports and records of physicians employed by them, their insurance carrier or principal for consideration by the mediator.

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(C) Counsel shall be prepared to submit all documents pertinent to resolution of the case for examination by the Mediator, including without limitation, medical reports and records, depositions (with relevant pages pre-marked), photographs, books, records, diagrams, maps, bills, contracts, and memoranda.
(Amended and renumbered effective 1/1/11)

12.22 Discovery during Mediation.

During the period that a matter has been referred to mediation, the parties and counsel are encouraged to work cooperatively with the mediator and each other to obtain, exchange, and analyze the information needed to resolve the matter. The parties are urged to exercise restraint with respect to pursuing adversarial forms of discovery and technical analysis that relies primarily on the use of opposing experts. In an appropriate case, a protective order pursuant to Code of Civil Procedure section 2017.020(a) and related provisions may be issued by the court.
(Amended effective 1/1/08)

12.23 Compensation of Mediators.

(A) (1) Private mediation. The cost of mediation shall be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount as set by the mediator.
(Added effective 1/1/07)

(2) Court Mediation. Mediators on the court's approved panel have agreed to provide the first three (3) hours of mediation at no charge to the parties or to the court. In the event the mediation extends beyond three (3) hours and the parties determine that it would be beneficial to continue the mediation process, the parties shall be responsible for compensating the mediator in an amount established by the mediator.
(Amended effective 1/1/12)

(B) Mediators on the court's panel have agreed to accept two cases within each six-month period. Mediators on the panel may mediate more than two cases in each six month period and will receive compensation as noted in (A) (2) above.
(Added effective 1/1/07)

(C) If the plaintiff or other party seeking affirmative relief does not notify the mediator of the settlement of the case at least 2 days before a scheduled hearing or session, that party will be required to compensate the mediator. The amount of compensation will not exceed the maximum amount of compensation the mediator would have been entitled to receive for their services as a mediator.
(Added effective 1/1/07)

12.24 (deleted effective 1/1/12)

12.25 Confidentiality.

Court mediations must adhere to the confidentiality provisions of California Evidence Code Sections 1115-1128. Except as otherwise provided by law or these rules, court staff, the mediator, all parties, all attorneys, and any other people facilitating or participating in the mediation process must treat all written and oral communications made during mediation, as confidential.
(Added effective 1/1/07)

12.26 (deleted effective 1/1/10)

12.27 Mediator Statement.

Within 10 calendar days of the conclusion of the mediation, the mediator shall file a statement on **Judicial Council form ADR-100**, advising the court whether the mediation ended in full agreement, partial-agreement, or no agreement.
(Added effective 1/1/07)

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12.28 Mediator Qualifications.

Eligibility criteria for the appointment to the Court's mediation panel shall be consistent with CRC 10.781, CRC 3.810, et seq., and such other criteria as may be established by the Court. The panel of mediators, including names, qualifications, services provided and fees charged, shall be posted electronically on the court's website and shall be made available in hard copy for public inspection in the office of the ADR Program Administrator.

(Added effective 1/1/07)

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CHAPTER 13 - DUTY TO MEET AND CONFER AND EXCHANGE RE CIVIL TRIALS: MOTIONS, JURY INSTRUCTIONS, EXHIBITS, WITNESS LISTS AND STATEMENT OF THE CASE

(Added effective 1/1/11)

13.00 Motions in Limine.

(A) At least seven days prior to trial the parties shall meet and confer and exchange motions in limine and identify the motions that are contested.

(B) The parties shall file their motions, oppositions, if any, and a list of disputed motions in the assigned department on the first day of trial.

(Added effective 1/1/11)

13.01 General Motions.

The following motions shall be deemed filed, served and granted unless good cause is otherwise shown by counsel's declaration and request for hearing: 1) motions to exclude all non-party witnesses until called to testify; 2) motions to exclude all reference to settlement negotiations, mediation, and materials related thereto that are privileged under the California Evidence Code; (3) motions to exclude all reference to insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company; 4) motions to exclude all evidence of, or reference to, other claims or actions against any party to the litigation; and, 5) Motions to exclude all reference to the financial position or wealth, or lack thereof, of any party to the litigation.

(Added effective 1/1/11)

13.02 Jury Instructions.

(A) The parties shall meet and confer to identify jury instructions the parties can agree upon and jury instructions the parties cannot agree upon.

(B) On the first day of trial, the parties shall submit to the assigned trial judge in electronic (word) form: 1) a fully completed set of agreed upon jury instructions; and 2) all jury instructions that the parties cannot agree upon. If pinpoint or special jury instructions are offered, counsel shall provide case or statutory authority for the offered instruction following the text of the instruction.

(Added effective 1/1/11)

13.03 Exhibits.

(A) The parties shall meet and confer to identify those exhibits that may be admitted without objection and those exhibits as to which admissibility is contested.

(B) Prior to the first day of trial, the parties shall prepare binders containing copies of the agreed exhibits for use by the trial judge, clerk, and counsel during trial.

(Added effective 1/1/11)

13.04 Witness List.

(A) The parties shall meet and confer and prepare a joint witness list.

(B) On the first day of trial, the parties shall submit to the court an alphabetized, joint witness list.

(Added effective 1/1/11)

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13.05 Trial Brief.

On the first day of trial, each party shall submit a trial brief.
(Added effective 1/1/11)

13.06 Statement of the Case.

(A) The parties shall meet and confer to agree on a joint statement of the case.

(B) The parties shall submit the joint statement to the assigned judge on the first day of trial. If the parties cannot agree on a joint statement, each party shall submit its proposed statement to the trial judge.
(Added effective 1/1/11)

13.07 Judicial Modification.

The above rules shall not prevent any trial judge to who a case is assigned from adopting such supplemental, additional, or different pretrial orders as may appear necessary or appropriate.
(Added effective 1/1/11)

CHAPTER 14 - FAMILY LAW

(Entire Chapter Amended and Renumbered Effective 1/1/10)

14.00 Proceedings in Family Law Departments.

(Heading amended effective 1/1/10)

Cases shall be assigned to and from the family law departments as the Supervising Family Law Judge shall from time to time determine in conjunction with the Presiding Judge.

1. All orders to show cause, motions, and other family law matters preliminary to trial; all defaults under the Family Code; and all required settlement conferences and trials;
2. All orders to show cause and motions relating to enforcement or modification of family law orders or judgments;
3. All orders to show cause and motions relating to child custody, support, visitation, or attorney's fees and costs under the Uniform Parentage Act (Family Code section 7600 et seq.) and the Uniform Child Custody Jurisdiction Act (Family Code section 3400 et seq.);
4. All proceedings under the Uniform Interstate Family Support Act (Family Code section 4900 et seq.);
5. All proceedings under the Domestic Violence Prevention Act (Family Code section 6200 et seq.);
6. Family law discovery and disclosure matters;
7. All applications for issuance of writs of execution and habeas corpus, or warrants in lieu thereof, in family law cases;
8. Adoptions and all matters relating thereto, including proceedings pursuant to Family Code section 7800 et seq. or section 7660 et seq.
(Amended effective 1/1/11)
9. All motions for change of venue in family law cases shall be filed and heard in the Family Law Department to which the case is assigned;
(Amended effective 1/1/11)
10. All petitions for emancipation of minor (under Family Code section 7000).

14.01 Financial Declarations.

(A) Except as excused by law, no case shall be heard unless a current income and expense , financial statement and property declaration as required by the California Rules of Court, rule 5.128, on Judicial Council forms FL-150, FL-155, FL-160, and/or FL-161, has been completed and served by the moving party. Any pending hearing date shall be set forth clearly in the top right-hand corner of page one of the forms.

(B) If a party is receiving public assistance benefits, or enforcement assistance from the Department of Child Support Services, that fact shall be disclosed in the income and expense declaration. Whenever an attorney is required to disclose his or her attorney fee arrangement pursuant to statute or California Rules of Court, the attorney shall, in addition to any other required disclosure:

- (1) Disclose any and all sums of monies held by said attorney in trust for the purposes of the payment of professional fees; and,

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(2) Disclose whether any in-kind payments have been made or agreed to on account of professional fees in lieu of cash payments. The court may impose sanctions as permitted by law if delay results from the failure of a party to comply with these requirements.
(Amended effective 1/1/12)

(C) Documents and Information to be Exchanged.

In addition to the financial documents previously referenced, documents supporting each party's wages, income, and other matters set forth in the income and expense declaration, including a copy of the three most recent pay stubs or a year-to-date pay stub representing at least two full months' wages and deductions and a current W - 2 form shall be attached to the income and expense declaration and exchanged and filed by the party. In addition, the parties shall exchange copies of their most recently filed federal and state personal income tax returns at least five court days prior to the date set for hearing unless otherwise ordered by the court.

In addition to the requirements of the California Rules of Court, a blank copy of a responsive declaration re: order to show cause or notice of motion, income and expense and property declaration, if appropriate, as is prescribed by the California Rules of Court shall be served upon the opposing party when he or she is served with the moving party's order to show cause or notice of motion.

(Amended effective 1/1/12)

14.02 Family Law Order to Show Cause and Motion Calendar.

(A) Date, Time, and Place of Hearing and Orders Shortening Time.

(1) The date, time, and place of hearing on any family law order to show cause or notice of motion shall be scheduled at the filing counter in room 100.

(B) Time Limitation On Filing Moving or Responsive Papers, Declarations, or Points and Authorities; Place of Filing; Meet-and-Confer Rule.

(1) Unless otherwise ordered or good cause is shown, all moving papers and responsive papers, points and authorities, and declarations, including financial declarations, relating to a family law order to show cause or notice of motion, shall be filed with the court and served on the opposing party or counsel pursuant to Code of Civil Procedure section 1005. Unless good cause is shown, failure to comply may result in refusal by the court to consider any papers not timely filed or in the imposition of sanctions.

(2) All initial moving papers relating to a family law order to show cause or notice of motion and proof of service of the initial moving papers must be filed at the filing counter in room 100. An original and three copies are required for all initial papers regarding custody or visitation. Except as provided in rule 14.12, all other papers, including opposition, reply papers, proofs of service, matters on shortened time, and ex parte matters must be filed at the filing counter in room 100. Opposition and reply papers must have the proof of service attached to the papers being filed.

(3) Counsel/party(ies) shall confer before the date of hearing to make a reasonable attempt to resolve disputed issues and to exchange all relevant documents. Failure to comply with this rule in good faith may result in the court dropping the matter from the calendar or in the imposition of sanctions.

(C) A family law order to show cause or noticed motion and any application for an order may be decided upon a timely filed application and responsive pleading, and accompanying points and authorities. Failure to file and serve a timely opposition or response may be deemed a waiver of any objection, and an admission that the order to show cause, notice of motion or application is meritorious.

(Renumbered and amended effective 1/1/12)

14.03 (deleted effective 1/1/12)

14.04 (deleted effective 1/1/12)

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14.05 Continuances on Short Cause Law and Motion Calendar.

Requests for continuances are looked upon with disfavor unless good cause is shown. Continuances of an order to show cause or noticed motion on the law and motion calendar using the court's local form stipulation to drop hearing is required. Such requests must be made by 3:00 p.m. five (5) court days before the scheduled hearing or a personal appearance will be required. All other requests for continuance must be made by personal appearance.

Any matter which has been continued more than twice or those involving moving papers filed more than 120 days prior to the scheduled hearing will not be reviewed by the court unless a written declaration has been filed at least five court days prior to the scheduled hearing date, noticing the court of any issues still in dispute. No matter which has been continued four times will be continued without the party and/or attorney making a personal appearance before the court. If no one appears to request a further continuance, the matter will be dropped but may be reset upon a properly noticed order to show cause or noticed motion.

Continuances submitted using the court's local form stipulation to drop hearing (FL/E/LP/631) may be reset by filing and serving the court's local order to set hearing form (FL/E/LP/632) along with an updated income and expense declaration, if appropriate, supplemental statements setting forth any update on their positions, and a statement of what issues are still in dispute, at least five (5) calendar days before the hearing.

(Amended effective 1/1/12)

14.06 Matters Exceeding 15 Minutes; Special Setting.

(A) All orders to show cause and noticed motions shall be heard initially on the law and motion calendar of the family law departments. The matters shall be at the filing counter in room 100.

(B) Hearings on the law and motion calendar are limited to 15 minutes and are subject to further time limitations to accommodate the court's calendar. In the event either party in good faith believes that the matter cannot be completed in 15 minutes, the party shall, at the time the matter is called, so inform the court. The court may then set the matter as may be appropriate under the circumstances.

(Amended effective 1/1/12)

(C) Stipulations entered into on the date of the hearing for short cause matters shall be set forth on the local family law stipulation and order FL/E-CT-002 form. A formal order need not be prepared unless otherwise ordered by the court or required by California Rules of Court.

(Amended effective 1/1/11)

14.07 Temporary Orders.

(Amended effective 1/1/12)

(A) Unless otherwise specifically ordered, all temporary orders shall remain in effect until further order of the court or by operation of law.

(Amended effective 1/1/12)

(B) Stipulations concerning temporary child support orders shall comply with Family Code section 4065.

(Amended effective 1/1/12)

(C) In setting child support the court will apply Division 9, Parts 1, 2, and 3 of the Family Code. In setting temporary spousal support the court shall apply the local guideline formula set forth in subparagraph (a) below.

(Renumbered effective 1/1/12)

(D) The court uses the guideline commonly referred to as the Santa Clara County Guideline, in setting temporary spousal support. Pendente lite spousal support is computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. In the event there is child support, spousal support is calculated on net income not allocated to child support and/or child related expenses.

(Renumbered and Amended effective 1/1/12)

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14.08 Ex Parte Orders.

(A) Filing the Application: A party may seek affirmative relief by ex parte application and/or an order shortening time for a hearing on a motion for affirmative relief. Applications for ex parte orders in family law matters shall be filed at the filing counter in room 100 as specified on the court's internet website at www.saccourt.ca.gov. Ex parte matters are to be noticed for the filing counter in room 100, where both parties shall report at their noticed time. If after 15 minutes of the noticed time to appear, the moving party does not appear, the clerk may release the responding party. The court may impose sanctions for a noticing party's failure to appear if appropriate.

(B) Contents of Application: An ex parte order will be issued only if the application is accompanied by an affidavit or declaration adequate to support its issuance. The adequacy of the application will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written, by either party. An ex parte application for affirmative relief will not be granted absent a showing that immediate, significant and irreparable injury will occur unless the relief is granted. An ex parte application for an order shortening time for a hearing will not be granted absent emergency circumstances showing of good cause for the granting of the order. The failure of the moving party to handle legal matters in a timely fashion is an insufficient basis for granting an order shortening time.

(C) Notice Requirements for Affirmative Relief: The party seeking ex parte relief is required to provide reasonable notice to all parties pursuant to California Rules of Court, rule 3.1203. Reasonable notice requires that the other party is provided information about the relief being requested and the factual basis for the request.

(D) Exception to Notice Requirements for Affirmative Relief: The notice requirements referenced above can be waived by the court if the affidavit or declaration clearly shows that giving notice would frustrate the purpose of the proposed order.

(Amended effective 1/1/12)

14.09 Stipulations Modifying Existing Orders.

(A) General.

In any family law matter in which a modification of an existing order is sought by stipulation, the stipulation must be signed by both parties and their respective attorneys. If either party is representing himself or herself, such party's signature must be notarized unless the party personally appears in court or the party is a minor. If the party is a minor, the stipulated judgment shall bear the minor's signature together with the notarized signature of the Guardian Ad Litem appointed for the minor. Notarization of the minor's signature is not required. The stipulation shall then be presented to the proper department either by mail or by placing it in the drop box located in the main entrance of the building.

(B) If either party has a case open with the Sacramento County Department of Child Support Services, or any other Local Child Support Agency within the State of California, a stipulation must be signed by both parties, their respective attorneys and by an attorney representing the Sacramento County Department of Child Support Services, or another Local Child Support Agency. If either party is representing himself or herself, such party's signature need not be notarized if the stipulation was prepared by the Sacramento County Department of Child Support Services and signed by any attorney representing the Local Child Support Agency.

(C) Custody and Support Stipulations.

Stipulations for modification of custody or support orders shall disclose whether a party is a recipient of public assistance. Stipulations for modification of child support orders shall conform to the requirements of Family Code section 4065.

(Amended effective 1/1/11)

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14.10 Uncontested Trials.

(A) Documents and Fees Required.

(1) Prior to an uncontested matter being set for trial, the following documents shall be filed:

(a) Either:

- (i) A Request and Declaration Re Default in the form prescribed by the California Rules of Court, rule 5.124; or
- (ii) An executed written stipulation that the matter may be heard on an uncontested basis, which may be on the appearance stipulation and waiver form (Judicial Council Form FL-130); and
- (iii) Where there are issues of child support or spousal support, or where an award of attorney fees is requested, current income and expense declarations shall be completed as prescribed in subsection (B) of this rule.

(2) If proceeding by uncontested trial, proof of service of the preliminary and final declaration of disclosure and relevant attachments as required by Family Code section 2105 or a stipulation waiving service of the final declaration of disclosure pursuant to Family Code section 2105(d) and a completed property declaration.

(3) If proceeding by default and a division of property and/or debts is requested, proof of service of the preliminary declaration of disclosure and relevant attachments under Family Code section 2104 and a completed property declaration.

(4) If proceeding to hearing based on the filing of Appearance, Stipulation and Waivers:

- (a) Unless previously paid, the first appearance filing fee is due;
- (b) If this is the respondent's first appearance (block 1 on the form is checked), then the respondent's name, address and telephone number must appear in the upper left-hand corner of the form.

(Renumbered and amended effective 1/1/12)

(B) Proceedings Involving Recipients of Public Assistance Benefits or Enforcement Assistance from the Department of Child Support Services.

Notwithstanding any other rule, if a party is receiving public assistance benefits or enforcement assistance from the Department of Child Support Services:

- (1) That fact shall be disclosed in the income and expense declaration; and
- (2) All orders submitted to the court shall comply with Family Code section 4200.

(3) In the event of a stipulated judgment, the stipulation must be signed by both parties, their respective attorneys and by an attorney representing the Sacramento County Department of Child Support Services. If either party is representing himself or herself, such party's signature need not be notarized if the stipulation was prepared by the Sacramento County Department of Child Support Services and includes the signature of an attorney representing the Sacramento County Department of Child Support Services.

(Renumbered effective 1/1/12)

(C) Proposed Judgment.

At the hearing of the uncontested matter, counsel/the moving party shall provide the original of the proposed judgment, including any marital settlement agreement, to the judge. In the event of a stipulated judgment, the stipulation must be signed by both parties and their respective attorneys. If either party is representing himself or herself, such party's signature must be notarized unless the party personally appears in court or the party is a minor. If

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the party is a minor, the stipulated judgment shall bear the minor's signature together with the notarized signature of the Guardian Ad Litem appointed for the minor. Notarization of the minor's signature is not required.
(Renumbered effective 1/1/12)

(D) Contents of Proposed Judgment.

Blank spaces may be left for insertion of the amount of child and spousal support.
(Renumbered effective 1/1/12)

(E) The court may require a hearing in lieu of submitting a judgment by declaration pursuant to Family Code 2336. (Renumbered effective 1/1/12)

14.11 Long-Cause Hearings and Contested Trials.

A long cause hearing is an evidentiary hearing that is set with the authorization of a family law judge. Traditionally, these are set to commence on either a Thursday or Friday. The most common result of a long cause hearing is an order. The court authorizing a long cause hearing usually requires that a mandatory settlement conference occur before the long cause hearing. A long cause hearing may occur before or after judgment has been entered.

A trial is an evidentiary hearing designed to culminate in a judgment. Traditionally, they are set to commence on either a Thursday or Friday. Most frequently, trials are set as a result of a party filing a memorandum to set in department 128.

(A) Purpose of Rules; Duties of Counsel.

The purpose of these rules are to ensure that contested matters set for long cause hearings or trials are thoroughly prepared and expeditiously tried, and to avoid using the contested hearing as a vehicle for what should be pretrial deposition, discovery, and settlement procedures. Counsel, vested with full authority from their clients to dispose of these matters, shall confer in good faith to review the statement of issues required by these rules in order that, to the fullest extent possible, issues can be resolved by stipulation, and those issues remaining for determination by the court can be clearly delineated.
(Amended effective 1/1/12)

(B) Discovery

With regard to long cause hearings, the Court expects the parties to have completed discovery prior to the mandatory settlement conference. If the settlement conference is continued, discovery is deemed to remain open until the settlement conference takes place.

With regard to trials, absent a stipulation between the parties, statutory or case law authority, or a specific order of the Court, discovery cutoffs are as delineated in the Code of Civil Procedure.

(C) Relief From Rules.

Relief from the operation of these rules relating to long cause hearings and contested trials may be requested in appropriate cases but only on order to show cause or noticed motion for good cause shown. The parties may not stipulate to waive the requirements of these rules. Either side may move to strike the memorandum to set, and/or statement of issues of the other side upon the ground that the document was not prepared and filed in good faith but, rather, as a means to avoid the operation of these rules. Sanctions against the offending side may be requested, as permitted by law.

(D) Compliance with Other Rules.

The filing of the statements referred to in these rules shall be deemed as compliance with all other rules requiring the filing of any statement of issues.

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(E) Mandatory Settlement Conferences and Meet and-Confer Rule.

(1) At the time of the date the long-cause hearing or contested trial is established by the court, a mandatory settlement conference may also be calendared.

Counsel and the parties shall personally appear for a mandatory settlement conference to be scheduled at the time the long cause hearing or contested trial date is determined. The settlement conference is typically scheduled 30 days before any long cause hearing or contested trial. Counsel and the parties shall participate in good faith in the settlement conference until released by the temporary judge or judges or until the trial date is confirmed by the temporary judge or judges. Failure to participate in good faith in the settlement conference may be a basis for the imposition of sanctions or change in the calendar status of the action. All motions for continuances or disputed requests to drop the matter shall be heard by the Supervising Family Law Judge or his/her designee.

(2) No settlement conference shall be scheduled for adoption, contempt or prevention of domestic violence cases unless the parties stipulate otherwise.

(3) Counsel and the parties shall meet and confer before the date of the settlement conference in a reasonable attempt to resolve the disputed issues and to exchange all relevant documents.

(4) Failure of a party to appear and participate in a mandatory settlement conference may, at the time of the long cause hearing or contested trial, result in the entry of a default judgment/order against the non-appearing party in addition to imposition of sanctions.

(Amended effective 1/1/12)

(F) Statement of Issues.

(1) Where a matter is set for a long cause hearing or contested trial, both parties shall file and serve all counsel and self-represented litigants, a statement of issues at least 20 days prior to the contested hearing date, five (5) days before the settlement conference, whichever is earlier. If the statement of issues is served by mail, or an additional five calendar days shall be required for service. Service by facsimile in compliance with Code of Civil Procedure section 1013 shall satisfy the service requirements under this section. The original plus two copies of each party's statement shall be filed with the courtroom clerk in department 128. If both parties fail to timely file or serve a statement of issues pursuant to this part, the matter shall not be permitted to proceed absent determination by the court of good cause. However, a court assisted settlement conference shall remain available. Failure by one party to timely file or serve a statement pursuant to this rule will allow the complying party to proceed, continue, or drop the long cause hearing or contested trial date and may result in the imposition of sanctions.

(Amended effective 1/1/12)

(2) Notwithstanding the preceding, if the judge designated by the Supervising Family Law Judge determines that dropping the long cause hearing or contested trial would result in an injustice or could undermine the need to make a timely determination as to the child(ren)'s best interests, the judge designated by the Supervising Family Law Judge may confirm the date set for the long cause hearing or contested trial.

(3) Service of the Statement of Issues. For purposes of computation of days prior to a long cause hearing or contested trial, if the 20th day falls on a Saturday, Sunday, court holiday or other day on which the court is closed (e.g., furlough day), the due date will roll forward to the next court business day.

(Amended effective 1/1/12)

(4) If the mandatory settlement conference has been continued, the parties will be responsible for refiling/reserving a statement of issues that accurately reflects the status of the case and complies with subdivision (K) of this Rule.

(G) Unless a settlement conference has been scheduled upon stipulation of the parties, no statement of issues shall be served or filed for adoption, contempt or prevention of domestic violence cases (Family Code section 6200 et seq.).

(H) The parties may not stipulate to waive the requirement of this rule. The imposition of sanctions pursuant to this rule and motions to continue a long cause hearing or contested trial shall be heard by the judge designated by the

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Supervising Family Law Judge on the day of the settlement conference, day of hearing or trial, or at such other time as ordered by the Supervising Family Law Judge.

(I) Failure of any party to specify an issue in dispute in a statement of issues may result in an issue sanction (no evidence may be presented relating to omitted issues) or other sanction at the contested hearing as determined by the Supervising Family Law Judge or the judge assigned to the hearing or trial.

Additional Rules Concerning Contested Trials

(J) Setting Contested Trials.

(1) A party who seeks to set a trial in a contested family law proceeding shall do so by filing a local form memorandum to set:

- (a) Comply fully with all disclosure, access and accounting requirements under Family Code sections 721 and 1100(e) and, as to proceedings filed on or after January 1, 1993, Family Code section 2100, et seq.;
- (b) Respond fully to all discovery propounded by the opposing party or parties except as to discovery the responding party has timely objected to;
- (c) Ensure that a Response, Answer or other required responsive pleading is on file in the proceeding;
- (d) Contact or attempt to contact the other party or parties to determine their available dates for settlement conference and trial before filing the memorandum to set a contested trial. Should mutual available dates not be obtained the reasons must be included in the memorandum. Proposed dates shall be between 55 days and 100 days after the date of filing of the Memorandum to Set (Family Law). Trial or settlement conference date settings beyond 100 days after the date of filing of the memorandum to set are allowed upon order of the court granted pursuant to a written stipulation from both parties or upon order of the court after a motion and hearing on the proposed date for a settlement conference or trial. No matters may be set beyond 120 days after the date of filing the memorandum to set without permission of the court.

(Amended effective 1/1/12)

(2) Within 10 days after the memorandum to set is served, a party who disagrees with the memorandum to set or any part thereof shall file notice of hearing on memorandum to set in department 128, setting a hearing before the judge designated by the Supervising Family Law Judge. The notice of hearing on memorandum to set may raise only issues relevant to setting the proceeding for trial, including, without limitation, failure of the party who filed the memorandum to set to comply with any of the requirements of (1)(a) through (d) above, as well as estimated time for trial, preference claims, and available dates.

(3) Attorneys and self-represented parties are required to provide the court with reasonable and accurate time estimates for trials. If the time estimates of either party are exceeded, the court may, in its discretion, continue the matter to a new trial date or declare a mistrial.

(4) If a notice of hearing on memorandum to set (FL/E/LP/605) is timely filed, no settlement conference or trial dates shall be scheduled in the proceeding until the court has ruled on the issues raised. If no notice of hearing on memorandum to set is timely filed, the proceeding shall be deemed at issue, and the family law calendar clerk shall schedule settlement conference and trial dates based on the information in the memorandum to set. The clerk shall promptly mail notice of the trial and settlement conference date to all counsel and all parties.

(K) Content of Statement of Issues

The statement of issues shall include a full and complete statement of property, income, expenses and shall set forth the information in the order as outlined below, as it applies to the case except as hereafter provided. FAILURE TO

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COMPLY WITH THE CONTENT REQUIREMENTS OF A STATEMENT OF ISSUES MAY RESULT IN THE IMPOSITION OF SUBSTANTIAL FINANCIAL SANCTIONS OR ISSUE SANCTIONS OR BOTH.

(1) Caption. The caption shall contain the dates and times of the settlement conference and long cause hearing or contested trial.

(2) Statistical Information. Date of marriage and date of separation, the names and dates of birth of the minor children and any unusual facts shall be stated.

(3) Agreements, Stipulations and Prior Orders. Each party shall set out the terms of all pretrial agreements and stipulations entered into by the parties and all prior orders of the court.

(4) Compliance with Family Code section 2100 et seq.: Each party shall state whether the parties have fully complied with the requirements of Family Code section 2104 (preliminary and final declarations of disclosure) and whether either party contends that there has been a breach of a fiduciary duty described in Family Code section 2102. To the extent that a party contends that a preliminary and final declarations of disclosure has not been served on them, said party shall state in detail the alleged deficiencies in the declarations of disclosure in question and whether the provisions of Family Code section 2107 noncomplying declarations; request to comply; remedies) have been followed by the alleged aggrieved party.

(5) Custody and Visitation. Each party shall set forth specific proposals for custody and visitation of the minor children. The recommendation of Family Court Services or a private mediator, if any, shall be summarized. If the Family Court Services or private mediation report is not available, the status of any mediation or custody evaluation shall be stated.

(6) Separate Property and Debts. List each item of separate property and separate debts, the date each was acquired, the basis upon which each is claimed as separate rather than community property, the current fair market value or debt balance, the nature, extent, and terms of payment of any encumbrance against any such separate property, the manner in which title thereto is presently vested, and the record title date.

(7) Community Property.

(a) Assets.

List each item of community property, the date it was acquired, the basis upon which it is claimed as community rather than separate property, the current fair market value, the nature, extent, and terms of payment of any encumbrance against the property, the manner in which title thereto is presently vested, and the record title date. The community value, including fair market value, less encumbrances, shall be stated.

(b) Debts.

Separately list all debts and obligations of the spouses which are liabilities of the community. Specify the identity of the creditor, the purpose for which the debt was incurred, the date upon which the debt was incurred, the balance currently due thereon, the terms of payment, and the security, if any, held by the creditor.

(c) Funds Held by Others.

To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing, or other trust or retirement funds, the statement shall fully identify the policy or fund, including policy, serial or account numbers, the present values and basis for calculation, and all terms or conditions imposed upon withdrawal of such funds. If any loans exist against any of these funds, the details regarding those loans should be set forth.

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(d) Tracing.

If there is a dispute over the community property and separate property interests in a single asset which will be an issue in the case, the statement shall set forth in detail, with dates, values and dollar amounts, the transactions relevant to the tracing issue, as well as the basis for computation or proration.

(e) Credits.

All claims for a credit for separate funds paid on community debts post-separation, commonly known as "Epstein credits," or for claims of rent owed by a party to the community for use of a community asset post-separation, commonly known as "Watts charges," shall be set forth in detail with dates and dollar amounts.

(f) Proposal for Property Division.

Set forth a proposed equal division of community property of the parties. An attachment may be used.

(8) Legal Analysis of Tracing, Characterization, and Credits.

All issues of tracing, characterization, reimbursement, credits and apportionment shall be identified and described by applicable law.

(9) Current Income and Expenses. Specify and set forth current income and expenses by completing and filing an income and expense declaration (Judicial Council Form FL-150). Previously filed income and expense declarations that are no longer current shall not be considered as compliance with this requirement. Rule 14.01 shall apply with respect to supporting documentation.

(10) Child Support. Each party shall set forth a proposal for child support in conformance with Family Code section 4055 along with the computations upon which the party relies.

(11) Spousal Support. Any proposal for spousal support shall include a statement of the appropriate factors under Family Code section 4320 to be considered and a proposal for the duration of support.

(12) Attorney Fees. The party requesting an award of attorney fees, in addition to completing line J on the income and expense declaration (Judicial Council Form FL-150) shall submit a statement of the time spent, amount charged, amount already paid, and the source of the funds.

(13) Sanctions. A party who has properly requested attorney fees and/or sanctions pursuant to California Rules of Court, rule 2.30, Code of Civil Procedure sections 128.5, 128.7, 177.5 and/or 575.2 and/or Family Code section 271 shall provide a statement of why such sanctions are appropriate under the requirements of the relevant code section.

(Amended effective 1/1/11)

14.12 Preparation of Judgments and Orders.

(A) Orders and Judgments Resulting from Long Cause Hearings and Contested Trials

(1) The party directed by the court shall prepare the form findings and order after hearing, judgment and order in accordance with the court's decision, or stipulation put on the record and shall submit it to opposing counsel/party for signature within five days under the legend "Approved as Conforming to Court Order." If the issue involved is not suitable for the form, then the order shall be prepared on the usual pleading paper and submitted to opposing counsel/party for approval as conforming to court order. If the party directed by the court to prepare the order fails to do so within the prescribed time, the opposing party may prepare the order and submit it to the opposing counsel/party for signature and subsection (b) shall apply to that party.

(2) If the opposing party does not so approve within 20 days, the preparing party shall send the proposed order and a copy of the minute order, if applicable, to the court with a cover letter explaining why it was submitted

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without such approval and a proof of service of the letter and proposed order on the opposing party. If the opposing party does not explain his/her objection with specificity in writing to the court within five days for findings and orders after hearing, or ten days for judgments, of the date of service by the preparing party, the court will sign the submitted order. If there is written objection with specificity, the court will then decide whether to adopt the proposed order or judgment or what changes shall be required, with or without a hearing, at the court's discretion. At a hearing set by the court, the court will consider an award of attorney's fees if the court deems that appropriate

(B) After Agreement Recited into Court Record at Mandatory Settlement Conference.

(1) When counsel/party has agreed or been directed by the court; including a temporary judge, to prepare a stipulated judgment or a stipulated marital settlement agreement, said document shall be prepared by counsel/party so directed and received by opposing counsel/party no later than 40 days from the date of the court appearance or court order, whichever is latest in time. Within 20 days of the receipt of the document, the other counsel/party shall cause said document to be executed and received, or objections to be received, by the drafting counsel/party.

(2) If the counsel/party designated to prepare the document does not serve it on opposing counsel/party within the aforementioned 40 days, then the opposing counsel/party may prepare said document. Said document shall be received by the other counsel/party no later than 70 days from the court appearance or court order. Within 20 days of the receipt of the document, the other counsel/party shall cause said document to be executed and received, or objections to be received, by the drafting counsel/party. In the alternative, counsel/party may file an order to show cause or notice of motion seeking compliance on the appropriate department's law and motion calendar.

(Amended effective 1/1/12)

14.13 Domestic Violence Restraining Orders.

Orders issued pursuant to the Domestic Violence Prevention Act (Section 6200 et seq. of the Family Code) may be obtained with or without notice to the restrained party. (Section 6300)

Most commonly, a person seeking a Domestic Violence Restraining Order completes the form application and takes it to the filing counter in room 100 as specified on the court's internet website at www.saccourt.ca.gov. The applicant must complete the required Judicial Council forms to facilitate the proper processing of the orders into the law enforcement database (CLETS system). If the court is unable to process a request on the date filed, the court will process it on the next court day.

(Amended effective 1/1/12)

14.14 (deleted effective 1/1/12)

14.15 Notice of Mediation.

(A) Requirements for Notice of Mediation in Family Law Actions.

(1) Prior to filing any petition under the Family Law Act, order to show cause, notice of motion or other family law pleading which will result in a court hearing, counsel for the petitioner and/or moving party shall provide to the client a notice of mediation (hereinafter notice). Counsel shall discuss with the client the possibility of a mediated resolution of the legal issues raised in the pleading to be filed. A copy of the notice shall be served on the opposing party(ies).

(2) The responding party(ies) and his or her counsel, if any, shall review and discuss the possibility of a mediated resolution of the legal issues raised in the pleading.

(3) This rule shall apply to any third party claimant seeking relief in a family law action.

(Amended effective 1/1/11)

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14.16 Child Custody/Visitation; Mediation, Evaluation and Reports to the Court. – Child Custody Recommending Counseling.

(A) For purposes of these rules, mediation shall be as defined by Code of Civil Procedure section 1775.1(a)(2), and shall be conducted in accordance with Family Code section 3160 et seq. If the mediator is authorized to submit a recommendation to the court, the mediation and recommendation process shall be referred to as “child custody recommending counseling,” and the mediator shall be referred to as a “child custody recommending counselor.” Family Court Services child custody recommending counselors shall be referred to as “mediator/evaluators;” private child custody recommending counselors, shall be referred to as “private mediators.” Mediation for which there is no recommendation to the court shall be referred to as “confidential mediation.” Child custody evaluation shall be as defined by California Rules of Court, rule 5.220(c)(3) and Family Code section 3110 et seq., and shall be conducted according to the procedures set forth in California Rules of Court, rule 5.220.

(Amended effective 1/1/12)

(B) Before a hearing on any disputed issue of custody/parenting/visitation, the parties shall participate in child custody recommending counseling either with a mediator/evaluator at Family Court Services or with a court-approved private mediator.

(Amended effective 1/1/12)

(C) Referral for mediation at Family Court Services shall be obtained in one of the following ways:

(1) The filing of an order to show cause or notice of motion re custody or visitation and case demographic sheet will result in a hearing being calendared and a mediation appointment being scheduled prior to the hearing.

(2) The filing of a petition for confidential mediation along with a case demographic sheet directly with Family Court Services. The petition for confidential mediation must be served on the other party. Service shall be by (a) personal service, (b) facsimile with an additional copy mailed first class, or (c) first class mail. A proof of service must be filed with the petition for confidential mediation. No hearing will be calendared upon the filing of a petition for confidential mediation.

(3) The court on its own may order parties to mediation in the course of regular law and motion, domestic violence restraining order, ex parte, or other court proceedings.

(Amended effective 1/1/12)

(D) An immediate referral to Family Court Services may be ordered by the court in an emergency involving imminent danger to a child including sudden and serious physical or emotional abuse, domestic violence, sexual abuse, neglect, serious substance abuse, risk of parental flight, or other emergency circumstances.

(E) Repeated requests for Family Court Services mediation are disfavored by the court.

(1) If a Family Court Services mediation/evaluation report has been issued within six months of the filing of an order to show cause or notice of motion re custody or visitation, no orientation or mediation date will be set prior to the hearing date.

(2) If a petition for confidential mediation is filed within six months of the date of the last mediation/evaluation report, no appointment shall be scheduled.

(3) If more than six months have passed since the last mediation, but there has been no change in circumstance, the opposing party may object to mediation by filing an order to show cause or notice of motion with the court.

(F) Confidential Mediation

(1) Referral to Confidential Mediation regarding child custody and parenting plan at Family Court Services may be obtained by filing a petition of confidential mediation along with a case demographic sheet directly with Family Court Services. The petition for confidential mediation must be served on the other party. Service shall be by:

(a) Personal service,

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- (b) Facsimile with an additional copy mailed first class, or
- (c) First class mail.

A proof of service must be filed with the petition for confidential mediation. No hearing will be calendared upon the filing of a petition for confidential mediation.

(2) Mediator shall report as follows:

- (a) If an agreement is reached during mediation and both parties are self-represented, the mediator shall prepare a written document setting forth the parties' agreement and shall provide it to both parties.
- (b) If the parties reach an agreement and either of the parties is represented by counsel, the mediator shall forward a copy of the written agreement to the attorney(s) for approval.
- (c) If either a partial agreement or no agreement is reached during the mediation session, mediator shall make no recommendations and shall not issue a report to the court unless the mediator learns that the child is in danger, as described by local rule 14.16(D).

(3) If a petition for confidential mediation is filed within six months of the date of the last mediation child custody recommending counseling/evaluation report, no appointment shall be scheduled.

(4) If a confidential mediation is conducted following the filing of a petition for confidential mediation, the mediator shall report as follows:

- (a) If an agreement is reached during mediation and both parties are self-represented, the mediator shall prepare a written document setting forth the parties' agreement and shall provide it to both parties.
- (b) If the parties reach an agreement and either of the parties is represented by counsel, the mediator shall forward a copy of the written agreement to the attorney(s) for approval.
- (c) If either a partial agreement or no agreement is reached during the mediation session, mediator shall make no recommendations and shall not issue a report to the court unless the mediator learns that the child is in danger, as described by local rule 14.16(D).

(Amended effective 1/1/12)

(G) Family Court Services mediation appointments shall be set to take place within 28 days of the filing of a petition for confidential mediation, an order to show cause or a notice of motion re custody or visitation. There will be no peremptory challenges of any assigned Family Court Services mediator/evaluator. Participation in mediation shall be as follows.

(1) One party may participate in mediation by telephone appearance if that party resides more than 150 miles from the courthouse or if that party will suffer an extreme hardship by traveling to Family Court Services for mediation. Permission for telephonic appearances at mediation shall be secured by court order or by request to Family Court Services. The request for telephone mediation shall be made seven (7) days in advance of the mediation.

(Amended effective 1/1/12)

(2) The parties must bring children age five and older to the mediation/evaluation session, unless granted permission to otherwise appear by telephone. The mediator/evaluator may or may not interview the children, at the mediator's discretion, and consistent with Family Code section 3180(a) and California Rules of Court, rule 5.210.

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(3) If one party fails to appear for the mediation/evaluation appointment, a recommendation may be based upon an interview with only one party, provided the other party was notified and given an opportunity to meet with the Family Court Services mediator/evaluator.

(4) If both parties fail to appear for the mediation appointment, the appointment shall be dropped and the court notified of their failure to attend.

(H) The mediator's/evaluator's primary role is to assist the parties in developing a parenting plan that protects the health, safety, welfare, and best interest of the child. At the end of mediation the mediator/evaluator must prepare a report for the parties and the court

(1) If a mediation is conducted following the filing of an order to show cause or notice of motion re custody or visitation, or upon order of the court, the mediator/evaluator's written report shall be available to the court and the parties prior to the scheduled court date.

- (a) If the parties reach a full agreement during the mediation session, and both parties are self-represented, the mediator/evaluator shall prepare the written agreement for the parties to review and sign. If there are no other issues before the court, and the parties sign the written agreement, the mediator/evaluator may notify the court, and the order to show cause or notice of motion hearing date shall be dropped. The parties shall each be given a copy of the signed agreement. The signed agreement will be attached to the mediator's/evaluator's report and shall be submitted to the court for approval and order.
- (i) If either of the parties is represented by counsel, the mediator/evaluator will forward a copy of the written agreement to the attorney(s) for approval. If approved by counsel, counsel for the moving party may prepare a formal stipulation and order for the signatures of the parties and the court pursuant to California Rules of Court, rule 3.132, and may submit it to the court for approval and filing. If no hearing is required, counsel shall notify the court to drop the order to show cause or notice of motion.
- (ii) If the mediator/evaluator does not believe that the agreement is in the child(ren)'s best interest, the mediator's report shall so inform the court. In this situation, the order to show cause or notice of motion shall not be dropped from the calendar.
- (b) If either a partial agreement or no agreement is reached during the mediation session, the mediator/evaluator shall make recommendations to the court on the disputed issues, or shall recommend, at his or her discretion, that the court order Family Court Services to conduct a child custody evaluation. The mediator/evaluator may also make an interim recommendation for a temporary parenting plan pending completion of the custody evaluation. The mediator/evaluator may recommend to the court, where appropriate, that the court appoint a psychologist or psychiatrist to conduct a full psychological child custody evaluation of the parties and the child(ren), and/or that an attorney be appointed to represent the minor child(ren). The mediator/evaluator may also recommend, pending determination of the controversy that restraining orders be issued to protect the well-being of a child.

(Renumbered and amended effective 1/1/12)

(I) The court, in its discretion, may order Family Court Services to conduct a child custody evaluation pursuant to Family Code section 3110 et seq. and California Rules of Court, rule 5.220. The court may order a full or partial evaluation, as defined in California Rules of Court, rule 5.220(c)(4) and (5), as circumstances warrant. The parties will be charged a fee for a child custody evaluation. The evaluator shall do all of the following.

(1) The evaluator shall interview and observe all children, ages five and older, where possible, or may arrange for a representative of another court to conduct the interview, if the child(ren) live(s) too far from the William R. Ridgeway Family Relations Courthouse for the child(ren) to conveniently be brought to Sacramento.

(2) The evaluator shall make relevant collateral contacts, and shall collect and examine relevant corroborating information or documents as permitted by law.

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(3) The evaluator shall file with the court a written confidential report pursuant to Family Code section 3111, and shall serve it on the parties not later than 60 days following the date of the court's order referring the matter to Family Court Services for a child custody evaluation.

(J) Child(ren) shall not be taken by a party to a new evaluator/therapist for an independent or second opinion during the court process of a custody dispute except by court order.

(K) Ex parte communication between any party or any attorney and the Family Court Services mediators/evaluator and/or evaluator is prohibited, unless authorized by the court or unless the child's or a party's physical safety is subject to imminent risk of harm or danger.
(Amended effective 1/1/12)

(L) The court shall accept complaints about an evaluator's performance in conjunction with the court's policy available in the office of Family Court Services.
(Amended effective 1/1/12)

14.16.01 Order to a Private Mediator.

(A) A referral to private mediation shall be sought by the filing of a petition for private mediation. A petition for private mediation may be filed with the filing of an order to show cause or notice of motion or by itself. Filing a petition for private mediation is without prejudice to a party's right to a future hearing.

(1) The party filing the petition for private mediation must initially agree to pay all mediation fees, subject to the court's reservation of jurisdiction to make an order allocating the payment of a private mediator's fees and costs between the parties. The parties may stipulate to divide the costs between them.

(2) The petitioning party shall provide the names of two proposed private mediators from the court's approved panel list for consideration by the other party and the court. The petition may also be accompanied with a declaration stating the reasons for the proposed private mediators. The petition shall be served on the other party with a blank response to petition for private mediation and summary procedures for petition for private mediation Service shall be by:

- (a) Personal service,
- (b) Facsimile with an additional copy mailed first class, or
- (c) First class mail. If service is by mail only, the time for filing and serving the response will be extended by five days. A proof of service shall be filed with the petition.

(3) If no response to petition for private mediation is filed within the time described below, the court will appoint a mediator from those proposed.

(4) If the responding party objects to private mediation or to the particular private mediators proposed by the petitioning party, the responding party may file and serve a response to petition for private mediation, within five days of service of the petition for private mediation. Service shall be by:

- (a) Personal service,
- (b) Facsimile with an additional copy mailed first class, or
- (c) First class mail. If service is by mail only, the time for filing and serving the response will be extended by five days. A proof of service shall be filed with the petition.

If the responding party objects to the private mediators proposed by the petitioning party, the responding party shall provide the names of two alternative private mediators from the court's approved panel list. The Response may be accompanied with a declaration as to the reasons for opposing the petitioning party's selections and for reasons in support of the responding party's selections of proposed private mediators.

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(5) The court must, as soon as possible, resolve conflicts in the selection process by scheduling a telephonic conference call, scheduling a hearing *sua sponte*, or by making a decision based on the petition, the response, and any accompanying declarations. It is the duty of the parties or their attorneys if the parties are represented, to confer over conflicts and to attempt to resolve them without unnecessary delay, and report any resolution to the court.

(6) If the court makes an order referring the parties to private mediation, the order for private mediation shall supersede a prior referral to Family Court Services, and any appointment scheduled at Family Court Services will be canceled.

(7) In the case of private mediation, in the event one party opposes the referral to private mediation, the court may nonetheless refer the matter to private mediation if it finds such a referral to be in the minor child(ren)'s best interests.

(B) Private mediators shall be selected and appointed from a list of qualified professionals.

(C) In advance of the mediation the private mediator shall obtain from the parties a written waiver of confidentiality for the purposes of addressing any potential grievances.

(D) In any case where the parties participate in private mediation and are unable to resolve their custody matter through mediation, if the private mediator makes a recommendation, the private mediator shall do all of the following:

(1) Meet with both/all parties jointly unless meeting with the parties must be separate due to domestic violence pursuant to Family Code section 3181.

(2) The private mediator may or may not interview or meet with children of any age at the discretion of the individual private mediator and consistent with Family Code section 3180(a) and California Rules of Court, rule 5.210.

(3) Discuss with and disclose to the minor child the fact that the child's communications to the private mediator are not confidential.

(4) Joint interviews with a child and a parent shall be conducted at the private mediator's discretion. If a mediator conducts a joint interview with a child and one parent, the private mediator shall conduct a joint interview with the child and the other parent.

(5) Contact and consider all relevant collateral sources.

(6) At the private mediator's discretion, review documentation submitted by the parties, but only if the mediator has been provided proof of service that a copy of all the documents have been provided to the other party.
(Renumbered and amended effective 1/1/12)

(E) In the event one parent fails to attend the private mediation, a recommendation may be based upon an interview with only one parent if the other parent was notified and given an opportunity to meet with the private mediator.
(Renumbered and amended effective 1/1/12)

(F) Once private mediation has been completed, the private mediator shall submit a written confidential report to the court and shall provide copies to the parties or their attorneys whether or not the agreed upon fees have been paid in full. Said report shall contain the following:

(1) If the parties have reached full or partial agreement, the agreement will be reported;

(2) If the parties have not reached an agreement as a result of the mediation proceedings, the private mediator shall submit a recommendation to the court. The report of the private mediator shall:

(a) Identify the parties;

(b) Identify the collateral contacts and documents reviewed;

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- (c) Identify all procedures employed in the mediation process and the time required for each;
- (d) Identify each parent's goals and/or concerns;
- (e) Identify any domestic violence and/or substance abuse issues;
- (f) Specify a recommendation for issues which the court and/or the parties specifically identified or raised;
- (g) Specify a detailed parenting schedule (e.g., school periods, vacation schedules, holidays, transportation, exchange protocols, need for supervision);
- (h) Specify a recommendation on all aspects of legal custody (e.g., selection of day care provider, selection of school, selection of counselor for child, medical decisions, educational decisions); and
- (i) Specify any other recommendations which the mediator feels the court should address/implement.

(3) The private mediator may recommend to the court, where appropriate, that the court appoint a psychologist or psychiatrist to evaluate the parties and the children as to the issue of custody and/or visitation and/or that an attorney be appointed to represent the minor child(ren).
(Renumbered and amended effective 1/1/12)

(G) Where parties participate in private mediation, after issuance of a report/recommendation, upon the request of either party and/or his or her attorney, which request is made within 90 days of the issuance date of the report/recommendation, the private mediator may, at his or her discretion, provide additional mediation services relating to the implementation and/or interpretation of specific provisions contained within the report/recommendation. After the 90-day period referenced above has elapsed, any additional mediation services, even when the parties have agreed to return to mediation, shall require a new stipulation and/or order appointing a mediator to provide child custody recommending counseling.

The above 90-day rule shall apply in each and every case unless the parties expressly agree, within the stipulation/order appointing the private mediator, that mediation shall be deemed extended mediation. Extended mediation is defined as a mediation process intended to last for a significant time period in order to provide a mediation option for custody cases which present issues which require long term periodic mediation. In the event parties agree to participate in extended mediation, the private mediator selected by the parties shall retain the authority to provide additional mediation services without a new stipulation and/or order appointing the private mediator to provide such mediation even after issuance of a written report which references a review date. The authority of the private mediator shall end upon agreement of the parties, court order, or issuance of a report which does not recommend a review date.

(Renumbered and amended effective 1/1/12)

(H) Once private mediation has been completed, a report may be brought to court for consideration by the filing of a order to show cause or notice of motion requesting resolution of issues of custody and/or visitation as specified in the order to show cause or notice of motion. Pending hearing and court order, the prior custody order, if one exists, shall remain in full force and effect.

(Renumbered and amended effective 1/1/12)

14.16.02 Consideration of Reports and Hearings.

(A) When a report from Family Court Services mediator/evaluator or a private mediator is presented to the court for its consideration at a law and motion hearing, the court may review the report and adopt, partially adopt, or reject the report at that hearing. If either party contests the court's ruling at this stage of the proceedings, that party may request an evidentiary hearing. If custody/visitation is the only issue or if the parties wish to bifurcate that issue, the court may order the matter set for long cause hearing or trial on a preferential basis.

(Amended effective 1/1/12)

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(B) For purposes of these rules, the word "report" includes evaluations, investigations, recommendations, and total and partial agreements, applicable to a case, whether submitted by Family Court Services mediator/evaluator, a private mediator appointed by the court, or mental health expert appointed pursuant to Evidence Code section 730. In the event mediation fails, and no agreement is attained, the Family Court Services mediator, 730 evaluator or private mediator is authorized in each case to make a report and recommendation to the court. This section excludes petitions for confidential mediation.

(Amended effective 1/1/12)

(C) If the matter is set for long cause hearing or trial, the court hearing the issue at the long cause hearing or trial shall not read or consider the report until the same has been properly admitted into evidence pursuant to the rules of evidence or by stipulation of both parties. Each party shall have the right to examine or cross-examine the report preparer and all persons who submitted information regarding the report, subject to all applicable rules of evidence.

(Amended effective 1/1/12)

14.16.02.5 Subpoenas for Family Court Services Mediator/Evaluator.

(A) The party who wishes to have the report considered by the court at trial or long cause hearing must notify in writing the Family Court Services mediator/evaluator or evaluator at least 20 days prior to the trial date and subpoena that person at least five court days prior to the trial date. There shall be a fee charged for the testimony of a mediator/evaluator or evaluator relating to a mediation and/or custody evaluation report at hearing/trial.

(Amended effective 1/1/12)

(B) Any deposition of a Family Court Services mediator/evaluator or evaluator shall be noticed at least ten (10) court days prior to the deposition date; and the deposition shall be taken after 3:00 p.m. at the office of Family Court Services, William R. Ridgeway Family Relations Courthouse, or by agreement between the Family Court Services mediator/evaluator or evaluator and the party seeking to depose the Family Court Services mediator/evaluator or evaluator. For any deposition taken at the Family Relations Courthouse, daily sessions must end no later than 5:00 p.m.

(Amended effective 1/1/12)

(C) Deposition subpoenas and subpoenas to testify at court hearings or trials issued to private mediators shall be prepared and served in accordance with the rules pertaining to expert witnesses pursuant to the California Code of Civil Procedure. Fees, if any, associated with testimony of such individuals are not regulated by the court or statute.

14.16.03 Confidential Documents.

The following documents are deemed to be confidential and are not available for inspection by the parties or their attorneys: Criminal Investigation and Identification Report records; medical reports, mental health professional's reports; restricted law enforcement reports; substance abuse evaluation and treatment reports; and CPS records unless expressly authorized by Welfare and Institutions Code, section 827. Parties seeking to inspect such reports must petition the court for an order permitting such inspection.

(Amended effective 1/1/12)

14.16.04 Child Custody Evaluations.

In any contested proceeding involving custody and/or visitation, the court may on its own, at the request of either party, or on the recommendation of a child custody recommending counselor, order the parties to participate in an evaluation pursuant to Family Code section 3110 et seq. The referral order will state a date by which the evaluator shall return his or her report to the court, The purpose and scope of the evaluation in the order, and shall determine between the parties any fees or costs of the evaluation.

(Amended effective 1/1/12)

(A) Such an evaluation should be ordered by the court usually in cases where (a) the parties have previously participated, or currently are participating, in child custody recommending counseling with Family Court Services; or (b) the parties have participated in confidential mediation;

(Amended effective 1/1/12)

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(B) Evaluations under Family Code section 3111 will be conducted by a mental health professional currently serving on the court approved panel of evaluators or private mediators, located on the court's website at www.saccourt.ca.gov, provided that the professional has submitted proof of having met the requirement of California Rules of Court, rule 5.225 to the court. Qualified child custody recommending counselors may be found on the court's website at www.saccourt.ca.gov. There will be no peremptory challenges of any assigned Family Court Services evaluator.

(Amended effective 1/1/12)

(C) The following guidelines will apply to all such evaluations:

(1) No psychometric/ psychological testing shall be done unless specifically ordered by the court. If testing is ordered, at the request of the evaluator or at the court's direction, it may be referred out to a psychologist on the court's approved panel if the appointed evaluator is not a forensic psychologist;

(2) The child-parent interaction shall be observed unless contra-indicated to protect the best interests of the child;

(3) The evaluator shall interview and observe all children ages five and older unless contra-indicated to protect the best interest of the child(ren). The evaluator may interview or meet with children of any age at the discretion of the individual evaluator;

(4) The evaluator shall discuss with and disclose to the minor child the fact that the child's communications to the evaluator are not confidential;

(5) The evaluator shall interview children individually and only with siblings when the evaluator believes that a joint interview will serve the best interests of the minor child(ren);

(6) The evaluator shall contact and consider all relevant collateral sources;

(7) The evaluator shall review all relevant documentation submitted by the parties, but only if the evaluator has been provided proof that a copy of all the documents has been provided to the other party by proof of service;

(8) When one party refuses or otherwise fails, after reasonable notice and opportunity, to participate in the section 3111 evaluation, the evaluator shall complete the section 3111 evaluation and make a report to the court noting that fact;

(9) Absent good cause, the evaluation report shall be available to the court and the parties within 60 days of the order for the evaluation. The court may consider a request for extension, for good cause from the evaluator;

(10) The report of the evaluator shall:

(a) Identify the parties;

(b) Identify the collateral contacts and documents reviewed;

(c) Identify all procedures employed in the evaluation process and the time required for each;

(d) Identify each parents' goals and/or concerns;

(e) Identify any domestic violence and/or substance abuse issues;

(f) Specify a recommendation for issues which the court and/or the parties specifically identified or raised;

(g) Specify a detailed parenting schedule (e.g., school periods, vacation schedules, holidays, transportation, exchange protocols, need for supervision);

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- (h) Make specific recommendations on issues and services for the minor child(ren) that the parents, in exercising legal custody, appear unable to effectively accomplish. Such issues may include choice of school, choice of therapist, medical decisions, educational decisions); and
- (i) Specify any other recommendations which the evaluator feels the court should address/implement;

(11) If the parties indicate to the evaluator that an agreement has been reached between them during the course of the evaluation and the evaluator believes that this agreement serves the best interest of the children, the evaluator may report the agreement to the court without concluding the evaluation;
(Amended effective 1/1/12)

14.16.05 Evidence Code Section 730 Evaluations.

Upon good cause the court may order the parties and child(ren) to be evaluated by a mental health professional pursuant to Evidence Code section 730. In the event such an evaluation is ordered, it shall proceed pursuant to this rule and its subdivisions.

(A) Evaluations under Evidence Code section 730 will be conducted by a mental health professional who has met the criteria to serve on the court's approved 730 evaluator panel located on the court's website at www.saccourt.ca.gov. Evaluators must meet the requirements of the Family Code sections 3110.5 and 1816(b).
(Amended effective 1/1/12)

(B) A psychological evaluator is appointed by court order or by agreement of the parties which is set forth in a written stipulated order. All evaluation orders shall make reference to Evidence Code section 730, shall state the purpose and scope of the evaluation, shall assign responsibility for the payment of the evaluator's fee and shall make specific reference to the requirement of a written report and recommendation.

(C) The referral order will state a date by which the evaluator shall return his or her report to the court. The evaluation must be completed within ninety (90) days of the court's order. In the event the need for more time is required because of the lack of cooperation of a party or parties, new/additional information that is needed or additional unanticipated testing/interviewing, the evaluator must notify the court immediately and request an extension. Under no circumstances shall the evaluator's evaluation take more than 120 days unless mutually agreed/approved by the court.

(D) The psychological evaluator, before undertaking any custody evaluations, shall have reviewed the California Rules of Court, rule 5.220 and the American Psychological Association's Guidelines for Child Custody Evaluations in Divorce Proceedings.

(E) Initial contact by an attorney regarding an evaluator's availability and outlining the issues of the case may be done by one attorney by agreement. Absent such agreement, the contact shall be in writing or by conference call to avoid the perception of inappropriate ex parte contact.

(F) Should one of the parties fail to participate in the evaluation process, a recommendation may be based upon an interview, psychological testing and contacting collateral sources with only one parent and the child(ren). In this situation, the evaluator will note such limitations pursuant to APA Guidelines.

(G) The evaluator shall contact whatever collateral contacts he or she determines to be appropriate. If the evaluator receives letters or other documents from a party, the evaluator may not consider such letters and/or documents until a document establishing service of a copy of all such letters and/or documents on the other party has been provided.
(Amended effective 1/1/12)

(H) The evaluator shall, consistent with Family Code sections 3111 through 3115, when the evaluation process has been completed, prepare a written report, subject to any stipulation for oral report as approved by the court. The original report shall be provided to the judge who appointed the evaluator, with a copy provided to each attorney or unrepresented party.

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(1) Each such custody report shall contain an advisement that the report is confidential and the report may not be reproduced and distributed to any individual not a party to the proceeding, except as to subsequent mediators, Family Court Services mediators, and/or evaluators, nor may it be attached to any court document or directly quoted in any subsequent pleading.

Each such report shall contain an advisement that the report shall not be made available to any minor child who is the subject of the proceeding.

(2) When a report from an evaluator is presented to the court for its consideration at a law and motion hearing, the court may review the report and adopt, partially adopt, or reject the report. If either party contests the court's ruling at this stage of the proceedings, that party may request an evidentiary hearing. If custody/visitation is the only issue or if the parties wish to bifurcate that issue, the court may order the matter set for a long cause hearing or contested trial on a preferential date basis.

(3) The report shall:

- (a) Identify the parties involved;
- (b) Identify collateral contacts;
- (c) Identify all procedures employed in the evaluation and the time required for each;
- (d) Identify each parent's respective goals and/or concerns;
- (e) Specify a recommendation for issues which the court/the parties specifically identified/raised;
- (f) A specific and detailed parenting schedule (e.g., school periods, vacations, holidays, transportation, exchange protocols, or need for supervision);
- (g) Make specific recommendations on issues and services for the minor child(ren) that the parents, in exercising legal custody, appear unable or unwilling to effectively accomplish. Such issues may include choice of school, choice of therapist, medical decisions, etc.

(I) Where appropriate the evaluator may make a recommendation for supervised visitation. If possible the evaluator should recommend the name of the individuals or agencies recommended as supervisor. The evaluator shall specify the conditions and requirements of visitation supervision.

(J) The evaluator may make recommendations regarding ancillary services that would benefit the family, including, but not limited to, therapy/counseling for a party and/or minor child, parenting classes or a co-parenting skills class, a 12 step or drug/alcohol rehabilitation program, and the appointment of minor's counsel. The evaluator may also recommend, pending determination of the controversy at hearing, that restraining orders be issued to protect the well-being of a child.

(Amended effective 1/1/12)

(K) The evaluator shall also consider whether, because of concerns regarding the child(ren)'s safety and welfare, an interim recommendation regarding a change in the current parenting schedule is needed. If such is needed, the evaluator shall prepare such and present it to the court and the parties or their attorneys.

(L) Where use of drugs and/or alcohol is at issue, the report should make a recommendation regarding random drug testing.

The evaluator may, based upon his or her perception of the changing developmental needs of the child(ren), recommend a review date.

The evaluator should specify any other matter about which he or she wishes to inform the court.

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(M) An evaluator may, upon request, or must, upon production of a subpoena, participate as a deponent at a deposition or testify in court. The evaluator, even if not specifically requested to do so, shall bring all his or her records to the deposition and/or court only after the report has been issued.

(Amended and renumbered effective 1/1/11)

14.16.06 Court Appointed Child Custody Evaluators.

(A) Peremptory challenge to a court-appointed child custody evaluator is not allowed.

(B) An evaluator may withdraw from a case for good cause shown.

(C) The court shall accept complaints about an evaluator's performance.

(D) Ex parte communication is prohibited except as otherwise allowed by statute and California Rules of Court.

(E) All court-appointed child custody evaluators shall annually lodge with the court a sworn Affidavit, the content of which shall be declared under penalty of perjury, that the evaluator has completed all domestic violence training and instruction required by statute and/or California Rule of Court. In the absence of such Affidavit, the child custody evaluator shall attach copies of the evaluator's certificates of completion of the initial advanced instruction and of the most recent annual update training in domestic violence to each child custody evaluation report submitted by the evaluator.

(Added effective 1/1/12)

14.17 Stipulations for Use of Special Master in Child Custody Cases.

(A) A special master describes the person who is appointed pursuant to Code of Civil Procedure section 638 in family law custody cases to make decisions about custody-related issues other than decisions involving the substantial modification of legal or physical custody. Use of a special master is intended as an alternative to frequent, continuing custody litigation. The special master may be a mental health professional or attorney. The court will publish a list of individuals who possess the minimum qualifications deemed appropriate by the court to serve as a special master and will provide, upon request, a packet of materials with more specific information about appointment of a special master.

(Amended effective 1/1/12)

(B) Parties may stipulate to the appointment of a special master by written agreement and written stipulation and order only. Upon execution of a stipulation appointing a special master that includes a specific time period during which parties agree to participate with the special master, the court shall enforce such a stipulation for the time period designated by the parties.

(Amended effective 1/1/12)

(C) Upon appointment of a special master by stipulation of the parties, the special master may make decisions which, in the absence of an objection raised by a party by timely filing an order to show cause or notice of motion with the court as more specifically set forth in the stipulation appointing the special master, will have the effect of a court order.

(D) A "sample" special master stipulation will be available upon request. Although parties may develop individual stipulations appointing a special master, any stipulation, to be enforced by the court, must include the following specific provisions:

(1) A grievance procedure which conforms to the procedure set forth in the sample special master stipulation;

(2) A term of appointment;

(3) A definition of the scope of authority of the special master;

(4) A statement of quasi-judicial immunity;

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(5) A hearing process;

(6) A decision process; and

(7) An agreement for payment of fees charged by the special master.

(Amended effective 1/1/11)

14.18 Appointment of Counsel Pursuant to Family Code Section 3150.

(A) An attorney may be appointed by the court to represent the interests of a minor child in family law cases where such representation will serve the best interests of a child. An attorney appointed to represent a child shall be compensated either by an attorney fee order directed against a parent/claimant or by the court, at the discretion of the court and as set forth in Family Code section 3153 and California Rules of Court, rule 5.241. If there is a finding that the court shall pay all or a portion of the fees, an attorney appointed to represent a minor child must submit all requests for payments to the court not later than 90 days from the date of the particular service being rendered. An attorney appointed to represent a minor child shall comply with Family Code sections 3150-3152 and California Rules of Court rule 5.242.

(B) The court shall maintain a list of attorneys who possess the qualifications relating to representation of children outlined in this rule.

(C) Report to the judge designated by the Supervising Family Law Judge, in writing, (a) initiation of any disciplinary proceeding within five days of actual knowledge of any disciplinary proceeding, including the basis of the complaint; (b) the result of any disciplinary proceeding; and (c) notice of reproof, probation and/or suspension of license.

(D) Counsel appointed by the court pursuant to Family Code section 3150 shall normally have the following duties as a necessary part of that attorney's representation of the child:

(1) Interview the child; and

(2) Review the court file and all accessible records available to the parties and make any further investigations as he or she deems necessary to ascertain facts relevant to the custody or visitation hearings.

(E) Counsel appointed by the court pursuant to Family Code section 3150 shall normally have the following rights as designated by the court upon appointment:

(1) Reasonable access to the child with adequate notice;

(2) Notice after appointment of any and all proceedings, including any request for examinations affecting the child;

(3) Full access to all court pleadings and records, as well as any medical and school records for the child;

(4) The right to veto any physical or psychological examination or evaluation, for purposes of trial, which has not been ordered by the court;

(5) The right to assert on behalf of the child any privilege for discovery purposes;

(6) The right to seek independent psychological and/or physical examination or evaluation of the child upon application to the court;

(7) Upon the filing of an order to show cause or noticed motion to all parties and the local child protection services agency, request the court to authorize the release of relevant reports or files concerning the child represented by counsel. All such records shall be reviewed in camera to determine whether they are relevant to the pending action and the extent to which they should be released to counsel for the child. COUNSEL SHALL NOT

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DISCLOSE THE CONTENTS OR EXISTENCE OF THESE FILES OR RECORDS TO ANYONE UNLESS OTHERWISE PERMITTED BY LAW.

(F) Counsel appointed by the court pursuant to Family Code section 3150 shall not be charged any court fees (i.e., first appearance fees, etc.).

(G) The court will provide a written policy to members of the minor's counsel panel pertaining to billing practices, and other direction as appropriate.

(Amended effective 1/1/12)

14.19 Telephone Appearance.

(A) Any request for an appearance by telephone must be made to the department in which the hearing is set, with notice to all other parties, at least five court days before the scheduled hearing date. Telephonic appearances will be approved upon good cause by the court. If granted, the court will place one telephone call to contact the party at the time of calling the case. The court may proceed with the hearing in the event the court cannot reach the party for any reason.

(B) If the request is made by the restrained party in a domestic violence, civil harassment, or elder abuse restraining order, the request can be made up to three calendar days prior to the hearing and notice need not be given to the party requesting the restraining order if such contact would violate the temporary restraining order.

(Amended effective 1/1/11)

14.20 Family Law Facilitator.

(A) In addition to the services required to be provided by Family Code section 10004, the Family Law Facilitator may have the following additional duties:

(1) Prepare formal orders consistent with the court's minute orders when parties are unrepresented;

(2) Conduct workshops, review files and provide procedural assistance to unrepresented parties regarding child custody and visitation, dissolution, legal separation and nullity of marriage or domestic partnership, guardianship, conservatorship, domestic violence restraining orders and related matters to the extent funding is available to provide such services;

(3) In conjunction with the referral requirements of Family Code section 10004, develop information and referral service to other court, community and governmental programs or services that assist unrepresented parties.

(Amended effective 1/1/11)

(B) The Family Law Facilitator shall develop programs for bar and community outreach through educational programs, visual aids, audio and videotapes, and other innovative means that will assist litigants in gaining meaningful access to family court.

14.21 Family Law Forms.

Local forms adopted for mandatory use shall, whenever applicable, be used. The current version of each of these forms is available for viewing and downloading on the court's internet website at <http://www.saccourt.ca.gov>.

(Amended effective 1/1/11)

14.22 Grievances.

Minor's Counsel, Private Mediators and Private Evaluators shall be subject to the following grievance procedure:

(A) A complaint may be submitted to the Supervising Family Law Judge by a party or an attorney on behalf of a party. The complaining party is hereinafter referred to as the Complainant. The complaint shall be in writing and must

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be served on the minor's counsel, private mediator and/or private evaluator that is the subject of the complaint. A copy of the complaint shall also be served on all parties.

(B) Minor's counsel, private mediator and/or private evaluator who is the subject of the complaint, hereinafter referred to as the Respondent, shall provide a written response to the Supervising Family Law Judge within ten (10) calendar days of receipt of the complaint. A copy of the response shall be served on all parties.

(C) Upon receipt of the Respondent's written response, the Supervising Family Law Judge shall respond in writing within twenty (20) calendar days to all parties. After reviewing the complaint and response, the Supervising Family Law Judge may do any of the following:

- (1) Seek further information from the Complainant and/or Respondent;
- (2) Review the court file, including any documents, pleadings, and reports filed by Complainant and Respondent in the case;
- (3) Inquire as to the existence of any other complaints with the Respondent's licensing board(s);
- (4) Interview the Respondent and/or Complainant;
- (5) Review the Respondent's file in the case;
- (6) Interview other persons that the Supervising Family Law Judge deems to have relevant information concerning the complaint;
- (7) Any other action deemed appropriate by the Supervising Family Law Judge.

(D) The Supervising Family Law Judge shall issue a written decision which shall be the final determination of the Court with respect to the complaint. A copy of the written decision shall be provided to the Complainant, Respondent and all parties or their counsel within sixty (60) calendar days of receipt of the Respondent's response, or receipt of additional information as described under subdivision (1) through (6) of subsection (C) above.

(E) If the Supervising Family Law Judge in his/her decision finds that the Respondent acted contrary to the law and/or incompetently, the Court may order the following with respect to the Respondent:

- (1) Practice for a specified period under the supervision of a mentor designated by the Supervising Family Law Judge;
- (2) Complete a specified number of hours of additional training or education in a particular subject area identified by the Supervising Family Law Judge;
- (3) Suspension from the expert panel for a specified period;
- (4) Removal from the expert panel; and
- (5) Any other requirement or discipline deemed appropriate under the circumstances by the Supervising Family Law Judge.

(Added effective 1/1/12)

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CHAPTER 15 - PROBATE

PART ONE. General

15.00 Probate Calendar.

(A) The probate department calendars are heard in the department(s) designated by the Presiding Judge.
(Amended effective 1/1/10)

(B) Probate matters, including all probate law and motion matters, will be calendared as provided in the calendaring policy, located on the court's internet website at <http://www.saccourt.ca.gov>, which may be modified from time to time. This policy, copies of which are also available from the Probate Unit, provides minimum time for setting. The Probate Examiner Staff may authorize shorter settings.
(Amended effective 1/1/11)

(C) Probate calendar notes identifying deficiencies will be posted in the hall outside Department 129 and on-line at <http://www.saccourt.ca.gov> 10 to 12 calendar days before the date of hearing. Attorneys and parties not represented by counsel must respond and clear calendar notes in advance of the hearing date and clear all deficiencies in the form provided pursuant to Local Rule 15.04.5. Attorneys and parties not represented by counsel should periodically check for updated information as notes may be amended prior to the hearing date.
(Amended effective 1/1/11)

(D) LPS matters, and all other matters involving the Public Defender and County Counsel, shall be heard only on a day designated by the court. The filing party must notify the court of the Public Defender or County Counsel's involvement at the time of the filing.
(Amended effective 1/1/12)

15.00.1 (deleted effective 1/1/10)

15.01 (deleted effective 1/1/09)

15.02 Form of Papers Presented for Filing.

(A) Accounts and descriptions of assets may be single spaced within each item.
(Renumbered effective 1/1/10)

(B) When filing any document the parties shall furnish the court with one original which is unbound and clipped or rubber banded and one copy in a format pursuant to California Rules of Court, rule 3.1110. This section shall not apply to any motion or petition filed pursuant to California Rules of Court, rule 3.1114.
(Renumbered and Amended effective 1/1/10)

(C) At the time a Petition for Guardianship, Petition for Conservatorship, Accounting, or any other document requiring a report from a Probate Court Investigator is brought for filing, an original and one copy for the court is required.
(Amended effective 1/1/12)

15.02.2 Presenting Wills for Lodging or Admittance.

All Wills presented to Probate must include the unaltered, signed original Will and one copy for the court. If the person for whom the Will is being submitted is deceased, proof of death is required at the time the Will is presented. Proof of death shall be in the form of a death certificate, an obituary or a declaration indicating the date of death.
(Added effective 1/1/12)

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15.02.5 (deleted effective 1/1/10)

15.02.6 (deleted effective 1/1/09)

15.03 (deleted effective 1/1/09)

15.04 Preparing for Hearing.

(A) All papers and documents pertaining to calendared probate matters, including additional and supplemental documents, must be filed no later than five (5) court days prior to the scheduled hearing date.

(Amended effective 1/1/12)

(B) All deficiencies stated in the probate calendar notes must be cleared at least five (5) court days prior to hearing. This is so even if counsel or a party believes the deficiency does not exist. If the calendar notes show a deficiency or raise a question, it is the responsibility of the party or the attorney to address that particular matter with Probate Examiner Staff at least five (5) court days prior to hearing.

(Amended effective 1/1/12)

(C) If deficiencies still exist when the case is called, the court may either drop or continue the matter.

(Added effective 1/1/97)

(D) Continuances are strongly disfavored.

(Added effective 1/1/97)

15.04.01 Telephone Appearance.

Any request for an appearance by telephone must be made to the department in which the hearing is set, with notice to all other parties, at least five (5) court days before the scheduled hearing date. Telephonic appearances may be approved upon good cause by the court. If granted, the court will place one telephone call to contact the party at the time of the case being heard. The court may proceed with the hearing in the event the Court cannot reach the party for any reason.

(Added effective 1/1/12)

15.04.5 Form for Written Response to Probate Calendar Notes.

(A) Written response to probate calendar notes must be presented in pleading format consistent with the requirements of the Code of Civil Procedure and California Rules of Court and be captioned "Response to Calendar Notes" or on the local form available on the court website at www.saccourt.ca.gov.

(Amended effective 1/1/12)

(B) The response must list each calendar note. The response to each note must be written in paragraph form directly below the corresponding calendar note.

(Amended effective 1/1/09)

(C) If a deficiency requires proof of a filed document, an endorsed copy must be attached as an exhibit to the response.

(D) The response must be signed and verified pursuant to Probate Code section(s) 1020 through 1023.

(Amended effective 1/1/12)

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15.05 Objections.

A request for affirmative relief, other than a request for surcharge on an account, must not be included in an objection to matters on calendar and must not be considered except upon filing a separate petition, calendared for hearing and noticed as required by law.

(Amended effective 7/1/05)

15.06 (deleted effective 1/1/09)

15.07 Assignment of Probate Referee.

A probate referee will be assigned on a rotational basis from the panel of probate referees. In the event separate proceedings are filed for related wards or conservatees of the estate, the court will permit an exception to this rule upon proper showing.

(Amended effective 1/1/10)

15.08 Calendar Matters Recommended for Approval.

Matters that are Recommended for Approval (R.F.A.) by the Probate Examiner Staff on the posted probate calendar notes will be considered submitted if there is no appearance by counsel. However, if an interested person appears and objects and the court determines that appearance by counsel is necessary, the matter may be continued.

(Amended effective 1/1/11)

15.09 Matters not Heard in Probate Department.

All petitions in probate matters to be set for hearing, including all Probate papers filed in cases being heard in a non-probate courtroom, must be filed with the Probate Unit.

(Amended effective 1/1/12)

15.10 Contested Matters.

(A) Contested matters may, in the discretion of the court, be resolved on the morning calendar, set for Alternative Dispute Resolution (ADR), or be set for trial.

(Amended effective 7/1/02)

(B) Upon filing a written objection, the contestant must serve on all parties a copy of the objections along with blank copies of the Alternative Dispute Resolution Certification and Selection Form (local form) and the Stipulation to Alternative Dispute Resolution (local form). A Proof of Service (local form is available) must be completed and filed with the court.

(Amended effective 1/1/10)

(C) All parties to a contested matter who make an appearance must serve and file the Alternative Dispute Resolution Certification and Selection Form with the court prior to the hearing.

(Amended effective 1/1/12)

(D) All law and motion matters pertaining to probate proceedings are subject to the calendaring policies and calendar note provisions of this chapter, and will not receive tentative rulings as provided for matters heard in the Civil Law and Motion Departments.

(Amended effective 1/1/12)

15.10.4 Setting Contested Probate Trials.

(A) Before requesting that a contested matter be set for trial, the parties must participate in good faith in an alternative dispute resolution process (ADR). The matter will remain on the court calendar pending the outcome of the ADR process.

(Amended effective 1/1/10)

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(B) Upon receipt of a written or oral request that the contested matter be set for trial, the court will set a trial and Mandatory Settlement Conference. Unless waived by the court, the Mandatory Settlement Conference Procedures must be completed prior to trial.

(Amended effective 1/1/12)

15.10.5 Settlement Conferences.

(A) Parties must participate in a settlement conference as ordered by the court. A settlement conference must be scheduled by the Probate Department following the court's order.

(Amended effective 1/1/11)

(B) If any counsel or party subject to this rule fails to comply with this rule, the court on motion of a party or on its own motion, may strike all or part of any pleading of that party, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order the offending party or their counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. No penalty may be imposed under this rule without prior notice to, and an opportunity to be heard by, the party against whom the penalty is sought to be imposed.

(Amended effective 1/1/09)

(C) Settlement Conference Statements

(1) Prior to the scheduled settlement conference, and within the time required by California Rules of Court each party must insure that the original Settlement Conference Statement is submitted to the clerk of Department 128 and a copy is served on all other parties. The Settlement Conference Statement must not be made part of the court's file, except for good cause.

(2) The parties may not stipulate to waive the requirement of filing a Settlement Conference Statement.

(Amended effective 1/1/09)

(D) Settlement conferences will be conducted in Department 128 on the second floor of the William R. Ridgeway Family Relations Courthouse unless otherwise ordered by the court. Counsel/party(ies) must meet and confer before the date of the settlement conference in a reasonable attempt to resolve the disputed issues.

(Amended effective 1/1/09)

(E) Excuses from Attendance; Telephone Availability:

(1) Any request to the court to excuse attendance of any person whose attendance is required by California Rules of Court must be submitted to the clerk in Department 128 not less than five court days before the date set for the settlement conference. The request shall be made, in writing after service of a copy of the request on every other party. Submission of said request, or the granting of said request, does not excuse any party from the requirement to file a Settlement Conference Statement in conformity with the California Rules of Court and these Local Rules.

(2) Any person whose presence at a settlement conference is required by these rules may be excused by the court for good cause shown but, if so excused, shall be and remain immediately available for telephone communication with counsel and the court at the time set for and throughout the settlement conference.

(3) Any person whose presence at the settlement conference is required by California Rules of Court must appear at the settlement conference unless their request to be excused is granted by the court.

(Amended effective 1/1/09)

(F) Counsel and the parties must participate in good faith in the settlement conference until released by the settlement temporary judge or judges or until the settlement temporary judge or judges confirm the trial hearing date. Failure to participate in good faith in the settlement conference may be a basis for the imposition of sanctions or changes in the calendar status of the action.

(Amended effective 1/1/09)

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(G) If the matter is settled before the date of a settlement conference, attorneys or parties not represented by counsel must immediately notify the clerk in Department 128 within 24 hours of the settlement. Failure to report a settlement as required by this rule may result in the imposition of monetary sanctions by the court.
(Amended effective 1/1/09)

15.10.6 Settlement of Contested Matters.

(A) If the parties have settled the contested matters relating to petitions pending before the court prior to the trial date, the trial must be vacated and the date set for trial must be treated as a status hearing regarding final disposition of all petitions pending before the court.

(B) The petitioner(s) and contestant(s) must personally appear or appear by counsel and present to the court the status of each matter pending on the court's calendar.

(C) The court must determine what matters pending can be disposed of at that time and what matters require a continuance on the probate calendar due to deficiencies, need for the filed written settlement agreement, or other good cause determined by the court.
(Amended effective 7/1/05)

15.10.7 Trial Procedures.

(A) Not less than five (5) court days prior to trial, the contesting parties must submit the following at the Probate Unit:

(1) File and serve on all parties a trial statement setting forth each issue in dispute, and the legal and factual basis in support of the party's contention as to each disputed issue;

(2) File and serve all motions in limine and other pretrial motions.

(3) File written confirmation that each of the contesting parties has exchanged copies of all exhibits which may be offered in evidence, except exhibits that will be used for rebuttal or impeachment.
(Amended effective 1/1/12)

(B) On the day of trial:

(1) Immediately prior to the commencement of trial, pre-mark and submit all exhibits and submit a list of all exhibits to the Probate Department except for exhibits that may be used for rebuttal or impeachment.

(a) Petitioner's exhibits must be marked numerically.

(b) Respondent's exhibits must be marked alphabetically.

(c) All other exhibits must be listed without numeric or alphabetic designation.

(2) Provide a list of all exhibits that will be entered into evidence by stipulation.

(3) Identify in writing all facts to which a stipulation will be entered.
(Amended effective 1/1/10)

(C) Relief from Rules

Relief from the operation of these rules relating to contested trials may be had in appropriate cases but only on motion for good cause shown. The parties may not stipulate to waive the requirements of these rules. Failure to comply with said rules may result in the issuance of sanctions as requested by the other side, or as ordered by the court as permitted by law.

(Added effective 1/1/10)

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15.10.8 (deleted effective 1/1/10)

15.11 Preparation of Orders.

(A) The caption of all orders or judgments must include the department, date and time of hearing.
(Amended effective 7/1/05)

(B) All proposed orders or judgments must be presented to the clerk no later than three court days prior to hearing. This will allow them to be checked against the probate calendar notes.
(Amended effective 1/1/11)

(C) When a petition is granted subject to receipt of certain documents, counsel must present the appropriate documents together with the order to the Probate Unit.
(Amended effective 1/1/10)

15.12 Waiver of Rule.

For good cause shown, the court in probate proceedings may waive the application of any local rule in a particular case.
(Effective 1/1/94)

15.13 (deleted effective 1/1/10)

PART TWO. Notices

15.14 Preparation of Notices.

(A) All notices required by the Probate Code to be given by the clerk shall be prepared by the party.
(Amended effective 1/1/10)

(B) All notices required to be published (except the notice required by Probate Code section 8120) must be captioned with the words "Notice of Hearing" followed by the general nature of the petition.
(Amended effective 1/1/10)

(C) When a clerk's posted notice is required, a completed Judicial Council form of Notice of Hearing together with all necessary copies shall be presented concurrently with the petition.
(Amended effective 1/1/97)

15.15 Probate Hearing Once Noticed cannot be advanced; Procedure for Dropping and Resetting a Matter for Hearing.

(A) When a hearing on a probate matter has been noticed, or when it has been noticed and continued to a definite date, the matter cannot be heard before the date set, regardless of the filing of a new petition, an amended petition, a new notice, or otherwise.

(B) When a matter on calendar is to be dropped and then reset, the petitioner must request in writing that the current setting be dropped (specifying the date and time of the setting); this request must be provided directly to the clerk of the probate department; a copy of the request and a copy of the first page of the petition must then be provided to the Probate Unit to reset the matter.
(Amended effective 1/1/10)

15.16 Requirements for Giving Notice of Probate of Will.

The notice of hearing of a petition for probate of will is sufficient notice respecting all instruments which are offered for probate in the petition for which the notice of hearing is given. If any other instruments, e.g., alleged wills or codicils

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not mentioned in the petition, are presented to the court by way of an amended petition, a second petition, or otherwise, a new notice thereon must be given setting a date of hearing not earlier than the date set in the original notice.

(Effective 1/1/94)

15.17 Procedural Requirements for Substituted Service.

(A) Where personal service is required by the Probate Code or these rules, substituted service may only be used with the court's prior approval.

(Renumbered effective 1/1/04)

(B) Substituted service by publication will not be authorized by the court until an affidavit or declaration of the failure of attempted service by other methods of substituted service has been filed.

(Renumbered effective 1/1/04)

15.18 Additional Notice in Court's Discretion.

Under the provisions of section 1202, the court may require additional notice in any matter. Ordinarily, such notice will be required whenever it appears that the interest of any person may be adversely affected by the determination of the issue raised by the pleading.

(Effective 1/1/94)

15.19 (Reserved)

15.20 Identify Persons to Receive Notice.

In all petitions, the names and addresses of the persons entitled to notice must be set forth along with the status entitling the person to notice (e.g., "heir," "beneficiary," or "filed request for special notice").

(Amended effective 7/1/05)

PART THREE. Appointment of Executors and Administrators

15.21 Special Letters, Notice, and Appointment.

(A) A petition for special letters of administration ordinarily will not be granted without 15 day notice to the surviving spouse, the person nominated as executor, and any other person the court determines to be equitably entitled to notice.

(Amended effective 1/1/97)

(B) In appointing a special administrator, preference will be given to the person entitled to letters testamentary or of administration. If it appears that a bona fide contest exists between these persons, the court will consider the appointment of a neutral party as special administrator.

(C) A petition for special letters of administration must be presented separately from and must not be included in a petition for general letters.

(Amended effective 7/1/05)

(D) Neither general powers nor IAEA authority can be given to a special administrator, except at a hearing for which notice has been mailed and published as provided in Section 8545.

(Added effective 1/1/97)

(E) If the petition for special administrator requests authority to defend suits or negotiate claims against the estate, then the petition must pray for general powers, unless good cause is stated why notice to creditors pursuant to Probate Code section 9050 will not be necessary.

(Amended effective 1/1/10)

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15.22 (deleted effective 1/1/09)

15.23 (deleted effective 1/1/09)

15.24 (Reserved)

15.25 Waiver of Bond.

(A) When a verified petition for letters testamentary or of administration alleges that all beneficiaries or heirs have waived bond and the petition requests appointment without bond, such waivers shall be in writing and filed prior to the hearing on the petition.

(B) Personal representatives who are not California residents will be required to post bond unless (1) bond is waived by the beneficiaries or (2) bond is waived in the will and it appears from the face of the will that the testator was aware at the time that the nominee did not reside in California.

(Amended effective 1/1/10)

15.26 Deposit of Personal Property for Reduction of Bond.

(A) When an order restricting withdrawals and reducing bond is obtained under Probate Code section 8483, a receipt of the depository acknowledging the restrictions on withdrawal, without liability disclaimers, must be filed within 10 days of the order or if the property to be deposited is not then in the possession of the fiduciary, within 10 days of receipt of the property by the fiduciary.

(Amended effective 1/1/10)

(B) The court may order that the funds must be deposited directly into the blocked account without otherwise coming into possession of the fiduciary, and continue the matter on calendar for filing of the receipt of the depository, Judicial Council Form MC-356.

(Amended effective 1/1/10)

15.27 Distribution of Property Held by Depository.

Unless the judgment distributing cash or other personal property held pursuant to section 8483 or section 9701 directs the depository to pay the funds or distribute the property so held to the distributees, additional bond to comply with section 8480 must be furnished.

(Effective 1/1/94)

15.28 Multiple Representatives.

When multiple representatives are appointed by an order which directs that "letters shall issue to them," the clerk will not allow less than all to qualify.

(Effective 1/1/94)

15.29 Proof of Wills by Affidavit or Declaration.

(A) Proof as to the admissibility of each testamentary document must be submitted; except that in the event there is a codicil which expressly republishes the will, proof of the execution of the codicil is deemed sufficient.

(Amended effective 1/1/97)

(B) The copy of the will attached to the proof of subscribing witness must be certified by the attorney of record.

(Amended effective 1/1/97)

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15.30 (deleted effective 1/1/09)

15.31 Admission of Will or Codicil Containing Deletions and/or Interlineations.

A petition for probate of a will and/or codicil which includes deletions and/or interlineations must include a request for determination of the validity of said deletions and/or interlineations and include any documentary evidence in support of the petitioner's position.

(Amended effective 7/1/05)

In addition to mailing a Notice of Petition to Administer the Estate, the petitioner must cause notice by mail of a copy of the petition and all supporting documents at least 15 days prior to the hearing to all persons requiring notice pursuant to Probate Code section 8110 and to all persons affected by the deletions and/or interlineations.

(Amended effective 1/1/10)

15.32 Listing Heirs, Devisees, Executors, and Fiduciaries in Petitions.

Petitions for letters testamentary or of administration must include a list of the names of the following persons:

(A) All named executors, including alternate executors;

(B) All heirs and devisees, including:

(1) Deceased and contingent devisees except those contingent devisees whose interests have been clearly precluded by survivorship provisions in the will.

(2) Devisees must be listed even if the interests of such persons appear to have been revoked by a subsequent codicil.

(3) Persons who are potentially intestate heirs under Probate Code sections 6402.5, 6454 and 21110. This includes persons whose interests are dependent on characterization of property as community or separate.

(Amended effective 1/1/10)

(C) Fiduciaries named in a will or codicil presented for probate, including all nominees as trustee, guardian, or alternates thereof.

(Effective 1/1/94)

(D) Persons nominated to act as personal representative.

(Added effective 1/1/97)

(E) The proposed personal representative.

(Added effective 7/1/02)

15.33 Age, Address, and Relationship.

The petition must also include the following with respect to persons to be noticed in the petition.

(Amended effective 1/1/10)

(A) The address, including the residence number, street, city, state, and zip code, or post office box number customarily used for residence mailing purposes.

(B) The relationship of the person to the decedent.

(C) The age of the person; except that a person over the age of 18 may simply be designated as an adult unless the person's age is relevant to the person's interest in the estate.

(Amended effective 7/1/05)

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15.34 Noticing Persons Listed in Petitions for Administration.

All living persons named pursuant to Local Rule 15.32 must be given notice of the petition for letters of administration or letters testamentary.
(Amended effective 1/1/10)

15.35 Lost Wills.

(A) Notice mailed for a petition to admit a lost will shall include recognition that the will is lost.
(Added effective 1/1/97)

(B) A copy of the lost will must be attached to the order admitting the will to probate.
(Amended effective 7/1/05)

15.36 Information Required of Personal Representatives Upon Acknowledgement of Duties.

The driver's license number and date of birth of personal representatives (other than public officers or trust companies) must be provided in the confidential supplement to the duties and liabilities required by Probate Code section 8404. This information must be kept confidential and must not be made available for public inspection without a court order.
(Amended effective 1/1/10)

PART FOUR. Motions, Petitions, and Orders

15.37 Allegation of Existence of Heirs.

In any petition, other than Judicial Council form petitions, that requires notice to heirs at law, the petition must allege the existence of heirs in the same manner as set forth in paragraphs 6, 7 and 8 of the Judicial Council form DE-111, Petition for Probate (as revised January 1, 2005).
(Added effective 7/1/05)

15.38 (Reserved)

15.39 (Reserved)

15.40 Orders to Be Complete in Themselves.

(A) All orders and judgments in probate matters must be complete in themselves.
(Amended effective 1/1/97)

(B) All orders issued by the court, must set forth the names of persons and descriptions of property (including assessor's parcel number and specific legal description), amounts of money affected, the terms of trusts, and the provisions of leases or other agreements.
(Amended effective 1/1/10)

(C) In addition to the requirements of California Rule of Court, Probate Rule 7.650(b), the names of current beneficiaries of the trust, along with their dates of birth if distributions are conditioned upon the beneficiaries having attained certain ages, must be included in the order.
(Amended effective 7/1/05)

15.41 (deleted effective 1/1/10)

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15.42 Petitions for Family Allowance.

(Heading Amended effective 1/1/10)

The person seeking an allowance must set forth such person's income from sources outside the estate, as well as an itemization of the applicant's separate property and monthly expenses, and shall make an appropriate showing of the assets and liabilities of the estate.

A petition seeking an allowance must set forth the income from sources outside the estate available to the person for whom the allowance is sought, as well as an itemization of that person's separate property and monthly expenses. If the petition is not filed by the personal representative, prior to the hearing on the petition, the personal representative shall file a declaration setting forth the current assets and liabilities of the estate.

(Amended effective 1/1/11)

15.43 Withdrawal of Attorney of Record.

(A) Upon a motion to withdraw as attorney of record for a guardian, conservator, or personal representative, the attorney must cause a citation to be issued and personally served at least 15 days prior to the hearing, directing the client to appear at the hearing.

(B) Motions for withdrawal of the attorney made on the basis of noncooperation with the personal representative, conservator, or guardian require service of the Notice of Hearing and Petition by mail as follows:

(1) In decedent's estate proceedings, 15 days by mail to all heirs and devisees and to all persons having requested special notice;

(2) In conservatorship or guardianship proceedings, 15 days by mail to all persons who were required to be noticed in the petition for appointment and to all persons having requested special notice.

(C) When an attorney withdraws as attorney of record for the personal representative, by a substitution leaving the personal representative in pro per, the attorney must mail a copy of the substitution to all beneficiaries of the estate.

(Added effective 1/1/10)

15.44 Escheat Petitions.

(A) A genealogy chart must be attached to the petition showing the relationship of the claimant to the decedent and all heirs of the decedent.

(B) A copy of the decree of distribution must be attached to the petition.

(C) All documentary evidence in support of the petition must be on file at the time the matter is calendared for hearing.

(Amended effective 1/1/99)

15.45 Lodging Original Will and Proof in Summary Proceedings.

(A) In any proceedings pursuant to Probate Code sections 13150, 13200, and 13650, wherein the successor in interest is determined by a will, the court will require proof that the original will has been filed with the Probate Unit (Probate Code section 8200).

(Amended effective 1/1/10)

(B) Proof of the will in the above proceedings must be submitted in conformance with the requirements of Probate Code sections 8220 et seq.

(Amended effective 1/1/10)

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15.46 Character of Property and Transmutation in Summary Proceedings.

In any summary proceeding under Probate Code sections 13150, 13200, or 13650 where the court is to consider or determine the character of property as community or separate, the petition must set forth the form of record title and character of ownership at all relevant times. If there is an alleged transmutation of ownership interests based on a written document, a copy of the document must be filed with the petition.

(Amended effective 1/1/10)

15.46.5 Evidence of Record Title in Proceedings under Probate Code Sections 850 Et. Seq. and Sections 17200 Et. Seq.

In a proceeding to determine ownership of property under Probate Code sections 850 et. seq. or sections 17200 et. seq., the petition must set forth the form of record title and character of ownership at all relevant times. If the form of record title is based on a written document, a copy of the document must be filed with the petition.

(Amended effective 7/1/05)

15.46.6 Production of Estate Planning Documents in Proceedings Pursuant to Probate Code Sections 2580 or 3100.

(A) If a petition under Probate Code sections 2580 or 3100 seeks to provide gifts or otherwise affect the estate planning of the conservatee or incapacitated spouse, said petition must include one copy of all estate planning documents unless the petitioner obtains an order to deliver the documents to a custodian pursuant to Probate Code section 2586(d).

(Amended effective 1/1/10)

(B) If the petitioner does not have possession of the estate planning documents, the petition must include a statement of the name, address and telephone number of the person(s) having possession of said documents to enable the court to issue an order for delivery of the documents pursuant to Probate Code section 2586(b).

(Amended effective 1/1/10)

(C) Estate planning documents subject to subsection (A) must be enclosed in an envelope or suitable container for delivery to the court. The party submitting the documents must affix a cover sheet to the envelope or container entitled, "Estate Planning Documents of (name) For In Camera Review Pursuant to Probate Code section 2586" stating: (1) the caption of the case and (2) the date, time and department of the hearing.

(Amended effective 1/1/10)

(D) Upon receipt of the documents in compliance with this rule, the Probate Unit must affix a stamp to the cover sheet recording the date of receipt.

(E) Upon conclusion of the proceedings, the documents must be returned to the party who submitted them.

(Added effective 7/1/05)

15.47 Continuances.

(A) The first continuance ordinarily will be granted to the moving party without an appearance, by telephone request to the Probate Department if the request is made three days prior to the hearing. The moving party must state that the moving party has complied with subsection (B). Subsequent continuances will be granted only upon good cause and will ordinarily require an appearance.

(Amended effective 1/1/10)

(B) A party requesting a continuance must have notified all parties who have requested special notice, or expressed opposition, of the intent to request a continuance. A continuance will not be granted by telephone if anyone entitled to notice objects to the continuance.

(Amended effective 7/1/05)

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15.48 Formal Orders.

The proposed formal order for a noticed hearing must be presented to the Probate Department three court days prior to the hearing if filed in person or five (5) court days prior to the hearing filed through the mail. Orders not so presented may not be signed at the time of the hearing.

(Amended effective 1/1/12)

PART FIVE. Creditors' Claims

15.49 Claims of Executors and Administrators for Personal Services.

Where the claim is for \$1,000, or more, the claim of a personal representative, based on personal services rendered to the decedent, will not be approved by the court until a hearing has been held. Notice of hearing must be given to all affected beneficiaries and persons who have requested special notice in the time provided in Probate Code 1220.

(Amended effective 1/1/11)

15.50 Approval of Funeral Claims.

(A) Funeral expenses (including the cost of interment, interment plot, endowment care, and a suitable monument) proportionate to the value of the decedent's assets, and in keeping with the standard of living adopted by the decedent prior to his or her death, or as provided in the will, will be approved by the court. The burden of proof as to the reasonableness of the claim for funeral expenses is on the personal representative.

(Amended effective 7/1/05)

(B) Interest on funeral and interment creditors' claims will only be allowed as provided by Health and Safety Code section 7101.

(Amended effective 1/1/97)

15.51 (deleted effective 1/1/11)

15.52 Notice of Administration to Creditors.

If Notice of Administration of Estate is mailed to creditors, the original notice and proof of service must be filed with the court.

(Added effective 1/1/06)

PART SIX. Sales

15.53 (deleted effective 1/1/97)

15.54 (deleted effective 1/1/97)

15.55 Broker's Commission on Sale of Real Property.

(A) A petition for confirmation of sale of real property must allege whether the agent or broker directly or indirectly is (1) the purchaser of the property or (2) has an interest in the purchaser. If so, compensation in connection with the sale of the property will ordinarily be denied pursuant to Probate Code section 10160.5.

(Amended effective 7/1/05)

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(B) Upon the confirmation of the sale of real property, a broker's commission in excess of the amounts set forth in the following schedule will not be allowed:

Improved property	6%
Unimproved property	10% on first \$20,000.00
	8% on the next \$30,000.00
	5% on amount over \$50,000.00

(Renumbered effective 7/1/00)

15.56 (Reserved)

15.57 Notice and Hearing on Confirmation of Sale of Real Property.

(A) The notice of sale of real property should normally call for "cash or such credit terms and conditions as the personal representative and the court may approve."

(B) All terms and conditions of the sale must be set forth in the return of sale.

(C) Counsel must appear at all confirmation hearings.
(Amended effective 1/1/97)

15.58 Sale of Specifically Devised Property.

On a sale of specifically devised real or personal property, 15 days' notice of the time and place of hearing of the petition for confirmation must be given to the devisee, or his or her consent to such sale must be filed.
(Effective 1/1/94)

15.59 (deleted effective 1/1/97)

PART SEVEN. Accounts, Fees, and Distribution

15.60 Accountings.

A petition for approval of an account must include a report affirmatively addressing subdivision (g) of section 1063 and subdivisions (a) and (b) of section 1064.
(Added effective 1/1/99)

15.61 Report on Claims.

In a report accompanying an account, or in a report where an accounting is waived, it is not sufficient to allege merely that all claims have been paid. All information required by Probate Code section 10900 with respect to liabilities of the estate must be set forth in full. The following information must be included:

- (A) A list of the claims filed or presented showing as applicable:
- (1) The name of the claimant;
 - (2) The amount claimed;
 - (3) The date that notice of administration was mailed to the claimant; and
 - (4) The dates that the claim was filed, allowed or rejected, and paid.

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(B) The status or disposition of any lawsuits on rejected claims.

(C) Whether notice was mailed to known creditors within four months of the issuance of letters (Probate Code section 9050), and the disposition of any known debts as to which the notice was not mailed.
(Amended effective 1/1/10)

(D) If creditors were paid without timely filed claims (section 9150), allegations whether written demand was made within four months of the issuance of letters, the payment was made within 30 days after that period, the estate is solvent, and the debt was justly due and paid in good faith for the true amount.

(E) Whether notice was required and given to the Director of Health Care Services, Franchise Tax Board and Victims Compensation (Probate Code section 9202).
(Amended effective 1/1/10)

(F) If the report requests the court to determine that a late filed claim is barred, the petitioner must provide 15 days mailed notice with a copy of the petition to the creditor.
(Added effective 1/1/11)

15.62 Waiver of Account (Decedents' Estates).

The detailed accounting may be waived when all residuary beneficiaries and other distributees whose interests may be affected by the account have waived the accounting. Such waiver must be in writing and filed with the court either as part of the petition or separately.
(Amended effective 7/1/05)

15.63 Independent Administration of Estates.

In addition to the requirements of California Rules of Court, rule 7.250, the Notice of Proposed Action with proof of service, and any objections, consent and waiver, must be filed with the court.
(Added effective 1/1/06)

15.64 Apportionment of Statutory Compensation.

An allowance on account of statutory compensation will ordinarily not be granted until the judgment of final distribution for an attorney who withdraws or for a personal representative who resigns or is removed.
(Amended effective 7/1/05)

15.65 Compensation for Extraordinary Services.

(A) In addition to the requirements of CRC 7.702, a petition for extraordinary services must include the date each service is rendered.
(Amended effective 1/1/11)

(B) In every case where the combined extraordinary commissions and extraordinary attorney's fees exceed \$1,000, the heirs or residuary devisees must be given notice of the amounts requested. Notice may be given by mailing a copy of the petition or by including the amounts requested in the caption of the petition.
(Amended effective 1/1/11)

15.66 Fees or Commissions taken in Advance.

Commissions and fees in decedents' estates, guardianships, and conservatorships must not be paid prior to court authorization.
(Amended effective 7/1/05)

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15.67 Costs.

The cost of unusual amounts of long distance telephone calls, photocopies, court filing, delivery, mileage traveled, faxing, and postage, if properly itemized, shall be allowed as costs of administration.

(Amended effective 1/1/97)

15.68 Description of Property Distributed; Account for Withhold.

(A) The petition for distribution, as well as the judgment of distribution, must list and describe all property, including the assessor's parcel number and specific legal description of real property to be distributed. In case of intestacy: 1) where the decedent leaves a surviving spouse, the petition shall allege whether the property is community or separate; and 2) where distribution is to be made pursuant to Probate Code section 6402.5, the source of the property must be alleged. The petition shall include the balance of cash on hand.

(Amended effective 1/1/10)

(B) A supplemental account must be presented if assets in excess of \$5,000 are withheld from initial final distribution, unless the account has been waived.

(Amended effective 1/1/11)

15.69 Petition to Include Proposed Distribution.

(A) Details of the proposed distribution must be set forth either in the body of the petition or by attachment. Terms of the will as to disposition of property and what is to be distributed under the laws of intestate succession must be set forth. When the proposed distribution includes establishing a testamentary trust, the proposed terms must be fully stated in the petition.

(Amended effective 7/1/05)

(B) Where an issue concerning distribution is presented, the petition must fully set forth that issue including apparent alternative resolutions for the court's consideration. Distribution issues include interpretation of the will, issues of heirship or intestate succession, the applicability of Probate Code section 6204 (next of kin) or section 6402.5 (descent of property of predeceased spouse) and the validity of a testamentary trust or its provisions. The caption and notice of hearing on the petition must include notice to affected persons that an issue concerning distribution will be submitted for the court's determination.

(Amended effective 1/1/09)

15.70 Agreements for Distribution.

(A) If the distributees seek a distribution in a manner other than that provided by the will or by the laws of intestate succession, a written agreement must be filed in the probate proceeding or consent thereto endorsed on the petition by all parties affected by the distribution. The order of distribution must include reference to the assignment, agreement or disclaimer which is the basis for the distribution.

(Amended effective 7/1/05)

(B) A minor distributee or other distributee under disability must be represented by his or her legal representative; and prior court approval of the agreement, assignment, or disclaimer must be obtained if the distributee is subject to a guardianship or conservatorship.

(Effective 1/1/94)

15.71 Distribution to Minors.

(A) The court will permit distribution of personal property to parents of a minor only if authorized by the provisions of Probate Code section 3401. The decree must indicate that the distribution is made pursuant to section 3401. An affidavit or declaration complying with the terms of section 3401 must be on file prior to the hearing.

(Amended effective 1/1/10)

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(B) In all other cases, the property must be distributed to the minor with a direction in the decree that the property be distributed, pursuant to section 3410 et seq., to the legal guardian of the minor or a duly appointed custodian under the California Uniform Transfers to Minors Act. The guardian, custodian, or depository must sign the distributee's receipt.

(Amended effective 7/1/05)

(C) Where the court has discretion to do so, the court will ordinarily require that the funds to be distributed for a minor without a guardian of the estate shall be placed in a blocked account for the benefit of the minor.

(Added effective 1/1/97)

(D) Where a guardian of a minor must be appointed, or affidavits or declarations are required under section 3401 or Probate Code section 13101, or proceedings are had under section 3410 et seq., the guardian must be appointed or such affidavits or declarations, or a certified copy of the order made under section 3410 et seq., and Local Rule 15.71 shall be filed prior to the hearing on the petition for distribution.

(Amended effective 7/1/00)

15.72 Consent of Testamentary Trustee to Act.

When distribution is to be made to a testamentary trustee, the consent of the trustee to act must be filed prior to the hearing on the petition for distribution.

(Added effective 7/1/00)

15.73 Petition for Final Distribution.

(A) Petitions for final distribution must include a report of the following:

(1) The character of all assets as separate or community where there is a surviving spouse;

(2) All capital transactions and other actions taken under the Independent Administration of Estates Act, including the amounts of any gains or losses;

(3) Disclosure of liabilities and other matters necessary to show the condition of the estate (Probate Code section 10900);

(Amended effective 1/1/10)

(4) Allegations in compliance with Local Rule 15.51 (Report on Claims); Local Rule 15.68 (Description of Property Distributed); and Local Rule 15.69 (Petition to Include Proposed Distribution);

(Amended effective 1/1/04)

(5) That no federal or California estate taxes are payable or that they have been paid;

(6) That income taxes and all other taxes (e.g., supplemental real property or personal property taxes, if any) have been paid or otherwise provided for;

(7) Whether the personal representative has complied with the provisions of Probate Code section 8800(d), concerning the change of ownership requirements of Revenue & Taxation Code section 480.

(Amended effective 1/1/99)

(B) If estate taxes are payable or paid: 1) the petition must set forth whether said taxes were prorated pursuant to Probate Code section 970/20100 et seq. or the provisions of the will; and 2) the petition must reflect whether or not there are nonprobate assets includable in the gross estate for estate tax purposes.

(Amended effective 7/1/05)

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15.74 Spousal Property Election.

Formal probate of community, quasi-community, or separate property passing or confirmed to a surviving spouse in a decedent's estate pursuant to Probate Code section 13502 must be supported by a written election expressly indicating a consideration of the alternative procedures available pursuant to section 13650. Written elections pursuant to Probate Code section 13502 must contain an express acknowledgement that the inclusion of property passing to or belonging to the surviving spouse in the probate estate could result in additional appraisal fees, commissions, and attorney fees.

(Amended effective 1/1/10)

PART EIGHT. Joint Tenancies and Life Estates

15.75 (deleted effective 1/1/09)

15.76 (Reserved)

15.77 (deleted effective 1/1/09)

PART NINE. Guardianships and Conservatorships-General Provisions

15.78 Appointment of Temporary Guardian or Conservator.

(A) On or after the filing of a petition for appointment of a guardian or conservator, any person entitled to be a guardian or conservator may be appointed as temporary guardian or conservator of the person or estate or both. The petition for the appointment of a general guardian or conservator shall be separate from the petition for the appointment of a temporary guardian or conservator.

(Amended effective 7/1/05)

(B) Petitions for temporary appointment must be presented initially to the Probate Unit for review by the designated staff. The petitioner must provide an endorsed copy of the general petition and all other papers filed in support thereof. The clerk in the Probate Unit will file the temporary petition. At the request of the petitioner, the matter must then be 1) calendared by the clerk in the Probate Unit for hearing at least seven days thereafter; or 2) presented to the judge of the Probate Department to consider with a request for waiver of notice.

(Amended effective 1/1/10)

(C) A party may seek a temporary guardianship or conservatorship by ex parte application. Applications for ex parte orders in probate matters shall be presented to the Probate Unit during the Ex Parte hours posted on the Court's website at www.saccourt.ca.gov.

(Added effective 1/1/12)

15.79 (deleted effective 1/1/09)

15.80 (deleted effective 1/1/06)

15.81 Allowance of Fees and Costs in Guardianships or Conservatorships.

(A) The petition must include an itemization of services rendered setting forth a description, the date, time expended and hourly rate for each service.

(Amended effective 7/1/05)

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(B) Costs are governed by Rule 15.67.
(Renumbered effective 1/1/04)

15.82 (deleted effective 1/1/09)

15.83 (Reserved)

15.84 Waiver of Account.

(A) If Probate Code section 2628 (public benefit payments) is applicable, the guardian or conservator may petition the court for an order dispensing with accounts. Ex parte petitions pursuant to section 2628 will not be granted.

(Amended effective 1/1/10)

(B) A final report setting forth the assets on hand must be filed upon termination of a guardianship or conservatorship even when accounts have been waived.

(Amended effective 7/1/05)

15.85 Additional Powers.

On the petition of the guardian or conservator at the time of appointment or later, the court may grant additional powers to the guardian or conservator as authorized by Probate Code sections 2590 and 2591. Such powers are not automatically granted; and, when requested, sufficient reasons must be shown for their necessity. The court will grant only those additional powers necessary or proper under the specific circumstances of each case. Any powers so granted must be set forth at length in the order and in the Letters of Guardianship or Conservatorship.

(Amended effective 1/1/10)

15.86 Accounts.

(A) The first account must be filed on or before the anniversary date of the order appointing the guardian or conservator; and subsequent accounts shall be filed at least biennially thereafter. The first account must be for a minimum period of nine months from date of appointment.

(Amended effective 7/1/05)

(B) Where there are multiple wards or conservatees joined in a single guardianship or conservatorship proceeding, an account must reflect a separate accounting for each of them.

(Amended effective 7/1/05)

(C) Each account except a final account must be accompanied by a report on the sufficiency of the bond, including 1) the total amount of bond currently posted; 2) which accounts are blocked and the balances thereof (referring to the filing date of the receipt per Local Rule 15.26(B)); and 3) setting forth the annual income and assets subject to bonding as provided in Probate Code section 2320(c).

(Amended effective 1/1/10)

(D) The financial institution account statement required by Probate Code section 2620(c) must consist of the most current statement showing the balance as of the close of the account period. Account statements for the entire period of the account are not required.

(Amended effective 7/1/05)

(E) The financial institution account statements must be presented in the same sequence as the assets are listed in the schedule of property on hand. The petitioner must in addition highlight the following information contained on each account statement:

- (1) Name, address of account holder;

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- (2) The account or property description number;
- (3) The account type or property description;
- (4) The statement period;
- (5) The reported balance at the close of the accounting period.

(Amended effective 7/1/05)

(F) Petitioner must file a reconciliation declaration when the reported balance on the financial institution account statement is not the same as stated in the schedule of property on hand. The declaration must explain the reason for the discrepancy between the balances listed.

(Amended effective 7/1/05)

15.87 (deleted effective 1/1/09)

15.87.5 Court Investigator Fees.

(A) A fee for the services of the Court Investigator shall be imposed upon the person(s) responsible for payment per Probate Code section 1513.1 or 1851.5. The rate of this fee depends on the nature of the investigation.

(B) Any and all assessments not waived by the court shall be paid to the court.

(C) Upon application by a guardian or proposed guardian, a custodial parent, a ward or proposed ward, conservatee or conservator on behalf of a conservatee, the court may defer or waive a portion or all of the assessed court investigator fees if the court finds that ordering payment of the assessed fees would constitute a hardship for the ward or the ward's estate pursuant to Probate Code section 1513.1 or the conservatee or the conservatee's estate pursuant to Probate Code section 1851.1. The court may also defer fees pursuant to Probate Code section 2628. There shall be a rebuttable presumption that the assessed court investigator fees constitute a hardship on a ward or proposed ward if the proposed guardian qualifies for a fee waiver under Government Code section 68630 et seq.

(D) The court may periodically review the person's ability to pay the assessed fee. If the court becomes aware of a change in circumstances permitting payment of the fees by the person, the court shall order the fees paid after notice to the person and an opportunity to be heard.

(Added effective 1/1/12)

PART TEN. Guardianships of Minors

15.88 Appointment of Guardian of Minor.

(A) Petitions for guardianships must contain an allegation as to whether or not the minor(s) has been or is a party to a civil action in which monetary damages are claimed. If the minor(s) is such a party, the file number of the action must be indicated, as well as the name of the court in which the case is pending (Local Form).

(Amended and renumbered effective 1/1/09)

(B) Children with a common mother must be included in the same petition. Otherwise, separate petitions and case numbers shall be required.

(Amended and renumbered effective 1/1/09)

15.89 Contested Guardianships.

(A) If a proposed guardianship of a person is contested, the parties must participate in non-confidential mediation utilizing Family Court Services (FCS) or a court-approved mediator retained by the parties. The referral to mediation

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must be made at the first hearing where any party objects to the guardianship. The referral to mediation may be made simultaneously with a referral to the Department of Health and Human Services (DHHS) for an investigation pursuant to Probate Code section 1513(a) or (c). (Amended effective 1/1/10)

(1) The order of referral to mediation must establish the date for filing and service of the mediation report. This date may be extended by order of the court or written agreement of the parties.

(2) There must be no peremptory challenge of any assigned FCS mediator.

(3) Other applicable procedures:

(a) Attendance of children ages five and older at the mediation is required. The mediator may interview the children in the exercise of the mediator's discretion.

(b) If, after receiving notice, any party fails to appear for the mediation, the mediator may submit a report after meeting with those persons attending the mediation. If no party attends the mediation, the petition for guardianship may be dismissed.

(c) The mediator must assist in developing a parenting plan that protects the health, safety, welfare and best interest of the child.

(d) At the conclusion of the mediation, if the mediator submits a report to the court, copies of the report will also be provided to all of the parties prior to the scheduled court date.

(e) If the parties reach an agreement that the mediator believes is contrary to the best interest of the child(ren), the mediator must set forth his/her recommendations addressing the best interests of the child(ren).

(f) If the parties do not reach an agreement during the mediation, the mediator must make recommendations to the court addressing the disputed issues.

(Renumbered and Amended effective 1/1/12)

(B) All parties must comply with the operating procedures of Family Court Services. Family Court Services operating procedures are available during normal business hours upon request of any party. The written procedure for lodging complaints against mediators is also available in Family Court Services.

(Amended effective 1/1/12)

(C) Reports of Family Court Services and Retained Mediators.

(1) A mediation report from Family Court Services or a retained mediator presented at the regular law and motion calendar or a specially set hearing without witnesses may be adopted in whole or in part or rejected by the court. A party that contests the court's ruling may request an evidentiary hearing.

(2) The court may read and consider the report at the law and motion hearing or specially set hearing without witnesses making its interim ruling with respect to the issue of guardianship and visitation.

(3) The court hearing the issue at the trial must not consider the report until it has been admitted into evidence. Each party must have the right to cross-examine the preparer of the report.

(4) A party who intends to offer a mediation report into evidence at trial must give notice to Family Court Services or the retained mediator at least 20 days prior to the trial date and subpoena the preparer of the report at least five court days prior to the trial date. A Family Court Services mediator subpoenaed to testify at trial must be paid a reasonable fee.

(5) The deposition of a Family Court Services mediator must be noticed at least five court days before the deposition date; and the deposition must be taken after 3:00 p.m. at Family Court Services unless there is a stipulation that the deposition be taken at a different time and location. Depositions taken at Family Court Services must conclude or recess by 5:00 p.m.

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(6) Unless disclosed in other proceedings, the following documents are deemed confidential and must not be available for inspection by the parties or their attorneys without a court order issued upon a showing of good cause: Child Protective Services reports and files; Criminal Investigation and Identification records; medical reports; mental health professional's reports; restricted law enforcement reports; and National Council of Alcohol and Drug Dependence reports.

(Added effective 7/1/05)

15.89.01 Guardianships – Visitation with Ward.

(A) If, after appointment of a guardian of the person, a visitation dispute arises between the guardian and a relative as defined under Probate Code Section 1513(g), the person seeking visitation may file a Request for Confidential Mediation Regarding Visitation.

(1) The Request shall be filed in the Probate Division using the local form.

(2) Upon filing, the matter shall be referred to Family Court Services where an appointment for the parties shall be scheduled.

(3) The parties shall participate in confidential mediation and Family Court Services shall make no recommendations and shall not issue a report to the court unless the parties reach an agreement, the mediator learns that the child is in danger or the court determines circumstances warrant non-confidential mediation.

(4) Any agreements reached shall be reported by the mediator. A copy of the reported agreement shall be provided to each party participating in the mediation, and a copy shall be placed in the "confidential portion" of the court file.

(5) There shall be no court hearing on the matter, and the agreement shall not result in a court order, unless the party seeking an order files a Request for Court Ordered Visitation.

(Amended effective 1/1/12)

(B) Parties seeking a court order for visitation with a ward must file a Request for Court Ordered Visitation.

(1) The Petition shall be filed in the Probate Division using the local form.

(2) Upon filing, the matter shall be set for hearing.

(3) The requesting party shall serve a copy of the Petition, with notice of the hearing date, by mail on the appointed guardian(s) and all persons listed under item #6 of the Petition, at least 15 days prior to the hearing date.

(4) Any Response shall be filed and served five days prior to the hearing date.

(5) At the hearing, the court may deny the request, may set the matter for an evidentiary hearing, or may order the parties to participate in non-confidential or confidential mediation with Family Court Services, or with a private mediator selected from the court-approved list of Probate mediators.

(6) If the parties are ordered to mediation, the order must establish a date for further hearing, and Rule 15.89 shall apply.

(Amended effective 1/1/11)

15.90 Nonrelative Guardianship.

If investigation is required pursuant to Probate Code section 1543, the petition for appointment of guardian must be calendared for hearing not less than 45 days after filing in order to allow sufficient time for completion of the investigation. A copy of the notice of hearing must be served on the Guardianship Unit of the Sacramento County Department of Health & Human Services not less than 40 days before the date of the hearing.

(Amended effective 1/1/10)

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15.91 (deleted effective 1/1/11)

15.92 Duties of Guardian - Support by Parents.

Guardianship funds must not be used for a minor's support, except upon a showing of the parents' financial inability or other circumstances which would justify the same. If there is a claim that the parents lack financial ability to provide support, the parents must file Family Law Income and Expense and Property Declarations (FL-150) and Property Declaration (FL-160) in accordance with California Rules of Court.
(Amended effective 1/1/06)

15.93 Final Account and Report.

(A) Waiver of guardian's final account will be permitted for good cause.
(Amended effective 1/1/98)

(B) Waiver of a guardian's account by a ward who has attained the age of majority will not be accepted unless the ward personally appears and confirms the waiver or a written waiver by the ward is filed which includes a complete list of the assets to be distributed to the ward.

(C) The final report and/or account must include a description of the remaining assets on hand to be distributed to the ward.
(Amended effective 7/1/05)

(D) The final report and/or account required upon termination of the guardianship of the estate must be filed within 90 days of termination pursuant to Probate Code sections 1600-1601.
(Amended effective 7/1/05)

15.94 Termination and Discharge.

(A) One year after majority, upon a proper showing, the final discharge will be granted in the same manner as the discharge of the fiduciary of a decedent's estate.
(Amended effective 1/1/12)

(B) Upon the ward's attaining the age of majority, the guardianship of the person and the estate terminates pursuant to Probate Code section 1600, without court order.
(Amended effective 1/1/10)

15.95 (deleted effective 1/1/97)

15.96 (deleted effective 1/1/09)

PART ELEVEN. Conservatorships

15.97 Multiple Conservatees.

There must be a separate proceeding for each person for whom the appointment of a conservator is sought, except that conservatorships for both spouses may be filed in the same file.
(Amended effective 7/1/05)

15.98 (deleted effective 1/1/97)

15.99 Termination of Conservatorship.

A petition for termination of conservatorship will not be granted unless the conservatee personally appears in court or is excused after the filing of a physician's affidavit or declaration setting forth the reasons why the conservatorship is no longer required.

(Amended effective 1/1/97)

15.100 Final Account and Report.

(A) When a final account or report is filed, notice of hearing must be given pursuant to Probate Code section 2621. If the conservatee is deceased, notice of hearing must be given to the personal representative or trustee of conservatee's Living Trust. If the conservator is also the personal representative of the deceased conservatee's estate or there is no personal representative, notice must be given to the deceased conservatee's heirs and devisees.

(Amended effective 1/1/10)

(B) A final account must be required on termination of the conservatorship of an estate except under the following circumstances: (1) the former conservatee who has been restored to full capacity waives the accounting; (2) if the conservatee is deceased, when an account is waived by those persons entitled to receive distribution of the estate as provided in Probate Code section 10954; except that if conservator is also the personal representative of the conservatee's estate, waivers must be required by all heirs or devisees; or (3) when the court has ordered that accounts are not required pursuant to Probate Code section 2628 and the conditions of that section are otherwise met.

(Amended effective 7/1/05)

(C) The report must include a statement of the specific assets on hand.

(Amended effective 7/1/05)

(D) The final report and/or account must be filed within 90 days of termination of the conservatorship of the estate.

(Amended effective 7/1/05)

15.101 Sale of Conservatee's Residence.

Sale of a conservatee's residence requires prior authorization in compliance with Probate Code section 2540(b). Petitions for authorization of sale of the conservatee's residence and/or authorization to execute a listing agreement for sale of the conservatee's residence will be considered only upon a calendared motion with notice given pursuant to section 1460 (general mailed notice) and section 2702 (special notice). If permission is granted to sell the conservatee's residence, a listing agreement may be approved ex parte, subject to section 2702.

(Amended effective 1/1/10)

15.102 Restricted Facilities and Psychotropic Medication.

(A) Unless prior specific court authorization is obtained upon notice duly given as provided in Local Rule 15.103, a conservatee with dementia shall not:

(1) Be given mood or cognition medication for treatment of dementia involuntarily, or

(2) Be placed where he or she is not completely free to leave at will.

(B) This will be effective immediately for petitions to establish a conservatorship filed after the effective date of this rule, and for existing conservatorships, at the time the conservatorship is subject to review pursuant to section 1850.

(Added effective 1/1/99)

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15.103 Duties of Attorneys Appointed as Counsel for Conservatees or Proposed Conservatees.

Attorneys who are appointed as counsel for conservatees pursuant to Probate Code sections 1470, 1471, or 2356.5 have the following ethical obligations:

(A) **Clients Who Are Non-Communicative, or Clearly Delusional or Not Opposed to Request Before the Court**

If the client is noncommunicative, or clearly delusional, or not opposed to the request before the court, the attorney must evaluate the request before the court and must report to the court, in writing, his or her observations and recommendations as to what would be in the client's best interests. In its discretion, the court may waive the requirement of a written report by the attorney and permit an oral report to be made on the record. Where a conflict arises between the attorney and his or her client concerning the best interests of the conservatee, the court may appoint a separate attorney to represent the conservatee.

(B) **Clients Who Are Communicative, Alert and Are Opposed to Request Before the Court**

If the client is communicative, alert and opposed to the request before the court, and if the attorney has a good faith belief that sufficient grounds exist to support the position being taken by the client, the attorney must use all reasonable and appropriate means to obtain the result being sought by the client.

(C) **Clients Who Have Impaired Judgment and Are Opposed to the Request Before the Court**

If the client appears to have impaired judgment and is opposed to the request before the court, the attorney must report to the court, in writing, the attorney's observations and recommendations as to what would be in the client's best interests, as well as the fact that the client is opposed to the request and the apparent reasons for the opposition. In its discretion, the court may waive the requirement of a written report by the attorney and permit an oral report to be made on the record. The attorney must also assure that the client is given the opportunity to directly address the court, if reasonably possible.

(D) **Attorney to Disclose Prior Relationship**

The attorney must disclose to the court and all parties whether the attorney currently represents, or has previously represented, the conservator or proposed conservator.

(Added effective 7/1/06)

15.104 Video Presentation of Conservator's Duties.

Prior to the hearing for appointment, the proposed conservator must verify in writing that he or she has viewed an approved videotaped presentation on the duties and responsibilities of conservators. The approved presentations are either one prepared by this court or the one prepared by the Alameda Superior Court in coordination with the Judicial Council. These video presentations are available for viewing during regular court business hours at the following locations: Sacramento County Law Library, downtown Courthouse; and the Self-Help Center, Family Relations Courthouse. The requirements of this rule may be dispensed with if the attorney for the proposed conservator so requests and certifies in writing that the duties and responsibilities of the conservator have been fully explained to the proposed conservator.

(Amended effective 1/1/11)

PART TWELVE. Other Protective Proceedings

(Heading amended effective 1/1/97)

15.105 Claims of Minors and Incompetents.

(A) **Compromise of the claim of a ward or conservatee must be made in the manner provided by Probate Code section 2500 et seq., and in accordance with Local Rules 10.01 and 10.02.**

(Amended effective 7/1/05)

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(B) If there is a request to place the proceeds of a judgment or compromise for a minor or incompetent into a trust (revocable, special needs or otherwise), or a CUTMA custodianship if the value of the transfer exceeds \$20,000, then the assigned department must first enter judgment or approve all other proper matters (e.g., the amount of the settlement, terms of payment, and attorney fees). The plaintiff must then file a petition, to be set in the Probate Unit, for a hearing as to the establishment, terms, and conditions of the proposed placement.

(Amended effective 7/1/05)

(C) Upon approval of the trust described herein, the court must set a hearing date 14 months later for status on the filing of the first account.

(Amended effective 7/1/05)

15.105.5 Trusts Created Pursuant to Court Order.

(A) A trust created by order of the probate court for the benefit of a minor or incompetent adult pursuant to Probate Code sections 2580 et seq., 3100 et seq. or 3600 et seq. will ordinarily be required to contain the following provisions to be effective during the lifetime of the incompetent adult or during the minor's minority.

(1) Trustee must post bond for assets and income of the trust.

(2) Trustee must file accounting consistent with the requirements of Probate Code section 2620 and Probate Code section 1060 et seq.

(3) Prior court approval shall be required for investments other than those listed in Probate Code section 2574(a).

(4) Trustee must obtain prior court approval for gifting, hypothecation, borrowing, loans, and sales of assets as would be required by a guardian or conservator of the estate.

(5) Prior court approval shall be required for payments of fees to attorneys, conservators, guardians and trustees.

(6) The trust must pay for court approved court investigation costs, fees for guardians, conservators, their attorneys and court appointed counsel as well as other costs of administration approved by the court.

(7) Prior court approval shall be required for appointment of a successor trustee, amendment, revocation, and termination of the trust.

(8) Prior court approval shall be required for appointment of advisory committee members and for requested fees.

(Amended effective 7/1/05)

(B) The probate court will ordinarily appoint an attorney as guardian ad litem to represent the interests of the minor or incompetent adult in the proceeding to establish the trust.

(Added effective 7/1/00)

(C) A petition that includes a request for approval of a trust advisory committee must set forth the member's qualifications or relationship and his/her expertise, if any, with federal/state public benefit programs (i.e., S.S.I., Medi-Cal).

(Added effective 7/1/04)

(D) The petition for approval of the trust must set forth the basis for the proposed distribution of the trust upon the death of the life beneficiary or upon termination of the trust.

(Added effective 7/1/04)

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15.106 Proceeding for Spousal Property Transaction.

As to petitions pursuant to Probate Code sections 3100 et seq.:

(A) The petition must be supported by a declaration of a licensed physician or licensed psychologist within the scope of his or her licensure as to the capacity of the non-petitioning spouse (Probate Code section 810 et seq.).
(Amended effective 1/1/10)

(B) Counsel will be appointed for the non-petitioning spouse if the petition proposes a substantial transfer to the petitioner.
(Amended effective 1/1/97)

(C) When the petition is predicated upon the non-petitioning spouse's qualification for Medi-Cal benefits, notice shall also be given to the Director of the California Department of Health Care Services.
(Amended effective 1/1/09)

(D) In petitions to transfer assets, related to Medi-Cal eligibility, the petitioner shall provide the court with schedules showing such calculations as would be required in an administrative hearing to the extent that the Community Spouse Resource Allowance or the Minimum Monthly Maintenance Needs Allowance would be in issue. The court will not make orders modifying the Community Spouse Resource Allowance nor the Minimum Maintenance Monthly Needs Allowance but may make findings as to the proper amounts as needed to support the order.
(Added effective 1/1/99)

(E) The court will not issue general support orders in petitions under Probate Code sections 3100 et seq.
(Amended effective 1/1/10)

15.106.5 Proceedings under Probate Code Sections 3410 Et Seq.
(Heading amended effective 1/1/10)

(A) Petitions filed under sections 3410 et seq. must be filed in a separate proceeding under the name of the minor, and must set forth jurisdictional facts and state the amount to be paid, by whom, and what reimbursement for costs and fees is requested, and request the deposit of the balance of the proceeds in a specific bank or savings and loan association in the manner provided by law.
(Amended effective 7/1/05)

(B) If the petition merely seeks the deposit of funds subject to reimbursement for costs expended for the filing of the petition, the petition may be granted by the court without notice. If, however, attorney's fees are sought, the matter must be set for hearing on the court's regular calendar.
(Added effective 1/1/97)

(C) The order must provide for the persons holding funds to make one check payable to the persons entitled to costs and fees and must provide for the issuance of a second check for the amount to be deposited, payable to the proposed trustee and the specific bank or savings and loan association.
(Amended effective 7/1/05)

PART THIRTEEN. Trusts

15.107 In General.

Accounts filed by trustees must be in the form and otherwise conform to the requirements in these rules for accounts by personal representatives in decedents' estates.
(Amended effective 7/1/05)

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15.108 First Appearance by Trustee Requires Statement of Address.

All petitions, objections, responses or other first appearance by a trustee must contain an allegation stating the address of the trustee for purpose of personal service of process.

(Amended effective 7/1/05)

15.109 Trust Accountings.

(A) A petition for approval of a trust accounting that includes disbursements for trustee fees or attorney fees must include evidence to support the payment of fees in compliance with the terms of the trust. If “reasonable fees” are authorized by the trust or if compensation is paid based on Probate Code section 15681, the trustee must set forth how the “reasonable fee” was calculated. Requests for approval of fees must be categorized by services performed and must include the hourly rate, hours performed and total amount of fees rendered.

(Amended effective 1/1/11)

(B) Whenever a trust accounting period exceeds two years, the following will apply:

(1) The schedules for receipts and for disbursements must be categorized into sub-schedules reflecting the particular income sources or payees from whom there are more than twelve entries per accounting period.

(2) The schedule for disbursements must contain a separate listing for all compensation paid to any fiduciary, attorney or accountant during the accounting period from trust assets.

(Added effective 7/1/05)

(C) Special Needs Trusts. Notice of the hearing on a petition for approval of an account of a special needs trust established pursuant to Probate Code section 3604 must be provided to the Directors of the Department of Health Services, Department of Developmental Services, and the Department of Mental Health at the Sacramento office on a petition for approval of an account of a special needs trust established pursuant to section 3604.

(Amended effective 1/1/11)

15.110 (deleted effective 1/1/11)

15.111 Report of Trustee.

(A) A report must accompany each account of a trustee and shall include the following:

(1) A concise reference to the purpose of the trust and how they have been satisfied by the trustee during the period of the account;

(2) A list of the beneficiaries (both present and future), the address, relationship to the trustor, whether they are a minor or an adult, and the beneficiary’s age, if age is relevant;

(3) A brief summary of distributions made to or for their benefit, as reflected in the account;

(4) Investment objectives, and results with reference to the purpose of the trust, by setting forth a brief summary of the account measured in terms of the specific trust objectives and requirements.

(5) The trustee’s address for personal service of process.

(Amended effective 7/1/05)

(B) The report must not merely recite what has been done but must relate the activities reflected in the account to the purposes and persons for which the trust was created.

(Amended effective 7/1/05)

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15.112 Appointment of Minor's Counsel.

(A) Counsel appointed by the court for a minor pursuant to Probate Code section 1470 shall have the following duties:

(1) Interview the minor;

(2) Review the court file and all accessible records and make any further investigation necessary to ascertain facts relevant to the guardianship or visitation.

(Amended effective 1/1/10)

(B) Counsel appointed by the court pursuant to section 1470 must be entitled to the following:

(1) Reasonable access to the minor with adequate notice;

(2) Notice of all proceedings, including requests for examination affecting the minor;

(3) Access to all pleadings and records, including medical and school records of the minor, subject to the limitations of Rule 15.89(C)(6);

(4) The right to object to physical or psychological evaluations for purposes of trial that have not been ordered by the court;

(5) The right to assert on behalf of the minor any privileges for purposes of discovery or trial;

(6) The right to petition for an order authorizing independent psychological and/or physical examination of the minor;

(7) Subject to the provisions of Rule 15.89(C)(6), with notice to all parties and Child Protection Services, petition the court for an order authorizing release of discoverable records concerning the minor. The court must conduct an in camera review of the requested documents before ruling on the petition. **Counsel must not disclose to any person any records produced unless authorized by order of the court.**

(Amended effective 1/1/11)

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CHAPTER 16 - APPELLATE DIVISION

(Heading amended effective 1/1/99)

16.00 Sessions.

Regular sessions of the Appellate Division of the Superior Court shall be held on the third Friday of each calendar month at 10:00 a.m. in the department of the Presiding Judge of the Appellate Division unless the Presiding Judge of the Appellate Division orders otherwise. Special sessions may be held at the call of the Presiding Judge of the Appellate Division.

(Amended effective 1/1/99)

16.01 Briefs.

(A) Briefs shall be prepared, served, and filed as provided by California Rules of Court, rules 8.882 - 8.884, 8.927 and 8.928. All filings shall be filed with the appropriate Appellate Division clerk in Room 101 on the first floor of the Gordon D. Schaber Courthouse unless otherwise directed by the Presiding Judge of the Appellate Division.

(Amended effective 1/1/12)

(B) When filing any original brief, the parties shall provide the clerk with one original which is either unbound and clipped or rubber banded or which is electronic in format (CD or, if available, electronically filed) and three additional copies. The three copies shall be stapled once in the upper left-hand corner but should not be bound.

(Amended effective 1/1/07)

16.02 Hearing Date in Caption.

(A) All briefs, motions, applications, and other papers filed with the Appellate Division shall include the scheduled hearing date of the appeal on the front-page caption.

(Amended effective 7/1/05)

(B) All documents filed with the Appellate Division shall include: (1) the full case title specifically identifying all parties; (2) the attorney's address and California state bar number; and (3) which party in the action the attorney represents.

(Added effective 7/1/05)

16.03 Motions for Augmentation and Correction of the Record; Motions for Additions to the Record.

(A) All motions for augmentation and/or correction of the record pursuant to California Rules of Court, rules 8.841, 8.873 and 8.923, shall set forth facts showing: 1) good cause why the materials have not been included in the record on appeal; and 2) any previous motions for augmentation or additions to the record granted or denied to any party after filing of the notice of appeal.

(Amended effective 1/1/11)

(B) All such motions shall specifically identify each paper, record, or exhibit that is being requested and/or specifically identify, by subject, date, and department what portion of the proceedings before the trial court is being requested to be transcribed.

(Effective 7/1/94)

16.04 Requests for Free Clerk or Reporter's Transcript.

(A) All requests for a free clerk or reporter's transcript on appeal shall be accompanied by a current financial declaration.

(B) A request for a free reporter's transcript will be granted only on a showing of colorable need for the transcript.

(Amended effective 1/1/96)

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16.05 Binding of Original Appellate Division Clerk's Transcript for Civil Appeals.

The original Appellate Division Clerk's Transcript for civil appeals is to be two-hole punched and bound at the top in volumes of no more than 300 sheets.

(Added effective 1/10/09)

CHAPTER 17 - JUVENILE DEPENDENCY COURT

17.00 Court Appointed Special Advocate Program (CASA).

The presiding judge of the juvenile court may appoint a special advocate program, which shall adhere to the requirements set forth in California Rules of Court, rule 5.655.

(Amended effective 1/1/00)

17.01 Right of CASA to Appear.

(A) A CASA volunteer shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings. A CASA volunteer shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA Advocate amicus curiae status, which includes the right to appear with counsel.

(Amended effective 7/1/02)

(B) CASA reports shall be filed with the court at least two days prior to the hearing. The CASA program shall also provide a copy of the report to all counsel and any de facto parent at least two days before the hearing.

(Added effective 7/1/02)

17.02 Family Law Advocacy and CASA.

Should the Juvenile Court dismiss the dependency action and create family law orders pursuant to Welfare and Institutions Code section 362.4, the CASA volunteer's appointment may be continued in the family law proceedings. If ordered, the Juvenile Court order shall set forth the nature, extent and duration of the CASA volunteer's duties in the family law proceeding.

(Amended effective 1/1/01)

17.03 Removal, Resignation, and Termination of CASA Volunteer.

(A) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Rules of Court, rule 5.655(h).

(Added effective 1/1/01)

(B) In order to involuntarily terminate a CASA volunteer from the CASA program, the CASA program director shall file a written application with the Presiding Judge of the Juvenile Court requesting termination of the volunteer, along with a proof of service showing service of the application on the volunteer. The volunteer may file a response to the application within ten (10) days of receipt of the application. The response must be filed with the Presiding Judge of the Juvenile Court and served on the CASA program director. The Presiding Judge of the Juvenile Court shall either rule on the application after a review of the application and response, if any, or set a hearing on the application.

(Added effective 1/1/01)

(C) A CASA volunteer may file a grievance regarding the CASA program with the Presiding Judge of the Juvenile Court if the volunteer has exhausted the CASA program's grievance process and certifies that fact in the grievance filed with the Presiding Judge. The Presiding Judge shall investigate the grievance as he/she deems appropriate, respond in writing to the CASA volunteer and CASA Executive Director regarding the results of the investigation, and take any action the Presiding Judge deems appropriate.

(Added effective 1/1/01)

17.04 Filings.

Unless otherwise noted in these rules or permitted, all motions and documents shall be filed directly with the dependency filing counter located at 3341 Power Inn Road, Sacramento, CA 95826.

(Amended effective 1/1/11)

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17.05 Sanctions.

(A) Any counsel or party who fails to comply with any Sacramento Superior Court Local Rule, California Rule of Court, or order of the juvenile court is subject to the sanctions set forth in California Rules of Court, rule 2.30, and in California Code of Civil Procedure sections 177.5 and 575.2. The court may impose community service as a sanction in addition to or in lieu of monetary sanctions.

(B) Any counsel who repeatedly fails to appear on time for calendar call will be subject to appropriate sanctions. The court may order any counsel who is not present when his or her case is called to file with the court a declaration stating the reason for lateness or non-appearance. The court shall read and consider the declaration and determine whether or not sanctions are justified and take appropriate action.

(Amended effective 1/1/01)

17.06 Counsel of Record and In Propria Persona.

Whenever in these juvenile dependency rules a requirement is imposed on counsel, that requirement is equally applicable to a party in pro per.

(Amended effective 1/1/01)

17.07 Direct Calendaring, Calendar Call, Appearances, and Peremptory Challenges.

(A) Dependency departments are operated on a direct calendaring system. Counsel are referred to the Dependency Calendar Directory located on the court's website at <http://www.saccourt.ca.gov> for further information.

(Amended effective 1/1/10)

(B) Unless otherwise ordered by the court, each dependency department, calls the calendar for the entire day at 8:30 a.m. Counsel with matters in a dependency court shall appear by 8:30 a.m. unless excused by the court or arrangements are made for a substitute counsel to handle the matter. The substitute counsel shall be authorized and prepared to proceed with any matter.

(Amended effective 7/1/02)

(C) A counsel who does not appear on time for calendar call is required to inform the judicial officer of the reasons for not appearing on time. Counsel with a matter on the 1:30 p.m. calendar is required to appear at 8:30 a.m. unless that counsel has communicated to the court and all counsel his/her client's position on the matter by the 8:30 a.m. calendar call. All counsel shall keep the court advised of his or her whereabouts.

(Amended effective 1/1/12)

17.08 Detention Hearing or Initial Appearance.

At the detention hearing or initial appearance, counsel shall be prepared to do the following:

(1) Parent's counsel shall assist the parents in completing and filing the JV-140 Notification of Mailing Address form with the clerk of the court, and subsequently complete and file with the clerk an updated JV-140, reflecting any changes in address, and proof of service on the Department of Health and Human Services;

(2) Parent's counsel shall advise the court whether the parents have any Native American heritage; and file the ICWA 020; and

(3) All counsel shall advise the court regarding paternity issues.

(Amended effective 1/1/11)

17.09 Contact with Parties Prior to Hearing (In/Out of Custody).

(A) Cases involving in-custody parties have priority on the court's calendar. Counsel representing in-custody parties shall give priority to interviewing these parties.

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(B) A counsel representing a party whether or not in custody shall make every reasonable effort to contact and interview the party prior to the next scheduled hearing date. Counsel shall make every reasonable effort to discover his/her client's position and shall inform the court whether the matter can proceed in the client's absence. Counsel shall be prepared to state on-the-record the efforts made to contact the client.

(Added effective 1/1/00)

17.10 Jurisdictional/Dispositional Hearings.

In all submitted jurisdictional hearings, counsel shall assist the parent in completing JV-190, Waiver of Rights-Juvenile Dependency.

(Added effective 1/1/00)

17.11 Dress and Conduct Code.

Unless otherwise ordered by the court, the below described proper attire and conduct must be observed while attending proceedings on the third floor of the William R. Ridgeway Family Relations Courthouse.

(A) Proper Attire

Children as to whom a dependency petition has been filed and their parents/guardians shall not be admitted into the courtroom if they are not properly attired. Such persons who are not in proper attire will be required to remove or adjust improperly worn clothing or leave the courthouse and return at the date and time specified by the court, as communicated to them by the probation officer, the social worker or such person's attorney. For purposes of this order, proper attire means:

- (1) Pants must not sag below the waist or be worn in such a manner that otherwise expose under garments.
- (2) Tank tops, strapless tops, tops that expose the midriff and tops that are low-cut are not allowed.
- (3) Shorts and mini-skirts are not allowed.
- (4) Baseball hats, stocking caps and knit caps must not be worn in the courtroom.
- (5) Shirts, blouses and jackets cannot contain inappropriate writing or pictures, including references to violence, alcohol, drugs, or sexual matter.
- (6) Shirts must be tucked in. Collared shirts are preferred.
- (7) Shoes must be worn. Flip-flops are not allowed.
- (8) For safety reasons, clothing with predominant colors that could be interpreted by others as symbolizing gang association shall not be worn. Other items, tattoos and symbols that are associated with gang activity shall not be displayed.

(B) Conduct in the Courtroom

All persons entering the third floor of the William R. Ridgeway Family Relations Courthouse shall follow the procedures described below:

- (1) No metal items shall be brought into the courthouse. Security officers will confiscate such items or request that they be removed or discarded prior to entering the building.
- (2) Parents and family members as to whom a dependency petition has been filed must check in with Juvenile Court Reception on the third floor of the courthouse at the time designated on the notice to appear and sit in the designated area labeled for the courtroom in which the child's hearing will be held.

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(3) Food and drink, other than bottled water, are not permitted inside the public areas of the third floor of the building. Food and drink must be consumed outside the building.

(4) Chewing gum is not permitted while in the courtroom in designated areas.

(5) A child shall not possess or smoke tobacco products. (Such conduct is unlawful and violators are subject to arrest by law enforcement officers on duty at the courthouse.) Adults may only smoke outside the courthouse in designated areas.

(6) Children who are too young to remain quiet or behave properly in court must be left in the court's first floor designated childcare area.

(7) Cellular phones, pagers and alarms must be turned off, or be in a vibrate mode, while in the courtroom. If they make an audible noise in the courtroom, they will be confiscated by the bailiff.
(Added effective 1/1/12)

17.12 Presence of Department of Health and Human Services Representative and Counsel in Court.

A Department of Health and Human Services representative and its counsel shall be present in court on all dependency matters, unless waived by the Court and child's counsel.
(Amended effective 1/1/11)

17.13 Late Reports By The Department of Health and Human Services.

In any case in which the report is not filed by 11:00 a.m. the day before the hearing, the court on its own motion will continue the case unless there are compelling circumstances militating against the continuance.
(Added effective 1/1/00)

17.14 Ex Parte Orders.

Any ex parte application shall be in compliance with Local Rule 2.04, except that the application and supporting documents shall be submitted to the judicial officer presiding in the department in which the matter is pending. The application shall be presented to the clerk of that court Monday through Friday, by appointment only. Application shall not be submitted at the dependency filing counter.
(Added effective 1/1/00)

17.15 Orders to Produce Incarcerated Parties in Dependency Cases.

(A) All applications for an Order to Produce an Incarcerated parent-party or an Order to Produce a State Prisoner to Testify shall be submitted at least 21 days prior to the scheduled hearing.

(B) Applications for an Order to Produce an incarcerated parent-party shall be submitted to the assigned department on the Judicial Council Form, JV-450. The application shall contain:

(1) An identification of the specific type of hearing at which the incarcerated parent-party's attendance is requested, and

(2) A recitation of the facts that demonstrate good cause for the attendance of the incarcerated parent-party, including a declaration the incarcerated parent-party has expressed a desire to be present. Such a recitation of facts shall describe what would be gained by the incarcerated parent-party's presence at the hearing if they are not statutorily entitled to be present.

(C) Application for an Order to Produce a State Prisoner to Testify shall be submitted to the assigned department on local form JC\E 331. The application shall contain:

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- (1) The identification of the specific type of hearing at which the witnesses attendance is requested, and
- (2) A declaration showing the testimony is material and necessary.

(D) Either Order may be issued on the Court's own motion, or following oral application by counsel at any regular scheduled court hearing where all counsel are present.

(Amended effective 1/1/11)

17.16 Dependency Mediation Program.

(A) Referrals for mediation can be made by the court or requested by any party at any stage of the dependency proceeding. The hearing time for mediation is set by the court.

(B) The request for mediation by a party may be made by any of the following methods: (1) filing a written request for mediation; or (2) making an oral request for mediation in open court during a hearing on a calendared item.

(C) Judicial officers may order an immediate mediation, to be heard on the day of the request, if the mediator is available. Upon the agreement of all counsel, a mediation hearing may be scheduled without a court order by contacting the mediator directly to determine an available conference time.

(D) Counsel are not required to attend mediation unless specifically ordered to by the court. All adult parties and the Department of Health and Human Services social worker shall attend the mediation unless otherwise ordered by the court. The child, a CASA volunteer, and counsel's designated representative may attend the mediation. Other persons approved by the court or by agreement of all the parties at the mediation may attend the mediation.

(Amended effective 7/1/01)

(E) If an agreement is reached at mediation and the agreement changes a prior court order, substantively modifies a case plan, or resolves contested issues, the matter shall be immediately referred to the home court, or other court designated by the home court judicial officer, for approval by the judicial officer and for the agreement to be read into the record.

(Added effective 1/1/01)

(F) If an attorney fails to appear at a mediation to which he/she was ordered to attend, that attorney will have two court days from the date of the mediation to file with the court a request for a hearing on the mediation agreement. If a request for a hearing is filed, the court will notify counsel of the date for hearing. If there is no request for a hearing filed within two court days, the court will deem that the attorney has consented to the mediation agreement on behalf of the party he/she represents, and the court will proceed to approve or disapprove the agreement. Failure to appear at a mediation to which the attorney was ordered to appear may subject the attorney to sanctions pursuant to Rule 17.05.

(Added effective 1/1/01)

17.17 Pre-Trial Statement and Pre-Trial Conference.

The juvenile court adopts the policy that pre-trial statements and good faith efforts to settle dependency proceedings are an essential part of the juvenile court process, and that good faith efforts to settle shall be made during the pre-trial conference in conformity with the rules of this chapter. Unless otherwise ordered by the court, no trial date shall be set unless a pre-trial has been set or has been completed.

(Amended effective 1/1/11)

17.18 Pre-Trial Statement.

The Pre-Trial Statement shall be in writing and shall address the issues as set forth in the juvenile dependency pre-trial statement form located on the court's website at <http://www.saccourt.ca.gov> and at the dependency court filing counter. Use of the proposed form is encouraged but not required. The statement shall be sufficiently detailed to enable the judicial officer to conduct a meaningful pre-trial conference.

(Amended effective 1/1/10)

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17.19 Pre-Trial Conference Procedures.

- (A) The pre-trial statement shall be filed with the court and served upon the parties at least two (2) judicial days prior to the date set for the pre-trial conference.
- (B) All adult parties and counsel whose consent is required to effect a binding settlement shall be personally present at the pre-trial conference unless excused by the juvenile court.
- (C) Unless otherwise ordered by the court, any time a matter is scheduled for a pre-trial, each party shall prepare, serve and file a pre-trial statement in conformity with the rules of this chapter.
(Amended effective 7/1/02)
- (D) In the pre-trial conference, all counsel shall be prepared to address pre-trial issues and settlement proposals.
(Added effective 1/1/00)

17.20 Meet and Confer.

- (A) Unless otherwise ordered by the court, counsel for the parties in each dependency matter and any party not represented by counsel shall meet and confer with each other and, where applicable, with the Department of Health and Human Services (DHHS) and with the Court Appointed Special Advocate (CASA), as described below, prior to seeking a court order on those matters described in this order. Failure to meet and confer in good faith may be a basis for the imposition of sanctions.
(Amended effective 1/1/12)
- (B) Issues Subject to Meet and Confer
- (1) Parent-Child Visitation;
 - (2) Discovery;
 - (3) Services to be provided to a parent or child by DHHS;
 - (4) Home evaluation or placement with a relative; and
 - (5) Any other issue in the discretion of the judicial officer.
- (Renumbered and amended effective 1/1/12)
- (C) Duties of Counsel and Parties Not Represented by Counsel Prior to the Court Hearing
- (1) At least five (5) days prior to of the scheduled hearing so that opposing sides can prepare and respond, counsel of record and any party not represented by counsel shall advise all other parties of the order they intend to seek at the hearing.
 - (2) All counsel of record, any party not represented by counsel, and CASA, or the designees of such persons, shall meet in person before the time designated for the hearing. The meeting may be by means other than in person if such means are acceptable to all parties.
 - (3) During the meet and confer session, the moving party shall ascertain which parties agree to or oppose the granting of the order.
 - (4) If an agreement is reached that requires a court order, the parties shall determine the exact wording of the order.
(Renumbered and amended effective 1/1/12)
- (D) Duties of Counsel and Parties Not Represented by Counsel at the Court Hearing
- (1) At calendar call, the moving party shall inform the Court that the parties have (a) met and conferred and (b) reached an agreement, or not.

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(2) In cases where an agreement has been reached prior to the court hearing, the moving party shall convey the agreed upon language to the judicial officer, without further comment or argument by any party.

(3) In cases where an agreement has not been reached prior to the court hearing, the parties shall be prepared to argue the matter on the record.

(Renumbered and amended effective 1/1/12)

(E) Judicial Modification

The above rules shall not prevent any judicial officer to whom a case is assigned from modifying, changing or supplementing an order as may appear necessary or appropriate.

(Added effective 1/1/12)

17.21 Voluntary Placements - Welfare and Institutions Code Section 6552 Applications.

(A) The counsel shall contact the home court clerk and advise the clerk he/she will be submitting a Welfare and Institutions Code section 6552 application for court review on an ex parte basis, and the date and time at which any involuntary placement will expire. Where good cause is present, the court may waive the notice requirement on all parties, except Department of Health and Human Services.

(B) The counsel shall present the application for court review as advised by the clerk. When presenting the application, the counsel shall be available to the court for any additional information the court may require. When the order is issued, the counsel shall provide a signed copy of the order to the psychiatric facility and the Department of Health and Human Services social worker.

(Added effective 1/1/00)

17.22 (deleted effective 7/1/04)

17.23 Request for Administration of Psychotropic Medication and Surgery.

(A) Any request for administration of psychotropic medication must be submitted by the Department of Health and Human Services. The request must be on Judicial Council form JV-220. Absent an emergency, no request shall be presented to the judicial officer until the request has been made available by the Department of Health and Human Services for review by counsel in the department where the case is assigned for two business days. This requirement is in addition to the specific requirements governing psychotropic medications in California Rule of Court 5.640.

(Amended effective 1/1/06)

(B) Any request for a court order for surgery shall be on Department of Health and Human Services form number CS-194 entitled Request for Court Order Authorizing Emergency or Non-Routine Medical, Surgical or Dental Care, and accompanied by form number CS-193, entitled Physician's Declaration Re: Medical, Surgical or Dental Care. Absent an emergency, no request shall be presented to the judicial officer until the request has been made available by the Department of Health and Human Services for review by counsel in the department where the case is assigned for two business days.

(Amended effective 1/1/06)

(C) Absent an emergency, no motion by the Department of Health and Human Services pursuant to Welfare and Institutions Code section 388 shall be presented to the judicial officer until the request has been made available by the Department of Health and Human Services for review by counsel in the department where the case is assigned for two business days.

(Added effective 7/1/02)

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17.24 Attorney Competency Certification.

(A) All appointed counsel appearing in juvenile dependency proceedings shall meet the minimum standards of competency set forth in these rules. Each appointed counsel appearing in dependency matters before the court on the effective date of these rules, who believes that he or she meets the minimum standards for competency, shall complete and submit to the court, within 30 days of the effective date of these rules, form number JC/E-005, Certification of Attorney Competency. After the effective date of these rules, any appointed counsel appearing in a dependency matter for the first time shall complete and submit a Certification of Attorney Competency to the court within ten (10) days of his or her first appearance in a dependency matter. The Certification of Competency shall be filed at the dependency filing counter.

(Amended effective 1/1/06)

(B) Upon submission of a Certification of Attorney Competency which demonstrates that the appointed counsel has met the minimum standards set forth in Local Rule 17.25, the appointed counsel shall be deemed competent to practice before the juvenile court in dependency cases unless the Presiding Judge of the Juvenile Court determines that a particular appointed counsel does not meet minimum competency standards. In such case, the court shall proceed as set forth in Local Rule 17.26 hereinafter.

(C) In the case of an appointed counsel who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the appointed counsel maintains an office shall not excuse appointed counsel from complying with Local Rule 17.24.

(Amended effective 7/1/03)

17.25 Minimum Standards of Experience, Education and Training.

Prior to certification, each appointed counsel appearing in a dependency matter before the juvenile court shall have either:

(1) Participated in at least eight (8) hours of training or education in juvenile dependency law as specified in California Rules of Court, rule 5.660; or

(2) At least 24 hours of experience within the last year in dependency proceedings in which the appointed counsel has demonstrated competence in the appointed counsel's representation of his or her clients in said proceedings.

(Amended effective 7/1/03)

17.26 Failure of Attorney to Be Certified.

When a certified counsel fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the counsel that he or she will be decertified. That counsel shall have 20 days from the date of the mailing of the notice to submit evidence of compliance with Local Rule 17.25.

(Amended effective 7/1/03)

17.27 Attorney Competency Certification Renewal.

In order to retain his or her certification to practice before the juvenile court, each appointed counsel or his or her supervisor shall file at the dependency filing counter an affidavit certifying that counsel has completed at least eight (8) hours of continuing education related to dependency proceedings within the last three (3) years. The affidavit must be filed on or before January 15 of each year.

(Amended effective 7/1/03)

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17.28 Procedures for Reviewing and Resolving Complaints Regarding Performance of Counsel.

(A) Any party to a juvenile court proceeding may lodge a complaint with the court concerning the performance of his or her appointed counsel in a juvenile court proceeding. The person filing the complaint shall use form number JC/E-003 and shall file the complaint at the dependency filing counter in a sealed envelope. In the case of a complaint concerning the performance of a counsel appointed to represent a minor, the complaint may be lodged on the minor's behalf by any interested person.

(Amended effective 1/1/06)

(B) The court shall review a complaint, and if it determines that the counsel may have failed to act competently, provide the counsel with a copy of the complaint and give the counsel a reasonable chance to respond in writing within 30 days.

(C) Thereafter, the court shall review the complaint and the response and take appropriate action which may include, but is not limited to, conducting a hearing on the complaint.

(Added effective 1/1/00)

17.29 Procedures for informing the Court of the Interests of a Dependent Child.

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

(Amended effective 1/1/06)

(B) Notice to the court may be given by the filing of Judicial Council Form JV-180. The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

(C) If the person filing the notice is the counsel for the minor, the motion shall state what action on the child's behalf the counsel believes is necessary, whether the counsel is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of a guardian ad litem may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

(D) If the person filing the notice is not the counsel for the child, a copy of the notice shall be served on the counsel for the child, or, if the child is unrepresented, the notice shall so state.

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

(F) If the court determines that further action on behalf of the child is required, the court shall address the following at the hearing:

(1) Authorize the minor's counsel to pursue the matter on the child's behalf;

(2) Appoint a counsel for the child if the child is unrepresented;

(3) Notice a joinder hearing pursuant to section 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the court may deem necessary or appropriate to protect the welfare, interests and rights of the child.

(Added effective 1/1/00)

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17.30 Applications for Rehearing; Referee.

(A) Applications pursuant to Welfare and Institutions Code section 252 for rehearing of a decision by a referee in a dependency proceeding shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where an unrepresented litigant submits handwritten documents in legible form.

(Amended effective 7/1/00)

(B) If represented by counsel, the application must be filed by the attorney of record and not by the minor, parent/guardian, or social worker personally.

(C) The applicant shall utilize form number JC/E-001, Application for Rehearing and Statement. Other documents may be attached to form number JC/E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.

(Amended effective 1/1/06)

(D) In order to ensure timely preparation of the reporter's transcript, the application must accurately list the date(s) of the hearing(s) for which the applicant seeks a rehearing. If the application lists an incorrect hearing date or fails to include all of the relevant hearing dates, but is otherwise timely filed, the court will accept the application and deem it to be timely filed. However, solely for purposes of determining the time period in which the court must decide the matter, the court will deem the matter re-filed on the date the court discovers the applicant's error or omission.

(E) Prior to filing the application, the applicant shall serve a copy of the application and any accompanying documents on all attorneys and any party including a de facto parent who is acting without an attorney. The court will not accept for filing an application that does not have a proof of service of the application attached.

(F) The application must be filed in person at the dependency filing counter. The court will not accept for filing an application that is delivered by mail or presented to any court clerk other than at the filing counter.

(G) Any party including a de facto parent may file a response to the application within ten (10) days of the filing date of the application. The response must be filed in person at the dependency filing counter after being served on all attorneys and any party including a de facto parent who is acting without an attorney. The court will not accept for filing a response that does not have a proof of service of the response attached. The court will not accept for filing a response that is delivered by mail or presented to any court clerk other than at the filing counter.

(Added effective 1/1/00)

17.31 Form of Papers Presented for Filing.

The footer required by California Rules of Court, rule 2.100 on all papers presented for filing shall conform to the following:

(1) The font size of the footer text should be no smaller than the equivalent to Times New Roman 8.

(2) The title shall include the case name, case number at a left justification and the name of the document, date of document at a right justification.

(Added effective 1/1/00)

Each page of any document filed by any party, including attachments to a document must be numbered consecutively at the center bottom of each page.

(Added effective 7/1/03)

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17.32 Access to and Disclosure of Juvenile Court Records.

Request for inspection and/or disclosure of juvenile court records is governed by Local Rule 19.02, for filing petitions to receive records by court order, and Sacramento County Juvenile Court Standing Order SCC-JV-99-021, for eligible persons to obtain juvenile case file records without a court order.

(Amended effective 1/1/09)

17.33 Orders.

The presiding judge of the juvenile court may issue orders for the administration of the juvenile court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the juvenile court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at <http://www.saccourt.ca.gov>. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.

(Amended effective 1/1/10)

17.34 Administrative Reviews.

(A) At the time the court orders that planned permanent living arrangement is the appropriate permanent plan for a child for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption, and at each 12-month court review hearing conducted pursuant to Welfare and Institutions Code section 366.3(d)(4), the court shall set specific dates and times for review hearings, as follows:

(1) An Administrative Review in six months, to be heard by a panel of persons convened by the Department of Health and Human Services pursuant to Welfare and Institutions Code section 366.3(d); and

(2) A court review in the assigned home court in 12 months pursuant to Welfare and Institutions Code section 366.3(d)(4).

(Amended effective 7/1/02)

(B) At least 15 days prior to the Administrative Review, the Department of Health and Human Services shall serve notice on all parties and counsel of the Administrative Review hearing as required by Welfare and Institutions Code section 295.

(Amended effective 1/1/12)

(C) At least 10 days prior to the Administrative Review, the Department of Health and Human Services shall provide counsel and the parties a copy of the Administrative Review report.

(D) Pursuant to Welfare and Institutions Code section 366.3(d)(1) and (2), a parent, guardian or child may obtain a court hearing in lieu of the Administrative Review by filing with the court a Request for Six-Month Review Hearing in Lieu, as follows:

(1) The Request shall be filed not earlier than fourteen days, but not later than five days, before the scheduled Administrative Review hearing date.

(2) The party requesting the court review shall contact the courtroom clerk and request a hearing date at least 25 days in the future.

(Amended effective 1/1/12)

(3) If the parent, guardian or child is represented by counsel, the Request must be filed by counsel.

(4) The Request shall include affirmation that all other counsel and DHHS have been provided oral or written notice of the fact that the hearing will be held by the court in lieu of an Administrative Hearing and include the hearing date provided by the clerk.

(Amended effective 1/1/12)

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(E) Upon receipt of the request for a court review, DHHS shall provide notice of the court hearing as required by Welfare and Institutions Code section 295.

(Added effective 1/1/12)

(F) If the parent, guardian, or child is requesting a Six Month Review in Lieu of Administrative Review, the requesting party is responsible for providing the Court and all other parties with proposed findings and orders, unless the matter is set for a court hearing due to the social worker's report not being provided to all parties 10 days in advance, in which case, DHHS shall submit the proposed findings and orders.

(Renumbered effective 1/1/12)

17.35 Preparation of Judicial Council Form Custody Order-Juvenile.

Unless otherwise ordered by the court, whenever custody or visitation orders are sought at the time a dependency is to be terminated, counsel for the parent seeking custody shall electronically submit to the courtroom mailbox, the proposed Custody Order – Juvenile – Final judgment (Form JV-200), including the Visitation Order (Form JV-205 – modified for local use) and Reasons for Supervised or No Visitation – Attachment B (Local Form JC-E-322), as appropriate. The Temporary and Final Custody and Visitation Order forms shall be made available by the court on the Sacramento Superior Court website.

<http://www.saccourt.ca.gov/forms/localforms.asp#juvenile>.

(Amended effective 1/1/11)

17.35.10 Orders for Psychological Assessments/Evaluations.

All parties requesting a court order for a psychological and related assessments and evaluations, shall bring to the hearing the requested order and a minimum of 2 copies. The appropriate local form shall be used. (Form JC-E \327 for orders for children, and form JC-E\328 for orders for parents.) The forms are available on the court website at www.saccourt.ca.gov.

(Added effective 1/1/11)

17.36 Proof of Compliance with Indian Child Welfare Act Notice Requirements.

In any case in which the Department of Health and Human Services has notified a tribe or tribes or the Bureau of Indian Affairs (BIA) pursuant to Rule of Court 5.664, the Department of Health and Human Services must file with the court and serve on the parties a copy of the notice sent and the return receipt, as well as any correspondence received from the Indian entity or the BIA relevant to the child's status.

(Amended effective 1/1/11)

17.37 Motions to Relieve Counsel.

(A) An attorney retained to represent a client in a dependency proceeding shall not withdraw or substitute from such representation except by order of the Court following a timely motion.

(Added effective 7/1/07)

(B) Unless otherwise ordered by the court, a motion to withdraw as attorney of record shall be in writing and shall include a signed affidavit prepared and served in compliance with California Rule of Court, rule 3.1362. The use of Judicial Council forms is not required. The motion must include the full name(s) of the child(ren), the case number(s), the full name of the client, the client's status in the case (e.g., child, parent, guardian, de facto parent), the date and type of the next scheduled hearing, and the home court department. The motion shall be noticed and calendared, if possible, for the same day, time, and department as the next scheduled hearing.

(Renumbered effective 7/1/07)

(C) Except for motions filed as provided in subdivision (D) of this rule, the client and all other parties who have appeared in the case shall be provided 20 days notice of the motion to withdraw. The notice should contain in clear, simple, and non-technical terms a statement to the client regarding the attorney's intention to withdraw as attorney of record at the hearing.

(Renumbered effective 7/1/07)

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(D) Except as provided in subdivision (D), a motion to withdraw shall be filed at the third floor filing counter, 3341 Power Inn Road, and determined by the bench officer to whom the case is assigned.
(Renumbered effective 7/1/07)

(E) Unless otherwise ordered by the court, a motion to withdraw shall be filed at the first floor reception counter, 9601 Kiefer Boulevard, and directed to the Presiding Judge of the Juvenile Court when:

(1) Counsel seeks to be relieved as counsel of record on all cases she/he currently has pending before the juvenile dependency court; or

(2) Counsel seeks to be relieved as counsel on a case and have an effective withdrawal date before the last day of the fiscal year.
(Renumbered effective 7/1/07)

(F) Counsel is not relieved as attorney of record until the court's signed order has been served on the client and all parties, and proof of service of such order has been filed with the court.
(Renumbered effective 7/1/07)

17.38 Establishment of Procedures to Determine Appropriate Caseloads for Attorneys Representing Children.

The Juvenile Court will meet regularly with counsel for children to discuss caseloads, financial issues, and related issues concerning appropriate caseloads for attorneys representing children.
(Added effective 7/1/02)

17.39 (deleted 1/1/11)

17.40 Modification of Orders.

(A) A party or other person interested in the child seeking to modify an order or request a new order regarding placement or visitation prior to the disposition hearing may use the form entitled Pre-Disposition Motion to Modify Court Order (JC/E-319) and/or Request for New Order located on the court's website at <http://www.saccourt.ca.gov>. Counsel may indicate their position on the motion on the court form. If the court form is not used, the motion must contain all of the information set forth on the court form.
(Amended effective 1/1/10)

(B) No motion made prior to the disposition hearing seeking to modify an order or request a new order regarding placement or visitation shall be presented to the judicial officer until the motion has been made available by the moving party for review by all counsel no less than two court days prior to the hearing in the department where the case is assigned, or until all counsel have indicated their position on the motion by checking the box on the form provided or otherwise indicating their position. Each department shall have a designated area for the motions to be available for review.
(Amended effective 1/1/06)

(C) The form, Juvenile Dependency Demographics Information, JC-E\328 shall be submitted with any motion to modify a court order. (JV-180 or JC-E\319)
(Added effective 7/1/07)

17.41 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento, hereby adopts an Electronic Filing Program and Policy for its Juvenile Dependency division in accordance with California Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.255 et seq. There shall be no direct electronic transmission of any pleadings or papers to the

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court except where specifically authorized by the court in these rules, or otherwise permitted by special order of the court. Electronic filing in these rules specifically does not include telephone "fax" transmissions.
(Added effective 1/1/09)

17.41.1 Juvenile Electronic Filing Process.

(Amended effective 1/1/11)

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court, as described below, in order to be considered duly filed with the court in accordance with these rules.

(A) Type of documents.

A Juvenile Dependency petition pursuant to Welfare and Institutions Code section(s) 300, 342 and/or 387, whether or not accompanied by an application for a protective custody warrant, may be electronically transmitted for filing by the Department of Health and Human Services or County Counsel. No other document may be electronically filed.
(Added effective 1/1/09)

(B) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. A document is considered received at the date and time the confirmation receipt is created. A document that is filed electronically with the court after the close of business is deemed to have been filed on the next court day. Nothing in this section shall limit the clerk's ability to reject filings.
(Added effective 1/1/09)

(C) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall automatically be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.
(Added effective 1/1/09)

(D) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court and the document will not be deemed filed. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court and take other appropriate action to file the document if the Notice of Acknowledgment of Receipt is not transmitted.
(Added effective 1/1/09)

(E) Acceptance of Filing.

Documents electronically submitted to the court for filing shall be reviewed during normal business hours 8:30 a.m. through 4:00 p.m., Monday through Friday, by the clerk for required data elements once the document has been submitted to the court. Upon the clerk's acceptance of the document submitted for filing with the court, an endorsed copy of the document, as described in section (H) below, shall be electronically transmitted to the filer confirming the date and time the document was in fact filed with the court, as provided in (B) above. The confirmation of filing shall also include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees assessed for the filing. The confirmation filing of the document by the court and verification of the accuracy of the document filed by the court shall be the sole responsibility of the filer.
(Amended effective 1/1/11)

(F) Rejected Filings.

If an electronically transmitted document is submitted to the court and determined to be unacceptable for filing, a notice of rejection of the document shall be electronically transmitted to the filer by the clerk, notwithstanding the filer's compliance with (B) above. The notice shall set forth the grounds for rejection of the document. It shall be the

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responsibility of the filer to resubmit rejected documents, with appropriate corrections, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(Added effective 1/1/09)

(G) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(Added effective 1/1/09)

(H) Endorsement.

The clerk's endorsement of documents electronically transmitted to the court for filing shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(Added effective 1/1/09)

(I) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties, but shall not be filed with the court.

(Added effective 1/1/09)

17.41.2 Responsibility for Errors in Data.

In those instances where a document is submitted for filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the court. Such errors may be corrected without notice and shall not constitute an amended filing.

(Added effective 1/1/09)

17.41.3 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System for Juvenile Dependency may be directed to:

Juvenile Dependency Unit
3341 Power Inn Road
Sacramento, CA 95826
(916) 875-3488
protectivecustodywarrant@saccourt.ca.gov

(Added effective 1/1/09)

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CHAPTER 18 - TRAFFIC COURT

18.00 Trial by Declaration.

Pursuant to Vehicle Code section 40902, trial by written declaration shall be permitted for any citation for an infraction, except one that involves an accident or requires an appearance, or for which the defendant has failed to appear. The defendant must post bail in the amount established by the court pursuant to Vehicle Code section 40310.
(Amended effective 7/1/97)

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CHAPTER 19 - JUVENILE AND FAMILY COURTS EXCHANGE OF INFORMATION AND JUVENILE COURT CONFIDENTIALITY AND MEDIA POLICIES

(Heading amended effective 1/1/01)

19.00 Scope of Rules.

Except as otherwise provided by law, the disclosure of juvenile court records, the exchange of information between and among agencies concerned with court matters affecting children, and media coverage of juvenile court matters shall be governed by the rules contained in this chapter and by Sacramento County Juvenile Court Standing Order SCC-JV-99-021.

(Amended effective 1/1/09)

19.01 Exchange of Information.

The Probation Department, Family Court Services staff, Probate Court investigators, and the Department of Health and Human Services may disclose to each other information concerning any minor who is the subject of any investigation or any matter pending before the court as necessary for each entity to carry out its duties to the court. Confidential information exchanged under this rule remains confidential and shall not be further released except as provided by law, these rules, or other order of the court.

(Added effective 1/1/00)

19.02 (deleted effective 1/1/12)

19.03 (deleted effective 1/1/09)

19.04 (deleted effective 1/1/09)

19.05 Media Coverage of Juvenile Court Matters.

Local Rules 19.05 – 19.12 address media coverage of juvenile court matters. Unless otherwise ordered by the court, these rules apply to print and broadcast coverage of both delinquency and dependency matters, whether taking place in or outside of the courtroom.

(Added effective 1/1/01)

19.06 Notice and Request to Attend Court Proceedings.

(A) Non-Confidential Proceedings. Delinquency proceedings described in Welfare and Institutions Code section 676(a) are open to the public. Print and broadcast media representatives may attend those proceedings without prior permission of the court, if seating is available in the courtroom. In order to obtain seating in the courtroom, a Request to Attend Juvenile Court Proceedings, JV-SC25 must be filed at the delinquency filing counter. However, in the absence of a court order as described in Rule 19.07, no cameras or recording equipment shall be permitted in the courtroom.

(B) Confidential Proceedings: In all other delinquency cases and for all dependency cases, permission to attend the court proceedings is in the discretion of the bench officer presiding over the matter. A written request seeking permission to attend confidential proceedings must be filed at the appropriate juvenile court filing counter using JV-SC25.

(C) Filing. Either type of request may be filed in person, by mail or by fax. Requests to attend delinquency matters shall be filed at the first floor reception counter at the Juvenile Courthouse, 9605 Kiefer Boulevard (Fax: 875-

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5168). Requests to attend dependency matters shall be filed at the third floor reception window at the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road (Fax: 875-3480).
(Amended effective 7/1/05)

(D) Timeliness of Filing. Absent extraordinary circumstances, either type of request must be filed with the reception desk by (a) 10:00 A.M. the day of the hearing for cases that are calendared for the afternoon session; or (b) 4:00 P.M. the business day before the hearing for cases that are calendared for the morning session. The reception clerk shall immediately serve each of the parties with a copy of the request.

(Added effective 1/1/01)

19.07 Use of Cameras or Recording Equipment.

(A) Dependency Proceedings. Pursuant to California Rules of Court, rule 1.150, the bench officer presiding over any dependency matter shall not have discretion to permit cameras or recording equipment in the courtroom.

(B) Confidential Delinquency Proceedings. Pursuant to California Rules of Court, Rule 1.150, the bench officer presiding over any delinquency matter not described in Welfare and Institutions Code section 676(a) shall not have discretion to permit cameras or recording equipment in the courtroom.

(C) Non-Confidential Delinquency Proceedings. Permission to use cameras or recording equipment while attending non-confidential delinquency court proceedings is in the discretion of the bench officer presiding over the matter. A Judicial Council Rule 980 form must be filed at the reception desk in order to seek the exercise of such discretion.

(1) A Rule 1.150 request may be filed in person, by mail or by fax at the first floor reception counter at the Juvenile Courthouse, 9605 Kiefer Boulevard (Fax: 875-5168).

(2) Absent extraordinary circumstances, a Rule 980 request must be filed with the reception desk by (a) 10:00 A.M. the day of the hearing for cases that are calendared for the afternoon session; or (b) 4:00 P.M. the business day before the hearing for cases that are calendared for the morning session. The reception clerk shall immediately serve each of the parties with a copy of the request.

(3) When photography or video recording is permitted during a delinquency court proceeding, the camera view must be restricted to the shoulders of the minor and below. No view of the front or back of the head of the minor and/or his/her family shall be recorded.

(Amended effective 7/1/05)

19.08 Identification, Check-in and Waiting Area.

(A) Identification. All members of the print and broadcast media must display visible identification at all times while inside the Juvenile Courthouse (delinquency) or on the third floor of the William R. Ridgeway Family Relations Courthouse (dependency).

(Amended effective 7/1/05)

(B) Check-In. Upon arrival at the first floor of the Juvenile Courthouse (delinquency) or the third floor of the William R. Ridgeway Family Relations Courthouse (dependency), all members of the media shall inform the receptionist of their presence. The receptionist shall inform the appropriate courtroom personnel of the names of the media representatives present so that their attendance can be assured when the case is called.

(Amended effective 7/1/05)

(C) Waiting Area. Cameras and other recording equipment must be taken immediately to the designated media waiting area upon arrival at the first floor of the Juvenile Courthouse (delinquency) or the third floor of the William R. Ridgeway Family Relations Courthouse (dependency), as directed by court security. Such equipment may not be stored or displayed in the lobby area where minors are present.

(Amended effective 7/1/05)

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19.09 Approved Locations for Interviews and Recording.

(A) Inside. In addition to any recording permitted by an order by the court in the courtroom pursuant to Rule 1.150, interviews and video and/or sound recording are permitted without order of the court in the designated media waiting area of the Juvenile Courthouse and/or in the designated media waiting area on the third floor of the William R. Ridgeway Family Relations Courthouse.

(Amended effective 7/1/05)

(B) Outside. Without order of the court, interviews and video and/or sound recording may take place one hundred (100) or more feet from the front doors of the Juvenile Courthouse and/or from the front doors of the William R. Ridgeway Family Relations Courthouse provided that the front doors of these buildings are not displayed in any video recording. The southwest corner of the William R. Ridgeway Family Relations Courthouse building that contains the name of the building is more than one hundred (100) feet from the front door of the building. Camera or video recording is permitted at those locations without order of the court.

(Amended effective 7/1/05)

19.10 Prohibited Locations for Photography or Video Recording.

(A) Inside. No photography or video recording shall take place in the hallways or lobby areas of the Juvenile Courthouse and/or on the third floor of the William R. Ridgeway Family Relations Courthouse. In addition, no photography or video recording shall take place in the courtrooms when court is not in session, before or after a case is formally called on-the-record.

(Amended effective 7/1/05)

(B) Outside. Without the express consent of the child/minor, there shall be no photography or video recording of the child/minor or his/her family on the sidewalks or parking lot adjacent to the Juvenile Courthouse and/or the William R. Ridgeway Family Relations Courthouse.

No photography or video recording shall take place within one hundred (100) feet of the front door of the Juvenile Courthouse or of the front door of the William R. Ridgeway Family Relations Courthouse. Photography or video recording beyond one hundred (100) feet of the front door of those buildings shall not include any view of the front door of the building or persons entering or leaving that door.

No photography or video recording shall take place at the rear of the Juvenile Courthouse or the B. T. Collins Juvenile Center building that displays the security and/or booking entrance to the Juvenile Hall.

(Amended effective 7/1/05)

19.11 Pooling.

Due to the small size of the delinquency courtrooms and the limited seating available, in all cases where video recording of a delinquency case is permitted by court order for more than one broadcast media station, only a single camera shall be allowed in the courtroom. A condition of granting the order to record the courtroom session shall include a requirement that such stations arrange for a pooling and sharing of the recorded material.

(Added effective 1/1/01)

19.12 Photography or Video Recording of Minors in Juvenile Institutions.

Except upon an order issued by the Presiding Judge of the Juvenile Court, no photograph or video recording of any portion of the body of a minor detained in, or committed to, the Youth Detention Facility (Juvenile Hall), the Warren E. Thornton Youth Center, the William Morgan Alternative Center, or the Commitment and Accountability Facility (Boys Ranch) is permitted.

(Added effective 1/1/01)

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CHAPTER 20 - FAMILY AND JUVENILE COURT MANAGEMENT OF CHILD ABUSE CASES

(Added effective 1/1/99)

20.00 Coordination Policy.

It is the policy of the Superior Court to identify and coordinate custody proceedings involving the same child which may appear in multiple legal settings. It is further the policy of the Superior Court to coordinate the efforts of the different court systems so that the child's needs are served and the resources of the family and the court are not wasted. To these ends the Superior Court and the agencies serving the court shall cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child.

20.01 Report Pursuant to Penal Code Section 11166.

If, during the pendency of a family law proceeding, a child abuse allegation against one of the child's parents comes to the attention of a staff member or other mediator or evaluator, that person shall first determine whether the allegation must be reported to a child protection agency pursuant to Penal Code section 11166. If that person determines the allegation does not fall within the description of Penal Code section 11166, he or she need not make a report. However, any other person may report the allegation to a child protection agency.

20.02 Child Abuse Investigation.

When the Department of Health and Human Services (DHHS) receives a report of suspected child abuse from the Family Court or Probate Court, it shall investigate the matter immediately or within 10 days pursuant to California Department of Social Services Regulation 30-132. The DHHS shall coordinate its investigation with the reporting court. The DHHS shall inform the reporting court by fax of any decisions it makes concerning the child abuse investigation. If the DHHS determines that further investigation is necessary, it shall contact the reporting court immediately so that all protective efforts can be coordinated.

20.03 Suspension of Family Court Proceedings.

(A) Department of Health and Human Services Report.

After a report of suspected child abuse has been made to a child protection agency, custody and visitation proceedings in the Family Court are suspended, except that the Family Court shall have the power to make temporary protective orders to ensure the safety of the child or parent. The suspension shall remain for 21 calendar days from the report or until the DHHS indicates to the court in writing that it will not be filing a dependency petition in the Juvenile Court, whichever occurs first. The Family Court may set a follow-up hearing on the next court date following the 21st day.

(B) Welfare and Institutions 300 Petition, Juvenile Court.

If a petition pursuant to Welfare and Institutions Code section 300 is filed in the Juvenile Court, all custody and visitation proceedings in the Family Court are suspended. Thereafter, custody and visitation issues shall be determined by the Juvenile Court. The Family Court shall resume jurisdiction over custody or visitation only after written notice of termination of jurisdiction is received from the Juvenile Court.

20.04 Review of Dependency Decision.

(A) Welfare and Institutions Code section 329 Application.

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If the DHHS decides not to intervene or fails to report to the reporting court within 10 days, any person may apply to the DHHS pursuant to Welfare and Institutions Code section 329. In that application, the moving party shall give notice and identifying information of any pending family law proceeding. The DHHS shall respond to the application as soon as possible, within three weeks after submission of the application. The DHHS shall inform the reporting court by fax of any decisions it makes concerning the Welfare and Institutions section 329 application.

(B) Welfare and Institutions Code section 331 Petition.

If the DHHS worker fails to file a petition within three weeks after the Welfare and Institutions Code section 329 application, the section 329 applicant may petition, pursuant to Welfare and Institutions Code section 331, to the Juvenile Court for review of said decision by the DHHS worker. The moving party shall serve DHHS and the County Counsel juvenile dependency office with a copy of said petition no less than five court days prior to the hearing on the petition.

20.05 Informal Supervision Agreement.

If, during the DHHS worker's investigation, one or both parents reach an informal supervision agreement pursuant to Welfare and Institutions Code section 301, a copy of that agreement shall be given to the agreeing parents and a copy of the agreement shall be sent by fax to the referring court.

20.06 Family Code Section 3150 Appointment of Counsel.

During family law proceedings in which allegations of child abuse have been made, the Family Court judge may appoint counsel for the child to protect the child's interests, or to expedite the policy stated herein, or both, and to carry out the terms of this protocol.

20.07 Coordination of Cases.

At any time during the process described herein, the judges of the Family, Juvenile and Probate Courts are encouraged to discuss problems relating to the coordination of cases involving child abuse allegations.

CHAPTER 21 - CREATION OF A FAMILY COURT ORDER IN JUVENILE COURT

(Added effective 1/1/99)

21.00 Petition for Dismissal.

Whenever any interested party believes that Juvenile Court intervention on behalf of a child is no longer necessary, application may be made to the Juvenile Court, pursuant to Welfare and Institutions Code section 388 or at any regularly scheduled hearing, to have the case dismissed. If the petition to dismiss is granted by the Juvenile Court, any future litigation relating to the custody, visitation and control of the child shall be heard in the Family Court or other appropriate civil department.

21.01 Juvenile Court Custodial Order.

If the Juvenile Court determines that jurisdiction of the Juvenile Court is no longer necessary for the protection of the child, the court may create a custodial order consistent with the needs of the child and thereafter dismiss the juvenile petition and the case. (Welfare and Institutions Code section 361.2, 362.4.) Any party may object to the proposed dismissal and be heard on the issues.

21.02 Maintenance of Order in Court Files.

(A) Juvenile Court.

The original court order shall be filed in the Family Court or civil file and endorsed copies shall be filed in the Juvenile Court file. A copy of the endorsed-filed order shall be mailed to the attorneys and parties.

(B) Superior Court.

If no court file exists in the Family Court or other Superior Court department or in any other jurisdiction, the county clerk shall create a file under the names of the child's parents. The file shall contain a copy of the Juvenile Court order. There shall be no filing fee. (Welfare and Institutions Code section 362.4.)

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CHAPTER 22 - JUVENILE DELINQUENCY COURT

(Added effective 1/1/00)

22.00 General Provisions.

(A) Scope of Rules. These rules set forth matters of general applicability to the public in dealing with the court. The rules do not include matters concerning the internal operations of the court or matters relating solely to the operations of any single agency.

(B) Forms. Forms prescribed for use by these rules are available on the court's website at <http://www.saccourt.ca.gov> and at the appropriate juvenile court filing counter.

(Amended effective 1/1/10)

(C) Statutory References. Unless otherwise indicated, statutory references herein are to the Welfare and Institutions Code.

(D) Home and Sister Courts. Departments 92 and 97 are designated home courts. Department 90 is the sister court to Department 92. Department 96 is the sister court to Department 97.

(Added effective 1/1/11)

22.01 Orders.

The presiding judge of the juvenile court may issue orders for the administration of the juvenile court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the juvenile court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at <http://www.saccourt.ca.gov>. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.

(Amended effective 1/1/10)

22.02 (deleted 1/1/11)

22.03 Charging Documents.

(A) General Nomenclature. The following documents may be filed with the court to commence or resume an action:

(1) Original Petition: A petition concerning a minor not currently on probation in this county or having a delinquency matter pending in this court.

(2) Subsequent Petition: A petition alleging new offenses concerning a minor currently on probation in this county or having a delinquency matter pending in this court.

(3) Supplemental Petition: A petition that:

(a) alleges a violation of probation and seeks a change or modification of a previous order concerning a ward of the court by removing the ward from the custody of a parent, guardian, relative or friend and directing placement in an institution for more than 30 days because the previous order was ineffective in the rehabilitation or protection of the minor (Section 777(a)); or

(b) alleges a violation of probation and seeks a commitment of the minor to a county institution for a period of 30 days or less or a less restrictive disposition ((Section 777(b)); or

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- (c) otherwise alleges a change of circumstance and seeks to change, modify, or set aside an order of the court, or to terminate the jurisdiction of the court ((Section 778).

(4) 725(a) Notice: A notice of alleged violation of probation imposed under section 725(a) which may also give notice of the reinstitution of wardship proceedings.

(5) 654.2 Notice: A notice of alleged violation of informal supervision conditions imposed under section 654.2 which seeks to have informal supervision extended or the petition sustained or extended.
(Amended effective 1/1/11)

(B) All documents shall be filed at the reception counter located on the first floor of the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento, CA 95827.
(Amended effective 7/1/05)

22.04 Ex Parte Applications and Orders.

(A) Routine Ex Parte Applications. Ex parte applications to the court described in paragraph (B) of this rule shall include the following information:

(1) The date and time that a hearing is requested to obtain the order;

(2) A description of the efforts made to obtain the consent of, or to give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;

(3) A statement whether any person who is described in paragraph (2) refuses to agree to the ex parte request, including the ground for the person's refusal, if known; and

(4) Full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.
(Amended effective 1/1/11)

(B) Routine Ex Parte Matters. The following requests are routine ex parte applications:

(1) A request in a review under section 737(b) to continue with a previous order of placement;

(2) A request to appoint counsel;

(3) Any request which is unopposed by all of the parties to the action including the minor's parents and guardians;

(4) Any request which is unopposed by a minor whose parents' or guardians' whereabouts are unknown at the time the request is made;

(5) Any request which during the course of a hearing the court declares to be routine;

(6) A request to calendar a matter for hearing;

(7) A request for an order shortening time (see Local Rule 22.08(D)).
(Amended effective 1/1/11)

(C) If an order issues after a routine ex parte application, then the applicant shall provide an endorsed filed copy of the ex parte application and order to all parties and their counsel. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.

(D) Ex Parte Requests for Medical Authorization. Requests for authorization for medical, dental or other remedial care may be presented to the court on an ex parte basis only in the following circumstances:

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(1) The minor is not a ward of the court and a parent, guardian, or person standing in loco parentis has been contacted and objects to, or is unwilling to authorize, the provision of care found to be medically necessary and the person objecting to the care has been given notice of the ex parte request and the date and time that a hearing is requested to obtain the order;

(2) The minor is a ward of the court.

(E) Medical Authorization Form. Requests for medical authorization shall be submitted on Form CS583B, a copy of which is available on the court's website at <http://www.saccourt.ca.gov> and at the appropriate juvenile court filing counter.

(Amended effective 1/1/10)

(F) Non-Routine Ex Parte Applications. All ex parte requests other than those that are described above are non-routine ex parte requests.

(1) An ex parte application that does not contain a statement concerning notice may be summarily denied. Non-routine ex parte applications shall set forth by affidavit or declaration the following:

- (a) that within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or
- (b) that the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or
- (c) that for reasons specified, the applicant should not be required to inform the interested party or the party's attorney.

(2) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice may also be excused if, following a good faith attempt, the giving notice is not possible.

(3) Non-routine ex parte matters shall be presented to the clerk of the department where the matter is to be heard. If there is no opposition to an ex parte matter, the matter may be handled as a non-calendared non-appearance matter at or after the time for the hearing described in the notice. If the matter is contested, the clerk of the department where the application is filed will calendar a specific time for hearing the application.

(4) As used in this rule, "interested party" means the minor, the minor's parent or guardian, the minor's attorney, the district attorney, the probation officer, or a county social worker assigned to a dependency matter involving the minor.

22.05 Appearances.

(A) Mandatory Appearances. Unless excused by a rule herein or an express order of the court, each party and attorney shall attend each scheduled hearing in their matters.

(B) Waiver of Appearance. Counsel are strongly discouraged from waiving the appearance of a minor at any hearing for which the minor is scheduled to appear. Except when a waiver of appearance is approved in advance by the court, every minor and every parent who appears for a hearing shall be brought into the courtroom.

22.06 Access to Courtroom By Non-Parties.

Unless otherwise provided by law or order of the court:

(A) Request by Party. A party who wishes to have a non-party admitted to the courtroom for any hearing may orally move the court for such admission prior to or during the hearing. If the motion is granted, the court shall admonish the non-party that the proceedings are confidential.

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(B) Request by Non-Party. A person who is not a party to a matter being heard before the court and who desires to be admitted to the hearing may request an order granting admission, form number JV-SC4, a copy of which is available on the court's website at <http://www.saccourt.ca.gov> and at the appropriate juvenile court filing counter. The form shall be filed at the Juvenile Courthouse reception counter at least two (2) court days prior to the hearing for which admission is requested, unless good cause is shown. The bench officer assigned to the proceeding shall rule on the request. If no bench officer has been assigned, the request shall be submitted to the presiding judge, and thereafter be ruled upon by the bench officer assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed. The court may hold a hearing on the request or rule on the request without a hearing. If the request is granted, the court shall admonish the non-party that the proceedings are confidential.
(Amended effective 1/1/10)

(C) This rule does not apply to hearings concerning offenses listed in section 676(a).
(Amended effective 1/1/01)

22.07 Continuances.

(A) Juvenile Court Priority. Dates calendared for juvenile proceedings shall be regarded by counsel as priority appearances. Counsel appearing in other courts on the same date for which a juvenile case is set shall advise the other courts of the precedence of juvenile matters over other matters so that the juvenile matter may proceed as scheduled. No matter shall be continued except with approval of the juvenile court for good cause shown.

(B) Continuance Motions. Motions for continuances shall be made as follows:

- (1) For arraignments and other hearings in which no witnesses are to testify:
 - (a) by oral motion in open court after prior notice to the opposing party; or
 - (b) by written stipulation.
- (2) For trials and other hearings in which witnesses are to testify:
 - (a) by written stipulation; or
 - (b) by written motion filed and served at least two (2) days prior to the hearing, unless the moving party shows good cause for not complying with this rule.

22.08 Motions.

(A) Form and Content. All motions raising issues of law or fact or requiring the testimony of witnesses (e.g., motions to suppress evidence, discovery motions, Pitchess motions) shall be in writing and shall designate with specificity the issues to be litigated or the evidence sought to be suppressed. A motion shall state with specificity the theory of law, factual basis and legal authority which support the motion. Failure to specify the issue to be litigated or the evidence to be suppressed, theory of law, factual basis, or legal authority in support of a motion may be grounds for denial of the motion. A motion described herein shall be comprised of a notice of motion, a declaration in support of the motion where necessary to establish facts of consequence to the determination of the motion, and a memorandum of points and authorities in support of the motion.

(B) Oral Motions. Motions not raising issues of law or fact or not requiring the testimony of witnesses (e.g., motions to amend a petition or to join co-minors) need not be in writing and require no advance notice, unless otherwise stated in these rules.

(C) Notice. If a date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served in accordance with California Rules of Court, rule 5.544.

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(1) For motions required by Rule 5.544 to be filed and served at least five (5) court days in advance of the trial date (minor detained or motion to suppress), responses shall be filed and served at least two (2) court days before the trial date.

(2) For motions required by Rule 5.544 to be filed and served ten (10) days in advance of the trial date (minor not detained and any pretrial motion other than motion to suppress), responses shall be filed and served at least five (5) court days in advance of the trial date.

(3) If no date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served at least five (5) court days prior to the date set for hearing the motion. Responses shall be filed and served at least two (2) court days prior to the hearing date.

(D) Shortening Time. The court may prescribe a shorter time for the service and filing of a notice of motion and supporting papers only if the party seeking to shorten the time files an Application for Ex Parte Order Shortening Time with the Court. A party filing an Application for Ex Parte Order Shortening Time must give at least four (4) hours notice of the nature of the application to each party, together with the proposed time and place of the hearing. Notice may be given by telephone. The Application shall be accompanied by an affidavit or declaration setting forth facts showing good cause for the order and any attempts made to notify each party of the ex parte hearing. The Application shall also be accompanied by a proposed order, as well as by the notice of motion and supporting papers.

(E) Motions raising issues of law or fact or requiring the testimony of witnesses shall be calendared on the trial assignment calendar unless otherwise ordered by the court.

(F) Hearing Dates. If a trial date has been set prior to the filing of the motion, the motion may be heard on the trial date. If no trial date has been set, the motion may be heard on a date approved by the court. The date for the motion to be heard shall be approved by the court (through the clerk) prior to filing and serving the motion.

(G) Proof of Service. The clerk shall not accept a motion for filing without a proof of service. Proof of service from an office located at the Juvenile Center on another office located at the Juvenile Center may consist of a date/time stamp or other notation indicating service or receipt.

22.08.5 Post-Detention Hearing Modifications.

The following procedure shall apply to determine the continuing custody status of the minor in each delinquency case where the minor is detained in the Youth Detention Facility prior to a detention hearing:

(A) At the detention hearing, the attorneys for each party shall be given the opportunity to be heard on whether it is appropriate for the minor to be released from custody pending further court proceedings to the care and custody of a parent/guardian without restriction, on home supervision, electronic monitoring, or to an interim group home.

(B) If, after hearing the positions of both parties on the appropriateness of any conditional release, the judicial officer at the detention hearing orders the minor to be detained in the Juvenile Detention Facility, the minor shall remain detained in that facility subject to the following possible modification procedure:

(1) If the probation officer elects to initiate an evaluation of the suitability for conditional release and determines to recommend a modification to the court's prior order, the probation officer shall not make an *ex parte* presentation of an application or proposed modification order to the judicial officer.

(2) In order to afford an appropriate opportunity for both parties to be heard on the matter, specific notice of the probation officer's application must be served on the attorneys for each party prior to presentation of the proposed modification order to the judicial officer.

(3) The application to the judicial officer shall consist of a recitation of relevant facts and a recommendation that a conditional release should be granted. The application shall be accompanied by a copy of the Probation Department Intake Sheet.

(4) When serving a copy of the application and proposed modification order on the attorneys for both parties, the probation officer shall ascertain in writing whether each party (a) requests a hearing before the judicial officer, (b) objects to the proposed modification of custody status, but does not request a hearing, or (c) agrees with

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the proposed modification order without a hearing, and shall include that information from the attorneys in the application to the judicial officer.

(C) After presentation of the probation officer's application to the court, if either attorney has requested a hearing pursuant to paragraph (B) above, the clerk of the court shall schedule a hearing on an expedited basis at 4:00 p.m. on the same day that the application was presented to the attorneys. Unless otherwise requested by either attorney, an informal hearing will be held in chambers, out of the presence of the minor or court reporter. The court shall file a written minute order or modification order detailing the result of the informal hearing.

(D) Applications and proposed modification orders for conditional release from custody shall be presented to the judicial officer designated below:

(1) Except as specified in subparagraphs (2) or (3) below, such applications and proposed Modification Orders shall be presented to the judicial officer who presided over the detention hearing.

(2) In any case where a Detention Early Resolution (DER) hearing or Serious Case Resolution (SCR) hearing has been held, the application and proposed modification order shall be presented to the judicial officer who presided over that hearing.

(3) In any case where an admission has taken place, trial has been conducted, or disposition was ordered, the application and proposed modification order shall be presented to the judicial officer who presided over the admission, trial, or disposition.

(4) In the absence of the judicial officer designated above, the application and proposed modification order shall be presented to the presiding judge of the juvenile court.
(Added effective 1/1/12)

22.09 Discovery.

In addition to the provisions of California Rules of Court, rule 5.546:

(A) Disclosure of Materials to the Minor. The attorney for petitioner shall disclose to the minor or his or her attorney all of the following materials and information, if it is in the possession of the attorney for petitioner or if the attorney for petitioner knows it to be in the possession of the investigating agencies:

(1) The names and addresses of persons petitioner's attorney intends to call as witnesses at trial.

(2) Statements of the minor and all co-participants in the commission of the same alleged offense.

(3) All relevant real evidence seized or obtained as a part of the investigation of the offenses charged, including photographs or physical evidence.

(4) The existence of any act of moral turpitude that resulted in a felony or misdemeanor conviction or Sacramento County juvenile court adjudication for any witness petitioner intends to call. Such revealed information shall remain confidential pursuant to section 827 and shall not be revealed by minor's counsel except during juvenile court proceedings.

(5) Any exculpatory evidence.

(6) Relevant written or recorded statements of witnesses or reports of the statements of witnesses whom petitioner's attorney intends to call at the trial.

(7) Any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which petitioner's attorney intends to offer in evidence at the trial.

(8) Records of statements, admissions, or conversations by the parent or guardian of the minor.

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(9) Names, addresses and records of statements or conversations of witnesses or other persons interviewed by an investigating authority in connection with the pending matter.
(Amended effective 1/1/11)

(B) Disclosure of Address or Telephone Number of Alleged Victim or Witness.

(1) Except as provided in paragraph (b), no attorney may disclose or permit to be disclosed to a minor, members of the minor's family, or anyone else, the address or telephone number of an alleged victim or witness whose name is disclosed to the attorney pursuant to Section 1 above unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (1), an attorney may disclose or permit to be disclosed the address or telephone number of an alleged victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a minor's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this section, is prohibited.

(3) Willful violation of this section by an attorney, persons employed by the attorney, or persons appointed by the court may be punished by contempt.

(C) Disclosure of Information to Petitioner. The minor and his or her attorney shall disclose to the attorney for petitioner:

(1) The names and addresses of persons, other than the minor, he or she intends to call as witnesses at trial.

(2) Any relevant written or recorded statements of those persons, or reports of the statements of those persons.

(3) Any reports or statements of experts made in connection with the case whom he or she intends to call as witnesses at trial.

(4) The results of physical or mental examinations, scientific tests, experiments, or comparisons which the minor intends to offer in evidence at the trial.

(5) Any real evidence which the minor intends to offer in evidence at the trial.

(6) The existence of any known felony conviction of any witness minor's counsel intends to call.

(D) Nontestimonial Evidence. Nothing in this order shall be construed as limiting the obtaining of nontestimonial evidence to the extent permitted by law.

(E) Discovery Orders.

(1) The provisions of this rule shall be in effect immediately upon the filing of an original, subsequent or supplemental petition pursuant to section 602. No further order of the court or informal request by a party shall be required to effectuate the provisions of this order.

(Amended effective 1/1/11)

(2) Before a party may seek a court order imposing sanctions pursuant to paragraph (c) for violations of this discovery order, the party shall make an informal request of opposing counsel for the desired materials and information. If, within a reasonable time of making such an informal request, the opposing counsel fails to provide the materials and information requested, the party may seek a court order pursuant to paragraph (3).

(3) Upon a showing that a party has not complied with sections (a) or (b) of this order and upon a showing that the moving party complied with the informal discovery procedure provided in paragraph (2), a court may make any order necessary to enforce the provisions of this order, including, but not limited to, immediate disclosure, contempt proceedings, delaying or prohibiting the testimony of a witness or the presentation of real evidence, continuance of the matter, dismissal of the petition or any other lawful order.

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(F) Work Product Privilege. Neither the minor nor the attorney for petitioner is required to disclose any materials or information which are work product as defined in section 2018.030(a) of the Code of Civil Procedure, or which are privileged pursuant to an express statutory provision, or are privileged as provided by the Constitution of the United States.

(Amended effective 1/1/11)

(G) Disclosure of Information; Time Limitations.

(1) The disclosures required under this order shall be made at least five (5) days prior to the trial, unless good cause is shown why a disclosure should be denied, restricted or deferred. If the material and information becomes known to, or comes into the possession of, a party within five (5) days of trial, disclosure shall be made immediately, unless good cause is shown why a disclosure should be denied, restricted or deferred. "Good cause" is limited to threats or possible danger to the safety of an alleged victim or witness, possible loss or destruction of evidence, or possible compromise of other investigations by law enforcement.

(2) Upon the request of any party, the court may permit a showing of good cause for the denial or regulation of disclosures, or any portion of that showing, to be made in camera. A verbatim record shall be made of any such proceeding. If the court enters an order granting relief following a showing in camera, the entire record of the showing shall be sealed and preserved in the records of the court, and shall be made available to an appellate court in the event of an appeal or writ. In its discretion, the trial court may after trial, unseal any previously sealed matter.

(H) Written Witness Statements.

(1) Material information obtained from a witness prior to calling the witness to testify, whether obtained by an investigator or attorney, which will be presented during the trial on direct or re-direct testimony, must be reduced to writing, whether in typewritten or handwritten form, and presented to opposing counsel.

(2) Applicable portions of an investigator's report, including the recorded statement of another witness who is to be impeached by prior inconsistent statements, must be discovered to the opposing counsel prior to the testimony of the investigator.

(3) Information obtained prior to a trial from or about a witness who is called by opposing counsel need not be revealed in discovery.

(I) Written Witness Statements.

(1) Counsel for the petitioner and counsel for the minor shall each cause a distinguishing number or other designation to be placed on each page or item of discovery given to opposing counsel.

(2) Counsel for the petitioner and counsel for the minor shall each cause a record or receipt to be generated and maintained in the case file that reflects the date that discovery of each numbered or other designated page or item of discovery was made available to opposing counsel.

(Added effective 1/1/12)

22.10 Appointment of Counsel.

(A) Public Defender Appointments Prior to Arraignment or Detention Hearing.

(1) At 12:00 p.m. on the scheduled date of the arraignment or detention hearing, in the absence of a determination of conflict or overload, the Public Defender shall be deemed to be appointed to represent the minor in all proceedings thereafter on that petition, until relieved by the court.

(Amended effective 1/1/11)

(2) Upon such automatic appointment, the Public Defender shall examine the circumstances of the case and determine whether that office has a legal conflict or work overload that would prevent that office from accepting the appointment.

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(3) Upon the determination of such a conflict or overload, the Public Defender shall prepare an informal memorandum notice of that fact and file it with the delinquency unit of the court prior to the detention hearing or arraignment of the minor. Upon the filing of such informal notice, the Public Defender shall automatically be relieved as counsel for the minor.

(Amended effective 7/1/05)

(B) Conflict Criminal Defenders Appointments Prior to Arraignment or Detention Hearing.

(1) In the event that the Public Defender declines to accept appointment as counsel for the minor under the circumstances described above, the Conflict Criminal Defenders (CCD) shall be deemed to be appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(2) The CCD Administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD's assignment of that counsel.

(Amended effective 7/1/05)

(C) Acceptance of Appointment by Public Defender. The Assistant Public Defender assigned pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment.

(D) Acceptance of Appointment by Conflict Criminal Defenders Attorney. Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(E) Retained Counsel. The automatic appointment described above of the Public Defender or Conflict Criminal Defenders shall be deemed to be vacated in any case where retained counsel appears at the arraignment or detention hearing.

(F) Relieving Public Defender and Appointment of Conflict Criminal Defenders After Arraignment or Detention Hearing.

(1) In any case where the Public Defender is appointed to represent a minor and initially accepts the appointment, but determines after the date of arraignment or detention hearing that his office has a legal conflict of interest and can no longer represent the minor, the Public Defender shall file an ex parte informal notice with the delinquency unit of the court and request to be relieved. A copy of the notice shall be provided by the Public Defender to the District Attorney's office.

(2) Upon the filing of the notice, the Public Defender shall be deemed relieved as counsel of record and the Conflict Criminal Defenders shall immediately be deemed appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(3) The CCD Administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD's assignment of that counsel.

(4) Counsel selected by the Conflict Criminal Defenders pursuant to the automatic substitution process described above shall appear at the next scheduled appearance for the minor and orally announce acceptance of the appointment.

(5) Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(6) When the Public Defender has declared a conflict and the Conflict Criminal Defenders has been appointed, the Public Defender thereafter shall be appointed to subsequent matters involving the minor as to which no conflict exists.

(Amended effective 7/1/05)

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(G) Relieving Assigned Conflict Criminal Defenders Attorney. Except as provided in paragraph (H) below, an assigned Conflict Criminal Defenders attorney may be relieved as counsel of record only upon order of the court. Upon the issuing of such an order, the court shall inform the CCD Administrator to select and assign a qualified replacement attorney from the panel of attorneys available for appointment to Juvenile Court cases.

(H) Relieving Public Defender and Conflict Criminal Defenders Attorneys After Disposition. The Public Defender or Conflict Criminal Defenders attorney appointed to a delinquency matter will be relieved after disposition as follows:

(1) Final Disposition. Except as hereinafter provided, the attorney of record is relieved 60 days after the disposition hearing if no restitution is to be ordered in the case or if the amount of restitution is fixed at the disposition hearing. If restitution is to be determined at a later date, the attorney of record is relieved 60 days after the restitution determination is made by the court.

(2) Informal Supervision Cases. The attorney of record is not relieved pursuant to subparagraph (1) above if findings on the petition are deferred for six (6) months pursuant to section 654.2. The attorney shall remain attorney of record for the six-month period of informal supervision and is not relieved until 60 days after final disposition of the petition, unless otherwise ordered by the court.

(3) Placement Cases. The attorney of record is not relieved pursuant to subparagraph (1) above in any case in which the minor is committed to the care and custody of the Probation officer for suitable placement.
(Amended effective 7/1/04)

22.11 Motions under Welfare and Institutions Code Section 707.

(A) Upon the District Attorney filing a motion pursuant to section 707, the motion shall include a space beneath the caption labeled "adult home court" and "home court day."

(B) The juvenile court 602 Support Unit will utilize a random selection process to determine a prospective pre-assigned adult home court and home court day of the week. The courtroom and day of the week selected in that manner will be filled in by the District Attorney on the motion prior to filing in court and distribution to the parties. The following exceptions shall apply:

(1) If the minor is alleged to have an accomplice who is also a minor pending a motion pursuant to section 707, the same adult home court and home court day shall be assigned to each minor.

(2) If the minor is alleged to have an adult accomplice, the adult home court and home court day that has been assigned to the adult accomplice shall also be assigned to the minor.
(Amended effective 1/1/11)

(C) In any case in which the juvenile court bench officer grants the District Attorney's motion to find the minor unfit to be tried in juvenile court and dismisses the juvenile court petition, the District Attorney may request that a second copy of the petition be deemed to be an adult court complaint to which the court clerk shall affix a felony complaint number obtained from the court's Criminal Intake Unit. The proffered copy of the petition/complaint shall include a "holding order" form that a preliminary hearing magistrate may utilize upon conclusion of the evidence at a preliminary hearing in the adult court.

(D) Sitting in the capacity of a magistrate, the juvenile court bench judge or judge pro tempore may arraign the defendant and, if the defendant is indigent, appoint counsel. Unless otherwise requested by counsel, the magistrate shall defer the setting of bail until the next court appearance at a Settlement Conference Review (SCR) on the designated day of the week for the pre-assigned adult home court.

(E) If the defendant is under 18 years of age, he/she shall be detained in the Juvenile Hall. If the defendant is 18 years of age or older, he/she shall be delivered to the Sheriff to be thereafter detained in the County Jail.

22.12 (deleted effective 1/1/12)

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22.13 Informal Juvenile Court.

(A) Except as provided in these rules, matters described in section 256 shall be filed and heard in Departments 90, 92, and 96 located at the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento.

(B) The following matters described in section 256, if referred by the probation officer to the District Attorney, shall be filed in accordance with Local Rule 22.03:

(1) Violations of subdivision (f) of section 647 of the Penal Code.

(2) Misdemeanor violations of section 594 of the Penal Code involving defacing property with paint or other liquid.

(3) Violations of section 11357(b) of the Health and Safety Code.
(Amended effective 1/1/11)

22.14 Calendars.

(A) Nomenclature. The following hearings are calendared as applicable for juveniles against whom a petition is filed:

(1) Detention

(2) Settlement Conference or Serious Case Resolution (SCR)

(3) Trial Readiness Conference

(4) Jurisdiction (trial), and

(5) Disposition.

(Amended effective 7/1/06)

(B) Detention Hearings. All detention hearings are conducted in Department 97 unless otherwise designated by the Presiding Judge.

(Amended effective 7/1/05)

(C) Appearances After Detention Hearing. At the detention hearing, regardless of whether the minor is detained, the judge or referee shall designate the matter as either a Settlement Conference or Serious Case Resolution (SCR) matter, except in cases in which a motion under section 707 has been filed.

(Amended effective 7/1/06)

(D) Nondetention Petitions. Arraignment hearings on nondetention petitions shall be conducted on the 1:30 calendar in Department 97.

(Amended effective 1/1/11)

(E) Continuance of Settlement Conference or SCR Hearing. A Settlement Conference or SCR hearing may be continued in accordance with these rules.

(Amended effective 7/1/06)

(F) Trial Readiness Conference Hearings. A Trial Readiness Conference hearing may be set at the request of the parties following a Settlement Conference/SCR hearing and in advance of a Jurisdiction hearing.

(Amended effective 7/1/06)

(G) Hearings on violations of probation pursuant to sections 725(a) or 725(b) shall be scheduled pursuant to subparagraphs (B), (C) and (D) above.

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(H) Hearings on failures of informal supervision under section 654.2 are Disposition hearings and shall be calendared in the home court's sister court.

(Amended effective 1/1/11)

22.15 Restitution Determination Procedures.

In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to section 730.6(a)(2)(B), the following procedure will apply:

(Amended effective 1/1/11)

(A) A restitution determination hearing will be held within 60 days of the disposition hearing. The hearing will be calendared for a 9:00 a.m. Monday morning appearance home court's sister court. The court clerk will notice the minor and his or her parents or guardians of the restitution hearing date.

(Amended effective 1/1/11)

(B) The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:

(1) The value of stolen or damaged property;

(2) Medical expenses;

(3) Lost wages or profits due to injury;

(4) Lost wages or profits due to time spent as a witness or assisting the police or District Attorney; and

(5) The names of any co-responsible persons.

(Amended effective 7/1/04)

(C) The restitution report shall be submitted to the court and both counsel no later than 45 days after the disposition hearing. The court will monitor the receipt of the report. If a report is not submitted by Probation by the time of the initial restitution hearing, the court will set restitution at \$0.00.

(Amended effective 7/1/04)

(D) The documentation upon which the Probation officer relies in making the restitution recommendation shall be forwarded with the recommendation report to the District Attorney and minor's counsel, but not to the court.

(Renumbered effective 7/1/04)

(E) On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. The minor and the minor's parent/guardian must be present at the restitution hearing. The court will not entertain waivers of appearance at the hearing, except for those minors who have been committed to the Division of Juvenile Facilities or are placed in a distant placement facility or home.

(Amended effective 1/1/11)

(1) If a party disputes the amount of restitution recommended by the Probation Department and is prepared to set the matter for an evidentiary hearing, a hearing will be set for 1:30 p.m. in the home court's sister court. The burden of presenting evidence and the burden of proof shall be on the party disputing the recommended amount of restitution. Except in unusual circumstances, the court will not continue the evidentiary hearing.

(Amended effective 1/1/11)

(2) If a party disputes the amount of restitution recommended by the Probation Department but is not prepared to set the matter for an evidentiary hearing, the court will determine an amount. The amount set will be recognized as a tentative figure, subject to the modification policies and procedures set forth in paragraph I, below.

(Amended effective 7/1/04)

(F) The initial restitution hearing shall be a non-evidentiary hearing. No witnesses may be called. The court will make every reasonable effort to set a restitution amount at this hearing. However, the amount set will be recognized as a tentative figure, subject to modification, in accordance with paragraph I, below.

(Amended effective 7/1/04)

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(G) After a restitution order is issued by the court, pursuant to section 730.7(b), the court clerk shall notify the victim within 60 days of the following:

(Amended effective 1/1/11)

(1) The name and address of the minor.

(2) The amount and terms of restitution ordered.

(3) The offenses that were sustained.

(4) The name and address of the parent/guardian of the minor.

(5) The applicability of Civil Code sections 1714.1 and 1714.3 regarding joint and several liability of the parent/guardian.

(6) Whether the minor's parents received proper notice of the proceedings and potential liability.

(7) The victim's right to a certified copy of the order reflecting items 1-6, above.

(8) The victim's right to enforce the restitution order as a civil judgment pursuant to section 730.6(r) and Penal Code section 1214.

(Renumbered effective 7/1/04)

(H) Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim shall be notified at least ten (10) days prior to the hearing date, as required by section 730.6(h).

(Renumbered effective 7/1/04)

(I) The Probation Department and counsel will be given liberal permission to seek to modify the amount of restitution set at the initial non-evidentiary restitution hearing, in accordance with the following:

(1) The Probation Department or counsel may file a written or oral modification motion to increase or decrease the amount of restitution. A written section 778 motion will not be required.

(Amended effective 1/1/11)

(2) Written documentation generated by the Probation Department in support of the modification shall be delivered to the attorneys of record as soon as possible. Written documentation generated by either counsel in support of the modification shall be delivered to opposing counsel as soon as possible.

(3) The court will not calendar the modification motion until the attorneys believe the matter is "ready" for litigation. The courtroom clerk will calendar a request to set the matter for hearing upon an oral or written request by an attorney.

(4) The court will not deny a request for hearing on a modification motion once the matter is determined "ready" for litigation. The clerk will set the matter for non-evidentiary hearing. The hearing shall be in the home court's sister court.

(Amended effective 1/1/11)

(5) The defense attorney shall notify the minor and his/her parents of the scheduled date and time for the modification hearing. The minor and his or her parent must be present at any hearing where the modification motion seeks to increase the amount of restitution previously ordered.

(6) The District Attorney's office shall notify the victim of the scheduled date and time for any modification hearing wherein the petition for modification is to decrease the amount of restitution previously ordered.

(7) Every effort will be made to resolve the modification motion at the first hearing. If the matter cannot be resolved at the first hearing, the court will set the matter for a 1:30 p.m. hearing, whether or not an evidentiary hearing is likely to occur. Except in unusual circumstances, the court will not continue the hearing on the modification motion beyond the second hearing date.

(Amended effective 1/1/11)

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22.15.5 Placement.

Unless otherwise ordered by the court, upon a minor being adjudged a ward of the court pursuant to section 602 and ordered committed to the care and custody of the Probation Department for suitable placement, the probation officer shall arrange for appropriate housing for the minor as follows:

(A) Level A Placement (In-state Placement)

(1) Unless otherwise specified by the court at the time of disposition, all orders for suitable placement shall be at this level. Level A placement does not include any out-of-state facility.

(2) Level A placement includes, and is limited to, placement in any of the following homes or facilities, located in the state of California:

- (a) The home of a relative or friend of the minor;
- (b) A licensed foster home;
- (c) A licensed group home; or
- (d) A licensed residential treatment center.

(3) In each case in which the court orders Level A placement, the probation officer shall use his/her discretion to initially select an appropriate home or facility in which to place the minor.

(4) The selection of a particular Level A home or facility in which to initially place the minor does not require specific approval by the court.

(B) Level B Placement (Out-of-state Placement)

(1) The probation officer may only place a minor at this level if specifically ordered by the court at time of disposition. Level B placement excludes any in-state home or residential treatment facility.

(2) In cases wherein the court orders Level B placement, the probation officer may place a minor only at the specific out-of-state facility identified in the court's order.

(C) Modifications of Placement Location

(1) Level A Placement

- (a) During the period of Level A placement, the probation officer shall use his/her discretion to determine whether suitable placement requires that the minor be moved from a home or facility to a more appropriate Level A home or facility.
- (b) The selection of a particular Level A home or facility to which the minor should be moved does not require specific approval by the court.
- (c) The probation officer may not modify placement to a Level B facility of a minor who was ordered placed in a Level A home or facility, as described above, without a specific order of the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(2) Level B Placement

- (a) The selection of a particular Level B facility to which the minor should be moved requires specific approval by the court.
- (b) The probation officer may not modify the placement of a minor who was ordered placed in a particular Level B facility to a Level A home or facility or to a different Level B facility, as

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described above, without a specific order of the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(3) Return to Custody (Level A and Level B Placements); Urgency Basis

- (a) The probation officer may return the minor to the Youth Detention Facility after placement in a Level A or Level B home or facility if:
 - (i) The minor is arrested for a criminal offense;
 - (ii) On an urgency basis, the person in charge of that home or facility informs the Probation Department that the minor is excluded therefrom, and there is not sufficient time or opportunity for the probation officer to locate another suitable placement location; or
 - (iii) On an urgency basis, that home or facility becomes legally ineligible to house wards of the court. An "urgency basis" means less than fifteen days notice to the probation officer.
- (b) Upon the return of a minor to the Youth Detention Facility, the probation officer shall file:
 - (i) A petition to modify the court's prior order pursuant to section 778, if the probation officer seeks to change a prior Level A or Level B placement to any other care and custody order, except a commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.
 - (ii) A motion to violate probation pursuant to section 777 if the probation officer seeks to change a prior Level A or Level B placement to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities; or
 - (iii) A Motion to Modify Custody Status (MMCS) if the probation officer seeks to maintain the same Level A or Level B placement order as previously ordered by the court, but needs further time to arrange for returning the Minor to the appropriate home or facility.
- (c) Upon returning the minor to the Youth Detention Facility on either a petition to modify the court's prior order pursuant to section 778, a motion to violate probation pursuant to section 777, or a Motion to Modify Custody Status, the matter shall be calendared for a detention hearing.

(4) Return to Custody (Level A and Level B Placements); Non-Urgency Basis

- (a) In any case wherein the probation officer has fifteen or more days notice of a need to remove a minor from a Level A or Level B home or facility, he/she may not return a minor to the Youth Detention Facility without advance approval of the court.
- (b) The probation officer must file a non-detention petition or motion and calendar the matter for an out-of-custody arraignment, at which time the court may determine whether the minor shall be detained thereafter in the Youth Detention Facility.

(D) Return Home

Except as described below, after the court orders placement in a Level A or Level B home or facility, the minor may not be returned to the home of the minor's parent or guardian without prior approval of the court.

(1) Routine Home Visits

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- (a) The probation officer may authorize routine visits by the minor to the home of the minor's parent or guardian without specific approval by the court.
- (b) A "routine visit" is limited to not more than twenty-one (21) days during any consecutive sixty (60) day period.

(2) Extended Home Visits

- (a) After the court orders a Permanent Plan of "return home," the probation officer may authorize an extended visit by the minor to the home of the minor's parent or guardian without specific approval by the court.
- (b) An "extended visit" is limited to not more than thirty (30) days during any consecutive ninety-day (90) period.

(Added effective 1/1/12)

22.16 Rehearings.

(A) Applications for Rehearing of Decision of Referee.

(1) Applications for rehearing of a decision by a referee pursuant to section 252 shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where an unrepresented litigant submits handwritten documents in legible form.
(Amended effective 1/1/11)

(2) If represented by counsel, the application must be filed by the attorney of record and not by the minor or parent/guardian personally.

(3) The applicant shall utilize a form JC\E-001, a copy of which is available on the court's website at <http://www.saccourt.ca.gov> and at the appropriate juvenile court filing counter. Other documents may be attached to form JC\E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.
(Amended effective 1/1/11)

(B) Motions to set aside, modify or rehear orders issued by referee in Informal Juvenile Court proceedings.

(1) Section 262 motions to set aside, modify or rehear a decision issued by a referee in Informal Juvenile Court proceedings shall be filed in neatly hand-printed or typewritten form and shall include a statement of reasons the rehearing is requested. The court will not accept for filing an application that is submitted in cursive handwritten form.

(2) If represented by counsel, the application must be filed by the attorney of record and not by the minor or parent/guardian personally.

(3) In order to ensure timely preparation of the tape recording of the hearing, the application must accurately list the date(s) of the hearing(s) for which the applicant seeks a rehearing.

(4) The application must be filed in person at the Juvenile Courthouse reception counter. The court will not accept for filing an application that is delivered by mail or presented to any person other than at the reception counter.

(5) Upon receipt of the application, the traffic section clerk shall forward the traffic court file and the tape recording of the hearing to the courtroom clerk of the Presiding Judge in Department 90 of the Juvenile Court.

(6) In order to fully evaluate the application and transcript, the Presiding Judge will not deem the application denied pursuant to the provisions of section 262 solely in the event that a decision on the application is not rendered within ten (10) days.
(Amended effective 1/1/12)

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22.17 Dual-Calendar Appearances.

All counsel appearing on a morning calendar should complete plea negotiations on their cases by 9:00 a.m. Defense counsel shall then appear in court as follows:

(A) Attorneys with the Conflict Criminal Defenders and Assistant Public Defenders who are not primarily assigned (i.e., off-week), must return to court as soon as possible after the 9:00 a.m. conclusion of negotiations. All cases must be completed before 11:00 a.m., except for the primary Public Defender (on-week) co-defendant cases.

(B) Assistant Public Defenders who are primarily assigned (i.e., on-week), must return to court no later than 11:00 a.m. Counsel must discontinue all other client discussions at that time and report to court with those cases that are ready.

(1) If time remains before 12:00 p.m. and all other ready cases have been put on the record, counsel may return to discussions with any minor whose case was not ready by 11:00 a.m.

(2) Counsel must return to court by 11:45 a.m., or at an earlier time if set by the bench officer, to put those cases on the record. Cases not ready by 11:45 a.m. will go on the record to either be trailed to the afternoon or to another morning.

(C) Counsel must return to court promptly in accordance with this rule. Neither the Presenter or the Bailiff will call the case or look for counsel to request their return to court by the designated times.

(Added effective 7/1/04)

22.18 Trial Assignment.

Unless otherwise ordered by the court, attorneys representing a party in an evidentiary hearing shall comply with the following procedure:

(A) Counsel must contact the Master Calendar Coordinator by 11:30 a.m. on all cases set for an evidentiary hearing the following day. Contact may be made in person at the office of the Presiding Judge, by telephone (875-5200), or by e-mail (DelMasterCalendar@saccourt.ca.gov).

(Amended effective 1/1/12)

(B) Absent good cause, the Coordinator shall inform counsel of the department to which the matter has been assigned and the time for appearance by 12:00 p.m. that same day.

(Amended effective 1/1/12)

(C) Absent good cause, an attorney who files an affidavit of prejudice against the assigned judge or who declines to stipulate to a temporary judge shall so inform the Coordinator by 1:30 p.m. that same day.

(Amended effective 1/1/12)

22.19 Emergency Removal of Minor from Youth Detention Facility.

(A) Emergency Removal of Minor

Absent further order of the court, any previous court order that a minor shall be detained in the Sacramento County Youth Detention Facility (juvenile hall) is suspended, and the minor shall be immediately removed from such facility by the probation officer and transported to the Sacramento County Mental Health Treatment Center (SCMHTC), upon the filing of a declaration with the juvenile court containing all of the following:

(1) The declarant is a mental health clinician assigned to juvenile hall (designated by the Sacramento County Department of Health and Human Services, Mental Health Division pursuant to section 5585.50) or is a probation officer assigned to juvenile hall;

(2) The declarant conducted an evaluation of the minor and as a result believes that the minor has a mental disorder which renders the minor a danger to himself/herself, a danger to others, or gravely disabled;

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(3) The person conducting the evaluation believes sufficient medical and psychiatric services do not exist within juvenile hall to serve the minor's needs; and

(4) The person conducting the evaluation believes that an emergency situation exists which requires that the minor be temporarily removed as soon as possible from juvenile hall to be evaluated pursuant to 5585.50.

Upon the filing of such a declaration and upon delivery of the Minor to SCMHTC, the minor shall no longer be detained by order of the juvenile court.

(B) Notice to Counsel

Before noon of the next judicial day after the minor is removed from juvenile hall pursuant to this rule, the probation officer shall notify the District Attorney and minor's last counsel of record of the removal. Upon the request of either counsel, the matter shall be calendared forthwith by the probation officer for a hearing before the court to modify the removal order.

(C) Return of Minor to Juvenile Hall within Seventy-Two Hours

Consistent with the provisions of section 5585.50, SCMHTC or its designee treatment facility may detain the minor for treatment and evaluation.

Notwithstanding any other provision of law, if the professional person in charge of SCMHTC, or its designee treatment facility, determines within a period not to exceed seventy-two (72) hours that the minor's mental health needs can properly be served without being detained in the mental health treatment facility, the minor shall not be released unconditionally from the facility. At such time, the treatment facility shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to juvenile hall. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that the minor shall be detained in juvenile hall shall be reinstated.

(D) Return of Minor after Seventy-Two Hours; Intensive Treatment

The authority to remove the minor from juvenile hall shall not extend beyond seventy-two (72) hours unless the provisions of section 5585.53 are invoked in order to provide intensive treatment related to the minor's mental disorder.

Upon the expiration of the intensive treatment period, the minor shall not be unconditionally released. At such time, the facility where the minor received intensive treatment shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to juvenile hall. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that a minor shall be detained in juvenile hall shall be reinstated.

(Added effective 1/1/12)

22.20 Psychotropic Medication Authorization.

Any request for an order authorizing the administration of psychotropic medications for minors declared wards of the court shall comply with California Rules of Courts, rule 5.640. Applications must be completed and presented by the Probation Department to the court using the following Judicial Council forms: *Application Regarding Psychotropic Medication* (form JV-220), *Prescribing Physician's Statement—Attachment* (form JV-220A), *Proof of Notice: Application Regarding Psychotropic Medication* (form JV-221), and *Order Regarding Application for Psychotropic Medication* (form JV-223).

(Added effective 1/1/09)

CHAPTER 23 – ELECTRONIC FILINGS

23.00 Electronic Filing Program/Scope.

The Superior Court of California, County of Sacramento allows the electronic filing of documents in accordance with California Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.255 et seq. for specific case types as listed on the court's website at <http://www.saccourt.ca.gov>.

(Amended effective 1/1/12)

23.01 Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court in order to be considered duly filed with the court in accordance with these rules.

(A) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing with the court shall be deemed to occur (i) on the date the document was submitted to the court if the submission occurred during normal business hours of the clerk's office, and (ii) on the next business day the clerk's office is open for business if the submission occurred after normal business hours of the clerk's office. For purposes of this section, normal business hours shall be 8:30 a.m. through 4:00 p.m., Monday through Friday, excluding court holidays. Nothing in this section shall limit the clerk's ability to reject filings.

(B) Receipt of Data.

Upon receiving a document submitted electronically for filing with the court, a Notice of Acknowledgment of Receipt shall be electronically transmitted to the filer. The Notice of Acknowledgment of Receipt shall confirm the date and time of receipt of the document by the court for review and filing. The clerk shall thereafter determine if the document is acceptable for filing with the court.

(C) Errors or Malfunctions in Submissions.

If for any reason the court does not receive an electronically transmitted document for submission and filing with the court, the filer will not receive an electronically transmitted Notice of Acknowledgment of Receipt of the document from the court. The filer shall be solely responsible for the accuracy of the information contained in the filing and for obtaining confirmation of the filing of the document by the court.

(Amended effective 1/1/05)

(D) Acceptance of Filing.

Documents electronically submitted to the court for filing shall be reviewed by the clerk for required data elements once the document has been submitted to the court. Upon the clerk's acceptance of the document submitted for filing with the court, the clerk shall cause to be electronically transmitted to the filer an endorsed copy of the document confirming the date and time the document was in fact filed with the court. The confirmation of filing shall also include the transaction number associated with the filing, the titles of the documents as filed by the court, and the fees assessed for the filing. The confirmation filing of the document by the court and verification of the accuracy of the document filed by the court shall be the sole responsibility of the filer.

(Renumbered effective 1/1/12)

(E) Rejected Filings.

If an electronically transmitted document is submitted to the court but subsequently determined to be unacceptable for filing, the clerk shall cause to be electronically transmitted to the filer a notice of rejection of the document for filing with the court. The notice shall set forth the grounds for rejection of the document. It shall be the responsibility of the filer to resubmit rejected documents, with appropriate corrections and any required filing fee, to the court for filing. The court will retain a log confirming the rejection of electronically transmitted documents.

(Renumbered effective 1/1/12)

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(F) Confirmation of Submission.

The confirmation of submission, subsequent resubmission of rejected documents with corrections and/or fees, as well as the filing of documents with the court electronically is the sole responsibility of the filer. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document.

(Renumbered effective 1/1/12)

(G) Endorsement.

The clerk's endorsement of documents electronically filed shall consist of the words "Electronically filed by the Superior Court of California, County of Sacramento" followed by the date and time of filing and the printed name of the court clerk. Electronically filed documents so endorsed carry the same force and effect as a manually affixed endorsement stamp with the clerk's signature and initials.

(Renumbered effective 1/1/12)

(H) Payment.

All applicable filing fees shall be paid as a condition for electronically filing a document. Any applicable refunds shall be made in the same manner as fees were originally paid.

(Renumbered effective 1/1/12)

(I) Waiver of Fees/Costs for Party in Forma Pauperis.

The court will permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court will consider and determine the application in accordance with section 68511.3 of the Government Code and will not require the party or attorney to submit any documentation other than that set forth in section 68511.3 of the Government Code. Nothing in this section requires the court to waive a filing fee that is not otherwise waivable.

(Renumbered effective 1/1/12)

(J) Signed Documents.

A party who electronically files a document represents that a signed copy of the document is in his or her possession or control. At any time after filing or service of an electronically filed document, the court, or any party to the action, may require the filing party to produce the signed copy of the electronically filed document. The demand shall be served on all other parties but shall not be filed with the court.

(Renumbered effective 1/1/12)

(K) Change of Electronic Mail Address.

An attorney, electronic service provider or in pro per party appearing whose electronic mail address changes while an action is pending shall serve and file written notice of the change of address.

(Renumbered effective 1/1/12)

23.02 Responsibility for Errors in Data.

In those instances where a document is submitted for filing in conjunction with data imbedded in an XML header format (data which creates the filer's information utilized by the court for initial and subsequent filings), the data in the header will be presumed to be correct and may be imported into the court's database. The filing party shall be solely responsible for the accuracy of such data. In the event that an inaccuracy in the data is discovered subsequent to submission, any interested party may request that the data be corrected by filing a "Request for Correction" with the court. Such errors may be corrected without notice and shall not constitute an amended filing. There shall be no fee for filing a request for correction.

(Amended effective 1/1/11)

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23.03 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System may be directed to:

For Small Claims Cases Only:
Small Claims Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7514
E-mail: scefile@saccourt.ca.gov
(Amended effective 1/1/12)

For Limited Civil Unlawful Detainer Cases Only:
Unlawful Detainer Electronic Filing Help Desk
301 Bicentennial Circle
Room 200
Sacramento, CA 95826
Telephone: (916) 875-7746
E-mail: udefile@saccourt.ca.gov
(Amended effective 1/1/12)

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SACRAMENTO COUNTY BAR ASSOCIATION

STANDARDS OF PROFESSIONAL CONDUCT

**SACRAMENTO COUNTY BAR ASSOCIATION
STANDARDS OF PROFESSIONAL CONDUCT**

PREAMBLE

Every attorney who practices law in Sacramento County is responsible for the quality of justice in this community. Each of us impacts the judicial system in some way, either litigating cases in our courts, advising clients in our offices and corporate legal staffs or working in the community. Each of us reflects the quality and character of the legal profession as perceived by those whom we serve.

A key element in the efficiency and fairness of the justice system is the professional relationships we have with each other, with our clients and with the courts. Practicing law in accordance with these Standards of Professional Conduct ("Standards") will reduce the cost of litigation in most cases, conserving judicial resources and financial resources of our clients.

The Standards are designed to define the quality of those professional relationships. The Standards are not new; most of the ideas are included in the canons of ethics and codes of conduct with which we are familiar. But unfortunately the intensity of our professional lives, particularly in litigating cases which lapse into "hardball" tactics, often seems to bring out the worst in some of us. The rising level of distrust, discourtesy and rancor between counsel results in rude, unprofessional conduct. Such conduct is a disservice to the interests of our clients and results in public outcry for the reform of the legal profession.

The Standards are designed to provide specific guidance as to how to maintain an acceptable standard of professional conduct. High standards of professional conduct have always been the goal of the Sacramento County Bar Association where the standards of professional conduct have always exceeded the minimum standards required in the canons of ethics. The Standards serve as an educational vehicle for younger lawyers and reminders for those who have practiced for many years. If adopted as rules of court, the Standards will provide guidance for acceptable conduct in our courts.

The Standards are structured to provide a general guiding principle in each area addressed followed by specific examples which are not intended to be all encompassing. While the examples reflect conduct primarily in traditional civil and criminal court venues, they are equally applicable to all alternative dispute resolution processes.

Lawyers are encouraged to comply with the spirit of the Standards and not simply blindly adhere to the strict letter of the Standards. The goals stated herein are equally applicable to all lawyers regardless of area of practice.

The Standards should be read against the context of the lawyer's underlying duty to zealously represent the lawyer's client. Nothing in the Standards should be read to denigrate the lawyer's duty of zealous representation.

SECTION 1

RESPONSIBILITIES TO THE CLIENT

Lawyers shall work to achieve their client's lawful and meritorious objectives as expeditiously and economically as possible:

Examples - Lawyers shall:

- a. Be committed to their client's cause, but shall not permit that loyalty to interfere with giving the client objective and independent advice.
- b. Advise their client against pursuing litigation (or any other course of action) that does not have merit.

SECTION 2

RESPONSIBILITIES TO THE PUBLIC

Lawyers should always be mindful that the law is a learned profession and that among its goals are devotion to public service, improvement of the administration of justice, and the contribution of uncompensated time and civic influence on behalf of persons who cannot afford adequate legal assistance.

Examples - Lawyers shall:

- a. Contribute time on a pro bono basis to community activities.
- b. Become actively involved in organized activities designed to improve the courts, the legal system and the practice of law.
- c. Donate legal services to individuals unable to afford those services.

SECTION 3

RESPONSIBILITIES TO THE COURT AND THE BAR

Lawyers shall always act toward other members of the bar in a professional, courteous, dignified, and civil manner, mindful that all lawyers are officers of the court and members of a learned profession, and that every lawyer has a duty to the justice system to act with integrity and to set a high standard of civility. In keeping with these responsibilities, lawyers should, for example, act in the following ways:

3A. SCHEDULING

Lawyers shall understand and advise their client that civility and courtesy in scheduling meetings, hearings, and discovery are expected and not to be equated with weakness.

Examples - Lawyers shall:

- a. Make reasonable efforts to schedule meetings, hearings, and discovery by agreement whenever possible and shall consider the scheduling interests of opposing counsel, the parties, witnesses, and the court. To avoid misunderstandings, formal notice shall be sent after agreement is reached.
- b. Not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations.
- c. Not engage in delay tactics in scheduling meetings, hearings or discovery.

- d. Try to verify the availability of key participants and witnesses either before a meeting, hearing or trial date is set or if that is not feasible, immediately after so that he or she can promptly notify the court, or other tribunal, and opposing counsel of any likely problems.
- e. Notify opposing counsel and, if appropriate, the court or other tribunal as early as possible when scheduled meetings or other matters must be canceled or rescheduled.

3B. CONTINUANCES AND EXTENSIONS OF TIME

Consistent with existing law and court orders, lawyers shall agree to reasonable requests for extensions of time when the legitimate interests of his or her client will not be adversely affected.

Examples - Lawyers shall:

- a. Agree to reasonable requests for extensions of time or continuances without requiring motions or other formalities.
- b. Be committed to and advise clients that the strategy of not agreeing to reasonable requests for time extensions simply to appear tough is inappropriate.
- c. Not seek extensions or continuances for the purpose of harassment or extending litigation.
- d. Not condition an agreement to an extension on unfair and extraneous terms except those a lawyer is entitled to impose, such as preserving rights that an extension might jeopardize or seeking reciprocal scheduling concessions.
- e. Not, by agreeing to extensions, seek to cut off an opponent's substantive rights, such as his or her right to move against a complaint.

3C. SERVICE OF PAPERS

The timing and manner of services of papers shall not be calculated to disadvantage or embarrass the party receiving the papers.

Examples - Lawyers shall:

- a. Attempt not to serve documents, pleadings, or motions on the opposing party or counsel at a time or in a way that would unfairly limit the other party's opportunity to respond, such as late on Friday afternoon or the day preceding a secular or religious holiday.
- b. Serve papers on the individual attorney known to be responsible for the matter and at their principal place of business.

3D. PUNCTUALITY

Lawyers shall be punctual in communications with others and in honoring scheduled appearances.

Examples - Lawyers shall:

- a. Arrive sufficiently in advance of trials, hearings, meetings, depositions, or other scheduled events so that preliminary matters can be resolved.
- b. Timely notify all other participants when, for a reason beyond their control, they will be unavoidably late.
- c. Timely notify the other participants when they are aware that a participant will be later for a scheduled event.

3E. WRITINGS SUBMITTED TO THE COURT

Written materials submitted to the court shall be factual, concise, and accurately state current law and fairly represent the parties' position without unfairly attacking the opposing party or opposing counsel.

Examples - Lawyers shall:

- a. Not use facts that are not properly brought before the court or part of the record in written briefs or memoranda of points and authorities.
- b. Avoid degrading the intelligence, ethics, morals, integrity, or personal behavior of the opposing party, counsel or witness unless such matters are at issue in the proceeding.

3F. COMMUNICATIONS WITH ADVERSARIES

- a. Not draft letters assigning to an opposing party a position that party has not taken or creating a record of events that have not occurred.
- b. Sparingly use letters intended only to make a record and then only when they think it is necessary given all the circumstances.
- c. Not send a letter addressed to opposing counsel to the judge unless specifically permitted or invited by the court.
- d. Promptly respond to telephone calls on pending matters.
- e. When redlining, clearly identify for other counsel or parties, all changes that have been made in documents.

3G. ELIMINATION OF BIAS

Lawyers shall always act impartially with respect to all persons including opposing counsel, clients, witnesses, and the public. Lawyers shall not engage in any act of bias based on race, gender, age, national origin, religion, sexual orientation or disability while engaging in the practice of law, and should work toward the elimination of bias in all aspects of the justice system.

Examples - Lawyers shall:

- a. Treat opposing counsel with respect and courtesy regardless of race, gender, age, national origin, religion, sexual orientation or disability.
- b. Not attempt to take advantage of or intimidate another lawyer on account of race, gender, age, national origin, religion, sexual orientation or disability.
- c. Not tolerate bias or prejudice by another attorney or by the court and should take appropriate steps to prevent an occurrence of such behavior in the future.
- d. Refrain from making any statement or comment, whether publicly or privately, which serves to denigrate any other lawyer, judicial officer or member of the public on the basis of race, gender, age, national origin, religion, sexual orientation or disability.

SECTION 4

DISCOVERY

Lawyers shall not use any form of discovery, the scheduling of discovery, or any other part of the discovery process as a means of harassing opposing counsel or the opposing party or as a means of delaying the timely, efficient and cost effective resolution of a dispute.

Examples - Lawyers shall:

a. As to Depositions:

- (1) Take depositions only when actually needed to learn facts or information or to preserve testimony.
- (2) In scheduling depositions, reasonably accommodate schedules of opposing counsel and the deponent, when it is possible to do so without prejudicing the client's rights.
- (3) Make reasonable efforts to schedule discovery by agreement whenever possible and consider the scheduling interests of opposing counsel, the parties, witnesses, and the court. To avoid misunderstandings, send formal notice after agreement is reached.
- (4) When a deposition is scheduled and noticed by another party for the reasonable near future, ordinarily not schedule another deposition for an earlier date without the agreement of opposing counsel.
- (5) Not delay a deposition for bad faith purposes but only if necessary to meet real scheduling problems.
- (6) Avoid questions asked solely for purposes of harassment.
- (7) When representing a deponent or representing another party, limit objections to those that are well founded and necessary for the protection of the client's interest. (Lawyers shall remember that most objections are preserved and need be made only when the form of a question is defective or privileged information is sought.)
- (8) When an objection is necessary, state it succinctly, concisely, free of argument or colloquy.
- (9) Once a question is asked, not use objections for the purpose of coaching the deponent or suggesting answers.
- (10) Not direct a deponent to refuse to answer a question unless the question seeks privileged information or is manifestly irrelevant or calculated to harass.
- (11) Refrain from self-serving speeches during depositions.
- (12) Not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.
- (13) Conduct all argument and colloquy between counsel in a professional manner and, where appropriate, outside the presence of the deponent.

b. As to Document Demands:

- (1) Limit demands for production of documents to documents actually and reasonably believed to be needed for the prosecution or defense of an action and not to make demands which harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.
- (2) Not draft demands for document production so broadly that it encompasses documents clearly not relevant to the subject matter of the case.
- (3) In responding to document demands, not interpret the request in an artificially restrictive manner in an attempt to avoid disclosure.
- (4) Not produce documents in a way calculated to hide or obscure the existence of particular documents.
- (5) Not wait to produce documents until the scheduled production date to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

c. As to Interrogatories:

- (1) Use interrogatories sparingly and never to harass or impose undue burden or expense on the opposing party.
- (2) Not read or respond to interrogatories in an artificial manner designed to assure that answers are not truly responsive.
- (3) Not object to interrogatories except when a good faith belief exists in the merit of the objection; and, if an interrogatory is objectionable only in part, lawyers shall answer the unobjectionable portion.

SECTION 5

MOTION PRACTICE

Motions are expensive and consume valuable judicial resources, contributing to delay and often creating side issues which make the case more complex. Motions should be filed sparingly, only in good faith and when the issue cannot be otherwise resolved without court intervention. Prior to filing any motion, the moving party should make a reasonable and good faith effort to resolve the substantive issues raised by the motion and, if resolution is not possible, to coordinate hearing dates with any opposing parties.

Examples - Lawyers shall:

- a. Before filing a motion, engage in more than a pro forma good faith effort to resolve the issue.
- b. Not engage in conduct which forces opposing counsel to file a motion and then not oppose the motion.

SECTION 6

DEALING WITH NONPARTY WITNESSES

Dealings with non-party witnesses shall be courteous and designed to leave that witness with a good impression of the legal system.

Examples - Lawyers shall:

- a. Not issue subpoenas to non-party witnesses except in connection with their appearance at a hearing, trial or deposition in the pending action.
- b. Ensure that deposition subpoenas are accompanied by notices of deposition with copies to all counsel.
- c. Where lawyers obtain documents pursuant to a deposition subpoena, make copies of the documents available to all other counsel at their expense even if the deposition is canceled or adjourned.

SECTION 7

EX PARTE COMMUNICATIONS WITH THE COURT

Except as permitted by law, lawyers shall avoid ex parte communications on the substance of a pending case with a judge (or his or her law clerk) before whom such case is pending.

Example - Lawyers shall:

Even where applicable laws or rules permit an ex parte application or communication to the court, before making such an application or communication, make diligent efforts to notify the opposing party or a lawyer known to represent or likely to represent the opposing party and make reasonable efforts to accommodate the schedule of such lawyer to permit the opposing party to be heard; except where there is a bona fide emergency such that the lawyer's client will be seriously prejudiced if the application or communication were made with regular notice.

SECTION 8

SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution is not only a collection of techniques but a way of thinking -- a continual search for ways to overcome obstacles, to create a process, to take some positive step -- to enhance the possibility of resolving a dispute. Lawyers shall raise and explore settlement and alternative dispute resolution possibilities in every case as early in the case as possible, and continue to explore those possibilities as the case unfolds.

Examples - Lawyers shall:

- a. Always attempt to resolve any controversy and bring the parties together.
- b. Not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.
- c. In every case, consider whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation or other form of alternative dispute resolution.
- d. Advise the client at the outset of the availability of alternative dispute resolution and explain in simple language what the effects of the various ADR techniques, e.g., mediation, neutral evaluation or mini-trial might have on the case.

SECTION 9

TRIALS AND HEARINGS

Lawyers shall conduct themselves in trial and hearings in a manner which promotes a positive image of the profession, assists the court in properly deciding the case, and displays respect for the justice system.

Examples - Lawyers shall:

- a. Be punctual and prepared for all court appearances.
- b. Always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel and the judge with courtesy and civility.
- c. In making objections during a trial or hearing, do so for legitimate and good faith reasons and not make objections for the purpose of harassment or delay.
- d. Honor requests made by opposing counsel during trial which do not prejudice his or her client's rights or sacrifice tactical advantage.

SECTION 10

SOCIAL RELATIONSHIPS WITH JUDICIAL OFFICERS OR COURT APPOINTED EXPERTS

Lawyers shall avoid even the appearance of impropriety or bias in relationships with judicial officers and independent, court appointed experts.

SECTION 11

PRIVACY

All matters shall be handled with due respect for the rights of privacy of parties and non-parties.

Examples - Lawyers shall:

- a. Not attempt to use, nor threaten to use, facts about the private lives of any party or other individual which are not relevant to the matters at issue in a case. This rule does not preclude inquiry into sensitive matters which are relevant to an issue, as long as the inquiry is pursued as narrowly and as reasonably possible.
- b. If it is necessary to use such information, cooperate in arranging for protective measures designed to assure that the information revealed is disclosed only to those persons who need it in order to present the relevant evidence to the court.

SECTION 12

COMMUNICATIONS ABOUT THE LEGAL SYSTEM AND WITH PARTICIPANTS

Lawyers shall conduct themselves with clients, opposing counsel, judges, jurors, parties, and the public in a manner consistent with the high respect and esteem which they shall have for the courts, the civil and criminal justice systems, and the legal profession and its members.

Examples - Lawyers shall:

- a. When making public communications shall at all times and under all circumstances reflect appropriate civility, professional integrity, personal dignity, and respect for the legal system. This rule does not prohibit good faith, factually based expressions of dissent or criticism made by a lawyer in public or private discussions having a purpose to motivate improvements in our legal system or profession.
- b. Not make false or misleading statements.

- c. Not fail or refuse without justification to respond promptly to the calls and letters of their clients and/or opposing counsel.
- d. When serving as a prosecutor or defense counsel, conduct themselves in a manner that shows respect for the important functions that each plays within the criminal justice system.

California Attorney
Guidelines of Civility and Professionalism



The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Adopted by the Board of Governors on
July 20, 2007

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**CALIFORNIA ATTORNEY
GUIDELINES OF CIVILITY AND PROFESSIONALISM**
(Adopted July 20, 2007)

INTRODUCTION

As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

These are guidelines for civility. The Guidelines are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice and economical client representation. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disserves the individual involved, it demeans the profession as a whole and our system of justice.

These voluntary Guidelines foster a level of civility and professionalism that exceed the minimum requirements of the mandated Rules of Professional Conduct as the best practices of civility in the practice of law in California. The Guidelines are not intended to supplant these or any other rules or laws that govern attorney conduct. Since the Guidelines are not mandatory rules of professional conduct, nor rules of practice, nor standards of care, they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Guidelines are intended to complement codes of professionalism adopted by bar associations in California. Individual attorneys are encouraged to make these guidelines their personal standards by taking the pledge that appears at the end. The Guidelines can be applicable to all lawyers regardless of practice area. Attorneys are encouraged to comply with both the spirit and letter of these guidelines, recognizing that complying with these guidelines does not in any way denigrate the attorney's duty of zealous representation.

**SECTION 1
RESPONSIBILITIES TO THE JUSTICE SYSTEM**

The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

**SECTION 2
RESPONSIBILITIES TO THE PUBLIC AND THE PROFESSION**

An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

**SECTION 3
RESPONSIBILITIES TO THE CLIENT AND CLIENT REPRESENTATION**

An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior.

An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4 COMMUNICATIONS

An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

For example, in communications about the legal system and with adversaries:

- a) An attorney's conduct should be consistent with high respect and esteem for the civil and criminal justice systems.
- b) This guideline does not prohibit an attorney's good faith expression of dissent or criticism made in public or private discussions for the purpose of improving the legal system or profession.
- c) An attorney should not disparage the intelligence, integrity, ethics, morals or behavior of the court or other counsel, parties or participants when those characteristics are not at issue.
- d) Respecting cultural diversity, an attorney should not disparage another's personal characteristics.
- e) An attorney should not make exaggerated, false, or misleading statements to the media while representing a party in a pending matter.
- f) An attorney should avoid hostile, demeaning or humiliating words.
- g) An attorney should not create a false or misleading record of events or attribute to an opposing counsel a position not taken.
- h) An attorney should agree to reasonable requests in the interests of efficiency and economy, including agreeing to a waiver of procedural formalities where appropriate.
- i) Unless specifically permitted or invited by the court or authorized by law, an attorney should not correspond directly with the court regarding a case.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5 PUNCTUALITY

An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

For example:

- a. An attorney should arrive sufficiently in advance to resolve preliminary matters.
- b. An attorney should timely notify participants when the attorney will be late or is aware that a participant will be late.

SECTION 6

SCHEDULING, CONTINUANCES AND EXTENSIONS OF TIME

An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

For example:

- a. An attorney should consider the scheduling interests of the court, other counsel or party, and other participants, should schedule by agreement whenever possible, and should send formal notice after agreement is reached.
- b. An attorney should not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations or engage in delay tactics.
- c. An attorney should promptly notify the court and other counsel of problems with key participants' availability.
- d. An attorney should promptly notify other counsel and, if appropriate, the court, when scheduled meetings, hearings or depositions must be cancelled or rescheduled, and provide alternate dates when possible.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

For example:

- a. Unless time is of the essence, an attorney should agree to an extension without requiring motions or other formalities, regardless of whether the requesting counsel previously refused to grant an extension.
- b. An attorney should agree to an appropriate continuance when new counsel substitutes in.
- c. An attorney should advise clients that failing to agree with reasonable requests for time extensions is inappropriate.
- d. An attorney should not use extensions or continuances for harassment or to extend litigation.
- e. An attorney should place conditions on an agreement to an extension only if they are fair and essential or if the attorney is entitled to impose them, for instance to preserve rights or seek reciprocal scheduling concessions.
- f. If an attorney intends that a request for or agreement to an extension shall cut off a party's substantive rights or procedural options, the attorney should disclose that intent at the time of the request or agreement.

SECTION 7 SERVICE OF PAPERS

The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

For example:

- a. An attorney should serve papers on the attorney who is responsible for the matter at his or her principal place of work.
- b. If possible, papers should be served upon counsel at a time agreed upon in advance.
- c. When serving papers, an attorney should allow sufficient time for opposing counsel to prepare for a court appearance or to respond to the papers.
- d. An attorney should not serve papers to take advantage of an opponent's absence or to inconvenience the opponent, for instance by serving papers late on Friday afternoon or the day preceding a holiday.
- e. When it is likely that service by mail will prejudice an opposing party, an attorney should serve the papers by other permissible means.

SECTION 8 WRITINGS SUBMITTED TO THE COURT, COUNSEL OR OTHER PARTIES

Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

For example:

- a. An attorney should not make ad hominem attacks on opposing counsel.
- b. Unless at issue or relevant in a particular proceeding, an attorney should avoid degrading the intelligence, ethics, morals, integrity, or personal behavior of others.
- c. An attorney should clearly identify all revisions in a document previously submitted to the court or other counsel.

SECTION 9 DISCOVERY

Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the Civil Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties, or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

For example:

- a. As to Depositions:
 1. When another party notices a deposition for the near future, absent unusual circumstances, an attorney should not schedule another deposition in the same case for an earlier date without opposing counsel's agreement.
 2. An attorney should delay a scheduled deposition only when necessary to address scheduling problems and not in bad faith.

3. An attorney should treat other counsel and participants with courtesy and civility, and should not engage in conduct that would be inappropriate in the presence of a judicial officer.
 4. An attorney should remember that vigorous advocacy can be consistent with professional courtesy, and that arguments or conflicts with other counsel should not be personal.
 5. An attorney questioning a deponent should provide other counsel present with a copy of any documents shown to the deponent before or contemporaneously with showing the document to the deponent.
 6. Once a question is asked, an attorney should not interrupt a deposition or make an objection for the purpose of coaching a deponent or suggesting answers.
 7. An attorney should not direct a deponent to refuse to answer a question or end the deposition without a legal basis for doing so.
 8. An attorney should refrain from self-serving speeches and speaking objections.
- b. As to Document Demands:
1. Document requests should be used only to seek those documents that are reasonably needed to prosecute or defend an action.
 2. An attorney should not make demands to harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.
 3. If an attorney inadvertently receives a privileged document, the attorney should promptly notify the producing party that the document has been received.
 4. In responding to a document demand, an attorney should not intentionally misconstrue a request in such a way as to avoid disclosure or withhold a document on the grounds of privilege.
 5. An attorney should not produce disorganized or unintelligible documents, or produce documents in a way that hides or obscures the existence of particular documents.
 6. An attorney should not delay in producing a document in order to prevent opposing counsel from inspecting the document prior to or during a scheduled deposition or for some other tactical reason.
- c. As to Interrogatories:
1. An attorney should narrowly tailor special interrogatories and not use them to harass or impose an undue burden or expense on an opposing party.
 2. An attorney should not intentionally misconstrue or respond to interrogatories in a manner that is not truly responsive.
 3. When an attorney lacks a good faith belief in the merit of an objection, the attorney should not object to an interrogatory. If an interrogatory is objectionable in part, an attorney should answer the unobjectionable part.

SECTION 10 MOTION PRACTICE

An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

For example:

- a. Before filing demurrers, motions to strike, motions to transfer venue, and motions for judgment on the pleadings, an attorney should engage in more than a pro forma effort to resolve the issue.
- b. In complying with any meet and confer requirement in the California Code of Civil Procedure, an attorney should speak personally with opposing counsel and engage in a good faith effort to resolve or informally limit an issue.
- c. An attorney should not engage in conduct that forces an opposing counsel to file a motion and then not oppose the motion.
- d. An attorney who has no reasonable objection to a proposed motion should promptly make this position known to opposing counsel, who then may file an unopposed motion or avoid filing a motion.
- e. After opposing a motion, if an attorney recognizes that the movant's position is correct, the attorney should promptly advise the movant and the court of this change in position.
- f. Because requests for monetary sanctions, even if statutorily authorized, can lead to the destruction of a productive relationship between counsel or parties, monetary sanctions should not be sought unless fully justified by the circumstances and necessary to protect a client's legitimate interests and then only after a good faith effort to resolve the issue informally among counsel.

SECTION 11 DEALING WITH NONPARTY WITNESSES

It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

For example:

- a. An attorney should be courteous and respectful in communications with nonparty witnesses.
- b. Upon request, an attorney should extend professional courtesies and grant reasonable accommodations, unless to do so would materially prejudice the client's lawful objectives.
- c. An attorney should take special care to protect a witness from undue harassment or embarrassment and to state questions in a form that is appropriate to the witness's age and development.
- d. An attorney should not issue a subpoena to a nonparty witness for inappropriate tactical or strategic purposes, such as to intimidate or harass the nonparty.
- e. As soon as an attorney knows that a previously scheduled deposition will or will not, in fact, go forward as scheduled, the attorney should notify all counsel.
- f. An attorney who obtains a document pursuant to a deposition subpoena should, upon request, make copies of the document available to all other counsel at their expense.

SECTION 12 EX PARTE COMMUNICATION WITH THE COURT

In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13 SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every matter as soon as possible and, when appropriate, during the course of litigation.

For example:

An attorney should advise a client at the outset of the relationship of the availability of informal or alternative dispute resolution.

- a. An attorney should attempt to evaluate a matter objectively and to de-escalate any controversy or dispute in an effort to resolve or limit the controversy or dispute.
- b. An attorney should consider whether alternative dispute resolution would adequately serve a client's interest and dispose of the controversy expeditiously and economically.
- c. An attorney should honor a client's desire to settle the dispute quickly and in a cost-effective manner.
- d. An attorney should use an alternative dispute resolution process for purposes of settlement and not for delay or other improper purposes, such as discovery.
- e. An attorney should participate in good faith, and assist the alternative dispute officer by providing pertinent and accurate facts, law, theories, opinions and arguments in an attempt to resolve a dispute.
- f. An attorney should not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.

SECTION 14 CONDUCT IN COURT

To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

For example:

- a. An attorney should be punctual and prepared.
- b. An attorney's conduct should avoid disorder or disruption and preserve the right to a fair trial.
- c. An attorney should maintain respect for and confidence in a judicial office by displaying courtesy, dignity and respect toward the court and courtroom personnel.
- d. An attorney should refrain from conduct that inappropriately demeans another person.
- e. Before appearing in court, an attorney should advise a client of the kind of behavior expected of the client and endeavor to prevent the client from creating disorder or disruption in the courtroom.
- f. An attorney should make objections for legitimate and good faith reasons, and not for the purpose of harassment or delay.

- g. An attorney should honor an opposing counsel's requests that do not materially prejudice the rights of the attorney's client or sacrifice tactical advantage.
- h. While appearing before the court, an attorney should address all arguments, objections and requests to the court, rather than directly to opposing counsel.
- i. While appearing in court, an attorney should demonstrate sensitivity to any party, witness or attorney who has requested, or may need, accommodation as a person with physical or mental impairment, so as to foster full and fair access of all persons to the court.

SECTION 15 DEFAULT

An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

For example an attorney should not race opposing counsel to the courthouse to knowingly enter a default before a responsive pleading can be filed. This guideline is intended to apply only to taking a default when there is a failure to timely respond to complaints, cross-complaints, and amended pleadings.

SECTION 16 SOCIAL RELATIONSHIPS WITH JUDICIAL OFFICERS, NEUTRALS AND COURT APPOINTED EXPERTS

An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17 PRIVACY

An attorney should respect the privacy rights of parties and nonparties.

For Example:

- a. An attorney should not inquire into, attempt or threaten to use, private facts concerning any party or other individuals for the purpose of gaining an advantage in a case. This guideline does not preclude inquiry into sensitive matters relevant to an issue, as long as the inquiry is pursued as narrowly as possible.
- b. If an attorney must inquire into an individual's private affairs, the attorney should cooperate in arranging for protective measures, including stipulating to an appropriate protective order, designed to assure that the information revealed is disclosed only for purposes relevant to the pending litigation.
- c. Nothing herein shall be construed as authorizing the withholding of information in violation of applicable law.

SECTION 18 NEGOTIATION OF WRITTEN AGREEMENTS

An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

For example:

- a. An attorney should use boilerplate provisions only if they apply to the subject of the agreement.
- b. If an attorney modifies a document, the attorney should clearly identify the change and bring it to the attention of other counsel.

- c. An attorney should avoid negotiating tactics that are abusive; that are not made in good faith; that threaten inappropriate legal action; that are not true; that set arbitrary deadlines; that are intended solely to gain an unfair advantage or take unfair advantage of a superior bargaining position; or that do not accurately reflect the client's wishes or previous oral agreements.
- d. An attorney should not participate in an action or the preparation of a document that is intended to circumvent or violate applicable laws or rules.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

For example:

- a. Attorneys should be mindful that their primary goals are to negotiate in a manner that accurately represents their client and the purpose for which they were retained.
- b. Attorneys should successfully and timely conclude a transaction in a manner that accurately represents the parties' intentions and has the least likely potential for litigation.
- c. With client approval, attorneys should consider giving each party permission to contact the employees of the other party for the purpose of promptly and efficiently obtaining necessary information and documents.

SECTION 19 ADDITIONAL PROVISION FOR FAMILY LAW PRACTITIONERS

In addition to other applicable Sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interest of the children in mind.

For example:

- a. An attorney should discourage and should not abet vindictive conduct.
- b. An attorney should treat all participants with courtesy and respect in order to minimize the emotional intensity of a family dispute.
- c. An attorney representing a parent should consider the welfare of a minor child and seek to minimize the adverse impact of the family law proceeding on the child.

SECTION 20 ADDITIONAL PROVISION FOR CRIMINAL LAW PRACTITIONERS

In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

For example:

- a. A prosecutor should not question the propriety of defending a person accused of a crime.
- b. Appellate counsel and trial counsel should communicate openly, civilly and without rancor, endeavoring to keep the proceedings on a professional level.

SECTION 21 COURT PROCEEDINGS

Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

ATTORNEY'S PLEDGE

I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

(Signature)

(Date)

(Print Name)

(Abbreviated Without Examples)



The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639
Adopted by the Board of Governors on
July 20, 2007

**California Attorney Guidelines of Civility and Professionalism
(Abbreviated, adopted July 20, 2007)**

INTRODUCTION. As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

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SECTION 2. An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

SECTION 3. An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior. An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4. An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5. An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

SECTION 6. An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

SECTION 7. The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

SECTION 8. Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

SECTION 9. Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the California Discovery Act.

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SECTION 11. It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

SECTION 12. In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13. An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every case as soon possible and, when appropriate, during the course of litigation.

SECTION 14. To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

SECTION 15. An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

SECTION 16. An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17. An attorney should respect the privacy rights of parties and non-parties.

SECTION 18. An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

SECTION 19. In addition to other applicable Sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interests of the children in mind.

SECTION 20. In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

SECTION 21. Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

ATTORNEY'S PLEDGE. I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

1 *[Attorney Letterhead]*

2 *(including fax no.)*

3
4
5
6
7
8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SACRAMENTO

10 Case No.

11 Plaintiff(s) ,

12 v.

13 Defendant(s) .

MANDATORY SETTLEMENT
CONFERENCE STATEMENT OF
(PLAINTIFF/DEFENDANT, ETC
(PARTY' S NAME)

14
15 1. PARTIES AND COUNSEL

16 a. Identify separately each Plaintiff and the respective attorney of
17 record.

18 b. (Plaintiffs) Also identify each outstanding lien claimant and the
19 total amount claimed by each.

20 c. Identify separately each Defendant and the respective attorney of
21 record.

22 d. (Defendants) Also identify each insurance carrier and the name of
the assigned adjuster or corporate representative.

23 2. CASE STATEMENT

24 Provide a short statement of the facts of this case.

25 3. PLAINTIFF

a. Explain your position on this case.

1 b. List all economic damages claimed in this case (for each plaintiff
2 state the nature of the past and future damages such as property damage,
3 medical expense, loss of income, etc).

4 c. List all non-economic damages claimed in this case.

5 d. Specify attorney fees, if any, that may be awarded to you.

6 e. Set forth all efforts made to negotiate all liens as required by
7 Local Rule 4.01c(4).

8 f. Is a claim for punitive damages made? If so, what is the basis of
9 such claim?

10 **4. DEFENDANT**

11 a. Explain your position on this case.

12 b. Specify attorney fees, if any, that may be awarded to you.

13 c. Are there any medical payment reimbursement issues? If so, please
14 explain.

15 d. Do you anticipate any claim for post-trial reduction of special
16 damages? If so, please explain.

17 **5. LEGAL ISSUES**

18 Identify major disputed legal issues.

19 **6. FACTUAL ISSUES**

20 Identify major disputed factual issues.

21 **7. OFFERS**

22 a. Specify all 998 offers made and the dates thereof.

23 b. What is the last best offer to settle made by each party?

24 Plaintiff(s):

25 Defendant(s):

Other(s):

8. SETTLEMENT EFFORTS

State what efforts have been made to settle.

9. ARBITRATION

a. State the date, name of arbitrator, and decision.

1 b. State whether you expect a jury verdict to be different.

2 c. State, in detail, why you expect a jury verdict to differ from
3 the arbitrator's award.

4 **10. LENGTH OF TRIAL**

5 a. Please state the anticipated length of trial.

6 b. Please state the number of non-expert witnesses that you intend
7 to call.

8 c. Please state the number of experts that you intend to call,
9 specifying the number of retained experts and the number of non-retained
10 experts.

11 **11. INSURANCE CARRIERS** (to be answered by defendants and cross
12 defendants only).

13 a. Please list all primary and excess carriers to which a defense
14 tender has been made and whether or not such demand(s) has (have) been
15 accepted.

16 b. Is there any pending reservation of rights? If so, please
17 explain.

18 **12. ATTACHMENTS**

19 Provide additional information or attachments, if any, which will
20 aid the settlement, judge (such as excerpts from medical or police reports,
21 photographs, compilations of damages, contracts, arbitrator decision, etc.).

22 I declare under penalty of perjury under the laws of the State of
23 California, that the information provided herein reflects my good faith
24 belief in the accuracy of the responses provided and that I am aware of the
25 requirements of the Local Rules (4.00 et seq.) regarding mandatory settlement
conferences.

DATED:

(signature)

Attorney for _____

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LOCAL FORMS MASTER LIST
(By operational section)

TRAFFIC

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Agreement to Pay Fine	Optional
Court Appearance or Pay Fine Form	Optional
Court Notification to Defendant of Re-Scheduled Court Appearance Form	Optional
Court Receivable Form	Optional
Court Request for LEA Investigation Form	Optional
Court Trial Continuance Form	Optional
Court Tail Date Selection Form	Optional
Courtesy Notice/Traffic Insert	Optional
Faretta Warning Form	Optional
Jail Commitment Form	Optional
LEA Request for Dismissal Form	Optional
Mandatory Court Appearance Form	Optional
Miscellaneous Traffic Information Form	Optional
Order for Alternative Sentencing Form	Optional
Plea in Absentia Form	Optional
Proof of Correction Requirement Form	Optional
Traffic Motion Form	Optional
Valid Warrant Form	Optional
Verification of Counter/Court Appearance Form	Optional
Waiver & Plea Form	Optional

FAMILY LAW

Attachment to Application for Domestic Violence Restraining Orders	Mandatory
Attachment to Application for Petition for Protective Orders (Elder and Dependent Adult Abuse)	Mandatory
Attachment to Petition for Injunction Prohibiting Harassment	Mandatory
Authorization for Non-Attorney Court Document Preparer	Mandatory
Complaint for Grandparent Visitation	Mandatory
Declaration for Subpoena Duces Tecum	Optional
Declaration Notice Upon Ex Parte Application for Orders	Mandatory
Domestic Violence Packet Attachment (DV Packet)	Optional
Family Law Demographic Information Sheet	Mandatory
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Notice of Hearing on Memorandum to Set/Counter Memorandum to Set	Mandatory
Notice of Mediation & Pro Bono Family Law Mediation Program	Mandatory
Request for Hearing Regarding Registration of Out of State Child Custody Order	Mandatory
Response to Private Mediation	Mandatory
Order for Private Mediation	Mandatory
Parent Child Relationship Declaration (DV Packet)	Optional
Petition for Joinder (Custody/Visitation)	Mandatory
Petition for Joinder (Propertyetc.)	Mandatory
Petition for Mediation	Mandatory
Petition for Private Mediation	Mandatory
Petition for Protective Orders Attachment (Elder or Dependent Adult Abuse)	Optional
Petition to Register Out of State Child Custody Order	Mandatory

UNLAWFUL DETAINER

Affidavit of Identity	Optional
At-Issue Memorandum (UD)	Mandatory
Declaration in Support of Application for Default Judgment	Mandatory
Declaration of Due Diligence in Support of Ex Parte Application for Posting Order	Optional
Judgment After Trial	Optional
Judgment by Default by Clerk (UD)	Mandatory
Judgment by Default by Court (UD)	Optional
Notice of Entry of Judgment	Mandatory
Notice of Time and Place of Trial (UD)	Mandatory

SMALL CLAIMS

Application and Ex Parte Motion for Entry of Satisfaction of Judgment	Mandatory
Clerk's Certificate of Added Costs	Optional
Ex-Parte Declaration and Order Setting Aside Judgment	Mandatory
Notice of Resetting Date of hearing and Proof of Service	Mandatory
Request for Continuance	Optional

CRIMINAL

Application and Order for PC 17(B)3	Optional
Petition & Order PC 1203.3/ 1203.4/ 1203.4a	Optional
Petition & Order under PC 851.8	Optional
Request for Tape Transcripts	Optional

PROBATE

Authorization for Non-Attorney Court Document Preparer	Mandatory
Certificate of Registration of Private Professional Conservator	Mandatory
Declaration (Conservatorship)	Optional
Guardian of Minor/Minors/Person/Estate (Civil Litigation)	Mandatory
Notice of Opening or Changing a Guardianship or Conservatorship Acct.	Mandatory
Notification to Court of Address of Conservatorship	Mandatory
Notification to Court of Address on Guardianship	Mandatory
Order Prescribing Notice & Appointment of Counsel	Mandatory
Property Tax Certification	Mandatory
Receipt of Depository	Mandatory
Verification that Video Tape of Conservator's Duties has been Viewed	Mandatory

JUVENILE DEPENDENCY

Application for Rehearing and Statement (WIC 252)	Mandatory
Certification of Competency	Mandatory
Complaint About Performance of Court Appointed Attorney	Mandatory
Declaration re: Release of Juvenile Records Without Court Order	Mandatory
Dependency Representation Claim Form	Mandatory
Investigator/Expert/Other Claim Form	Mandatory
Physician's Declaration Re: Proposed Surgery	Mandatory
Physician's Declaration Re: Psychotropic Medication	Optional
Pretrial Statement	Optional
Request for Court Order Authorizing Surgery	Mandatory
Request for Court Order for Administration of Psychotropic Medication	Optional
Request for Mediation Session	Mandatory
Request to Attend Juvenile Court Proceedings	Mandatory

CIVIL

Abandonment of Appeal	CV\E-MU-01	Optional
Amendment to Complaint	CV\E-120	Optional
Arbitrator Panel Members	CV\E-154	Optional
Arbitrator Phone-in Selection Procedure	CV\E-139	Optional
Arbitrator's Fee Statement	CV\E-125	Mandatory
Attorney's Compliance Statement	CV\E-112	Mandatory
Award of Arbitrator	CV\E-126	Mandatory

Case Management Conference Request (Pursuant to Local Rule 11.00)	CV\E-144	Mandatory
Case Management Program Information and Materials (Includes the following some of which are Judicial Council Forms)	CV\E-133	Optional
Program Case Notice	CV\E-143	Mandatory
Certificate of Service	CV\E-128	Mandatory
Ex Parte Application and Order for Time to Serve Pleading and Order Continuing Case Management Conference (JC form)	CM-020	Optional
Request for Entry of Default (JC form)	982(a)(6)	Mandatory
Case Management Statement (JC form)	CM-110	Mandatory
Statement of Disputed Case Management Issues (Attachment to Case Management Statement)	CV\E-130	Mandatory
Designation Statement	CV\E-113	Mandatory
Uninsured Motorist Statement	CV\E-132	Mandatory
Ex Parte Application to Extend Arbitration Date	CV\E-115	Mandatory
Rejection of Arbitration Award and Request for Trial de Novo	CV\E-116	Optional
Weekly Calendar Information	CV\E-134	Optional
CourtCall Telephonic Appearances	CV\E-135	Optional
Certificate of Service	CV\E-128	Mandatory
Certification for Short Cause Matters	CV\E-131	Mandatory
Civil Bench Warrant with Instructions	CV\E-127A&B	Mandatory
Civil Forms List	CV\E-149	Optional
CourtCall Telephonic Appearances	CV\E-135	Optional
Default Judgment Status Statement	CV\E-148	Mandatory
Designation Statement	CV\E-113	Mandatory
Ex Parte Application to Extend Arbitration Date	CV\E-115	Mandatory
Guides to the Procedures for Prosecution Petitions for Prerogative Writs	CV\E-151	Optional
Judgment by Default by Clerk	CV\E-121	Optional
Judgment by Default by Court	CV\E-122	Optional
Judgment Pursuant to 1710.25 (Sister State)	CV\E-123	Mandatory
Local Rules	N/A	N/A
Name Change Packet (Includes the following Judicial Council Forms):	CV\E-142	Optional
Civil Case Cover Sheet	CM-010	Mandatory
Petition for Change of Name	NC-100	Mandatory
Name and information About the Person Whose Name is to be Changed (Attachment to Petition)	NC-110	Mandatory
Declaration of Guardian (Supplemental Attachment to Petition)	NC-110G	Mandatory
Order to Show Cause for Change of Name	NC-120	Mandatory
Notice of Appeal (Limited Civil Case)	CV\E-MU-17	Optional
Notice to Employers Filing Appeals for Orders. Decisions or Awards of The Labor Commission	CV\-101	Optional
Order of Examination Bench Warrant with Instructions	CV\E-127A&B	Mandatory

Order to File Case Management Statement Limited Civil Case	CV\E-141	Optional
Program Case Notice	CV\E-143	Mandatory
Proof of Service (General)	CV\E-118	Optional
Qualification Statement/Notice of Assignment of Arbitration Hearing Date	CV\E-119	Mandatory
Rejection of Arbitration Award and Request for Trial De Novo	CV\E-116	Optional
Statement of Disputed Case Management Issues (Attachment for Case Management Statement)	CV\E-130	Mandatory
To Process your Documents Quickly and Efficiently	CV\E-150	Optional
Trial Setting by Phone Procedures	CV\E-140	Optional
Uninsured Motorist Statement	CV\E-132	Mandatory
Weekly Calendar Information Line (Amended effective 1/1/12)	CV\E-134	Optional