THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SISKIYOU

LOCAL RULES OF COURT EFFECTIVE ~~JANUARY~~ JULY 1, 2025

SISKIYOU COUNTY SUPERIOR COURT

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Yreka, CA 96097

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PUBLISHER'S NOTICE
&
INSTRUCTIONS FOR AMENDMENTS

Selected Publisher

The publisher selected by the Superior Court of Siskiyou County for publication of its Local Rules of Court is:

COURT EXECUTIVE OFFICER

Siskiyou County Superior Court

411 Fourth Street,

Yreka, California, 96097

Telephone: (530) 842-0411

Where Rules May be Purchased

Copies of the Local Rules of the Siskiyou County Superior Court may be purchased from:

SISKIYOU COUNTY SUPERIOR COURT

Civil/Family Law/Juvenile Division 411 Fourth Street,

Yreka, California, 96097

Telephone: (530) 842-0411

Cost

Full Set of the Local Rules. $50.00

Partial Set $25.00

Instructions

Instructions for updating your current set of the Local Rules are on the reverse side of this Notice.

INSTRUCTIONS FOR UPDATING THE LOCAL RULES WITH CURRENT REVISIONS

(Revisions effective July 1, 20254)

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RULE 10.613(f)(3) LIST OF EFFECTIVE DATES

CHAPTER 1: GENERAL RULES

1.01 Citation of Rules

These Rules are to be cited as the "Local Rules of the Siskiyou County Superior Court."

Rule 1.01 renumbered effective July 1, 2024; adopted as Rule 1:01 effective January 1, 1997; amended effective January 1, 2003.

1.02 Effective Date of Rules

These rules shall take effect on ~~January~~ July 1, 2025.

Rule 1.02 amended effective January 1, 2025; adopted as Rule 1:02 January 1, 1997; previously amended effective July 1, 2014, January 1, 2019, January 1, 2022, ~~and~~ July 1, 2023, and July 1, 2025; amended and renumbered effective July 1, 2024.

1.03 Effect of Rules

On their respective effective dates these Rules, as amended, will supersede all Local Rules previously adopted.

Rule 1.03 amended and renumbered effective July 1, 2024; adopted as Rule 1:03 effective January 1, 1997; amended effective July 1, 2010.

1.04 Construction and Application of Rules; Publisher of Rules

These Rules will be construed and applied in such a manner so as to avoid conflict with the laws of the State of California or the California Rules of Court and will be liberally construed in order to facilitate and promote the administration of justice by the Superior Court. These Rules do not apply to actions or proceedings in the Small Claims Division unless the text of a specific Rule indicates otherwise.

These Rules apply to any person appearing before the Court on his or her own behalf, without a lawyer, as well as to attorneys.

The Executive Officer of the Superior Court is the official publisher of these Rules and will provide a copy of the Rules to the County Law Library. In addition, copies will be maintained for public inspection in the offices of the Clerk of the Court. The publisher will make copies of the Rules available for sale to the public for a reasonable fee and also make these Rules available for viewing or downloading on the Court's website (https://www.siskiyou.courts.ca.gov/general-information/local-rules-standing-orders .

Rule1.04 amended and renumbered effective July 1, 2024; adopted as Rule 1:04 January 1, 1997; amended effective July 1, 2010.

1.05 Definitions of Words Used in these Rules

The definitions set forth in Rule 1.6 of the California Rules of Court apply to these Rules with equal force and for all purposes, unless the context or subject matter otherwise requires.

Revised 01/01/2025 ncludes and applies to corporations, firms, associations, and all other entities, as well as to natural persons.

The word "affidavit" includes and applies to a declaration; and the word "declaration" includes and applies to an affidavit.

The use of the masculine, feminine, or neuter gender includes the others.

The word "Court" means the Superior Court of the State of California in and for the County of Siskiyou; and it includes any judge, commissioner or judicial officer or temporary judge appointed or elected to the Court, and any judge duly assigned thereto.

The word "judgment" includes and applies to any judgment, order, or decree from which an appeal lies.

The terms "in propria persona", "in pro per", “unrepresented party”, or “self-represented party” all mean a person appearing without a lawyer.

The word “civil” means all matters of a general civil nature and all matters that are special proceedings under the California Code of Civil Procedure; the word “probate” means all matters brought under the California Probate Code regardless of whether a decedent’s estate is the subject of the action; and the phrase “family law” applies to all matters brought under the California Family Code.

Rule 1.05 amended and renumbered effective July 1, 2024; previously adopted as Rule 1:05 effective January 1, 1997; amended effective January 1, 2007, and January 1, 2019.

1.06 Amendment or Addition to, or Repeal of, Local Rules of Court

These Rules may be amended or repealed, and new Rules may be added, by a majority vote of the judges of the Siskiyou County Superior Court.

Rule 1.06 amended and renumbered effective July 1, 2024; adopted as Rule 1:06 effective January 1, 1997; amended effective January 1, 2001.

CHAPTER 2: ADMINISTRATIVE MATTERS

2.01 Commissioners and Judges Pro Tem

A. Court Commissioners

1) Appointment. Court commissioners will be appointed by, and will serve at the pleasure of, the Presiding Judge of the Superior Court.

2) Duties as Commissioner. Within the jurisdiction of the Court and under the direction of the presiding judge, commissioners will exercise all the powers and perform all the duties prescribed by law to be performed by commissioners of the appointing court, and such additional powers and duties as may be authorized by law.

3) Duties as Judge Pro Tem. At the direction of the presiding judge, commissioners may have the same jurisdiction and may exercise the same powers and duties as a judge; and, with the consent of the parties where required by law, may hear any other action as judge pro tem.

B. Temporary Judges ("Judge Pro Tem")

Temporary judges will be appointed for the Court in accordance with Rules 2.810 *et seq*. of the California Rules of Court; and will serve as assigned by, and under the control and supervision of, the presiding judge of the Court.

Rule 2.01 renumbered effective July 1, 2024; adopted as Rule 2:01 effective January 1, 1997; amended effective January 1, 2007 and January 1, 2019.

2.02 Official Court Reporters

A. Reported Proceedings

The following proceedings are not normally reported by an official court reporter: any infraction or misdemeanor proceeding or trial; civil, probate, and family law trials; family law contested hearings; hearings carried over from the regular order to show cause calendar in family law; small claims trials *de novo*; and uncontested hearings of any civil, probate, or family law nature. The Court, in its own discretion, may order that any of the aforesaid matters be reported.

B. Request for Presence of Official Court Reporter; and Deposit

Any party who requests the presence of an official court reporter for a trial or other proceeding not normally reported (as set forth in subpart 2.02.A, above) must make that request, by written notice to the clerk of the Court, not less than ten (10) days prior to commencement of the proceeding or at such other time as the Court may require; and at the same time the requesting party, in order to reserve an official court reporter, must deliver a deposit to the clerk of the Court in an amount that is equal to the fee for the first

full day of the court reporter's services. This fee will be calculated in the manner specified by CRC Rule 2.958. [Gov't.C §68086(a); CRC Rules 2.956, 2.958.] The deposit and fee for court reporting services are waived at the request of parties proceeding *in forma pauperis* pursuant to *Jameson v. Desta* (2018) 5 Cal.5th 594. Any request for a court reporter by a party with a fee waiver must be made on Judicial Council Form FW-020. ~~Form SC-CV-5, which is found at Appendix 8 of these Local Rules.~~

(Subdivision B. amended effective July 1, 2025)

C. Effect of Settlement on Deposit for Official Court Reporter

If the proceeding for which an official court reporter has been requested is settled or continued, or for any other reason does not go forward as calendared, it is the duty of the party who requested the reporter to so notify both the court manager and the office of the official court reporter, not later than 24 hours prior to the scheduled proceeding. Failure to provide such notice will result in forfeiture of the deposit for the requested court reporter, and the deposit will be applied to payment for the court reporter's services. The court reporter will be entitled to receive his or her per diem rate and mileage, if any.

Rule 2.02 renumbered effective July 1, 2024; adopted as Rule 2:02 effective January 1, 1997; amended effective July 1, 2025; previously amended effective July 1, 2014, January 1, 2019, and July 1, 2020.

2.03 Case Disposition Time Standards

It is the policy of the Court to manage all cases from filing (in civil matters) and first appearance (in criminal matters) through final disposition. This policy is to be construed in a fashion that is consistent with existing law.

This policy is established to maximize efficient use of Court resources; to improve the administration of justice by encouraging prompt disposition of all matters coming before the Court; and to resolve cases within the time standards established in Section 2.2 of the California Rules of Court, Standards of Judicial Administration.

Rule 2.03 renumbered effective July 1, 2024; adopted as Rule 2:03 effective January 1, 1997; amended effective July 1, 2014 and January 1, 2019.

2.04 Smoking or Vaping During Court Proceedings

There is no smoking or vaping anywhere inside the Siskiyou County Courthouse. Smoking and vaping are permitted outside of the building in designated areas only.

Rule 2.04 amended effective January 1, 2025; adopted as Rule 2:04 effective January 1, 1997; amended effective January 1, 2003 and January 1, 2019; renumbered effective July 1, 2024.

2.05 Courtroom Decorum

Persons appearing in the Courtroom and remotely must adhere to the conduct prescribed by Appendix 1 to these Rules.

Rule 2.05 renumbered effective July 1, 2024; adopted as Rule 2:05 effective January 1, 1997; amended effective July 1, 2025; previously amended effective January 1, 2003.

2.06 Cellular Phones and Electronic Devices

All cellular phones, smart phones, tablets, pagers, and any similar devices which create a risk of causing audible noise in the courtroom shall be turned off. Such devices may be placed on silent vibration mode unless that mode still makes an audible noise. Any devices in violation of this rule will be confiscated by the bailiff.

Rule 2.06 renumbered effective July 1, 2024; adopted as Rule 2:06 January 1, 1997; deleted January 1, 2001; added effective July 1, 2012; amended effective January 1, 2019.

2.07 Photographing, Recording and/or Broadcasting

Any and all "photographing" and/or "recording" and/or "broadcasting" as defined by California Rules of Court, Rule 1.150(b) of people, things, conversations, or proceedings is strictly prohibited in any courthouse facility, including but not limited to stairways, elevators, waiting areas, hallways, entrances, security screening stations, service areas, through windows, through doors, and with respect to any other accessible areas of courthouse facilities, whether access was intended or not, absent written order of a Judge of the specific courthouse facility. Any device that appears capable of photographing, recording, or broadcasting is subject to confiscation.

Rule 2.07 renumbered effective July 1, 2024; adopted as Rule 2:07 January 1, 1997; amended effective January 1, 2019; renumbered January 1, 2003.

2.08 Executive Officer's Assumption of Responsibilities of The Clerk of the Superior Court

The court executive officer will exercise or perform the powers, duties, and responsibilities of the clerk of the Court that are specified in Government Code §§ 69840 *et seq*. and by any other statutory authority.

Rule 2.08 renumbered effective July 1, 2024; adopted effective January 1, 1997; amended and renumbered effective July 1, 2010; amended effective July 1, 2012 and January 1, 2019.

2.09 Code of Ethics for Court Employees

The Court adopts the Code of Ethics for Court Employees promulgated by the California Judicial Council on May 17, 1994 (revised October 23, 2009) and directs that all court employees be bound by this Code. The Code of Ethics is set forth in its entirety in Appendix 2 of these Rules.

Rule 2.09 renumbered effective July 1, 2024; previously adopted effective January 1, 1997; renumbered effective January 1, 2003; amended effective July 1, 2012.

2.10 Appellate Division Rules

The following Rules apply to proceedings before the Appellate Division of the Siskiyou County Superior Court:

A. Trial Court File in Lieu of Clerk's Transcript

The original trial court file may be used instead of a clerk's transcript on appeal in limited civil cases, misdemeanor and infraction appeals pursuant to CRC 8.833, 8.863 and 8.914 unless the trial court orders otherwise after notice to the parties. The clerk may transmit to the appellate division the complete trial court file with a copy of all docket entries.

The original or a copy of the docket entries shall be retained in the trial court.

B. Required Copies of Appellate Briefs

All briefs filed with the Appellate Division must be accompanied by two additional copies.

C. Oral Argument

Unless written request for oral argument is submitted at the time appellant's opening brief is filed, oral argument will be deemed to have been waived.

D. *Ex Parte* Applications and Motions

All *ex parte* applications for extensions of time or other routine matters must be submitted to the clerk of the Court, who will present the application to the presiding judge of the Appellate Division for review. All motions, including motions for relief from default, together with proper proof of service, must be filed with the clerk of the Court.

Opposition papers must be served and filed within seven (7) days after the filing of the motion. The Appellate Division may rule on the motion with or without a hearing.

E. Filing of Appellate Division Opinions

An Appellate Division opinion may be filed after it has been signed in counterpart by the appellate panel and may be in the form of a facsimile transmission document bearing the signature of any panel member.

F. Appointment of Counsel for Appeal in Criminal Matters

Persons who seek appointment of counsel pursuant to Rule 8.851 of the California Rules of Court must obtain the necessary application form from the clerk of the Criminal Division and file the completed forms.

Rule 2.10 renumbered effective July 1, 2024; adopted effective January 1, 1997; amended and renumbered effective July 1, 2010; amended effective January 1, 2019 and July 1, 2023.

2.11 Jury Selection Boundaries

Except as otherwise provided by Code of Civil Procedure §§190, *et seq*., jury selection boundaries for the Superior Court of Siskiyou County will be the entirety of Siskiyou County, California.

Rule 2.11 renumbered effective July 1, 2024; adopted as Rule 2:11 effective January 1, 1997; amended effective January 1, 2003 and January 1, 2019.

2.12 Excuses From Jury Service

A. General Policy Re Excuses From Service

1) No class or category of persons will be automatically excluded from jury service, except as may be provided by law.

2) A statutory exemption from jury service will be granted only when the eligible person claims it.

3) Inconvenience to a prospective juror or an employer is not an adequate reason to be excused from jury service, although it may be considered as a ground for deferral.

4) Deferring jury service is preferred to excusing a prospective juror for a temporary or marginal hardship. Vacations or extended trips are examples of circumstances that warrant deferral rather than excuse from jury service.

5) A juror who has served on a grand jury or trial jury anytime during the twelve months immediately preceding his or her call to jury service, or any longer period that the Court deems appropriate, will be excused from service at his or her request.

B. Form of Request to be Excused From Jury Service

A request to be excused from jury service for hardship must be from the prospective juror and must be in writing. The request must be supported by the juror's statement of facts, specifying the hardship and explaining why the circumstances constituting the hardship cannot be avoided by deferral of service. Only a judge can excuse a juror for a hardship during trial. The Court will maintain a record of all such requests that have been granted, and of all deferrals of jury service.

(Subd B. amended effective January 1, 2025.)

C. Grounds For Excuse

Excuse on the grounds of undue hardship may be granted for any of the following reasons:

1) The juror has no reasonably available means of public or private transportation to court.

2) The juror must travel an excessive distance. (Excessive distance is defined as travel time that exceeds two (2) hours from the juror's home to the location of the court.)

3) The juror will bear an extreme financial burden. The following will be considered in determining whether or not to excuse the juror for extreme financial burden:

(a) Sources of the juror's household income.

(b) Availability/extent of income reimbursement.

(c) Expected length of service.

(d) Whether or not jury service can reasonably be expected to compromise the juror's ability to support either the juror or his or

her dependents, or so disrupt the economic stability of any individual as to be against the interests of justice.

(e) The juror will bear a risk of injury to or destruction of juror's property, or of property entrusted to juror, where it is not feasible to make alternative arrangements to alleviate the risk. The following will be considered in determining whether or not to excuse the juror because of risk to property:

i. The nature of the property;

ii. The source and duration of the risk;

iii. The probability that the risk will be realized;

iv. The reason why alternative arrangements to protect the property cannot be made; and

v. Whether material injury to or destruction of the property will so disrupt the economic stability of any individual as to be against the interests of justice.

4) The juror has a physical or mental disability or impairment, not affecting his or her competence to act as a juror, which would expose the juror to undue risk of mental or physical harm. Unless the prospective juror is aged 70 years or older, he or she may be required to furnish verification of the disability or impairment, its probable duration, and the particular reasons for the inability to serve.

5) The juror's services are immediately needed for the protection of the public health and safety, and it is not feasible to make alternative arrangements to relieve the juror of these responsibilities during the period of service as a juror, without substantially reducing essential public services.

6) The juror has a personal obligation to provide actual and necessary care for another, including a sick, aged, or infirm dependent, or a child who requires the juror's personal care and attention, and comparable substitute care is neither available nor practical without imposing an undue economic hardship on the juror or person cared for. When the request to be excused is based on care provided to a sick or disabled person, the juror will be required to furnish verification that the person being cared for is in need of regular and personal care.

Rule 2.12 amended effective January 1, 2025;; adopted as Rule 2:12 January 1, 1997; amended effective January 1, 2003; renumbered effective July 1, 2024.

2.13 Interpreters

As long as there is funding, the Court will provide interpreters for civil cases (which include, but are not limited to, special proceedings and all matters brought under the California Family and Probate Codes). The Court will provide interpreters for criminal cases as required by law. A party needing an interpreter for a hearing may request one, either personally (if unrepresented) or through counsel, by using Judicial Council Form INT-300. This form must be completed and

returned to the Court at least 5 days prior to the hearing. If a requested interpreter is no longer needed, it is the responsibility of the requesting party and/or attorney to so notify the Court at least 48 hours prior to the scheduled hearing. Failure to provide such notice may result in the Court ordering the party and/or their attorney to pay the interpreter costs. Given the physical distance of the court to most interpreters, it is anticipated that interpreters will be made available by Zoom for matters that are scheduled for less than fifteen (15) minutes. A party may provide his or her own interpreter if the interpreter is certified, or provisionally qualified, under California law to interpret the language in question.

Rule 2.13 amended effective January 1, 2025; adopted as Rule 2:13 effective January 1, 1997; amended effective January 1, 2007, January 1,2019, January 1, 2020, and January 1, 2022; previously renumbered effective July 1, 2024.

2.14 Weapons

A. Firearms

The wearing of a firearm is prohibited in any court building except by:

1) Duly appointed peace officers who are on-duty. Court security officers will identify and inquire if law enforcement officers are on official business.; and

2) Judges who possess a current California concealed weapons permit issued either by the Sheriff of Siskiyou County or the Chief of Police from the city in which they reside.

Active or retired law enforcement officers not on official business and all attorneys with the District Attorney's Office will not be permitted to bring weapons into the courthouse.

A peace officer shall not bring or possess any weapon in any courtroom if he or she is a party to an action pending before the court on any day that case is on the court's calendar. These weapons include, but are not limited to, guns, knives, pepper spray, impact weapons, and tasers.

(Subd A. amended effective January 1, 2025.)

B. Other Weapons and Sharp Objects

Members of the general public will be screened for any pointed objects capable of inflicting a stab wound or possessing sharpened edges or surfaces capable of cutting. These items include, but are not limited to, knives, scissors, screwdrivers, metal combs, ice picks, letter openers, and knitting needles. Assuming these items are not otherwise illegal, they will be returned to the individual for the purpose of immediately exiting the courthouse and securing the items in the individual's vehicle.

(Subd B. lettered effective January 1, 2025; adopted as part of Subd A. effective January 1, 1997.)

Rule 2.14 amended effective January 1, 2025;; adopted effective January 1, 1997; deleted July 1, 2010, readopted as Rule 2:14 effective July 1, 2014; amended effective January 1, 2022; previously renumbered effective July 1, 2024.

2.15 REPEALED

Rule 2.15 repealed effective July 1, 2024; adopted effective January 1, 1997; previously amended effective July 1, 2014, January 1, 2019, January 1, 2020, January 1, 2022, and January 1, 2022, and July 1, 2023.

2.16 Payment or Waiver of Filing Fees

A. Waiver by Clerk of the Court

Pursuant to Government Code § 68634(d), the clerk is authorized to grant applications for fee waivers that meet the standards of eligibility established by Government Code §§68632 and 68633.

B. Effect of Fee Waiver on Award of Costs

In all cases in which a prevailing party has been granted a waiver of fees and is awarded costs, the Court will order that the party bearing costs pay, directly to the Court, the aggregate of any fees that were waived.

C. Fee Waiver for Witness Interpreter

There will be no waiver of fees for payment of a court-appointed interpreter for witnesses in civil, family law, or probate cases, unless the Court has approved the requesting party's application. [CRC Rule 3.56(2).]

Rule 2.16 renumbered and amended effective July 1, 2024; adopted as Rule 2:16 January 1, 1997; amended effective January 1, 2007 and January 2019.

2.17 [Reserved]

Rule 2.17 deleted July 1, 2010; adopted January 1, 1997.

2.18 Substitution of Attorneys or of Party *In Pro Per*

A substitution of attorneys or substitution of a party *in pro per* is not complete or effective unless the address and telephone number of the new attorney or new unrepresented party, and the state bar number of the new attorney, are included on the substitution form.

Rule 2.18 amended effective January 1, 2003; adopted effective January 1, 1997.

2.19 Procedure Upon Filing of a Peremptory Challenge, or Challenge Pursuant to CCP §170.1, 170.3, 170.6

Upon the filing of any challenge to a judicial officer sitting in the Superior Court pursuant to Code of Civil Procedure §§170.1, 170.3 or 170.6, the clerk will deliver the challenge, together with the Court's file for that action, to the office of the presiding judge of the Court. A perfected challenge will be noted by a flag on the outside of the Court's file.

Rule 2.19 amended effective January 1, 2025; adopted as Rule 2:19 effective July 1, 1997; amended effective January 1, 2014; amended and renumbered effective July 1, 2024.

2.20 Notices of Unavailability of Counsel

The Court will not post or accept general notices of unavailability of counsel, for any reason. "[A] "notice of unavailability" is not a fileable document under the Rules of Court and will be returned to counsel. (*Carl v. Superior Court* (2007) 157 Cal.App.4th 73, 77.)

This policy is not intended to prohibit an attorney from providing notices of unavailability in specific cases [*Tenderloin Housing Clinic, Inc. v. Sparks* (1992) 8 Cal.App.4th 299]; and is not an indication that the Court will be predisposed to award sanctions if such notice in specific cases is disregarded by opposing counsel or unrepresented party.

Rule 2.20 amended and renumbered effective July 1, 2024; adopted as Rule 2:20 effective January 1, 1997; amended effective January 1, 2019 and January 1, 2001.

2.21 Case Party Information

All initial Civil, Probate, and Family Law filings shall be accompanied by a completed Case Party Information. (See Appendix 4)

Rule 2.21 renumbered effective July 1, 2024; adopted as Rule 2:21 effective January 1, 2019.

2.22 Remote Appearances

Remote appearance means the appearance at a court hearing using remote technology by a party, defendant, attorney, witness, victim or others (social workers, tribal representatives, CASA, other experts.)

Pursuant to California Rules of Court, Rule 3.672 and Code of Civil Procedure Section 367.75, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology. Requirements for remote proceedings differ between criminal and civil proceedings. Civil proceedings, as defined in California Rules of Court 1.6, include all cases except criminal cases and petitions for *habeas corpus.*

Remote technology means technology that provides for the transmission of video and audio signals or audio signals alone, including, but not limited to, a computer, tablet, telephone, cellphone, or other electronic communication device.

Parties and witnesses appearing remotely are required to conduct themselves as if they were personally present in court and conform to all applicable rules of such an appearance. Parties and witnesses appearing remotely must ensure that they are in a quiet and stationary location free of visual and audio distractions. Parties and witnesses appearing remotely must enable video unless prior permission for an audio only appearance was granted. It is the responsibility of the Party requesting the remote appearance to ensure that these requirements are observed. The Court may terminate a remote appearance if the party appearing remotely does not conform

to these standards.

Permission to appear remotely may be modified or revoked by the Court. Parties appearing remotely without first filing the proper notice or securing permission from the Court may be deemed by the Court to have failed to appear.

Remote appearance instructions, requirements, and other information are available on the court's website at www.siskiyou.courts.ca.gov.

Rule 2.22 amended effective January 1, 2025; adopted as Rule 2:22 effective July 1, 2022; amended effective July 1, 2023; renumbered effective July 1, 2024.

2.23 Electronic Filing (E-Filing) in Civil, Probate, Family Law, and Small Claims

A. E-Filing is permissive and paper filings will continue to be accepted in-person at the clerk's service windows. Civil, Probate, Family Law, and Small Claims documents will not be accepted by this court through any other electronic methods (i.e., email or fax). All documents E-Filed shall be in accordance with and abide by California Rules of Court, Title 2, Division 3, Chapter 2 and Code of Civil Procedure, Section 1010.6. The rules for submitting filings electronically are as follows:

1) Civil, Family Law, Probate, or Small Claims Filings will not be accepted by this court through any other electronic methods (i.e., email or fax), Domestic Violence and Gun Violence Restraining Orders will be accepted via an email address posted on the Court's website.

2. E-Filings must be submitted through an authorized Electronic Filing Service Provider (EFSP). Each EFSP may charge a transaction fee. EFSP fees are waived for parties with an active fee waiver and government entities. A list of authorized EFSPs will be maintained on the Court's website.

3. Any documents received electronically by the Court between 12:00am to 11:59:59p.m. on any court day, are deemed filed that same day, if in proper form. Any documents received electronically on a non-court day (i.e., weekend, holiday) are deemed filed on the next court day.

4. Documents submitted through E-Filing must be in PDF Format, text searchable, and viewable on any standard PDF viewer.

   a. All documents equal to or exceeding 10 pages and containing multiple exhibits or sections must be bookmarked with the title of the corresponding exhibit or section.
   b. All documents submitted electronically must include page numbers.

5. The following documents are excluded from E-Filing and must be submitted in paper format:

a. Original Will and Codicil.
b. Bonds/undertaking.
c. Exhibits to be lodged for hearings or trials.
d. Subpoenaed documents.
e. Copy requests.
f. Any document to be submitted in paper format ordered by the Court.

Rule 2.23 adopted effective July 1, 2024.

2.24 Facsimile (FAX) Filing in Criminal Matters

A. The filing of documents by facsimile ("FAX") transmission is discretionary with the Court, and the privilege is limited as follows:

1) Filing by facsimile transmission is permissive and only for subsequent documents in criminal matters, by counsel and/or by unrepresented parties. The cost for fax filing is $1.00 per page, including any cover page.

2) The Court may suspend the FAX filing privileges of any party or attorney who fails to comply with the requirements of this Rule.

3) The Court may disregard any document filed by facsimile transmission that is not in compliance with this Rule.

4) Because filing by facsimile transmission is permissive only, the cost of filing papers with the Court pursuant to this Rule is not recoverable under Code of Civil Procedure §1033.5.

B. FAX Filing Procedures by Direct Filing with the Court

1) Fax filing number for the Criminal Division is (530) 572-4015.

2) Papers may be faxed directly to the clerk's office, for filing or communication to the Court, on the following terms and conditions:

a. Due to simultaneous transmissions, mechanical breakdown, and other potential problems, direct FAX filing may not be available at all times. Parties and counsel rely on direct FAX filing at their own risk. FAX filing is not recommended for filings over 10 pages. The Court will consider applications for relief from failure to file required papers only when such failure can be shown to be attributable to the malfunction of the court's FAX machine, not to a malfunction of the transmitting machine. The clerk will not review FAX-filed documents to determine whether the documents have been transmitted legibly or completely.

b. Every paper received by FAX pursuant to this rule must be accompanied by an informational cover sheet that identifies the transmitting party, his or her telephone number and address, the date of the transmission, the case name, and the case number.

c. Upon receipt of papers filed by direct FAX, the cover sheet will be considered as presumptive proof that the subject paper was filed on the date indicated thereon, unless the transmission was commenced after 5:00 p.m., in which case the filing will be presumed to have been accomplished on the next court day, and so filed in by the clerk. The time that the transmission was commenced will be determined by the "time received" message that is printed at the top of the document by the court's FAX machine.

Rule 2.24 adopted effective July 1, 2024.

CHAPTER 3: GENERAL CIVIL RULES

3.01 Scope of Civil and Law & Motion Rules

Subject to the limitations imposed by Rule 3.20 of the California Rules of Court, this chapter of the Local Rules is intended as a guide to the conduct of all civil pretrial matters, and is controlling for law and motion matters pursuant to the following: Code of Civil Procedure §§527.6, 527.7, 527.8, and 527.85; the Family Code; the Probate Code; and the Welfare and Institutions Code.

Trial and post-trial proceedings, including but not limited to motions *in limine*, are governed by Chapter Four of these Rules.

Rule 3:01 renumbered 3.01 and amended effective July 1, 2024; previously adopted as Rule 3:01 effective January 1, 1997; amended effective January 1, 2014 and January 1, 2019.

3.02 Motions and Other Applications in General

A. Format of Papers

All papers filed in support of or in opposition to a motion or other application for an order must comply with Rules 2.100 – 2.119, Rule 3.1110, and Rules 3.1112 – 3.1115 of the California Rules of Court. Failure to comply with those Rules may, in the Court's discretion, constitute a sufficient basis for the Court to deny relief or to otherwise disregard the papers filed. This paragraph is not intended to diminish the Court's authority to exercise its discretion in any other appropriate manner.

B. Time for Filing; Calendar Changes; Proofs of Service

Unless otherwise ordered or specifically provided by law, all moving and supporting papers, all papers opposing a motion, and all reply papers must be filed and served as required by Code of Civil Procedure §1005(b).

In order to determine if timely notice has been accomplished pursuant to CCP §1005(b), the Court will first count back 16 court days and then any further calendar days for the form of service that has been utilized by the moving party. In counting both segments of time, the Court will exclude the first day (e.g., the actual date of personal service or of mailing) and will include the last day (the date of the hearing or other proceeding).

When a court holiday has been declared for what otherwise would be a regular law & motion day, law & motion matters must be set for hearing on the next regularly-scheduled law & motion calendar, not on the next court day.

Failure to timely serve and file a moving or responding paper, or to timely file a proof of service, may, in the Court's discretion, constitute a sufficient basis for denial of the motion or application, or to disregard the paper. This paragraph is not intended to diminish the Court's authority to exercise its discretion in any other appropriate manner, including but not limited to granting of a continuance or the imposition of sanctions.

C. Failure to Serve and File Opposition

Failure to serve and file papers in opposition to a motion or any other application for a Court order (other than opposition to an *ex parte* application) may be deemed, in the Court's discretion, to be 1) a waiver of objections and 2) an admission that the motion or other application is meritorious.

D. Matters Submitted Without Appearance

In general, submission of matters without appearance by counsel or unrepresented party is encouraged, and will not be prejudicial to any party. Prior notice of non-appearance is required. This required notice must be given by means reasonably calculated to ensure receipt by the court calendar coordinator and opposing parties no later than two (2) days prior to the hearing date. If an out-of-county judge has been assigned to the case, counsel must give notice of non-appearance at the earliest possible date, in no case later than two (2) court days before the hearing.

E. Reply Briefs

Except with regard to motions for summary judgment, the Court discourages submission of reply briefs.

F. Tentative Rulings

The Court may establish in the future, and without amendment of these Rules, a procedure for publishing or otherwise announcing tentative rulings.

Rule 3.02 renumbered and amended effective July1, 2024; adopted as Rule 3:02 effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

3.03 *Ex Parte* Motions and Applications

A. Applicability; Calendaring and Submission of Documents

Rules 3.1200 - 3.1207 of the California Rules of Court govern *ex parte* matters in general civil law and motion proceedings, and *ex parte* matters in family law discovery and probate discovery proceedings. Unless otherwise specified, the provisions of this Local Rule 3.03 apply to all other *ex parte* matters. **Note:** For those matters which are governed by CRC Rules 3.1200 - 3.1207, the *ex parte* applicant must comply with the requirements of Part 3.03.C, below, concerning calendaring the *ex parte* matter with, and submission of papers to, the Superior Court.

B. Notice Requirements for *Ex Parte* Applications Not Governed by CRC Rules 3.1200 - 3.1207

This subpart applies only to matters not governed by Rules 3.1200 – 3.1207 of the California Rules of Court. Failure to comply with this Rule may result in the motion or application being denied (without prejudice to its renewal); in delay of

the Court's review of the application, and/or in the imposition of sanctions pursuant to Code of Civil Procedure §177.5.

1) Except as to an adverse party in default, an application for an order must not be made by *ex parte* hearing unless it appears, by affidavit or declaration:

   (a) that within a reasonable time [Local Rule 3.03.B(2)] before the application is heard, the moving party informed all opposing counsel or unrepresented parties as to when and where the application would be made, and the exact nature of the relief sought thereby; or,

   (b) that the moving party in good faith attempted to inform opposing counsel or unrepresented parties of the time, place, and content of the *ex parte* application, but was unable to do so (specifying such attempts); or,

   (c) that for reasons specified, which establish good cause, the moving party should not be required to inform opposing counsel or unrepresented parties of the pending *ex parte* application.

2) "Reasonable" time or notice to the opposition, as required by this Rule, means that notice is given to all opposing counsel or unrepresented parties, either in person, by telephone, or by FAX, no later than 10:00 AM on the court day just prior to the date of the *ex parte* appearance, absent a showing of exceptional circumstances. This requirement does not preclude giving greater notice by letter or other means.

3) For *ex parte* applications made pursuant to any provision of the Family Code; or for petitions for temporary guardianship pursuant to Probate Code §2250; or for petitions pursuant to Code of Civil Procedure §§527.6, 527.7, 527.8, or 527.85, the local form "Declaration re Notice", attached to these rules as Appendix 3, must be completed by counsel or unrepresented party, and submitted along with the *ex parte* application.

4) Parties appearing at the *ex parte* hearing must serve copies of the *ex parte* application or any written opposition thereto on all other parties who have appeared, at the first reasonable opportunity, which for moving papers will be presumed to be no later than 12:00 P.M. (noon) on the court day just prior to the day of the hearing, and for opposition papers will be presumed to be at least four (4) business hours prior to the hearing. Service may be accomplished by facsimile transmission.

5) Proof of actual notice or of adequate justification for proceeding without notice, and proof of service of documents as required by this Rule, must be presented to the Court, whenever possible, no later than four (4) business hours prior to the application, and in any case by no later than the time of the appearance on the application.

(Subd B. amended effective July 1, 2024.)

C. Submission and Calendaring of *Ex Parte* Applications; and Review by the Court

This subpart applies to all *ex parte* applications, including those governed by CRC Rules 3.1200 – 3.1207.

1) Submission and Calendaring

(a) Uncontested *ex parte* applications, or *ex parte* applications supported by a showing of good cause for lack of prior notice, may be submitted to the clerk of the Court at any time, for presentation to the Court. The Court will attempt to review all such matters expeditiously, but it is unlikely that any *ex parte* request submitted after 12:00 P.M. (noon) for consideration without a hearing will be reviewed by the Court on the day of submission.

(b) For *ex parte* matters that are contested or that require appearances, hearings will be conducted at 1:30 P.M. daily, in the courtroom assigned for hearing by the calendar clerk of the Court, upon prior approval by a judicial officer Such matters must be scheduled for hearing by the calendar clerk as early as possible before the requested hearing, but not later than 12:00 P.M. (noon) of the preceding court day, unless good cause is shown. The applicant is responsible for contacting the calendar clerk to schedule the hearing and for giving notice thereof.

(c) Copies of the application or moving papers must be submitted to the Court by no later than four (4) business hours prior to the scheduled time of the hearing; and copies of any responding papers should be submitted prior to the hearing if possible.

(d) The Court may conduct informal *ex parte* hearings for unrepresented parties, as it deems appropriate.

2) *Ex Parte* Communication with the Court

The Court will not consider any *ex parte* communications from counsel or unrepresented parties unless made in the manner prescribed by these Rules, by the California Rules of Court, or by the laws of this State. **Applications to the Court for *ex parte* relief must never be made by letter.** Counsel are hereby reminded of Rule 3.5 of the Rules of Professional Conduct of the State Bar of California, concerning *ex parte* communications with the Court.

(Subd C. amended effective July 1, 2024.)

D. Change of *Status Quo*

The applicant for an *ex parte* order has an absolute duty to disclose to the Court that a requested order will result in a change of the *status quo*.

(Subd D. amended effective July 1, 2024.)

E. *Ex Parte* Request for Order Shortening Time

1) A request for an order shortening time for service [CCP §1005] or for hearing will not be granted unless supported by a declaration demonstrating good cause why the matter cannot be heard on regular notice.

2) If an order shortening time is requested, the supporting declaration must state whether or not the responding party is represented by counsel, the name and address of the responding party's attorney, and whether or not that attorney has been contacted and has agreed to the date and time proposed for the hearing.

3) If the responding party's attorney has not been contacted or has not agreed to the proposed setting, the supporting declaration must clearly demonstrate why the hearing should be set on the proposed date without the consent of opposing counsel, and the reason the matter must be heard on shortened notice.

4) Provisions for the immediate delivery of the moving papers to opposing counsel's office, or to an unrepresented party, must be set forth in the proposed order.

5) In cases where an order shortening time has been granted, the moving papers must be promptly served on the office of opposing counsel or on any unrepresented opposing party; and in no case may they be delivered fewer than two (2) court days preceding the hearing, unless otherwise authorized by the Court.

(Subd E. amended effective July 1, 2024.)

F. *Ex Parte* Writs of Attachment or Possession

1) When application is made for an *ex parte* writ of attachment, any affidavit or declaration submitted therewith must also comply with Code of Civil Procedure §482.040 as modified by Code of Civil Procedure §§485.210(d) and 488.510(b). Failure to comply with this Rule ordinarily will result in denial of the application, in which event the applicant must proceed by noticed hearing procedures. Where the applicant relies wholly or in part on a verified complaint, the application must be accompanied by a separate statement setting forth the evidentiary facts upon which the applicant relies.

2) When application is made for an *ex parte* writ of attachment, the applicant must also submit a memorandum setting forth the reason why the application is not, instead, a request for a temporary protective order under Code of Civil Procedure §486.030. Any evidentiary facts relied on in the memorandum must be presented in the supporting declarations.

3) Every application for issuance of a writ of possession must comply with Code of Civil Procedure §516.030. Additionally, the applicant must set

forth, by declaration, facts to aid the Court in its determination of the undertaking amount, pursuant to Code of Civil Procedure §515.010.

(Subd F. amended effective July 1, 2024.)

G. Re-Application After Denial of *Ex Parte* Application

When an *ex parte* motion has been made, and has been refused in whole or in part, or has been granted conditionally or on terms, and a subsequent application is made for the same or a similar order, to the same or a different judge, whether upon an alleged different state of facts or otherwise, then the applicant must show, by declaration, what motion was previously made, the nature of the previous motion, when and to what judge it was made, what order or decision was made thereon, and what new facts, if any, are claimed by the new motion.

(Subd G. amended effective July 1, 2024.)

H. *Ex Parte* Applications Re Stipulated Judgments

Unless a stipulation that authorizes the rendering and entry of judgment, or that authorizes the termination of a stay of execution upon failure to perform specified conditions, also includes an express waiver of notice, an application to render or for entry of judgment, or to vacate or terminate a stay upon failure to perform conditions, must be made on noticed motion. [*Rooney v. Vermont Investment Corp.* (1973) 10 Cal.3d 351.] Whether *ex parte* or on notice, the applicant must submit a declaration setting forth any payments made or other compliance by defendant; the specifics of the alleged failure to perform; and the substance of the order requested.

I. *Ex Parte* Applications in Matters Governed by the Probate Code

1) In General. In all probate matters, formal notice must be given if it is not entirely clear that an *ex parte* order is proper or if issues are presented in which the relevant facts might be in doubt, and where it thus appears that other parties should have an opportunity to be heard. Because no testimony will be taken in connection with *ex parte* petitions, the application must include facts that justify granting the prayer. The petition must be verified. Conclusions or statements of ultimate fact are not sufficient. A foundation that establishes a declarant's personal knowledge must be set forth in any supporting declaration or affidavit. If the petition is opposed, counsel may argue the merits at the time of the hearing.

2) Effect of Failure to Give Notice. A valid *ex parte* order issued without prior notice will be set aside only on showing of inadvertence, mistake, or fraud. (*Sheldon v. Superior Court, Los Angeles County, Long Beach Department* (1941) 42 Cal.App.2d 406, 408)

3) Time for Giving Notice. If a probate application is presented *ex parte*, and the need for an opportunity to be heard is apparent, the Court will calendar the matter for a hearing as soon as practicable, and will require the applicant, by no later than 10:00 AM of the court day just prior to the

hearing date, to give notice of the nature of the application to counsel for known interested persons and to unrepresented known interested persons themselves, together with notice of the proposed time and place of the hearing. At least four (4) business hours before the hearing is conducted, the applicant must submit a declaration to the Court setting forth the facts relating to the efforts to give such notice, if any, or facts supporting the conclusion (a) that it was impossible to give such notice, or (b) that giving such notice would be detrimental to the estate and the persons interested in it.

(Subd I. amended effective January 1, 2025, previously amended effective July 1, 2024.)

Rule 3.03 amended effective January 1, 2025; previously adopted as Rule 3:03 January 1, 1997; amended effective July 1, 2014, January 1, 2019, and January 1, 2022; amended and renumbered effective July 1, 2024

3.04 Miscellaneous Rules Affecting Pleadings

A. Amending the Pleadings

Amendment of pleadings, and motions for such amendment, must be in compliance with Rule 3.1324 of the California Rules of Court and Code of Civil Procedure §473. In addition:

1) An amendment to designate an incorrectly named party by the correct name does not require a noticed motion, and may be obtained by *ex parte* application and order, unless the Court determines that substantial rights of said party are adversely affected.

2) An amended pleading is preferred over an amendment to a pleading, except when the amendment is for the sole purpose of correcting the name of a party (see paragraph 3.04.A(1), above).

3) Except as otherwise provided in these Rules for cases subject to Delay Reduction, whenever a pleading is amended after the filing of an at-issue memorandum, the Court will have discretion to strike the at-issue memorandum and vacate any trial date set thereon, unless the parties stipulate that earlier responsive pleadings are deemed sufficiently responsive to the amended pleading.

(Subd A. amended effective July 1, 2024.)

B. Procedure After Demurrer Is Sustained With Leave to Amend

If, after a demurrer to a complaint or cross-complaint is sustained with leave to amend, an amended pleading is not filed within the time specified by the Court, the Court may dismiss the action or cross action on its own motion. If the Court does not dismiss the action on its own motion after expiration of the specified time, any party to the cause may apply *ex parte* for a dismissal order. Such application may be submitted to the Court

without appearance by the moving party or notice to the other parties. No filing fee will be required unless a hearing on the application is conducted.

(Subd B. amended effective July 1, 2024.)

Rule 3.04 renumbered and amended effective July 1, 2024; adopted as Rule 3:04 effective July 1, 1997; amended effective July 1, 2010.

3:05 Motions for Summary Judgment or Summary Adjudication

All motions for summary judgment must comply with Rule 3.1350 of the California Rules of Court and with Code of Civil Procedure §437c. Motions not adhering to those provisions may be continued to a future date certain that is convenient to the Court, by which time compliance is expected; or the motion may be denied without prejudice.

Motions for summary adjudication made pursuant to CCP §437c(f) that seek adjudication of issues beyond those noted in that subsection may be disregarded entirely.

Rule 3.05 amended and renumbered effective July 1, 2024; adopted as Rule 3:05 effective January 1, 1997; amended effective January 1, 2007 and January 1, 2007.

3.06 Continuances and Conduct of Hearings on Motions and Other Applications for Orders

A. <u>Continuances of Hearings on the Law and Motion Calendar</u>

1) The Court generally will grant a continuance of a hearing on the law & motion calendar if <u>all</u> counsel and parties *in propria persona* are in agreement that such hearing be continued and are in agreement as to the date and time to which the matter will be continued.

2) To obtain such a continuance, the attorney or unrepresented party reporting the agreement must notify the court calendar coordinator, in person or by telephone, not later than 4:00 P.M., at least two (2) court days before the scheduled hearing. (For example, if the hearing is on a Monday then the telephonic notice must be given no later than 4:00 P.M. on the preceding Thursday.) The notifying party must also file, prior to the date and time of the hearing, a written notice confirming the agreement. Both the telephonic and written notice must state that all counsel and unrepresented parties are in agreement and must state the date and time to which the hearing is continued.

3) Upon receiving the telephonic notice, the court calendar coordinator will notify the appropriate judge of the agreement to continue. If for any reason the judge will not grant the continuance, the court calendar coordinator will immediately convey that information to the reporting attorney or party. In the absence of such response, counsel and parties can assume that the continuance is approved.

4) Violations of this Rule may result in the imposition of sanctions pursuant to Rule 2.30 of the California Rules of Court, Code of Civil Procedure §177.5, or any other appropriate authority.

(Subd A. amended effective July 1, 2024.)

B. Extended Hearing Rule

"Extended hearing" means a hearing that requires more than fifteen (15) minutes, total, to present and argue, unless otherwise defined by these Rules. If the attorney for any party determines that a matter set on the law & motion calendar is likely to require more than a total of 15 minutes, counsel must notify the court calendar coordinator and opposing counsel or unrepresented party, in person or by telephone, no later than the close of the third court day prior to the hearing date, that the matter will require an extended hearing, in which case the matter may be continued by the Court to another date and time certain.

C. Evidence at Hearing

Evidence at the hearing, including requests for judicial notice, will be governed by Rule 3.1306 of the California Rules of Court.

(Subd C. amended effective July 1, 2024.)

D. Remote/Telephonic Appearances in Non-Evidentiary Civil Law and Motion and Probate Hearings

Rule 3.670 and Rule 3.672 of the California Rules of Court governs remote/telephonic appearances by counsel and parties in non-evidentiary civil law & motion hearings and probate hearings. The Court expects strict adherence to the requirements of both Rule 3.670, Rule 3.672, and this Local Rule, particularly with regard to giving notice.

Please see Local Rule 2.22 regarding Remote Appearances.

(Subd D. amended effective July 1, 2024.)

Rule 3.06 amended and renumbered effective July 1, 2024; previously adopted as Rule 3:06 effective January 1, 1997; amended effective January 1, 2019 and July 1, 2022.

3.07 Preparation of Orders (except family law matters)

A. Duty to Prepare

Except for family law matters, the duty to prepare orders is governed by Rule 3.1312 of the California Rules of Court. In matters not governed by said Rule, or in cases where the Court finds that the time constraints of the Rule are impracticable, the prevailing party on a motion must, within ten (10) calendar days of receipt of the Court's written or oral ruling, prepare a proposed order thereon and submit it to the opposing party for approval (as to matters of form only).

B. Approval; Procedure If Not Approved

1) The opposing party must either promptly approve or promptly object to the proposed order, stating alternative proposed language. If the other opposing party fails to approve or object to the order within ten (10) days after service, the party who prepared the order may then send it to the Court for signature. The order must be accompanied by a letter to the Court stating the date the order was sent to the opposing party, the

opposing party's reason(s) for not approving it (if known), and a request that the judge sign the order. A copy of the letter to the Court must be served on the opposing party.

2) If the party who is required to prepare the order pursuant to Local Rule 3.07.A fails to do so, then the other party may prepare the order. The order may then be sent directly to the Court, without the approval of opposing counsel, along with a cover letter to the Court stating the applicability of this section; a copy of the cover letter and the proposed order must be served on all parties.

3) The Court will hold, for a period of five days, all orders that have not received the approval of the opposing party; after five days, if no objections have been received, the order will be signed.

4) Procedure When There Is Disagreement. If there is a disagreement between the parties concerning the accuracy of the order, either party may ask the Court, by letter, to resolve the disagreement by reference to the applicable portions of the hearing transcript. A copy of the letter must be delivered to all other parties at the time it is delivered to the Court. Attorney's fees and costs, including the cost of preparing the reporter's transcript, may be awarded thereafter based the merits of the matter.

C. Approval by Unrepresented Party

Unless otherwise ordered by the Court, the party preparing the proposed order need not obtain approval of the order from an opposing party who is unrepresented by counsel. The Court itself will review such proposed orders for accuracy.

(Subd C. amended effective July 1, 2024.)

D. Not Applicable to Family Law Matters

This rule does not apply to proposed orders in family law matters, which are instead governed wholly by California Rule of Court 5.125.

Rule 3.07 renumbered and amended effective July 1, 2024; adopted as Rule 3:07 effective January 1, 1997; amended effective January 1, 2014 and January 1, 2019.

3.08 Procedures After Announcement of Intended Decision Pursuant to CRC Rule 3.1590

Following the filing of an "Announcement of Tentative Decision" or "Statement of Intended Decision", any document presented to the clerk for consideration by the appropriate judge prior to the entry of judgment will be delivered by the clerk, with the file, to the office of said judge.

Rule 3.08 amended and renumbered effective July 1, 2024; adopted as Rule 3:08 effective January 1, 1997; amended effective July 1, 2010.

3.09 Procedures Regarding Applications For Extraordinary Writs

A. Form and Length of Briefs in Support of or in Opposition

to Writ Petitions

1) The form of briefs in support of or in opposition to writ petitions (regarding mandate and prohibition) must generally conform to rules specified for motions in both these Rules and the California Rules of Court, except that no brief, either in support of or in opposition to a writ petition, including its memorandum of points and authorities (but excluding exhibits, declarations, attachments, tables, and proof of service) may exceed thirty-five (35) pages in length, and no reply brief may exceed 20 pages. Leave of Court to file a brief in excess of the limitations fixed by this Rule may be granted upon a showing of good cause; an application for such leave of Court must be made according to the procedures set forth in CRC Rule 3.1113(e), and on such other conditions as the Court may impose.

2) A brief that exceeds 15 pages must include a table of contents, table of authorities, and an opening summary of argument.

3) Any paper that violates this Rule must be filed and considered in the same manner as a late-filed paper, and the Court, in its discretion, may impose other conditions and/or sanctions as a consequence of the violation.

(Subd A. amended effective July 1, 2024.)

B. Preparation of Record

A record is required for administrative mandamus and for traditional mandamus review of quasi-legislative agency actions. The record must be prepared for filing as follows: it must be copied onto double-sided pages, each page consecutively numbered (including any transcript pages prepared by a court reporter), with three holes punched into the left-hand margin and all pages placed into a three-ring binder, the outside of which, on both the spine and front of the binder, must bear the caption of the matter and the case number. Upon receipt of the record, the clerk will affix a tag to the file indicating the location where the record is stored.

(Subd B. amended effective July 1, 2024.)

C. Service of Petition Prior to Hearing

All petitions for writs of mandate, for prohibition, or for administrative mandamus or prohibition must be served upon the respondent in the same manner as a summons and complaint. Proof of service thereof must be filed with the Court prior to the hearing on any motion or order to show cause for issuance of the requested writ.

Rule 3.09 amended and renumbered effective July 1, 2024; adopted as Rule 3:09 effective January 1, 1997; amended effective July 1, 2014 and January 1, 2019.

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CHAPTER 4:

SETTING FOR TRIAL, AND TRIAL, IN CIVIL MATTERS

4.01 Setting General Civil Cases for Trial

A. Trial–Setting in Cases that are Subject to Delay Reduction Rules

All general civil cases filed in, or transferred to this Court by a Court in another jurisdiction, are subject to this Local Rule and to the time disposition standards adopted by the Court in Local Rule 2.03. *[Amended effective July 1, 2015; amended effective January 1, 2019]*

1) Policy Statement. The Government Code and the California Rules of Court mandate that trial courts actively manage and supervise the pace of litigation, from the date of filing to full disposition, by reference to specific procedures and guidelines. [Government Code §§ 68600 *et seq.*; CRC Rules 3.110 and 10.900 *et seq.*] In most cases, the Court will implement that mandate by conducting, at minimum, two (2) pre-trial conferences, described as follows:

(a) An Initial Case Management Conference, where the parties must be prepared to state that service of all pleadings has been effected on all parties, and to schedule arbitration if appropriate; and

(b) An Additional Case Management Conference, where the parties must be prepared to declare the case to be at issue; to identify all issues to be tried; to inform the Court as to all case management issues; to summarize the pertinent results of discovery activity; to address alternative dispute resolution and settlement; and to schedule arbitration, trial, or other proceedings. No at-issue memorandum is required to bring a civil action governed by this Local Rule onto the "civil active list".

2) Case Development Benchmarks. The Court adopts the following time periods for progression of general civil cases:

(a) Service of the Summons and complaint within 60 days of case initiation; filing of the proof of service of the Summons and complaint within 60 days of case initiation; and filing and service of responsive pleadings within 30 days of service of the complaint.

(b) Except to the limited extent permitted by CRC Rule 3.110(d), no extensions of the aforesaid times that are based on stipulation between the parties will be allowed. To the extent that stipulated extensions are permitted pursuant to CRC Rule 3.110(d), they must be in writing and filed promptly with the Court.

(c) Stipulated extensions of time for periods longer than permitted by statute will be allowed by the Court only upon *ex parte* application

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that 1) conforms to Rule 3.1200 *et seq*. of the California Rules of Court and 2) demonstrates good cause.

(d) Approximately 80-90 days after case initiation, the Court will conduct a review of each general civil case in order to determine if the plaintiff has complied with the case development benchmarks described in item (a), above. If the plaintiff has not complied, the Court, in its discretion and only after the plaintiff has been given notice and an opportunity to be heard, may impose sanctions.

(e) Unless and until differentiated by the Court, each general civil case will be presumed to require no more than twelve (12) months between filing and disposition. [CRC Rule 3.714.]

3) Scheduling and Noticing Conferences

(a) The Initial Case Management Conference will be set by the clerk on the first case management calendar that falls no earlier than the 140th day after case initiation.

(b) At the time the complaint is filed, the clerk of the Court will provide plaintiff with a form "Notice of Case Management Procedures" that will specify the date, time, and place of the Initial Case Management Conference. At the time of service of the summons on any party, plaintiff must also serve a complete copy of said Notice upon that party; and plaintiff must also serve a copy of the Notice on plaintiffs in intervention or plaintiffs in interpleader, within ten (10) days of being served with a complaint in intervention or interpleader. All cross-complainants must serve a copy of the Notice upon each cross-defendant at the time the cross-complaint is served.

4) Other Case Management Proceedings

(a) In its discretion, on a case-by-case basis and on timely notice to the parties, the Court may order show cause hearings to be conducted prior to the Initial Case Management Conference. The Court may require the personal appearance by all counsel of record or unrepresented parties at any such show cause hearings.

(b) Nothing in these Rules will be construed to preclude a party from seeking preferential trial setting, by duly noticed motion filed and/or heard prior to the Initial Case Management Conference, as provided for in the Code of Civil Procedure.

(c) Nothing in these Rules will be construed to preclude a party from seeking a referral to Judicial Arbitration, pursuant to California Rule of Court 3.811 and Local Rule 5.09, upon a duly-noticed motion filed and/or heard prior to the Initial Case Management

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Conference.

(d) Nothing in these Rules will be construed to preclude a party from seeking early disposition of an uncomplicated case, upon a duly noticed motion filed and/or heard prior to the Initial Case Management Conference, as defined and provided for in Rule 3.714 of the California Rules of Court; any such motion must establish that the case is at-issue; that presentation of evidence will take no more than one court day; and that the matter will not require a jury.

(e) Parties are hereby reminded of and encouraged to comply with the meet- and- confer provisions of Rule 3.724 of the California Rules of Court.

5) Case Management Conferences

(a) Not later than fifteen (15) calendar days prior to every Case Management Conference (including Additional Case Management Conferences), each party must file, and serve on all other parties, a fully-completed case management conference statement prepared on Judicial Council Form CM-110.At or immediately following the case management conference, the Court will issue an order addressing any further proceedings as well as current matters, including, if appropriate:

i. Identity and representation of parties;

ii. Nature of action;

iii. Uncontested issues;

iv. Contested issues (Note: this element will identify the issues to be tried and will supersede the pleadings in that respect);

v. Whether or not the case is at-issue;

vi. Bifurcation;

vii. Cut-off dates for: general discovery, expert-related discovery, discovery-related motions, and general law and motion matters;

viii. Referral to arbitration, alternative dispute resolution, or transfer to another court;

ix. Assignment to or exemption from a case management program, as appropriate;

x. Scheduling of further proceedings, including reference to arbitration, trial, settlement conference, and/or Additional Case Management Conference.

xi. Scheduling of dates relating to exchange of witness and evidence identification; dates for jury deposit; and dates for filing

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and service of proposed verdicts, findings, jury instructions, and motions in limine; and

xii. Sanctions for violations of these Rules, if any violations have occurred up to and including the time of the case management conference.

6) Non-Compliance with Delay Reduction Rules. Failure to appear at and/or failure to file appropriate required statements for any Case Management Conference scheduled under these Rules may result in the imposition of sanctions, the dismissal of the action, or the striking of responsive pleadings.

(Subd A. amended effective July 1, 2024; amended effective July 1, 2015 and January 1, 2019.)

B. [Reserved.] Revised 7-1-2015.

C. Trial-Setting in Short Cause Matters

1) Definition

A short cause matter is one that the Court finds to be amenable to early disposition, that does not need a case management conference, and that will not require more than four (4) hours to try.

2) Manner Of Requesting Advanced Trial Date

If counsel or a self-represented party believes that a given case qualifies as a short cause matter, he or she may ask the Court to set an early trial date at the Initial Case Management Conference. However, such requests will not be considered by the Court unless 1) all parties have appeared and the case is at issue, and 2) the requesting party, by way of the required conference statement, has established to the Court's satisfaction that the case meets the definition of a short cause matter.

Rule 4.01 renumbered and amended effective July 1, 2024; previously adopted as Rule 4:02 effective July 1, 1997; amended effective January 1, 2007 and January 1, 2019.

4.02 Changing Trial Date Once Assigned

A. Dates for Trial are Firm

All dates for trial are firm; no trial date will be changed without Court approval. Motions to advance a trial date, to reset or specially-set a case for trial, or to continue a trial date must be made on written notice to all parties who have appeared, and must be set for hearing.

(Subd A. amended effective July 1, 2024.)

B. Motions and Stipulations for Continuance of Trial

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A stipulation to continue a trial, or to vacate a trial date and calendar the matter for re-setting, may be accepted *in lieu* of a motion as long as 1) all parties agree in writing; 2) the terms of the written stipulation set forth good cause pursuant to California Rule of Court 3.1332, and further state that the stipulation is subject to approval by the Court; and the stipulation is accompanied by a proposed Order.

(Subd B. amended effective July 1, 2024.)

C. Effect of Continuance

If a trial date is continued by stipulation or at any time other than during a case management conference, the matter will be set for further proceedings on the regular case management calendar, and at least five (5) days before that date each party must file a current and complete case management statement (Judicial Council Form CM-110).

(Subd C. amended effective July 1, 2024.)

Rule 4.02 amended and renumbered effective July 1, 2024; adopted as Rule 4:02 effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

4.03 [Reserved]

Rule 4.03 deleted and reserved effective July 1, 2022; adopted effective January 1, 1997; amended effective January 1, 2019.

4.04 Duties if Case Settles

Whenever a case that has been assigned a trial date settles, the attorneys or unrepresented parties must immediately notify the Court of the settlement. The plaintiff bears the primary obligation to so notify the Court. Notification may be by telephone to the clerk, but, in such case, must be followed within five (5) days by a confirmation letter, copied to all parties. Such notification to the Court will cause the clerk to vacate any trial date and to remove the action from the master calendar and civil active list, and may result in the setting of a further case management conference, to assure that the case is dismissed or judgment entered.

Rule 4.04 amended and renumbered effective July 1, 2024; adopted as Rule 4:04 effective January 1, 1997; amended effective January 1, 2003 and January 1, 2019.

4.05 Jury Fees; Waiver of Jury

A. Deposit of Jury Fees After Waiver by Demanding Party

When the party who has demanded a jury trial waives or is deemed to have waived a jury, the other party or parties will have up to five (5) court days from the date that the clerk mails the notice of waiver, to deposit one day's jury fees. (**Note**: this five-day period is not subject to extension pursuant to CCP §1005 or any other provision of law.) However, if the waiver occurs within five (5) days of the commencement of the trial, or if it occurs after trial has commenced, then the other party or parties must make the deposit on the first or next trial day.

(Subd A. amended effective July 1, 2024.)

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B. Effect of Failure by Any Party to Pay Jury Fee Deposit

If the other parties fail to deposit fees as prescribed herein, after waiver by the party who has demanded a jury trial, then the other parties will be deemed to have waived the right to a jury trial, and the case will be tried without a jury.

(Subd B. amended effective July 1, 2024.)

C. Multiple Deposits of Jury Fees

If more than one party demands a jury, each such party will be required to deposit jury fees, unless jury fees have previously been deposited.

If more than one party makes a timely deposit of fees, then the clerk will retain only the first such deposit received, and will refund all others.

(Subd C. amended effective July 1, 2024.)

Rule 4.05 amended and renumbered effective July 1, 2024; adopted as Rule 4:05 effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

4.06 Parties not Present for Trial

A. Default Judgments when Matter is set for Trial

If a party has been served and has not answered, but neither default nor default judgment has been entered against that party and the action has been set for trial as to other parties, then, on proper application, judgment may be entered against the defaulting party in accordance with Code of Civil Procedure §§585 or 586.

(Subd A. amended effective July 1, 2024.)

B. Non-Appearance of Answering Party

If a party has been served and has answered, but does not appear for trial, and appropriate notice of time and place of trial has been given, then the Court will proceed with the case in accordance with Code of Civil Procedure §594.

(Subd B. amended effective July 1, 2024.)

C. Dismissal of Named Parties not Served

If a named party has not been served, then ordinarily, at or before the time of trial, the plaintiff will be required to dismiss, without prejudice, as to that party.

(Subd C. amended effective July 1, 2024.)

Rule 4.06 amended and renumbered effective July 1, 2024; adopted effective January 1, 1997; amended effective January 1, 2003.

4.07 Conduct of Civil Jury Trials

A. Challenging Jurors for Cause

Upon completion of *voir dire* examination, whether of all prospective jurors in the jury box or of an individual prospective juror, a party must state whether he or she "passes for

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cause".

B. Peremptory Challenges

If there are more than two sides in a trial, and one side is allotted substantially more peremptory challenges than any other side, then the trial judge will require the side with the greater number of challenges to exercise every second challenge, i.e., to alternate with each of the other sides, rather than rotate the challenges from one side to a second side to a third side.

C. Presentation Of Exhibits To Jurors

Exhibits admitted into evidence will be handed to jurors in the jury box only after leave to do so is obtained from the trial judge. Exhibits such as writings, which are not subject to cursory examination, ordinarily will not be provided to jurors until they retire to the jury room after the cause has been submitted.

D. When Jury Instructions are to be Submitted

1) Pursuant to Code of Civil Procedure §607a, all jury instructions covering the law as disclosed by the pleadings must be delivered in writing to the trial judge before jury *voir dire* commences, unless indicated by the judge. At the same time, copies thereof must be served upon all opposing counsel or unrepresented parties.

2) Thereafter, but before commencement of argument, any additional proposed instructions upon questions developed by the evidence and not disclosed by the pleadings may be delivered to the trial judge and served upon the opposing side or sides.

(Subd D. amended effective July 1, 2024.)

E. Duty to Prepare, Submit and Modify CACI Instructions

1) The parties may designate their desired standard CACI instructions by giving the trial judge a list of same, referenced by number. The judge will provide the form of such standard instructions.

2) Desired CACI instructions in which deletions, strikeouts, insertions or other changes have been made must be referenced by number, and must carry a notation that there has been a modification thereto; and a copy of the instruction, as modified, must be provided to the trial judge.

(Subd E. amended effective July 1, 2024.)

F. Special Verdict and Finding Forms

1) A party who requests a special verdict or special findings must, in connection with requested instructions, comply with Rule 3.1580 of the California Rules of Court, and must serve and file such request or proposed special findings forms before jury *voir dire* commences.

2) A special verdict or special findings form must be drafted so as to require,

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if possible, an answer of "yes" or "no", or, if that is not possible, then to require the most concise answer that will be sufficient.

(Subd F. amended effective July 1, 2024.)

Rule 4.07 amended and renumbered effective July 1, 2024; adopted as Rule 4:07 effective January 1, 1997; amended effective July 1, 2010.

4.08 Setting Unlawful Detainer Cases for Trial

A. Case Disposition Standards

The Court's disposition goal for unlawful detainer cases is to have one hundred percent (100%) of such cases disposed of within ninety (90) days after filing. This Local Rule 4.08 establishes target dates intended to assist the parties and the Court in achieving that goal.

B. Filing Proof of Service Of Summons and Complaint

1) Within fifteen (15) days after filing an unlawful detainer complaint, the plaintiff must file a proof of service of the summons and complaint, or an application for a posting order, unless a responsive pleading has been filed.

2) Failure of the plaintiff to comply with the aforesaid requirement, in the absence of a filed response, will result in the issuance of an order to show cause re status; the order to show cause will be issued within 10 days of the date that the proof of service or posting application was due. Attendance of all parties and counsel who have appeared in the action will be required at the hearing, so that the Court can determine the status of the case; whether or not the case is ready for trial; time limits; and possible sanctions, including, but not limited to, dismissal of the case, in the absence of good cause shown, for failure to serve the complaint and/or to file a proof of service.

(Subd B. amended effective July 1, 2024.)

C. Memorandum to Set

1) Within twenty-five (25) days after filing an unlawful detainer complaint, the plaintiff must file a memorandum to set the matter for trial, unless a request for entry of default or request for dismissal has been filed. By filing a memorandum to set, a party indicates that the case is at issue and will be ready to go to trial on the date assigned.

2) Failure of the plaintiff to comply with the aforesaid requirement will result in the issuance of an order to show cause re status; the OSC will be issued within 10 days of the date that the trial-setting memorandum was due. Attendance of all parties and counsel who have appeared in the action will be required at the hearing, so that the Court can determine the status of the case; whether or not the case is ready for trial; time limits; and possible

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sanctions, including, but not limited to, dismissal of the case, in the absence of good cause shown, for failure to file a trial-setting memorandum.

(Subd C. amended effective July 1, 2024.)

D. Setting for Trial

1) Court Trials. After the trial-setting memorandum is filed, and if the proof of service complies with these Local Rules in all respects, and if no jury trial is demanded, then the clerk, no sooner than five (5) days thereafter, will assign the case for court trial on the earliest available date within the next twenty (20) days, and will promptly notify all parties in writing of the trial date.

2) Jury Trials. If a jury trial is demanded, then the clerk will assign the earliest available date for settlement conference (to be held within the next ten (10) days), and will assign the earliest jury trial date within the next twenty (20) days, and will promptly notify all parties in writing of both dates.

(Subd D. amended effective July 1, 2024.)

E. Case Closure

Within six months after a clerk's judgment for restitution is entered, the plaintiff must set the case for *ex parte* prove-up hearing, unless the money damages are dismissed.

Plaintiff's appearance will not be required if a declaration is submitted pursuant to Code of Civil Procedure §§ 585(b) and (d).

Rule 4.08 amended and renumbered effective July 1, 2024; adopted as Rule 4:08 effective January 1, 1997; amended effective January 1, 2003.

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CHAPTER 5: MISCELLANEOUS CIVIL RULES

5.01 Attorney Fees in Civil Actions or Proceedings Not Involving Minors or Incompetent Persons

A. Promissory Notes and Contracts Providing for Fees

In actions on promissory notes and contracts providing for payment of attorney fees, whenever a prevailing party is entitled to recovery of reasonable fees then the following schedule will be considered by the Court in awarding such fees:

1) Default Action:

Exclusive of costs and interest,

(a) Twenty-five percent (25%) of the first two thousand dollars ($2,000) awarded as damages, with a minimum fee of three hundred dollars ($300.00);

(b) Twenty percent (20%) of the next four thousand dollars ($4,000);

(c) Fifteen percent (15%) of the next four thousand dollars ($4,000);

(d) Ten percent (10%) of the next ten thousand dollars ($10,000);

(e) Five percent (5%) of the next thirty thousand dollars ($30,000); and

(f) Two percent (2%) of amounts in excess of the first fifty thousand dollars ($50,000), on the next one hundred thousand dollars ($100,000.00); and

(g) The Court, in its discretion, will fix fees for recoveries in excess of one hundred and fifty thousand dollars ($150,000.00).

2) Contested Action:

The same amount as computed under subpart 5.01.A(1), above, increased by 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.

(Subd A. amended effective July 1, 2024.)

B. Attorney Fees When Defendant is the Prevailing Party

When the defendant is the prevailing party, the fees will be reasonable compensation (computed on an hourly or per-day basis) for research, general preparation, trial, or other services rendered, as may be allowed by the Court.

(Subd B. amended effective July 1, 2024.)

C. Clerk's Calculation of Reasonable Attorney Fees

When a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the clerk will include attorney fees computed

pursuant to the fee schedule included in this Local Rule 5.01.

(Subd C. amended effective July 1, 2024.)

D. Determination of Attorney Fees in Excess Of Schedule

When a party claims attorney fees in excess of those allowed by this Rule, then an application for attorney fees must be made to the Court; the application must be supported by declarations setting forth the factual basis for the claimed fees. The fees will be fixed thereupon by the Court.

(Subd D. amended effective July 1, 2024.)

Rule 5.01 amended and renumbered effective July 1, 2024; adopted January 1, 1997; amended effective January 1, 2003.

5.02 Attorney Fees In Civil Actions Involving Minors Or Persons With a Disability

Attorney fees in cases involving minors or persons with a disability will be determined pursuant to CRC 7.955.

Rule 5.02 renumbered effective July 1, 2024; adopted as Rule 5:02 effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

5.03 Compromise of Claim of Minor or Person With a Disability

A. Use of Mandatory Judicial Council Forms

Requests for Court approval of compromise of a claim of a minor or person with a disability will not be considered unless submitted on a fully-completed Judicial Council Form MC-350. The Petition must be accompanied by a proposed order approving the compromise, prepared on Judicial Council Form MC-351.

(Subd A. amended effective July 1, 2024.)

B. Order to Deposit Money; Deposit and Receipt For Deposit

1) Order to Deposit Money: If the order approving the compromise includes an order for deposit of funds into a blocked account, the applicant must also submit to the Court, along with the petition and approval order, a separate order to deposit the funds, prepared on Judicial Council Form MC-355.

2) Deposit and Receipt: Petitioner or counsel must deposit the subject funds as ordered within 48 hours of receipt, and must file a receipt from the depository, on Judicial Council Form MC-356, within 15 days thereafter.

(Subd B. amended effective July 1, 2024.)

C. Withdrawal of Funds

If a court order for deposit of funds for the benefit of a minor does not allow for withdrawal without further order upon the minor's eighteenth (18^{th}) birthday or

thereafter, then a petition for withdrawal of funds so deposited will be allowed only according to Local Rule 9:26, and must be submitted on Judicial Council Form MC-357. When the attorney for the petitioner was allowed fees at the time of settlement, no attorney fees incidental to securing such withdrawal order will be awarded, except for good cause.

(Subd C. amended effective July 1, 2024.)

Rule 5.03 amended and renumbered effective July 1, 2024; adopted effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

5.04 Form of Judgment

A. Required Elements of Formal Judgment

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

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

2) Refer to full names as they appear in the caption of the initial pleadings, or obtain an order amending the pleadings in respect to such names; and,

3) 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 $____.__". The clerk of the Court will enter the amount of costs claimed after a timely memorandum of costs has been filed, and after a ruling upon any motion to tax costs.

4) All judgments must be full and complete. Judgments that have exhibits are discouraged and may not be accepted. If such judgment is accepted, there must be a place for signature of the judge at the end of the attached exhibit.

(Subd A. amended effective July 1, 2024.)

B. Submission of Proposed Judgment to the Court

When required by the Court, or when a proposed judgment is required by Rule 3.1590 of the California Rules of Court, counsel must lodge the proposed judgment with the clerk. The proposed judgment must be entitled "Proposed Judgment" and must bear an attached proof of service indicating that a copy has been served upon all counsel and unrepresented parties. At the same time that the proposed Judgment is lodged with the clerk, counsel must also lodge therewith the original form of the judgment. The original judgment must be in the same form and have the same content as the proposed judgment, except that it must be entitled "Judgment", and must be suitable for signature by the judge. The clerk will mark the proposed judgment as having been received, and will retain it as well as the original judgment, unmarked, in the Court's file. After the requisite period of time has elapsed pursuant to Rule 3.1590(c) of the California Rules of Court, the clerk will present the file to the judge so that the judgment may be signed, if appropriate.

(Subd B. amended effective July 1, 2024.)

Rule 5.04 amended and renumbered effective July 1, 2024; adopted as Rule 5:04 effective January 1, 1997; amended effective January 1, 2007.

5.05 Form of Stipulated Judgment

The Court will not sign a judgment that is presented as part of a stipulation for judgment, whether or not the proposed judgment is included in the body of the stipulation or is an attachment thereto; any proposed judgment that is submitted upon stipulation of the parties must be in the form of a separate document.

Rule 5.05 amended and renumbered effective July 1, 2024; adopted January 1, 1997; amended effective January 1, 2001.

5.06 Appeal from Decision of Labor Commissioner Under Labor Code Section 98.2

A. Required Documents

Any party who files a notice of appeal of an order, decision, or award of the Labor Commissioner pursuant to Labor Code §98.2, must also file the following with the clerk of the Court:

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

2) A complete copy of the order, decision, or award of the Labor Commissioner, which must include, if provided by the Labor Commissioner, a summary of the hearing and the reasons for the decision; and,

3) A proof of service upon the Labor Commissioner of a copy of the notice of appeal.

B. Setting for Hearing

The clerk of the Court will set the matter for a trial readiness conference in approximately 30 days upon the filing of the papers prescribed by subpart 5.06.A, above.

(Subd B. amended effective July 1, 2024.)

C. Determining Filing Fee

A notice of appeal filed pursuant to Labor Code §98.2 will be treated as the first paper for purposes of determining the filing fee.

Rule 5.06 amended and renumbered effective July 1, 2024; adopted as Rule 5:06 effective January 1, 1997; amended effective January 1, 2014 and January 1, 2019.

5.07 Settlement Conferences

A. Required Conference

1) Civil cases that have an estimate for trial in excess of one full day, whether or not subject to the Trial Court Delay Reduction Act, may be set for settlement conference at the discretion of the Court. The settlement conference will be held not earlier than ninety (90) days prior to trial, unless otherwise stipulated by the parties, in writing.

2) Any matter may be voluntarily submitted to the Court for settlement conference.

B. Attendance And Preparation

At the settlement conference, all parties must:

1) Be prepared to make a bona fide settlement offer;

2) Have all principals or clients either in attendance or available by telephone, unless excused in advance for good cause shown, after notice to all other parties that a request to be excused will be made (requests for non-appearance may be made by letter);

3) Produce memoranda of items of any special damages claimed; and

4) Have available any and all medical reports (if a personal injury is claimed), depositions, photographs, records, diagrams, maps, bills, contracts, memoranda and other documents pertinent to settlement of the case.

C. Settlement Conference Statement

No later than five (5) calendar days prior to the date fixed for the settlement conference, the parties must file with the Court, and must serve upon all other parties, a brief statement of the facts and the law of the case.

(Subd C. amended July 1, 2023.)

D. Duty Re: Settlement

If a settlement conference has been calendared and the matter is resolved prior thereto, the settlement conference will not be dropped from calendar unless and until the parties have filed settlement papers or a dismissal of the action, and have informed the clerk of the Court that the matter can be dropped from calendar. If neither dismissal nor settlement papers have been filed prior to the conference, the matter will be returned to the case management calendar for status review.

(Subd D. amended July 1, 2024.)

Rule 5.07 amended and renumbered effective July 1, 2024; adopted effective January 1, 1997; amended effective January 1, 2003, January 1, 2019, and July 1, 2023.

5.08 Sanctions

A violation of these Rules of Court constitutes a violation of a lawful court order, as that term is

used in Code of Civil Procedure §177.5, and may subject the party and/or counsel to sanctions thereunder or as otherwise provided by law. In addition to sanctions authorized by the Code of Civil Procedure, the Court adopts and incorporates herein the provisions of Rule 2.30 of the California Rules of Court. Any request for money sanctions must be made upon advance notice, in writing, unless ordered on the Court's own motion, in which case notice need not be in writing.

Rule 5.08 renumbered effective July 1, 2024; adopted as Rule 5:08 effective January 1, 1997; amended effective January 1, 2007.

5.09 Arbitration

A. General Provisions

Arbitration pursuant to Rules 3.810 et seq. of the California Rules of Court is subject to the provisions of CRC Rule 3.811(b) (exemptions) and of these Local Rules, and will be conducted as follows:

1) Upon an order of the Court pursuant to Code of Civil Procedure §1141.11(b);

2) Upon stipulation of all parties to non-binding arbitration;

3) Upon stipulation of all parties to binding arbitration;

4) Upon the filing of an election by a plaintiff, provided that plaintiff agrees that the arbitration award will not exceed $50,000; in all actions where the amount in controversy does not exceed $50,000 as to any plaintiff. A stipulation or election for arbitration pursuant to this Local Rule ordinarily must be made no later than the date of the initial status/case management conference.

B. Disclosure Notice; Declination of Arbitrator

1) Within five (5) days of receiving a notice of assignment to arbitration, each party must file, and deliver directly to the nominated arbitrator, a notice that discloses the following:

2) Whether or not any party is proceeding *in forma pauperis*.

3) Whether or not this is a lengthy hearing matter (as defined hereinafter). If any party indicates that a lengthy hearing will required, the arbitrator must contact the parties, as promptly as possible, in order to determine the estimated length of the hearing and to negotiate his or her hourly rate for the anticipated lengthy hearing.

4) The arbitrator will have fifteen (15) days, from the date of the administrator’s notice of the appointment, to file a written declination of the appointment. Failure to file a declination will be conclusive of the arbitrator's acceptance of the appointment.

(Subd B. amended effective July 1, 2024.)

C. Procedure After Declination of Arbitrator

Upon the filing of a declination by the arbitrator, the matter will be referred back to the arbitration administrator for re-assignment. If the panel of arbitrators has been exhausted, the administrator will set the matter on the case management calendar, to be heard within forty (40) days of the filing date of the declination.

(Subd C. amended effective July 1, 2024.)

D. Time of Arbitration Hearing

Arbitration hearings must be conducted no sooner than thirty-five (35) days and no later than ninety (90) days from the effective date of the assignment to the arbitrator.

(Subd D. amended effective July 1, 2024.)

E. Continuances

In no case may an arbitration hearing be continued to a date later than ninety (90) days after the effective date of assignment to the arbitrator, except by order of the Court, made on application and for good cause shown in accordance with Rule 3.817 of the California Rules of Court.

F. Arbitration Active List; And Periodic Reviews

Arbitration selection will be pursuant to Rule of Court 3.815 (b) & (c).

G. Arbitration Panel

The Court will keep a panel of arbitrators pursuant to Rule of Court 3.814. Each person appointed to the panel will serve at the pleasure of the Court. The panel of arbitrators may include attorneys from jurisdictions outside of Siskiyou County.

H. Length of Arbitration Proceedings

1) Except as provided hereafter, arbitration hearings must not exceed three (3) hours, after which time the arbitrator is authorized to terminate the proceedings and make his or her award based upon the law and evidence thus far received. At the sole discretion of the arbitrator, the hearing may be extended beyond three hours in order to bring the matter to an orderly conclusion; however, no additional compensation will be available to the arbitrator under these Rules for such an extension of hearing.

2) If any party believes that the hearing will require more than three (3) hours (any such matter must be designated as a "lengthy hearing"), that party may obtain permission for such lengthy hearing in one of the following ways:

   (a) By filing, at least fifteen (15) court days before the hearing, a written stipulation between the parties and the arbitrator that they

all agree to a lengthy hearing; said stipulation must provide for payment by the parties of a specified reasonable hourly rate of compensation to the arbitrator for any arbitration in excess of three hours; or,

(b) By obtaining an order, on duly noticed motion, that shows cause for a lengthy hearing and that specifies the reasonable rate of compensation to the arbitrator for each hour of hearing in excess of three (3) hours; such motion must be made to the Court before the date by which the matter is required to have been completely arbitrated.

(Subd H. amended effective July 1, 2024.)

I. Arbitration Fees

1) Standard Arbitration: Except as may be provided elsewhere in these Rules, an arbitrator's fee in the total amount of one hundred and fifty dollars ($150.00) will be ordered as a charge upon the Court, and will constitute the sole compensation for any arbitration hearing conducted pursuant to Local Rule 5.09. At the time the arbitrator is appointed, the arbitration administrator will provide the arbitrator with a claim form, to be completed by the arbitrator and submitted for payment when the arbitrator's award is filed with the Court. The costs of the arbitration that exceed $150.00 may be awarded as costs to the prevailing party.

2) Lengthy Arbitration: The reasonable compensation for a lengthy hearing must be fixed by agreement between the arbitrator and the parties to the arbitration, and must be limited to a reasonable hourly rate for each hour of hearing time in excess of three (3) hours. The parties are required to comply with the following provisions regarding any lengthy arbitration:

(a) If a dispute arises concerning the arbitrator's fee, then any affected party, including the arbitrator, may file and duly notice a motion to obtain a Court resolution of that dispute. The time incurred by the arbitrator in making or defending such motion will be considered by the Court in determining the reasonable compensation.

(b) The arbitrator's fee must be paid in full within ten (10) days after he or she issues an award. If not paid, the arbitrator will have a lien in the amount of any unpaid fees upon the settlement or judgment entered in the subject action.

(c) The arbitrator, in his or her discretion, may require the parties to make a deposit on account, in advance of the hearing, for the anticipated fees, the amount of which must be divided equally between all parties. Any party who prevails in the action and who

has paid the arbitrator on account may recover those fees as costs.

Rule 5.09 amended and renumbered effective July 1, 2024; adopted as Rule 5:09 effective January 1, 1997; amended effective January 1, 2007 and January 1, 2019.

5.10 Default Prove-Ups

A. Manner of Presentation

1) Except for default cases in which the clerk of the Court may enter judgment without review by a judicial officer [Code of Civil Procedure §585(a)], and cases in which plaintiff seeks to quiet title pursuant to CCP §764.010 and Local Rule 5.11, applications for entry of default judgment and evidence in support thereof may be presented either in written form or by oral testimony.

2) Affidavits and declarations presented in support of a prove-up application must comply with the requirements of CCP §585 and §585.5.

3) If a prove-up by oral testimony is desired, the plaintiff must apply to the clerk of the Court for a hearing, which will be set on the regular civil law and motion calendar.

(Subd A. amended effective July 1, 2024.)

B. Evidence on Prove-Up, Generally

For purposes of default prove-ups, allegations in the complaint or cross-complaint, if applicable, are not deemed proved because of the failure of the adverse party to answer. Rather, proof must be presented by competent evidence with respect to all essential elements of the causes of action to be proved. Mere conclusions are insufficient.

Affidavits and declarations must show, affirmatively, that the affiant or declarant is competent to state those things that appear therein. Generally, the Court will use the same standard for assessing the quality and sufficiency of the evidence as it would apply in a contested proceeding. [*Devlin v. Kearny Mesa AMC* (1984) 155 CA3d 381.]

(Subd B. amended effective July 1, 2024.)

Rule 5.10 renumbered and amended effective July 1, 2024; adopted as Rule 5:10 effective January 1, 1997; amended effective July 1, 2010 and January 1, 2019.

5.11 Prove-Up in Quiet Title Proceedings

The Court will not enter judgment by default in any action to quiet title. [Code of Civil Procedure §764.010.] An application for entry of judgment in such action must be set for hearing on the civil law and motion calendar. At the hearing or by papers filed prior thereto, the applicant must demonstrate that all parties have been served and have either appeared or failed to appear; and the applicant must comply with the provisions of CCP §585(c). At the hearing on the

application, the applicant must present such oral and documentary evidence as may be necessary to prove his or her claim to title.

Rule 5.11 amended and renumbered effective July 1, 2024; adopted as Rule 5:11 effective January 1, 1997; amended effective January 1, 2003.

5.12 Obtaining Default Judgments Pursuant to Service by Publication

A. Obtaining an Order for Service by Publication

Applications for service by publication must be submitted to the clerk of the court for *ex parte* approval by a judicial officer and must be supported by one or more factual declarations describing all efforts to locate the other party. The Court will not grant the application unless it appears from one or more supporting declarations that the petitioner has exercised all due diligence in attempting to locate the other party. [*Olvera v. Olvera* (1991) 232 Cal.App.3d 32; *Harris v. Cavasso* (1977) 68 CA3d 723;.] Petitioner's due diligence search may include the following, as appropriate:

1) Recent inquiries of relatives and friends of the other party, and of other people likely to know his or her whereabouts;

2) Searches of relevant telephone directories; tax rolls; DMV rolls; and records of the Registrar of Voters.

(Subd A. amended effective July 1, 2024.)

B. Publication; and Entry of Default

Upon receiving the signed order for publication, the petitioner must cause the summons to be published in a newspaper of general circulation in the State of California that is most likely to give actual notice to the other party, pursuant to Code of Civil Procedure §415.50 (i.e., the summons must be published once a week for four consecutive weeks). Upon completion of publication, the petitioner must file the proof of publication and the request to enter default. The clerk will then determine whether service is complete and, if so, will enter default. (A hearing on the request to enter default may be required when the circumstances so merit.) After default has been entered, the petitioner may apply for a default judgment as described in the preceding section.

(Subd B. amended effective July 1, 2024.)

C. Applications for Orders for Alternative Service by Publication Where Plaintiff/Petitioner is Indigent

An indigent plaintiff/petitioner may apply to the Court for an alternative manner of service, other than publication in a California newspaper of general circulation. A plaintiff/petitioner may be eligible for indigent relief when a prior fee waiver has been granted in the same action. The petitioner must submit, for the Court’s review, an application and declaration for alternative service, stating that the Court has granted a fee waiver and the reasons that the applicant cannot now afford the cost of publication. After reviewing the application and the file, the Court may order alternative service of process;

require a hearing to determine Petitioner's ability to pay; or deny the request.

(Subd C. amended effective July 1, 2024.)

Rule 5.12 amended and renumbered effective July 1, 2024; adopted as Rule 5:12 effective January 1, 1997; amended effective January 1, 2003 and January 1, 2019.

5.13 Small Claims Court; Appearance by Plaintiff; Dismissal

A. Statement of Policy

The goal of the Court is to process small claims cases in the most expedient manner that is fair to all concerned. The Court aims to achieve disposition of 100 percent (100%) of small claims cases within thirty (30) days after filing when all defendants reside in Siskiyou County; and within sixty (60) days after filing when any defendant resides outside of Siskiyou County. Small claims cases are scheduled for trial within these timeframes whenever practicable.

In many cases, service cannot be completed upon the defendant before the scheduled hearing date. If the plaintiff contacts the Court prior to the hearing date, the hearing date will be continued for a reasonable amount of time to allow for proper service upon the defendant.

(Subd A. amended effective July 1, 2024.)

B. Duty of Plaintiff To Appear or Request Continuance

The Court will dismiss, without prejudice, any small claims action for which there is no appearance by the plaintiff at the scheduled hearing, unless the plaintiff complies with the requirements of Code of Civil Procedure Section 116.570 as to requesting a continuance.

(Subd B. amended effective July 1, 2024.)

Rule 5.13 amended and renumbered effective July 1, 2024; adopted as Rule 5:13 effective January 1, 1997; amended effective July 1, 2014 and January 1, 2019.

5.14 Representation in Unlawful Detainer Proceedings

A. General Court Policy

A property manager or rental agent may not file an unlawful detainer action on behalf of the owner or lawful tenant of the subject property, and may not appear in the action on behalf of the owner. A property manager who by contract has been assigned the right of possession, and who has entered into the rental agreement with the tenant, may bring an unlawful detainer action in his or her own name, as the real party in interest. A rental agent or property manager who is a partnership, corporation, or unincorporated association, must appear through an attorney. (*Anna v. Metropolitan Trust* (1941) 17 Cal.2d 827.)

(Subd A. amended effective July 1, 2024.)

B. Effect of Filing by Unauthorized Person

If the clerk of the Court inadvertently files an unlawful detainer complaint in violation of the aforesaid policy, then the clerk thereafter will refuse to enter the default of the defendant or to enter a clerk's judgment, or to file any other papers on behalf of the plaintiff, unless and until a licensed attorney substitutes into the action as attorney of record for the plaintiff.

(Subd B. amended effective July 1, 2024.)

C. Authorized Parties in Propria Persona

Nothing in this Rule will preclude an individual who is a property owner of record, or an individual who is a bona fide lessee and/or is entitled to possession of the subject premises, from preparing, filing, and prosecuting an unlawful detainer action in his or her own name, without representation by counsel. **Note:** corporate or other business entities, whether landlord or tenant, may not appear as parties *in pro per*. (*Merco vs. Construction Engineers Inc.* (1978) 21 Cal.3d 724.)

(Subd C. amended effective July 1, 2024.)

Rule 5.14 amended and renumbered effective July 1, 2024; adopted as Rule 5:14 effective January 1, 2001; amended effective July 1, 2010 and January 1, 2019.

5.15 Service of Unlawful Detainer Complaint

Pursuant to Code of Civil Procedure section 1167.1, the Court may issue summary dismissal without prejudice if plaintiff does not file a Proof of Service of the Summons and Complaint within 60 days of the filing of the Unlawful Detainer action.

Rule 5.15 renumbered effective July 1, 2024; adopted as rule 5:15 effective July 1, 2023.

5.16 False Claims Act Proceedings

Proceedings initiated pursuant to the False Claims Act [Government Code §§ 12650 *et seq.*] must be filed in the Yreka Branch of the Superior Court, and will not be accepted by the clerk for filing unless a completed "Confidential Cover Sheet – False Claims Act", JC Form MC-060, is affixed to the first page of the complaint. (Rule 2. 571 of the California Rules of Court.)

Rule 5.16 renumbered effective July 1, 2024; previously adopted as Rule 5:15 effective January 1, 2007; renumbered as Rule 5:16 effective July 1, 2023.

CHAPTER 6: CRIMINAL RULES – MISDEMEANORS AND FELONIES

6.01 Filing Criminal Complaints and Citations

A. Place of Filing

All citations and criminal complaints must be filed in the Siskiyou County Courthouse in Yreka, California.

(Subd A. amended effective July 1, 2024.)

B. Number of Copies of Charging Document

At the time a criminal charging document is filed, the filing agency must submit an original and one copy of the charging document for each defendant named therein.

(Subd B. amended effective July 1, 2024.)

C. Time of Filing: in-Custody Defendants

All criminal complaints charging in-custody defendants must be filed with the Clerk of the Criminal Division at the earliest time possible, in no case later than 1:15pm on the day of the defendant's first appearance on those charges.

(Subd C. amended effective January 1, 2025; amended effective July 1, 2024.)

D. Time of Filing: Out-of-Custody Defendants

All criminal complaints charging out-of-custody defendants shall be filed with the Clerk of the Criminal Division ~~no later than~~at least two (2) days before the time of the defendant's first appearance on those charges.

(Subd D. amended effective July 1, 2025; previously amended effective July 1, 2024.)

Rule 6.01 amended July 1, 2025~~January 1, 2025~~; adopted as Rule 6:01 effective July 1, 1996; amended effective July 1, 2020; amended effective July 1, 2009, January 1, 2019, ~~and~~ July 1, 2020, and January 1, 2025; amended and renumbered effective July 1, 2024.

6.02 Bail and "O.R." Procedures

A. General Provisions

The following provisions apply to all proceedings in which bail is requested or has been set:

1) Out-Of-Court Requests for Increase or Reduction

When bail has been set by a judge outside of court, any further out-of-court requests for the increase or reduction of bail must be made, if practicable, to the judge who set such bail.

2) Disclosure of Prior Requests

Any person requesting a bail reduction or bail increase must disclose all prior such applications which have been made in the pending matter.

3) Requests For Bail or Release on Own Recognizance

(a) No defense applications for bail or release on one's own recognizance ("O.R.") will be considered unless the Office of the District Attorney has been given adequate notice of the request, so that a representative of the District Attorney has the opportunity to be present at the time the request is presented.

(b) When a defense request for bail or O.R. is made after normal court hours, the requesting party, before contacting the Court, must arrange for the telephone availability of a Deputy District Attorney.

4) Request to Set Aside Forfeiture

(a) Except for vacation of forfeiture ordered pursuant to Penal Code §§ 1305(c)(1) and (2), a notice of request to set aside forfeiture and exonerate bond must be served on the District Attorney and County Counsel at least ten (10) days prior to the hearing on the motion. This notice is a condition precedent to vacation of forfeiture.

(b) If an assessment is ordered by the Court pursuant to Penal Code Section 1305.2, the forfeiture will not be set aside until such assessment has been paid.

(Subd A. amended effective July 1, 2024.)

B. Source of Bail Pursuant to Penal Code Section 1275.1

When a Source of Bail Order pursuant to Penal Code §1275.1 has been issued, the defendant, in order to show that no portion of the consideration, pledge, security, deposit, or indemnification which is paid, given, made, or promised for its execution was feloniously obtained, must utilize the following procedures to calendar the matter for hearing:

1) Declaration or Offer of Proof

The request for hearing must be accompanied by a declaration or offer of proof setting forth the following:

(a) The identity of the bail agent and surety, or, if there is no surety, the depositor;

(b) The source of the bond premium, including name and address of any person proposing to pay said premium; and

(c) The source of the security or pledge, including the name and address of the owner, and description of the property.

2) Filing and Service of Declaration

The declaration or offer of proof must be filed with the Clerk and must be personally served on the Office of the District Attorney not later than twenty-four (24) hours before the hearing.

3) Hearing

At the hearing, the defendant must produce the bail agent, the person proposing to pay the premium, and the person proposing to provide the security, for examination and cross-examination.

(Subd B. amended effective July 1, 2024.)

Rule 6.02 amended and renumbered effective July 1, 2024; adopted as Rule 6:10 effective July 1, 1996; amended effective July 1,2009 and January 1, 2019; previously amended and renumbered as Rule 6:02 effective July 1, 2020; amended effective, and January 1, 2022.

6.03 Arrest Warrants and Search Warrants

A. Issuance Procedures

All requests for arrest warrants and search warrants must first be presented to the District Attorney or Attorney General, as appropriate, for review and approval before delivery to the Court. Approval by the District Attorney or Attorney General must be in writing. All supporting declarations for arrest warrants must be fully dated and executed before submission to a judge.

B. Return Procedures

Search warrant returns are to be presented to the Clerk of the Criminal Court, who is authorized to receive and execute the return for the Court. (Penal Code §1534(d).)

Rule 6.03 amended and renumbered effective July 1, 2024; previously adopted as Rule 6:20 effective July 1, 1996; amended effective July 1, 2000 and January 1, 2019; amended effective January 1, 2022; previously amended and renumbered as Rule 6:03 effective July 1, 2020.

6.04 Arraignment

A. Reserved

B. Reserved

C. Appearance of Public Defender at Arraignment

The Office of the Public Defender will be notified of all pending in-custody arraignments, and a Deputy Public Defender must be present for all in-custody arraignment calendars, whenever a Deputy is available, as determined by the Public Defender, to undertake representation of defendants for whom the Public Defender may be appointed as counsel.

D. Conflict of Counsel

As soon as possible, and in any event no later than seven (7) calendar days after the Public Defender or a conflict Public Defender has discovered a conflict, conflicted counsel must contact the clerk of the Criminal Court for re-calendaring on the next available court date so that the conflict may be declared and substitute counsel appointed.

(Subd D. amended effective July 1, 2024.)

E. Continuance to Obtain Counsel

In cases in which a defendant appears at arraignment without counsel and advises the Court that he or she is in the process of hiring or attempting to hire private counsel, the case may be continued for appearance of counsel and initial plea; the continuance will not extend beyond fourteen (14) calendar days from the date of first appearance, absent a showing of good cause for a later appearance.

(Subd E. amended effective July 1, 2024.)

F. Further Calendaring in Misdemeanor Matters

As a general case-handling guideline, the Court will schedule misdemeanor cases not resolved at arraignment for a pretrial conference to be conducted approximately thirty (30) days after the arraignment.

(Subd F. amended effective July 1, 2024.)

G. Further Calendaring in Felony Matters

As a general case-handling guideline, unless the defendant exercises his or her right to a speedy trial, the Court will schedule felony cases not resolved at arraignment for a pretrial conference to be conducted approximately thirty (30) days after the arraignment. If no pretrial conference is set, a preliminary examination will be set within thirty (30) days after the arraignment, unless the Court requires a later setting.

(Subd G. amended effective July 1, 2024.)

Rule 6.04 amended and renumbered effective July 1, 2024; previously adopted as Rule 6:30 effective July 1, 1996; amended effective July 1, 2013; amended effective January 1, 2019; previously amended and renumbered as Rule 6:04 effective July 1, 2020.

6.05 Amendments to Complaints and Informations

A. Filing and Hearing Requirements

If a party wishes to file an amended pleading and leave of court is required but has not yet been obtained, the amended pleading may be lodged with the Court. The Clerk will mark it as "received", and at the next calendared hearing the Court will determine if there is objection to the amended pleading, and will permit counsel, or a party appearing *in propria persona*, to present argument in support or opposition. If the matter is not already on calendar, for some purpose, within a reasonable time after the amended pleading is lodged, then the party requesting leave to file the amended pleading must place the matter on calendar by filing a noticed motion in accordance with Local Rule 6.10.
(Subd A. amended effective July 1, 2024.)

B. Service Requirements

At the time the amended pleading is lodged with the Court, the party lodging the pleading must immediately serve a copy on all other counsel, or parties appearing *in propria persona*.

Rule 6.05 amended and renumbered effective July 1, 2024; previously adopted as Rule 6:40; amended effective July 1, 2013; previously amended and renumbered as Rule 6:05 effective July 1, 2020.

6.06 Discovery

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 § 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. In addition, an informal request will be deemed to have been made by the defendant for all audio, video and still photographs, including, but not limited to body camera footage, ~~and~~ dash camera footage, and MVARS.~~,~~

Rule 6.06 amended effective July 1, 2025 ~~January 1, 2025~~; adopted as Rule 8:01 effective July 1, 1996; amended effective July 1, 2009 and January 1, 2025; previously renumbered as Rule 6:06 effective July 1, 2020; renumbered effective July 1, 2024.

6.07 Preliminary Examinations

A. Time Estimate for Preliminary Examination

Counsel must, at the time of setting or as soon as possible thereafter, identify to the Court any matter that is expected to take a half-day or more to hear. Those matters not so designated will be presumed to require less than a half-day and will be appropriately calendared.

(Subd A. amended effective July 1, 2024; previously adopted as Rule 10:01 effective July 1, 2013; previously amended and renumbered as Rule 6:07, subdivision (A) effective July 1, 2020.)

B. Continuance of Preliminary Examination

Unless Penal Code §1050(k) applies, motions to continue a preliminary examination are disfavored, and will be denied unless the moving party, pursuant to and in accordance with Penal Code §1050 and the particular statutes pertaining to continuances of preliminary examinations, presents affirmative proof that there is good cause to continue the preliminary examination and the ends of justice require the continuance. A stipulation by all parties to continue the preliminary examination, by itself, does not constitute good cause. Likewise, substitution of counsel does not automatically constitute good cause for a continuance.

(Subd B. amended effective July 1, 2024; originally adopted as Rule effective July 1, 1996; amended effective July 1, 2009; amended and renumbered as Rule 6.07, subdivision (B) effective July 1, 2020.)

Rule 6.07 amended and renumbered effective July 1, 2024; previously adopted as Rules 10.01 and 10.02 effective July 1, 1996; amended effective July 1, 2009 and July 1, 2013; previously amended and renumbered as Rule 6:07 effective July 1, 2020.

6.08 Negotiations Prior to the Pre-Trial Conference

A. Meet and Confer

Counsel are strongly encouraged to meet and discuss actions informally in order to resolve matters prior to the pre-trial conference.

(Subd A. amended effective July 1, 2024.)

B. Prosecution Offers for Resolution

The prosecuting agency should deliver any formal written offer for resolution to defense counsel at least t~~T~~en (10) court days prior to the day of the pre-trial conference.

(Subd B. amended effective July 1, 2025; previously amended July 1, 2024.)

C. Defense Preparation

Defense counsel should appear at the pre-trial conference having already discussed the case, and the prosecuting agency's offer, with the defendant.

Rule 6.08 amended effective July 1, 2025; previously amended and renumbered effective July 1, 2024; previously adopted as Rule 7.01 effective July 1, 1996; amended July 1, 2009; previously amended and renumbered as Rule 6.08 effective July 1, 2020.

6.09 Pre-Trial Conferences

A. Definition

Pre-Trial Conferences are hearings after arraignment and before the trial readiness conference.

(Subd A. amended effective July 1, 2024.)

B. Limitation on Number of Pre-Trial Conferences

Absent exceptional circumstances, felony cases will have at most one (1) Pre-Trial Conference after arraignment on the complaint and one (1) Pre-Trial Conference after arraignment on the information. Misdemeanor cases will have one Pre-Trial Conference after arraignment on the complaint.

C. Presence of Defendant

Defendants will be ordered to appear at the Pre-Trial Conference unless the Court has given prior approval for non-appearance or counsel has been authorized by the client to appear pursuant to Penal Code Section 977.

(Subd C. amended effective July 1, 2024.)

D. Preparation and Continuances

At the pre-trial conference, both sides must be fully prepared to discuss the facts of the case and the availability of witnesses for trial. Attorneys are expected to have exchanged discovery, discussed offers, conveyed offers to clients and discussed counter-offers prior to the pre-trial conference. The pre-trial conference will not be continued without actual good cause shown.

(Subd D. amended effective January 1, 2025; amended July 1, 2024.)

E. Dispositions and Trial Dates

The Court will be prepared at the pre-trial conference to accept dispositions and to set trial dates.

(Subd E. amended effective July 1, 2024.)

F. Mandatory Settlement Conferences

All cases set for trial will be set for a mandatory settlement conference approximately three weeks prior to trial. Defendants shall be present at the settlement conference unless prior arrangements have been made with the trial judge.

Counsel may appear pursuant to Penal Code section 977 only if counsel has authority to provide a bona fide offer and, if the client is immediately available by telephone to discuss the negotiations.

(Subd F. amended effective January 1, 2025; adopted effective January 1, 2022; amended effective July 1, 2024.)

Rule 6.09 amended January 1, 2025; previously adopted as Rule 7:02 effective July 1, 1996; amended effective July 1, 2011; previously amended and renumbered as Rule 6:09 effective July 1, 2020; amended effective January 1, 2022; renumbered and amended effective July 1, 2024.

6.10 Pre-Trial Motions

A. Form of Pretrial Motions

Unless otherwise ordered or specifically provided by law, all pretrial motions must be in writing and must be accompanied by a memorandum of points & authorities. All such motions and supporting documents, opposition papers, and the hearings thereon must be in compliance with Rule 4.111 of the California Rules of Court. The form and format of all motions, and supporting or opposition documents, must be as required by the California Rules of Court and, specifically, Rule 2.100 *et seq*.

Counsel are encouraged to refer to the California Criminal Law Forms Manual, published by the California Continuing Education of the Bar, for guidance in connection with the filing, scheduling, and opposing of pretrial motions.

(Subd A. amended effective July 1, 2024.)

B. Filing and Service

The time for filing and the manner of service of pretrial motions must be as set forth in Rule 4.111 of the California Rules of Court unless otherwise ordered or specifically provided by law. An order shortening time may be granted by the Court upon *ex parte* written application, if the application is supported by a declaration demonstrating good cause. Any *ex parte* application to the Court for an order shortening time must be in compliance with Local Rule 3.03.

(Subd B. amended effective July 1, 2024.)

C. Hearings

Hearings on pretrial motions must be set on the Court's regular criminal law and motion calendar, provided that the hearing will require no more than a total of 15 minutes for all sides to fully argue; no evidence will be taken at any hearing on the law and motion calendar. In the event that counsel determines that the matter will require more than a total of 15 minutes, or will require the taking of evidence, counsel must notify the Court's criminal clerks, no later than the third court day prior to the day set for hearing, that the matter requires an extended hearing, in which case the matter may be continued by the Court to a date and time certain.

D. Hearings by Stipulation of Counsel/Parties

If counsel, or counsel and parties *in propria persona*, unanimously stipulate that a matter may be placed on calendar and heard by the Court without notice, then counsel or such party may notify the Court's criminal clerks, by written memo, of the fact of the stipulation, and may request that the matter be calendared for hearing at a designated date and time. Upon receipt of approval by a judge, the calendar coordinator may authorize the matter to be so calendared, and shall telephonically notify the clerk, the court reporter, all counsel and parties *in propria persona,* and all necessary security personnel (and custodial personnel if the defendant is in custody), of the date and time of the hearing. Unless expressly ordered by the Court, or otherwise provided for in these Rules or some other written policy or order of the Court, no counsel or party may unilaterally request that a matter be calendared for hearing. Exceptions to this Rule include the Court's existing policy regarding the calendaring of juvenile detention hearings under Welfare & Institutions Code Sections 300 and 600, and calendaring the arraignments of defendants taken into custody for alleged probation violations.

(Subd D. amended effective July 1, 2024.)

Rule 6.10 amended and renumbered effective July 1, 2024; previously adopted as Rule 13.03 effective July 1, 1996; amended effective January 1, 2007 and January 1, 2019; previously amended and renumbered as Rule 6:10 effective July 1, 2020; originally.

6.11 Trial Setting

The trial date, pre-*voir dire* conference, settlement conference, and trial readiness conference will be set at the pre-trial conference following arraignment on the complaint in a misdemeanor case or arraignment on the information in a felony case. Generally, the Court will select a trial date that is approximately thirty (30) to sixty (60) days after the pre-trial conference. When the trial is set, counsel shall advise the Court of the estimated time needed to try the case.

A trial readiness conference will be set approximately thirty (30) days before the trial date, at which counsel shall confirm that all discovery, including exculpatory evidence and a written witness list including the names and addresses of persons a party intends to call as witnesses at trial, has been exchanged consistent with the provisions of Penal Code sections 1054, 1054.1, 1054.3, 1054.7 and any other statutory provisions governing the exchange of discovery. Written witness lists shall be filed with the court when served on the opposing party. The trial readiness conference shall be set on the regular misdemeanor or felony pre-trial calendar.

A settlement conference will be set approximately three (3) weeks before the trial date.

A pre-*voir-dire* conference will be set on the Thursday before the trial date with the trial judge.

Rule 6.11 amended effective January 1, 2025; adopted as Rule 6:11 effective July 1, 2020; amended and renumbered effective July 1, 2024.

6.12 Repealed-*Rule 6:12 Repealed effective January 1, 2024; previously adopted as Rule 9:01 effective July 1, 1996; amended July 1, 2009, amended January 1, 2016; previously amended and renumbered as Rule 6:12 effective July 1, 2020.*

6.13 Trial Motions

A. ***In Limine* Motions**

Absent a showing of good cause, *in limine* motions shall be noticed and heard at, or prior to, the pre-*voir dire* conference. Motions to suppress evidence pursuant to the provisions of Penal Code § 1538.5 shall be noticed and heard as provided by statute, and should be heard prior to the pre-*voir dire* conference. Unless otherwise provided by law, absent a showing of good cause, all other pre-trial motions shall be properly noticed for hearing prior to, or at, the pre-*voir dire* conference. Said pre-trial motions include, but are not necessarily limited to, the following: motions relating to the admissibility of prior conduct, severance motions, motions to bifurcate, motions to impeach defendant with prior convictions pursuant to Evidence Code §788, motions to suppress admission or confession on *Miranda* or voluntariness grounds, motions to suppress identification, *Aranda/Bruton* motions, motions for courtroom demonstrations, motions for permission to view the scene, and/or motions to exclude evidence pursuant to the provisions of Evidence Code §352. The trial judge may make further orders regarding the filing, serving and scheduling of such motions, at any time, as may be appropriate.

(Subd A. amended effective July 1, 2024.)

B. Motions for Continuance

Motions for continuances shall be noticed and heard at the earliest possible time, and absent a showing of good cause, shall not be heard after the pre-*voir dire* conference.

(Subd B. amended effective July 1, 2024.)

Rule 6.13 amended and renumbered effective July 1, 2024; previously adopted as Rule 9:02 effective July 1, 1996; amended January 1, 2016 and January 1, 2019; previously amended and renumbered as Rule 6:13 effective July1, 2020.

6.14 Pre-*Voir Dire* Conferences

A. Presence of Defendant at Pre-*Voir Dire* Conference

1) Misdemeanor Cases: Defense counsel must ensure that the defendant is present at the pre-*voir dire* conference unless counsel appears pursuant to Penal Code §977. If counsel appears pursuant to Penal Code §977, counsel shall have full authority to resolve the case, including a fully executed plea form if required, or to participate in a pre-*voir dire* conference. A defendant not personally present shall be available telephonically to confer with defense counsel during the pre-*voir dire* conference.

2) Felony Cases: Notwithstanding the execution of a Penal Code § 977 waiver, the Court will order each Defendant to personally appear at their felony pre-*voir dire* conference, unless good cause exists for conducting the conference in the Defendant's absence. If the court finds good cause to excuse a Defendant's appearance, the Defendant shall be available telephonically to confer with defense counsel.

(Subd A. amended effective July 1, 2024.)

B. Repealed and Reserved

(Subd B repealed and reserved effective July 1, 2024.

C. Mandatory Exchange

No later than 14 days before the first day of trial, or on an earlier date if ordered by the Court, all parties shall serve and file the following:

1) A statement of the case, including but not limited to, a summary of the case; the efforts made to resolve the case, including offers made, response and counter-offers; and identification of any complex legal or evidentiary issues with a supporting memorandum of points and authorities;

2) Witness List;

3) Exhibit List;

4) Requests for CALCRIM and Special Jury Instructions. Counsel may submit a list of requested CALCRIM instructions by title and number but shall provide complete proposed instructions for the following: charge specific instructions (CALCRIM 500-3002); instructions related to enhancements and sentencing factors (CALCRIM 3100-3261); instructions for completion of verdict forms if multiple counts are charged or lesser included offenses are applicable (CALCRIM 3515-3519); and any special jury instructions;

5) Proposed prospective juror questionnaires and proposed questions, if any, for the Court to ask prospective jurors during *voir dire* examination; and

6) Motions *in limine* not previously filed and heard pursuant to Rule 9.02.

7) At or before the pre-*voir dire* conference, all parties shall exchange transcripts of electronic recordings they intend to offer into evidence, pursuant to California Rules of Court, Rule 2.1040.

(Subd C. amended effective July 1, 2024.)

D. Prosecution's Proposed Verdict Forms

The prosecution shall submit and serve proposed verdict forms, including any special findings and lesser included offenses, at or before the pre-*voir dire* conference.

(Subd D. amended effective July 1, 2024.)

E. No Exchange if Case is Resolved

If the case is going to resolve prior to trial and the parties have filed a joint memorandum with the Court by 4:00 p.m. on the Friday preceding the due date for trial documents indicating that a resolution has been reached, the parties are excused from filing the required documents. If a plea form is required for an anticipated resolution, defense counsel shall meet with the defendant prior to the pre-*voir dire* conference for purposes of completing the plea form.

If the Court is notified that a case will resolve, summoned jurors will be excused from appearing on the trial date. Counsel may request via a memorandum to the Court that the matter be set on an earlier date for entry of plea if a resolution is reached after the settlement conference but before the pre-*voir dire* conference.

(Subd E. amended effective July 1, 2024.)

F. Duty to be Prepared

The District Attorney, and the Public Defender and/or other defense counsel of record, shall ensure that an attorney appear at the pre-*voir dire* conference for his or her office who is fully informed of the status of trial preparations, investigations, and settlement discussions, and who is prepared to, and has full authority to, resolve the case and/or conduct a complete pre-*voir dire* conference, including addressing all aspects of motions *in limine*, jury instructions and all other matters pertinent to the trial or as set forth in subsection (G) of this rule.

(Subd F. amended effective July 1, 2024)

G. Participation at Pre-*Voir Dire* Conference

At the pre-*voir dire* conference the parties shall be prepared to comply with CRC Rule 4.200 and to discuss and/or engage in the following:

1) Good faith final settlement negotiations;

2) Possible amendment of the complaint or information for the limited purpose of reading the charges to prospective jurors;

3) Number of peremptory challenges and order of exercise of peremptory challenges;

4) Number of alternate jurors;

5) Pre-instruction of the jury, and preliminary discussion of closing CALCRIM and special jury instructions;

6) Order of examination in multi-party cases;

7) Any complex evidentiary or legal issues;

8) Pre-marking of exhibits;

9) Stipulations;

10) Expert witnesses;

11) Any issues triable by the Court as opposed to the jury;

12) Any revision in the estimate of the length of trial, including anticipated limited and dark court days; and,

13) Scheduling problems, including those of witnesses and counsel.

(Subd G. amended effective July 1, 2024.)

Rule 6.14 amended and renumbered effective July 1, 2024; previously adopted as Rule 9:03 effective July 1, 1996; amended January 1, 2016; previously amended and renumbered as Rule 6:14 effective January 1, 2020.

6.15 Policy Regarding Acceptance of Negotiated Plea After Pre-*Voir Dire* Conference

Except in extremely unusual circumstances when good cause is shown, the Court will not approve a negotiated plea after the pre-*voir dire* conference has been conducted. For purposes of this policy, the term "negotiated plea" means any plea other than a plea of guilty or *nolo contendere* to all counts (not including alternative counts) charged in the complaint or information, and also means any plea which is conditional upon a grant of probation or a certain specified punishment, even if the defendant is pleading guilty or *nolo contendere* to all counts.

Rule 6.15 amended and renumbered effective July 1, 2024; adopted as Rule 6:15 effective July 1, 2020.

6.16 Storage of Dangerous or Toxic Exhibits

The Court will follow the parameters of Penal Code section 1417.3 for storage of exhibits that pose a security, storage, or safety concern, or that are toxic and hazardous to humans.

Rule 6.16 amended and renumbered effective July 1, 2024; previously adopted as Rule 9:05 effective January 1, 2019; previously renumbered as Rule 6:16 effective July 1, 2020.

6.17 Requests for Sentence Modification

A. Setting for Hearing

In any case in which the Court has not lost jurisdiction and the defendant or counsel seeks modification of a term of probation, including a jail term, the defendant or counsel must contact the Clerk of the Criminal Court in order to set a hearing before the bench officer who imposed the sentence with notice to the opposing party. The matter will be set on a regular calendar over which that bench officer presides.

(Subd A. amended effective July 1, 2024.)

B. Form of Request

The time for filing and the manner of service of a request for sentence modification must be as set forth in Rule 4.111 of the California Rules of Court unless otherwise ordered or specifically provided by law. An order shortening time may be granted by the Court upon *ex parte* written application, if the application is supported by a declaration demonstrating good cause. Any *ex parte* application to the Court for an order shortening time must be in compliance with Local Rule 3.03.

(Subd B. amended effective July 1, 2024.)

Rule 6.17 amended and renumbered effective July 1, 2024; previously adopted as Rule 13:05 effective July 1, 1996; amended effective July 1, 2009 and January 1, 2019; previously renumbered as Rule 6:17 effective July 1, 2020.

6.18 Sanctions

Rule 5.08 of these Local Rules, pertaining to civil actions, is incorporated herein by this reference as though fully set forth at length, and is hereby made applicable to criminal actions in this Court.

Rule 6.18 renumbered effective July 1, 2024; previously adopted as Rule 13:01 effective July 1, 1996; amended effective July 1, 2009; previously renumbered as Rule 6:18 effective July 1, 2020.

6.19 Warrant Recall

Attorneys may request via written memo to the Court that a matter in which an arrest or bench warrant has been issued be placed on calendar for the appearance of the defendant and recall of the warrant. The court has discretion to grant or deny the request.

Rule 6.19 renumbered effective July 1, 2024; adopted as Rule 6:19 effective January 1, 2022.

6.20 Mental Health Court

Mental Health Court is for individuals who qualify for Mental Health Diversion, and those individuals who do not, or did not, qualify for Mental Health Diversion. They may be post-plea with deferred entry of judgment, or sentenced and on probation. These individuals would participate in Mental Health Court similar to those individuals whose case has been diverted.

Any participant who is on probation shall also be supervised by the probation department. The probation department shall also supervise any other participant, on deferred entry of judgment or participating in diversion, by order of the court. Any individual supervised by the probation

department shall comply with all terms and conditions ordered by the court as a condition of continued participation in Mental Health Court and/or Mental Health Diversion.

Rule 6.20 renumbered effective July 1, 2024; adopted as Rule 6:20 effective January 1, 2022.

6.21 Mental Health Diversion

A. Introduction

Penal Code section 1001.35 sets forth the purpose of diversion. It is to promote the following: 1) Increased diversion of individuals with mental disorders to mitigate the individuals' entry and reentry into the criminal justice system while protecting public safety; 2) Allowing local discretion and flexibility for counties in the development and implementation of diversion for individuals with mental disorders across a continuum of care settings; and 3) Providing diversion that meets the unique mental health treatment and support needs of individuals with mental disorders.

Penal Code section 1001.36 sets forth a discretionary pre-trial diversion procedure for any defendant charged with a misdemeanor or felony, who suffers from a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual (DSM) of Mental Disorders, the symptoms of which can be abated with treatment, if the mental disorder played a significant part in the commission of the charged offense.

(Subd A adopted January 1, 2022.)

B. Eligibility

The Court has broad discretion to grant or deny diversion. There are mandatory and discretionary factors for the court to consider.

1) Mandatory Considerations: The Court shall consider all of the following requirements:

(a) The court is satisfied that the defendant suffers from a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including, but not limited to, bipolar disorder, schizophrenia, schizoaffective disorder, or post-traumatic stress disorder, but excluding antisocial personality disorder, and pedophilia; said information should specifically detail diagnosis or treatment of the disorder within the last five years;

(b) The court is satisfied that the defendant's mental disorder played a significant role in the commission of the charged offense;

(c) In the opinion of a qualified mental health expert, the defendant's symptoms causing, contributing to, or motivating the criminal behavior would respond to mental health treatment;

(d) The defendant consents to diversion and waives the right to a speedy trial;

(e) The defendant agrees to comply with treatment as a condition of

diversion;

(f) The court is satisfied that the defendant will not pose an unreasonable risk of danger to public safety, as defined in Penal Code section 1170.18, if treated in the community; and,

(g) The court is satisfied that the recommended program of mental health treatment will meet the specialized mental health treatment needs of the defendant.

2) Permissive Considerations: The Court may consider the following:

(a) The opinions of the district attorney, the defense, a qualified mental health expert, the defendant's violence and criminal history, the current charged offense, and any other factors that the court deems appropriate;

(b) The court should consider whether defendant's conduct in prior diversion or treatment programs suggest that defendant is now unsuitable; and

(c) If questions regarding defendant's competence arise (pursuant to Penal Code section 1368, *et.seq*.), the court may nonetheless place an incompetent defendant on diversion, provided that he/she is deemed "suitable." Penal Code sections 1370(a)(1)(B)(iv) and 1370.01(a)(2).

(Subd B amended effective January 1, 2024; adopted effective January 1, 2022.)

C. Offenses not Eligible for Mental Health Diversion

1) Murder or voluntary manslaughter;

2) An offense for which a person, if convicted, would be required to register pursuant to Penal Code section 290, except for a violation of Penal Code section 314;

3) Rape;

4) Lewd or lascivious act on a child under 14 years of age;

5) Assault with intent to commit rape, sodomy, or oral copulation, in violation of Penal Code section 220;

6) Commission of rape or sexual penetration in concert with another person, in violation of Penal Code section 264.1;

7) Continuous sexual abuse of a child, in violation of Penal Code section 288.5; and,

8) A violation of Health and Safety Code section 11418(b) or (c).

(Subd C. amended effective July 1, 2024; adopted effective January 1, 2022.)

D. Mental Health Diversion Procedures

1) **Noticed Application or Petition.** Defense counsel shall file an

Application or Petition for Mental Health Diversion (MHD), pursuant to section 1001.36, with the court and serve the prosecutor with a copy. The Application or Petition shall be noticed for the regular date and time of the Mental Health Court for initial review or at such other time as may be designated by the Court. The Application or Petition should specify in detail:

(a) The mental disorder at issue, including diagnostic and treatment history of said disorder. If the defendant suffers from multiple or co-occurring disorders, the application shall so specify.

(b) A description of the nexus between defendant's mental disorder and the charged offense;

(c) The opinion of a qualified mental health expert indicating that the defendant's symptoms motivating the criminal behavior would respond to mental health treatment;

(d) A statement that the defendant consents to diversion and waives the right to a speedy trial;

(e) A statement that the defendant agrees to comply with treatment as a condition of diversion;

(f) A description of the proposed treatment plan. Said plan should include, at a minimum, a discussion of:

i. Plan for receipt of medical / clinical treatment, including, if appropriate, plans for access to psychotropic medication;

ii. Housing;

iii. Insurance coverage / options for treatment; and

iv. Available support systems, including family and/or mentor support.

In addition to the Application or Petition, the defendant will need to participate in a Mental Health Diversion Assessment, typically administered by Siskiyou County Behavioral Health. As necessary, the defendant would need to participate in a Drug and Alcohol Abuse Assessment. Any records or documents reviewed by the clinician who prepares any assessment shall be attached to the assessment report. The assessment, along with any records shall be filed with the court at the time of filing the Application or Petition and served on the district attorney's office. The court will sign a proposed protective order regarding any of the defendant's records, and they shall be filed in the confidential section of the court file.

2) Meet and Confer. Prior to the initial review of an Application or Petition for Mental Health Diversion, defense counsel and prosecution shall meet and confer to determine:

(a) Whether the parties agree that diversion is appropriate; and

(b) If there is no agreement, whether modifications of the treatment plan could lead to agreement for diversion.

Counsel are advised that a best practice would be to meet and confer regularly both before and during the diversion period for any individual. This meet and confer process may begin before an Application or Petition is filed.

3) Initial Review and *Prima Facie* Hearing on Application or Petition. The court shall initially conduct a review with the Mental Health Diversion Team to determine if the defendant has made a *prima facie* showing that he/she is suitable for consideration for mental health diversion. The court shall find either:

(a) A *prima facie* basis for diversion has been established; and the court further finds the defendant and the crime are suitable for MHD.

(b) A *prima facie* basis for diversion has not been established and the MHD Application or Petition is denied; or

(c) A *prima facie* basis for diversion has been established, but the court finds the defendant, or the crime, is not suitable for MHD.

If the court finds that the defendant is suitable for MHD, it shall set a further hearing for defendant to present a treatment plan. If diversion is initially denied, the case shall continue as scheduled on the criminal calendar where a record shall be made. Some cases may be set for an evidentiary hearing to establish a prima facie case, by the court, at the request of the district attorney or the defendant, in particular, but not limited to, a situation wherein a party disagrees with the court's tentative ruling on the Application or Petition for Diversion at the Mental Health Team review.

An informal prima facie hearing on the Application or Petition may be required by the court. At such a hearing, which in felony cases will be on the record with a court reporter and misdemeanor cases will have the clerk's minutes as a record of the hearing, the defendant may be required to make a prima facie showing that the defendant meets the minimum requirements for eligibility for diversion, and that the defendant and the offense are suitable for diversion. The district attorney may offer evidence that the defendant has not met the minimum requirements for diversion and/or the defendant and/or the offense may not be suitable for diversion. The hearing shall be on the record (see above), informal, and may proceed on offers of proof, reliable hearsay, and argument of counsel. If the court finds the prima facie showing is not made, or the defendant and/or the offense are not suitable for diversion, the court may summarily deny the Application or Petition for Diversion, or grant any other relief as may be deemed appropriate, including granting diversion. If diversion is denied, a

future court date shall be set on the criminal calendar. If diversion is granted, a future court date shall set for a hearing for the treatment plan as discussed below in paragraph 4.

For misdemeanor cases, if the defendant is granted diversion after the initial review by the Mental Health Diversion Team, that shall be reflected in the court's minutes, and the defendant shall enter waivers and immediately be diverted and begin participation in, and development of, a diversion treatment plan as set forth in paragraph 4 below. The prosecution shall be postponed or stayed while the defendant participates in mental health treatment during the diversion period.

For felony cases, if the defendant is granted diversion after the initial review by the Mental Health Diversion Team, the individual shall immediately begin participation in, and development of, a diversion treatment plan as set forth below in paragraph 4. At the next scheduled court date in the felony court, the court shall accept waivers and formally divert the defendant on the record.
The prosecution shall be postponed or stayed while the defendant participates in mental health treatment during the diversion period.

4) Diversion Commencement and Treatment Plan. After the court has accepted the defendant's waivers and diverted the defendant, the court shall conduct a hearing to formally approve the diversion treatment plan. The court is mindful of the fact that a general plan is typically proposed in the initial Application or Petition for Mental Health Diversion. Only after being accepted does the defendant, along with the treating mental health professionals, develop a specialized treatment plan to meet unique needs of the individual. At the hearing, a copy of the treatment plan shall be provided to the district attorney and defense attorney, and it will be filed with the court. The court shall retain the treatment plan in the confidential section of the court file. Typically, the minimum time in MHD is one year, and the maximum is two years.

(a) Approval of the Treatment Plan. The Court shall review the treatment plan and decide as follows:

i. If the treatment plan is suitable: the court shall approve the treatment plan, and the defendant shall have up to two years to complete treatment. The defendant shall be ordered to return for a review hearing as determined by the Mental Health Diversion Team and set at the discretion of the court.

ii. If the treatment plan is not suitable: the court shall order the defendant to get an updated plan and continue the hearing. Once the treatment plan is approved, the court shall make the same orders noted in (a) above. If the court is not able to find a treatment plan suitable, the court may terminate diversion and resume with the criminal proceedings.

5) **Mental Health Diversion Review Hearings.** At the review hearings, an individual from the Mental Health Diversion Team shall submit progress reports for each individual subject to a review hearing. A progress report shall describe, in detail, all progress made on each specified element of the treatment plan. The court shall retain the treatment plan in the confidential section of the court file. At the progress report hearing, the judicial officer shall review the report for compliance, and if:

(a) The defendant is making progress, set another progress report date, and the court shall determine the frequency of the review hearings; or

(b) The defendant is not making progress, the court may:

i. give defendant additional time to comply and continue progress hearing to another date; or

ii. terminate defendant from the program and reinstate the criminal proceedings—if requested, the court shall schedule a noticed hearing to hear further evidence on why defendant should not be terminated from Mental Health Diversion.

6) **Termination of Diversion or Modification of Treatment.** Motion to Terminate Diversion may be brought by the court on its own motion. If circumstances exist, the court shall hold a hearing to determine whether the criminal proceedings should be reinstated, whether the treatment plan should be modified, or whether the defendant should be conserved and referred to the conservatorship investigator to initiate conservatorship proceedings for the defendant pursuant to Welfare and Institutions Code section 5350 et seq.

The district attorney may file a motion to terminate diversion including, but not limited to, the following grounds:

(a) The defendant is charged with an additional misdemeanor allegedly committed during the pretrial diversion and that reflects the defendant's propensity for violence;

(b) The defendant is charged with an additional felony allegedly committed during the pretrial diversion;

(c) The defendant is engaged in criminal conduct rendering him or her unsuitable for diversion; or

(d) Based on the opinion of a qualified mental health expert, the defendant is performing unsatisfactorily in the assigned program, or the defendant is gravely disabled as defined in Welfare and Institutions Code section 5008(h)(1)(B).

(e) The court may do any of the following:

i. Deny the motion and allow diversion to proceed. In this case the court and counsel shall then select the next progress review court date;

ii. Deny the motion but modify and/or increase treatment level. In this case the court and counsel shall then select the next progress review court date;

iii. Deny the motion but refer the matter to the conservatorship investigator to initiate conservatorship proceedings; or

iv. Grant the motion terminating diversion and reinstate criminal proceedings.

7) **Restitution**. Upon request, the court shall set a hearing to determine whether restitution, as defined in Penal Code section 1202.4(f), is owed to any victim as a result of the diverted offense, and if owed, order its payment during the period of diversion. However, a defendant's inability to pay restitution due to indigence or mental disorder shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

8) **Completion of Mental Health Diversion**. Upon successful completion of all terms and conditions of diversion, the court shall dismiss the matter pursuant to Penal Code section 1001.36 (e).

(Subd D amended effective July 1, 2024; previously adopted effective January 1, 2022.)

Rule 6.21 amended and renumbered effective July 1, 2024; adopted as Rule 6:21 effective January 1, 2022.

CHAPTER 7: CRIMINAL RULES - INFRACTIONS

7.01 Reserved

Rule 7.01 repealed and reserved effective July 1, 2020.

7.02 Time and Place

Infraction trials will be set on special calendars, to be announced by the Court from time-to-time.

Rule 7.02 amended and renumbered effective July 1, 2024; previously adopted as Rule 11:02 effective July 1, 1996; amended July 1, 2000; previously amended and renumbered as Rule 7:02 effective July 1, 2020.

7.03 Scheduling and Bail

All defendants requesting a court trial on an infraction charge who do not appear at arraignment must post bail pursuant to Vehicle Code §40519, after which time a date for trial will be set. The requirement to post bail can be waived only by the Court under unusual circumstances where the interests of justice so require. The posting of bail is necessary to guarantee the appearance of the defendant; the posted amount will be applied toward the payment of any fine or assessment prescribed by the Court in the event of conviction. Bail will include all assessments pursuant to Penal Code §1464.

If the defendant is found not guilty, all bail paid pursuant to this Rule will be refunded.

Rule 7.03 amended and renumbered effective July 1, 2024; previously adopted as Rule 11:03 effective July 1, 1996; amended effective July 1, 2011; previously amended and renumbered as Rule 7.03 effective July 1, 2020.

7.04 Reserved

Rule 7.04 renumbered effective July 1, 2024; previously adopted as Rule 11:04 effective July 1, 1996; previously repealed effective July 1, 2009; adopted as Rule 7:04 effective July 1, 2020.

7.05 Continuances

No continuance of a trial on an infraction will be permitted unless the party who wants the continuance requests same at least five (5) court days in advance of the scheduled date; no continuance will be granted thereafter, unless required in the interests of justice and/or if good cause is shown.

Rule 7.05 renumbered effective July 1, 2024; previously adopted as Rule 11:05 effective July 1, 1996; amended effective July 1, 2000; previously amended and renumbered as Rule 7:05 effective July 1, 2020.

7.06 Traffic School

As a means of resolving traffic infraction charges, the Court will permit attendance at a traffic

school that has been approved by the California Department of Motor Vehicles. Rules of eligibility and procedures for completing traffic school will be established by the Court from time-to-time, and will be made available to the general public by the Clerk of the Criminal Court. Attention is hereby directed to Vehicle Code §§ 41501, 42005, 42007, and 42007.1.

Rule 7.07 renumbered effective July 1, 2024; previously adopted as Rule 12.01 effective July 1, 1996; amended effective July 1, 2000; previously amended and renumbered as Rule 7:07 effective July 1, 2020.

7.07 Trials by Declaration

A. Adoption of Procedure for Trial by Declaration

This court adopts the provisions of Vehicle Code §40902, except as may be limited herein.

(Subd A. amended effective July 1, 2024.)

B. Eligibility

Upon written request, any defendant will be afforded a trial by declaration, as may be allowed by Vehicle Code §40902. A defendant who requests a trial by declaration will be required to waive time for speedy trial.

C. Requirement for Posting of Bail

Any person who requests a trial by declaration will be informed by the Clerk of the Court of the requirement to post bail in the full amount specified by the bail schedule. Failure to post bail in a timely manner will be deemed to be a withdrawal of the request for trial by declaration. Thereafter, a person will not be afforded a trial by declaration in that case, absent an order of the Court on good cause shown.

(Subd C. amended effective July 1, 2024.)

D. Time Limits

A person who has posted bail for a trial by declaration must adhere to the time limits set by the Clerk of the Court for submission of any required declarations, exhibits, or other evidence. Failure to submit said evidence in a timely manner will result in a bail forfeiture without further proceedings.

E. Evidence

Pursuant to Vehicle Code §40902(c), this Court will admit all relevant evidence, including but not limited to the complaint, citation, police reports, written declaration of the defendant or any witness, photographs, drawings, diagrams, or other probative evidence.

Rule 7.07 amended and renumbered effective July 1, 2024; previously adopted as Rule 12.02 effective July 1, 1996; amended effective July 1, 2000; previously amended and renumbered as Rule 7:07 effective July 1, 2020.

7.08 Trials in Absentia

Pursuant to Vehicle Code section 40903, any person who fails to appear as provided by law shall be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. The court will conduct the trial in absentia and it will be adjudicated on the basis of the notice to appear issued under Vehicle Code section 40500, any business record or receipt, sworn declaration of the arresting officer, or written statement or letter signed by the defendant that is in the file at the time the trial in absentia is conducted.

If the court finds the defendant guilty, the conviction will be reported to the Department of Motor Vehicles and the court will notify the defendant, by first class mail, of the disposition of the case, the amount of imposed fines and fees, and the defendant's right to request a trial de novo within the time specified in the notice.

In order to have a trial de novo, the defendant must submit a written request on Judicial Council form TR-220 and pay the total amount due within the time specified in the notice. A new trial shall be set pursuant to CRC, Rule 4.210(b)(7). If the defendant is found not guilty, fines and fees posted shall be refunded. If the defendant makes no timely request for a trial de novo, no new trial may be held and the case shall be closed. If fines and fees are not paid by the due date, the case will proceed to collections.

Rule 7.08 amended effective January 1, 2025; adopted as Rule 7:08 effective July 1, 2023; amended and renumbered effective July 1, 2024.

7.09 Ability to Pay: Clerk Determinations

A. The clerk of the court may make ability-to-pay determinations as authorized by Government Code section 68645.3(e) when the following criteria have been met:

1. The litigant submits that they receive public benefits, including those listed in Government Code section 68632(a).

OR

2. The litigant submits that their household income is equal to or below 300% of the federal poverty limit.

B. The clerk of the court shall not modify the reduction rate recommended by the MyCitations online tool consistent with court-established administrative settings for calculating reduction rates.

C. The defendant has the right to a review of the decision by a judicial officer in the trial court if the clerk of the court denies the reduction portion of the request.

D. Repealed

(Subd D. repealed effective January 1, 2025.)

Rule 7.09 amended effective January 1, 2025; adopted effective July 1, 2024.

7.10 Incorporation of Criminal Procedural and Other Rules

Local Rules set forth in Chapter 6 of these Rules shall be applicable to infraction cases as follows: 6.01A, B & D, 6.04E, 6.05, 6.06, 6.08, 6.10, 6.16, 6.17 and 6.18.

Rule 7.10 renumbered effective July 1, 2024; previously adopted as Rule 7:08 effective July 1, 2020; previously renumbered as Rule 7:09 effective July 1, 2023.

CHAPTER 8: FAMILY LAW RULES

8.01 Organization of Family Law Proceedings

A. Assignment of Family Law Matters

All Family Law matters are assigned to and heard by a judge of the Siskiyou County Superior Court, or by the commissioner of the Siskiyou County Superior Court pursuant to Local Rule 2.01.

(Subd A. amended effective July 1, 2024.)

B. Calendaring of Family Law Matters

The following matters are assigned to the Family Law calendar:

1) All matters arising from the Family Code including cases where the designated child support agency appears on behalf of the County of Siskiyou or any party;

2) Matters arising from Probate Code §§1500 et seq. (guardianship proceedings);

3) Matters arising from orders to show cause, motions, or trials in actions brought by the designated child support agency pursuant to the Welfare and Institutions Code or to Family Code §§17000 et seq.;

4) Adoption matters, whether heard in camera or in a closed courtroom;

5) Post-judgment matters involving omitted or reserved property issues in dissolution actions; and

6) Non-marital property right actions that have been consolidated for trial with Family Code or Uniform Parentage Act actions, except for property rights actions in which a jury trial has been demanded.

(Subd B. amended effective July 1, 2024.)

C. Use of Judicial Council Forms; Proofs of Service; And Family Code Section 10006

1) Except for the initial Petition or Complaint and any Order to Show Cause in a matter governed by these Rules, any document filed with the Court must be accompanied by a proof of service of that document; and the proof of service must be in compliance with Code of Civil Procedure §1013(a).

2) These Rules constitute the protocol of this Court, adopted pursuant to Family Code§10006, wherein all litigants shall have ultimate access to a hearing before the Court.

(Subd C. amended effective July 1, 2024.)

D. Application of Chapters One Through Five (The "Civil Rules") to Family Law Matters

Except where otherwise specifically stated, Chapters One through Five of these Local Rules apply to all proceedings under this Chapter Eight.

(Subd D. amended effective July 1, 2024.)

Rule 8.01 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:01 July 1, 1996; amended effective July 1, 2013 and January 1, 2019 previously renumbered as Rule 8:01 effective January 1, 2022.

8.02 Family Law Motions, Orders to Show Cause, and Requests for Orders

A. Calendars for Family Law Motions and Orders to Show Cause

1) Date and Time. The law & motion calendar for Family Law cases is held weekly on Wednesday.

2) Time Limit. If after the calendar call, the moving or responding party contends the hearing will require more than fifteen minutes, the court may set the matter for testimony on the next available long cause calendar.

(Subd A. amended effective July 1, 2024.)

B. Remote/Telephonic Appearance:

See Local Rule 2.22

(Subd B. amended effective July 1, 2024.)

C. Requests for *Ex Parte* Orders Pending Hearing

Ex parte motions must be made and conducted as set forth in Chapter Three of these Rules and will be calendared in the Family Law Department.

1) For *ex parte* matters made pursuant to the Family Code, the form "Declaration Re *Ex Parte* Notice" (Appendix "3") must be completed by counsel or self- represented party and submitted with the *ex parte* application.

Paragraph 1) amended effective July 1, 2024.

2) Orders will be issued *ex parte* only if the application is accompanied by an affidavit or declaration adequate to support its issuance under Family Code §6300 and Code of Civil Procedure §527. If the affidavit or declaration does not contain a sufficient factual basis for a requested order, it will not be granted. Counsel will not be permitted to augment affidavits or written declarations by verbal statements.

(Subd C. amended effective July 1, 2024.)

D. Meet and Confer Requirements; Exchange of Documents; Stipulations

1) Prior to any hearing, counsel and the parties must meet and confer in good faith, in an effort to resolve all issues. While conferring, or prior thereto,

litigants must exchange all documentary evidence that is to be relied on for proof of any material fact. Failure to meet and confer or to exchange documents in a timely manner may result in the matter being dropped from the calendar or continued, and the Court may order other appropriate sanctions, including monetary sanctions. At the hearing, the attorneys for the parties must advise the Court as to what issues have been settled by agreement and what issues remain contested.

(Paragraph 1) amended effective July 1, 2024.)

2) All stipulations must be in writing and submitted to the Court prior to or at the calendar call on the date set for hearing.

(Paragraph 2) amended effective July 1, 2024.)

(Subd D. amended effective July 1, 2024.)

E. Continuances

The Court looks with disfavor on requests for continuances, unless good cause is shown.

F. Calendar Call

1) Non-Appearance by a Moving Party. If the moving party or counsel is not present when the calendar is called, the matter ordinarily will be ordered off calendar unless the responding party has requested affirmative relief.

2) Non-Appearance of Responding Party; and Requirement and Effect of Proof of Service. If a responding party fails to appear at a hearing, the moving party must immediately submit proof of timely service to the Court; if proof of service is not produced but the moving party alleges that timely service has been accomplished, the matter may be continued to allow submission of proof of service. Where a valid proof of service is provided, the Court will hear the matter.

G. Declarations and Testimony at the Hearing

Parties must be prepared to present their positions based upon pleadings, declarations, offers of proof and, where relevant and appropriate, competent testimony (Family Code § 217). The Court will consider all declarations to have been received in evidence at the hearing, subject to legal objection and cross-examination where appropriate. [*Reifler v. Superior Court*, (1974) 39 Cal. App.3d 479.]

Rule 8.02 amended and renumbered effective July 1, 2024; previously adopted as Rule 14.02 effective July 1, 1996; amended effective July 1, 2013 and January 1, 2019; previously renumbered as Rule 8:03 effective January 1, 2022.

8.03 Family Law Discovery

Parties are encouraged to participate in informal discovery as a means of conserving their financial resources. In appropriate cases, upon the Court's own motion or upon a request from either party, the Court may adopt a discovery plan that is tailored to the issues of the case and to

the financial resources of the parties. (**Note:** discovery in Family Law matters is governed, in general, by the Code of Civil Procedure; expert witness disclosures are governed specifically by CCP 2034.210 et seq.)

Renumbered as Rule 8.03 effective January 1, 2022; originally adopted as Rule 14.03 effective July 1, 2013.

8.04 Rules Applicable to All Financial, Child Support, and Spousal Support Issues

A. In General

Local Rule 8.05 applies to any Family Law proceeding where a financial matter is at issue. "Financial matter" as used herein includes any request for child support, for spousal or family support, or for attorney's fees and costs. Parties must disclose to each other and to the Court all relevant financial information, in a timely and complete manner, whenever a financial matter is at issue. The Court may impose sanctions, including monetary sanctions, for failure to comply with this Rule.

(Subd A. amended effective January 1, 2022.)

B. Income and Expense Declaration; Additional Financial Information

1) Income & Expense Declarations Must be Current. A complete, updated Income and Expense Declaration must be filed whenever a financial matter is at issue.

2) Reserved.

3) Requirement of an Additional Factual Declaration When a Party is Unemployed. If a party is unemployed, that party must submit a declaration describing his or her previous employment, gross/net income earned when employed, and reasons for termination; it also must describe the party's current efforts to obtain employment.

C. Filing Tax Returns with the Court

Any tax return to be filed with the Court, whether it is the tax return of the person filing it or the tax return of any other person, must be attached to a separate declaration that identifies the tax return(s) being submitted and that is conspicuously marked:

"CONFIDENTIAL TAX RETURN".

D. Minimum Time Processing Standards for Local Child Support Agency

The minimum time processing standards for all documents filed with the court by DCSS shall not exceed either: (1) ten (10) working days of filing or (2) immediately, upon request for a specific filing in exceptional circumstances with adequate notice to the court with a showing of urgency. This rule is adopted to comply with the provisions of Judicial Council Standard Agreement, Contract No. 1030653 with the Superior Court of California, County of Siskiyou.

E. Processing Timeframes for Moving Papers filed by Local Child Support

Agency

Motions, Orders to Show Cause, or Requests for Orders filed by DCSS requiring the setting of a hearing date, shall have a calendar date for that hearing assigned by the clerk within three (3) to five (5) court days of the date of filing such moving papers. This rule is adopted to comply with 42 USC §666(a)(2), 45 CFR §303.4 and Family Code §17400(c).

(Subd E. adopted January 1, 2016.)

Rule 8.04 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:04 effective July 1, 1996; amended effective July 1, 2013, July 1, 2015, January 1, 2016, and January 1, 2019; previously amended and renumbered as Rule 8:04 effective January 1, 2022.

8.05 Procedures and Policies for Resolution of Custody and Visitation Issues

A. Counseling for Child Custody Issues

1) Introduction. The Court's Child Custody Recommending Counselor ("CCR Counselor"), in conjunction with the Court, assists in resolving contested issues concerning children. To that end, the CCR Counselor provides counseling for custody and visitation disputes known as "child custody recommending counseling ("CCRC") and conducts limited evaluations to support recommendations to the Court regarding child custody and visitation issues. Court-ordered CCRC is required prior to a contested hearing.

2) Procedures Following Child Custody Recommendation Counseling

(a) Agreement Reached. In those cases where the CCRC results in an agreement, the CCR Counselor may assist the parties in submitting an agreement to the Court so that it may be adopted as the formal court order (including any agreement that the court hearing date may be vacated). Alternately, the CCR Counselor will report the terms of the agreement to the Court, which may then adopt those terms as its order. The Court will then direct one of the parties to prepare a formal order to be filed with the Court and then served on the other parties.

(b) No Agreement Reached. In those cases where CCRC does not result in an agreement, the CCR Counselor may discuss other options with the parties, including further counseling, direct interviews of the minors by the CCR Counselor, or agreement to a temporary parenting plan with review counseling and a subsequent court hearing. The CCR Counselor may also conduct a limited evaluation and provide further information with a recommendation to the Court, which may then adopt these recommendations as its order. Should the parties continue to contest custody and visitation issues, the parties may request a full child custody investigation by a child custody evaluator, who has complied with state standards under California Rules of Court 5.225 at the parties' expense. The

parties shall coordinate with the child custody evaluator as to fee payment and scheduling. The CCR Counselor will distribute the child custody evaluator's evaluation to the Court, the parties and their counsel.

(c) Counselor's Report. At the conclusion of CCRC, the CCR Counselor will submit a written report and, optionally, a recommendation to the Court regarding the disputed issues. The original report will be maintained in the Court's file and copies will be provided to the parties and their attorneys.

3) Contested Hearing. If the parties are unable to settle the dispute through the CCR Counselor or any child custody evaluator, the matter may be referred back to the Court. The Court may then provide further directions including, but not limited to, the setting of a trial date for contested custody and/or visitation issues. [Reserved.] Revised 7-1-2015.

4) Participation Of Attorneys in the Child Custody Recommending Counseling Process; Non-Resident Participants

(a) Meet And Confer Requirement. Prior to the CCRC, counsel should "meet and confer" in an effort to resolve child custody and visitation disputes. Counsel should discuss and agree upon the issues to be discussed in the CCRC process.

(b) Participation Of Counsel In CCRC sessions. Attorneys may not attend the counseling sessions.

(c) [Reserved.]

(d) Nonresident Participants. If one of the parties to the CCRC is not a resident of Siskiyou County or is not available for any other reason, that party may request a remote/telephonic session with the CCR Counselor. Please see Local Rule 2.22 regarding remote appearances.

5) Required Disclosures; Testimony by a CCR Counselor

(a) If it is alleged that a child is "at risk" by virtue of abuse or neglect, the CCR Counselor is required by law to report the allegation to Adult and Children's Services. A CCR Counselor must also disclose the existence of threats of death or bodily harm. [*Tarasoff v. Board of Regents,* (1976) 17 Cal.3d 425.]

(b) The CCR Counselor may be cross-examined; and the CCR Counselor may make recommendations to the Court during testimony.

6) Involvement of Children in the Process

(a) It is the general position of this Court that attorneys representing the parents should not interview the child(ren) involved in the proceeding, and should not interview or elicit information from a child's therapist, except upon the Court's order.

(b) [Reserved.]

(c) Children must not be brought to counseling sessions. If parents wish a child to be seen, their reasons should be discussed with the CCR Counselor. The CCR Counselor is entitled to interview a subject child where the CCR Counselor considers the interview appropriate or necessary pursuant to Family Code §3180.

(d) When the CCR Counselor conducts an interview with a subject child, the CCR Counselor will explain to the child that the matters discussed during the interview are not confidential.

(e) The CCR Counselor's interview of a child may be conducted either privately or in the presence of a parent, at the CCR Counselor's discretion. Siblings may be interviewed together or separately, also at the CCR Counselor's discretion.

7) Court-Appointed Counsel for the Child. The Court may authorize an attorney for the child appointed pursuant to Family Code § 3150 to communicate directly with the CCR Counselor. When the Court appoints counsel for the minor, counsel may expect to receive a reasonable sum for compensation and expenses. The Court has discretion to order parents to share costs of appointed counsel, or counsel will be compensated at the Court's appointed-counsel rate.

8) Disputed Paternity. If paternity is disputed, the issue need not be resolved by the Court prior to CCRC. The Court may make a pendente lite order granting visitation to a non-custodial parent absent the tests authorized by Family Code section 7541, upon finding that a grant of such visitation rights would be in the best interests of the child. [Family Code section 7604.]

9) Non-English-Speaking Parents. The Court generally does provide interpreters for CCRC unless the non-English-speaking parent is accompanied by a neutral individual who is fluent in both English and the party's native language. The CCRC and both of the parties must agree to any neutral individual interpreter. A request for an interpreter must be made 5 days before the scheduled counseling session.

10) Disclosure of Juvenile Court Proceedings. Neither counsel nor parties may bring an action for custody or visitation in the Family Law Department without disclosing to the Court the status of any prior or pending Juvenile Court proceedings. [**Comment:** prior consideration by a Family Law Court of the custody of a minor cannot deprive the Juvenile Court of jurisdiction to make orders to protect the minor. [*In Re Benjamin D.* (1991) 227 Cal.App.3d 1464.]

11) Investigation by Adult and Children's Services. When the Family Law Court has reason to believe that an investigation by Adult and Children's Services (or the equivalent agency in another jurisdiction) is pending, no permanent custody order will be made until the Court is satisfied that

either (1) no such agency's investigation is pending, or (2) the agency's investigation is completed and the findings are made known to the Court.

If a family was previously involved with Siskiyou County Adult and Children's Services (or an equivalent agency in another jurisdiction), the fact of that involvement must be disclosed to the Court by the party or parties who had such involvement. Siskiyou County Adult and Children's Services (or an equivalent agency in another jurisdiction) may verbally inform the Family Law Court of a family's prior involvement if the agency is aware that the Family Law proceedings regarding a family with said prior involvement are currently ongoing. The disposition of that investigation or the nature of the agency's involvement must be verbally disclosed to the Court by the agency if that information is available. The Court may implement communication protocols with these agencies for the timely sharing of information relevant to the family in question. In doing so, the Court will give great weight to confidentiality issues and to due process considerations.

12) Medical, Psychological, or Educational Reports. Medical, psychological, educational or other types of reports concerning a child must not be attached to motions, but must be provided to the Court or CCR Counselor as may be ordered. Information not provided to the CCR Counselor that is intended by a party to be filed with the Court must be served on the other party or parties in accordance with applicable provisions of law and the Local Rules, but in no event less than five (5) days before a scheduled hearing.

13) Grievance Policy and Peremptory Challenge Policy

The procedure outlined herein is intended to respond to general problems relating to CCRC and to requests for a change of the CCR Counselor pursuant to Family Code §3163.

Anyone with a complaint about his or her experience with a CCR Counselor is encouraged to first raise that concern with the individual involved and to seek direct resolution of the problem. Requests for a change of CCR Counselor or complaints may be made to the Court's Executive Officer**.** If a party wishes to file a formal complaint, a client complaint form can be obtained, upon request, from the Court's Executive Officer. The completed complaint form must be submitted to the Court's Executive Officer. The Court's Executive Officer will review and investigate and make any recommendations to the judge assigned to the Family Law Department**.** No peremptory challenges of the CCR Counselor will be permitted.

14) Inquiries Concerning Counseling; Availability of Local Court Rules. When the CCR Counselor receives an inquiry regarding the policies and

procedures relating to mediation or evaluations, the CCR Counselor will inform the inquiring individual of the policies and procedures provided by these Local Rules of Court. The CCR Counselor will maintain a copy of these Rules for public reference. Copies of the Local Rules may be purchased from the Civil Law Clerk.

Rule 8.05 renumbered effective July 1, 2024; previously adopted as Rule 14:05 effective July 1, 1996, amended effective July 1, 2013, July 1, 2015, January 1, 2019, and January 1, 2020; previously amended and renumbered as Rule 8:05 effective January 1, 2022; amended effective July 1, 2023.

8.06 Contested Trials

A. Requirement: Resolution of Custody and Visitation Issues Before Trial of Other Issues

Ongoing custody and visitation orders in any pending action must be obtained before any remaining issues will be set for trial, except when the Court, for good cause shown, excuses compliance with this requirement or bifurcates the issue.

(Subd A. amended effective July 1, 2024.)

B. Custody Agreements

If the parties agree on terms for custody and visitation of a minor child or children, they must file, not less than three (3) court days before the hearing or trial, a written agreement setting forth in detail their plans for implementation of the agreement after its terms have been ordered.

C. Family Centered Case Resolution

As provided in the Family Code, every Family Law case initiated will be subject to Court supervision pursuant to the Court's Family Centered Case Resolution procedures.

D. Trials, Mandatory Settlement Conferences and Case Management

1) Assignment of cases. Cases are assigned an initial case management date 180 days after filing the petition. Cases are thereafter assigned further case management, settlement conferences and trials from the case management calendar as needed to provide timely resolution of pending disputes**.**

2) Relief from Rules; Sanctions for Non-Compliance. Relief from the operation of these Rules relating to contested trials may be obtained in appropriate cases, but only on motion and for good cause shown. Either side may move to strike the at-issue memorandum, the trial documents, or the statement of issues, upon the ground that such document was not prepared and filed in good faith but, instead, is being utilized as a means of avoiding the operation of these Rules. Sanctions against the offending side may be ordered as permitted by law. [CRC Rule 2.30; CCP §575.2.]

3) Trial Documents. Prior to setting a settlement conference or trial date, the parties are required to have complied with preliminary disclosure pursuant to Family Code 2102, 2103, 2104, 2105, 2106.

E. Statement of Issues, Contentions, and Proposed Disposition of The Case

When a matter is set for a contested trial, both parties must file and serve a "Statement of Issues, Contentions, and Proposed Disposition of the Case" (hereinafter referred to as the "statement of issues") at least ten (10) days prior to the trial date or at least two (2) days prior to a Settlement Conference.

(Subd E. amended effective July 1, 2024.)

F. Trial Brief & Memorandum of Points & Authorities

Trial briefs and memoranda of points & authorities are not required. If utilized, however, those documents must be served and filed at least five (5) court days prior to the trial.

G. List of Exhibits

A list of exhibits (not the exhibits themselves) must be lodged with the Court at time of trial. At least five (5) court days prior to trial, the parties must exchange legible copies of any and all exhibits that each party reasonably anticipates will be introduced at trial. Only disclosed exhibits may be offered at trial, except for good cause shown. The parties are encouraged to have their exhibits pre-marked by the Clerk.

(Subd G. amended effective July 1, 2024.)

H. Guidelines Applicable to the Valuation of the Community's Personal Property

1) Motor Vehicles. If there is a dispute as to the value of a motor vehicle, the value generally will be fixed at the mid-point between the high and low value shown in the Kelly Blue Book, unless the circumstances show that a different valuation should be made. Copies of the appropriate pages of the Blue Book relied upon by counsel must be attached to the statement of issues or response thereto, and must include an indication of the year and volume of the relied- upon Blue Book. Alternatively, a print out from the Kelly Blue Book website may be provided. Such print out must include the year, make, model, mileage, condition, and options included in the valuation.

2) Furniture, Furnishings and Tools. With regard to valuation of normal furniture, furnishings, and tools, the age of the items is much more important than initial purchase price or the replacement cost. The test is the fair market value of the items as of the date of trial.

3) Unusual Items. When there are subject assets of an unusual nature such as oriental rugs, antiques, custom or rare jewelry, works of art, and handcrafted items, then the parties should endeavor to agree upon a

qualified appraiser for such items, and to agree and stipulate that the report of the appraiser will be admitted into evidence without the necessity of the appraiser's personal appearance at trial.

(Subd H. amended effective July 1, 2024.)

I. Alternate Valuation Date (Date Other Than Trial)

A party who seeks a valuation date for community property that is not the date of trial must serve and file, at least thirty (30) calendar days before the trial date, a notice of motion for alternate valuation date pursuant to Family Code §2552(b).

J. Continuance of Trial

Continuances of trial dates are subject to the Local Civil Rules relating to the continuances of civil trials. Any continuance so granted may be subject to rescheduling by the Court of any settlement or other pre-trial conference, and to the requirement of an updated statement of issues and contentions, to be filed and served prior to the new trial date in accordance with these Rules.

(Subd J. amended effective July 1, 2024.)

Rule 8.06 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:06 effective July 1, 1996; amended effective July 1, 2013 and January 1, 2019; previously renumbered as Rule 8:06 effective January 1, 2022; amended effective July 1, 2023.

8.07 Judgments by Default; and Uncontested Dissolutions

A. Default Judgments

1) Special Requirement for Default Judgment of Nullity. After the default has been entered by the clerk, the petitioner must file a "Declaration in Support of Nullity". The contents of this declaration must set forth the facts that support a finding of fraud, prior existing marriage, unsound mind, force, physical incapacity, petitioner's incapacity by age at time of marriage, or other grounds for nullity [Family Code §2210.]. Where the contents of the declaration are insufficient to establish grounds, the Court may set, and require the petitioner to attend, a prove-up hearing on the petition for nullity.

(Paragraph 1) amended effective July 1, 2024.)

2) Special Requirements: Default Judgment for Dissolution or Legal Separation. After default of the respondent has been entered, the petitioner must file a completed form declaration for default that indicates which orders are to be included in the judgment of dissolution or legal separation. A party may not request orders in the judgment beyond the relief requested in the petition, except that if there are minor children, the Court will have and retain jurisdiction to order child support whether or not it was so requested. [Family Code §4001.] A default judgment with a settlement agreement attached is required to conform with Family Code §

2338.5, requiring a defaulting spouse's notarized signature.

(Paragraph 2) amended effective July 1, 2024.)

3) Income and Expense Declaration. A fully-completed form income and expense declaration must be submitted where any one of the following orders is requested in a default proceeding: child support or waiver of child support; spousal support (except where a party reserves the Court's jurisdiction to award spousal support in the future); waiver or termination of spousal support in a long-term marriage (ten (10) years or more between the date of marriage and the date of separation); family support; or attorney's fees or costs. The declaration shall include the submitting party's best estimate of the other party's income.

(Paragraph 3) amended effective July 1, 2024.)

4) Property Declaration. If there are assets and/or debts to be disposed of by the Court in a default proceeding, the petitioner must submit a completed property declaration, consistent with the requests made in the petition, which sets out the proposed division of the assets and/or debts; the petitioner must also file a proof of service of the disclosure declaration. [Family Code §2106.]

B. Form of the Proposed Default Judgment

The party requesting a default judgment, or the party's attorney, must prepare the formal judgment and when a default judgment includes a marital settlement agreement or stipulated judgment, the signature of the spouse who defaulted must be notarized. All proposed provisions relating to child custody, visitation, child support, attorney's fees and costs, property, and injunctive orders must be set forth in the formal judgment, either by attaching and incorporating a copy of the parties' marital settlement agreement addressing these issues, or by attaching continuation pages containing the orders the party has requested.

1) Order Reserving the Court's Jurisdiction to Award Child Support. A reservation of jurisdiction over the issue of child support must be stated in substantially the following language: "The Court reserves jurisdiction to award child support without prejudice to any action brought by the designated Child Support Agency."

(Paragraph 1) amended effective July 1, 2024.)

2) Child Support Orders Where Custodial Parent is Receiving Temporary Assistance to Needy Families. When a party wishes to obtain a child support order by default and the custodial parent receives Temporary Assistance to Needy Families ("TANF"), the designated child support agency must be served by mail with notice of the request. All such orders for child support must specify that payments will be made to the designated support agency.

(Paragraph 2) amended effective July 1, 2024.)

3) Spousal Support Orders. If the petitioner requests spousal support, he or she must address the issue of spousal support for both parties in the proposed judgment. All orders for spousal support must state the amount of support, the dates payable, and, unless there is an agreement to the contrary, that support will terminate on the death of either party or on remarriage of the supported party. A marriage of ten (10) or more years is presumptively a long-term marriage. In a long-term marriage, the petitioner may not automatically waive the right to receive spousal support, or terminate the respondent's right, absent a showing of an ability of the party to support him- or herself.

4) Property Orders. All real property referred to in the judgment must be identified therein by its complete legal description and common address.

5) Attorney's Fee Orders. Any request for an award of attorney's fees in an amount greater than $1,000.00 must be supported by a factual declaration indicating the amount of time the attorney spent on the case and the attorney's hourly rate. Alternatively, the matter may be set for an uncontested hearing on this issue.

6) Restraining Orders. Any and all restraining orders must be stated in the body of the judgment and must include the date of expiration.

7) Termination of Marital Status. The marital status for all dissolutions will terminate no less than six (6) months and one (1) day from the date the Court acquired jurisdiction over the respondent (or the next court day where said date falls on a court holiday or weekend). If a judgment is not presented for the Court's approval until after the six months has lapsed, marital status will terminate upon entry of judgment. (**Note:** proposed judgments for legal separation must not state a termination date.)

(Paragraph 7) amended effective July 1, 2024.)

8) Notice of Entry of Judgment. The petitioner must submit, together with the proposed judgment and any forms required above, an original and two copies of the form "Notice of Entry of Judgment" [Judicial Council Form FL-190]. The petitioner must also submit two (2) first-class postage prepaid envelopes, addressed to the parties as listed on the notice of entry of judgment.

(Paragraph 8) amended effective July 1, 2024.)

(Subd B. amended effective July 1, 2024.)

Rule 8.07 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:07 effective July 1, 1996; amended effective January 1, 2013, July 1, 2015, and January 1, 2019; previously renumbered as Rule 8:07 effective January 1, 2022.

8.08 Uncontested Judgments Pursuant to Stipulation

A. Approval or Incorporation of Property Settlement Agreement

No property settlement agreement will be approved by the Court or incorporated by reference in an uncontested judgment unless all of the following requirements are satisfied:

1) Agreement. The petition refers to the property settlement agreement; or the agreement or a separate stipulation signed and filed by the parties and their respective attorneys, if any, provides that the agreement may be presented for Court approval and incorporation; or both parties and their respective attorneys, if any, have endorsed their approval of the agreement on the stipulation for judgment.

2) Signatures of Parties. The agreement has been signed by the parties.

3) Signature by Counsel; Acknowledgment of Party if Self-Represented

   (a) If both parties are represented by counsel, the agreement has been signed by both attorneys;

   (b) If only one party is represented by counsel, the attorney for that party has signed the agreement and the self-represented party has signed a statement that he or she has been advised to consult an attorney regarding the agreement, but has declined to do so;

   (c) If neither party is represented by counsel, any party who has not appeared before the Court has acknowledged in the agreement that he or she is aware of the right to consult an attorney.

4) Service of Disclosure Declarations. Proofs of service of the disclosure declarations required by Family Code §2105 have been filed.

(Subd A. amended effective July 1, 2024.)

B. Requirement of an "Appearance, Stipulation and Waivers" Form

1) An uncontested judgment may be obtained only upon the filing of a form "Appearance, Stipulation and Waivers" [Judicial Council Form FL-130], or its equivalent.

2) If the respondent has not previously appeared and paid an appearance fee, the first appearance fee is due with the filing of the "Appearance, Stipulation and Waiver", unless the appearance fee is waived.

3) The moving party must also file a completed form "Declaration for Default or Uncontested Dissolution" [Judicial Council Form FL-170]. [Family Code §2336.]

(Subd B. amended effective July 1, 2024.)

C. Stipulated Nullity Judgments

Stipulated judgments for nullity of marriage may be signed by the Court without a hearing when the stipulation or an accompanying declaration contains facts supporting the grounds for nullity. [Family Code §2210.] Stipulated nullity judgments must be presented to the clerk of the Family Law Department along with the judgment for nullity, three copies of the notice of entry of judgment, and properly addressed stamped envelopes.

D. Income and Expense Declaration

The Court may require an Income And Expense Declaration where the marriage is of long duration (defined as ten (10) or more years), and the stipulated judgment or marital settlement agreement contains a waiver of spousal support.

(Subd D. amended effective July 1, 2024.)

E. Proposed Judgment

1) Stipulated Orders for Child and/or Family Support. In addition to any marital settlement agreement or stipulated judgment, the parties must complete and attach to the proposed judgment a form "Stipulation to Establish or Modify Child or Family Support and Order" [Judicial Council Form FL- 350], or its equivalent. If one of the parties has assigned the right to collect support to the designated child support agency, then a representative thereof must sign the stipulation to establish or modify a child or family support order, and the order for child support must specify that payment is to be made to the designated agency.

2) Incorporation of the Marital Settlement Agreement. Where parties intend that the terms of the marital settlement agreement will become the terms of the judgment, the marital settlement agreement must be incorporated into the judgment. Parties are encouraged to state on the face of the judgment the following: "The attached marital settlement agreement is incorporated herein and made a part of this judgment. The parties are hereby ordered to comply with its directory terms."

F. Notice of Entry of Judgment

The moving party must submit, together with the proposed judgment and any forms required above, an original and two (2) copies of the form “Notice of Entry of Judgment” [Judicial Council Form FL-190]. Petitioner must also submit two (2) first-class envelopes, postage prepaid, addressed to the parties as listed on the notice of entry of judgment.

(Subd F. amended effective July 1, 2024.)

Rule 8.08 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:08 July 1, 1996; amended effective January 1, 2007, July 1, 2015, and January 1, 2019; previously renumbered as Rule 8:08 effective January 1, 2022.

8.09 Reserved

Previously adopted as Rule 14:09 effective July 1, 1996; repealed and reserved effective January 1, 2007; previously renumbered as Rule 8:09 effective January 1, 2022.

8.10 Facilitator and Self-Help Clinic

A. Appointment; Authority for Duties and Conduct

The Court has appointed a Facilitator pursuant to Family Code §10000, et seq., "The Family Law Facilitator Act". The Facilitator's duties and conduct are governed by the Family Law Facilitator Act. The Facilitator manages the Self-Help Clinic(s), pursuant to the Court's Mission Statement for the Self-Help Clinic. Users of the Self-Help Clinic are not charged for Facilitator services. There may be nominal costs charged for copying documents.

(Subd A. amended effective July 1, 2024.)

B. Additional Duties Designated by the Court

In addition to the services provided by the Facilitator pursuant to Family Code §10004, the Court designates the additional duties prescribed by Family Code §10005, which may be implemented by the Court Facilitator at the direction of the Court Executive Officer, upon the Executive Officer's determination that funding is available, without further notice.

C. Further Additional Duties

If staff and other resources are available, and the duties listed in Local Rule 14.10.B have been accomplished, the duties of the Facilitator may also include the following:

1) Assisting the Court with research and any other responsibilities that will enable the Court to be responsive to the litigants' needs.

2) Developing programs for the Bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist self- represented and financially disadvantaged litigants in gaining meaningful access to Family Court.

D. Duties Beyond the Scope of Family Code Section 10000

To the extent that local court budget is provided for the purpose and to assist the court with research or other responsibilities that will enable the Court to be responsive to litigants' needs, the Facilitator may assist parties in matters not specifically designated in Family Code §10000, et seq., including but not limited to: legal assistance or investigations with all matters arising out of the Family Code, Probate Code and Section

300 of the Welfare and Institutions Code; mediation services; and service as a judge pro tempore. Additional types of service may be added at the direction of the local court administrator without further notice.

(Subd D. amended effective July 1, 2024.)

E. Family Law Facilitator Complaint Resolution

Pursuant to California Rule of Court, Rule 5.430(g), any person who wishes to make a complaint or objection regarding the performance of the Family Law Facilitator shall make such a complaint in writing and shall file it with the Court Executive Officer within sixty (60) days of the last event leading to the complaint. This procedure applies only to those persons who have actually utilized the services of the Family Law Facilitator. The Court Executive Officer shall, in their discretion, investigate the merits of the complaint and shall take such action as they deem appropriate. The Court Executive Officer shall inform the complaining party that action has or has not been taken. The Court Executive Officer shall take such other action as the Court Executive Officer deems appropriate.

(Subd E. amended effective July 1, 2024.)

Rule 8.10 amended and renumbered effective July 1, 2024; previously adopted as Rule 14:10 January 1, 1998; amended effective July 1, 2013 and January 1, 2019; previously renumbered as Rule 8:10 effective January 1, 2022.

8.11 Adoptions

A. Stepparent Adoptions Pursuant to Family Code §9000; and Proceedings Under Family Code §7800 (Freedom From Parental Custody And Control)

1) Necessity of Consent. If a petition for a stepparent adoption is filed under Family Code §9000 without an order under Family Code §7800 having first been obtained, then a special hearing, entitled a "necessity of consent" hearing, will be conducted before the petition for adoption is considered.

2) Notification of the Child Custody Counselor. The Clerk of the Court will immediately notify the Child Custody Counselor of the filing of the petition, who will report the circumstances to the Court as provided in Family Code §7850.

3) Citation. A citation will be issued upon the filing of the petition, and must be served on the persons and in the manner described in Family Code §7880. The citation must require the persons served to show cause, if any, why the Court should not find that the minor has been abandoned, and why the consent of the named parent to the proposed adoption is unnecessary. A form of citation that is permissible for use in this Court is attached hereto as Appendix 7 of these Rules.

Paragraph 3) amended effective July 1, 2024.

4) Hearing Date. The hearing date will be on the regular family law calendar, and the date selected must be within forty-five (45) calendar days of the filing of the petition. No adoption under Family Code §9000 will be

approved until such hearing has been accomplished.

5) Supplemental Local Rule. A proceeding initiated pursuant to this Local Rule is in addition to that required by Family Code §9000.

(Subd A. amended effective January 1, 2024.)

B. Adoption Where Alleged Natural Father Not Found

If it is claimed that an alleged natural father is unidentifiable or cannot be found for service, the petitioner must file a petition and serve notice of the proceedings pursuant to Family Code §7666 and §7667, and the Clerk of the Court will set a hearing on the regular adoptions calendar, for determination as to whether or not the father is unidentifiable, and as to whether or not the Court may dispense with notice to any alleged natural father. The petitioner must appear and present evidence at the hearing.

C. Release of Adoption Files

The procedure for release of information that may be contained in this Court's files and that relates to adoptions is as set forth in Appendix 5. Only the forms set forth in Appendix 5 may be used in making requests for release of such information. These forms may not be used to request the release of information held by other courts or agencies.

(Subd C. amended effective July 1, 2024.)

Rule 8.11 amended and renumbered effective July 1, 2024; previously adopted as Rule 14.11 effective July 1, 1996; amended effective July 1, 2004, July 1, 2015; and January 1, 2019; previously renumbered as Rule 8:11 effective January 1, 2022.

8.12 Sanctions

Failure to comply with a Local Rule or California Rule of Court may subject the non- complying party or attorney to sanctions, including monetary sanctions, pursuant to Rule 2.30 of the California Rules of Court, Code of Civil Procedure §§ 128.5, 128.7, 177.5 and/or 575.2, and/or Family Code §271.

Rule 8.12 renumbered effective July 1, 2024; previously adopted as Rule 14.12 effective January 1, 2007; previously renumbered as Rule 8:12 effective January 1, 2022.

CHAPTER 9: PROBATE RULES

9.01 Caption of Probate Documents

If a probate pleading or other probate document is not filed on a Judicial Council form, the caption must include a reference to the statutory provision under which the matter is filed. If, in the pending proceeding, any part of an estate is to be distributed to a trust, the caption of the pleading must so indicate.

Rule 9.01 amended and renumbered effective July 1, 2024; previously adopted as Rule 15.01 effective July 1, 1996; amended effective July 1, 2004; previously renumbered as Rule 9:01 effective January 1, 2022.

9.02 Settings and Assignments; Continuances

A. Settings and Assignments

1) At the time of its filing, every pleading that requires a hearing will be set on the regular calendar for that type of proceeding. Because the day and hour reserved for these calendars may change from time-to-time, counsel are advised to consult the clerk before requesting a specific setting.

2) The attorney or self-represented party who files the pleading may select the initial hearing date, as long as the setting permits sufficient time for service of appropriate notice.

3) Any request for an earlier setting than would normally be allowed must be presented to the Court pursuant to the Local Rules governing orders shortening time. **Note:** mere convenience or inconvenience of counsel is insufficient justification for such request.

(Subd A. amended effective July 1, 2024.)

B. Continuances

1) On the call of the calendar, any regularly-set matter that is found to be "not ready for hearing" will be continued until a future date, to be determined at the Court's discretion. A matter is considered to be not ready if the pleading, notice of hearing, or documents purporting to cure discrepancies therein are not filed by the hearing date. If the matter is not ready by the time of any second continuance, it may be ordered off-calendar or denied without prejudice, unless an application for a further continuance, made upon the personal appearance in court of counsel or self-represented party is granted.

2) If a proceeding has been properly noticed for its initial hearing, new notice is not required for any continuance unless the Court specifically orders such notice.

3) If an oral objection to any pleading is presented to the Court at the hearing

thereon, the Court may continue the matter to allow for the filing of written objections, and for giving notice thereof to the petitioner. Unless otherwise ordered, the Court will not consider an objection unless it is in writing, and is filed and served at least ten (10) days prior to the date of the continued hearing.

Rule 9.02 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:02 effective July 1, 1996; amended effective July 1, 2011; previously renumbered as Rule 9:02 effective January 1, 2022.

9.03 Filing of Documents; and Review Prior to Hearing

Except for good cause, all documents in support of a pleading must be filed with the clerk of the Court no later than five (5) court days before the calendared hearing thereon. This Rule applies, but is not limited to, affidavits of publication, proofs of subscribing witnesses, waivers of account, receipts, inventories, reappraisals for sale, agreements for in-kind distributions, proposed orders, and similar papers. At the Court's discretion, documents that are not filed in a timely manner may not be considered before or during the hearing; and the matter may be continued, denied without prejudice, or ordered off calendar.

Rule 9.03 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:03 July 1, 1996; amended effective July 1, 2009, amended effective January 1, 2019; renumbered as Rule 9:03 effective January 1, 2022; amended effective July 1, 2022.

9.04 Reserved

Rule 9.04 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:04 effective July 1, 1996; reserved effective July 1, 2009; previously renumbered as Rule 9:04 effective January 1, 2022.

9.05 General Notice Requirements

A. Notices Generally

These Rules do not increase or reduce the statutory notice requirements with respect to probate matters brought before the Court.

B. Burden of Proving Proper Notice

It is the responsibility of the petitioner or his or her attorney, and not the responsibility of the Court Clerk, to give notice of any proceeding requiring notice, or cause it to be given; and also to file the proper proof of service of such notice.

(Subd B. amended effective July 1, 2024.)

C. Service of the Petition in Addition to Notice

When notice of any petition or other application is served on a person requesting special notice, or if the petition is for approval of the accounting of a testamentary trustee, then a complete copy of the petition, along with any supporting papers, must be served with

each notice of hearing. If the fiduciary or attorney is requesting extraordinary fees or compensation (i.e., fees or compensation other than the "ordinary" fees and compensation authorized by Probate Code §10800 and §10810), notice of hearing and a copy of the petition must be served on all interested parties. When service of a copy of the petition is required, the proof of service of notice must also show service of the copy.

(Subd C. amended effective July 1, 2024.)

D. Minimum Notice Requirement

When the Probate Code requires that a matter be set for noticed hearing, notice may not be shortened to less than ten (10) days.

E. Posting of Notice by the Clerk

When posting of notice by the clerk is required, the party who requests the posting must do so in writing, and must provide the court clerk with an extra copy of the notice.

(Subd E. amended effective July 1, 2024.)

Renumbered Rule 9.05 effective January 1, 2022; originally adopted as Rule 15.05 effective July 1, 1996; amended effective July 1, 2004.

9.06 Probate Orders and Decrees; *Ex Parte* Applications; Nunc Pro Tunc Correction of Clerical Error

A. Orders and Decrees

1) Form of Orders. Probate orders or decrees must be prepared by counsel or the self- represented petitioner, unless otherwise ordered by the Court. All probate orders or decrees must be complete in themselves (i.e., they must be worded so that their general effect can be determined without reference to the petition on which they are based). Orders and decrees must set forth the date of hearing; the Court's findings; the relief granted; and the names of persons, and descriptions of property or amounts of money, that are affected by the order, all with the same particularity as is required of judgments in civil matters.

   Some printed forms of orders or decrees are designed to permit the attachment of supplemental material; if such form is utilized, attachments will be permitted if the judicial signature appears at the end of the last attachment, and the form itself includes the information that the document is executed at the end of the last attachment.

2) Judicial Signature. The place provided for the judicial signature must appear at the end of the order or judgment. No attachment, exhibit, or rider is permitted after the judicial signature.

   The signature line must not appear on a page by itself, and pagination of documents must be adjusted accordingly.

The signature line for the judicial officer must be in the following format:

"Date:_____Judge/Judge Pro Tempore
Siskiyou County Superior Court"

3) Submitting Proposed Orders. If the parties wish to obtain formal orders on the date that the matter is calendared for hearing, then the proposed orders must be submitted to the clerk at least five (5) court days before the hearing.

4) Orders for Continuing Payments. All proposed orders for continuing payments must provide that the payments will commence on a date certain and will continue until a) a date certain or b) for a specified period. The Court will not make orders that require continuing payments to run "until further order".

5) Orders Distributing Estate to Trustee. Orders calling for distribution of estate assets to the trustee of a testamentary trust must set forth all provisions of the will or codicil relating to the trust or trustees, in a manner that will give effect to existing conditions at the time distribution is ordered. Pertinent provisions must be set forth in the present tense and third person.

(Subd A. amended effective July 1, 2024.)

B. *Ex Parte* Applications for Orders

1) In General. Applications for orders may be made *ex parte* unless a statute or Rule requires notice; and must be made as set forth in Local Rule 3.03.

2) Form of Order. Except for form petitions and orders approved by the Judicial Council or this Court, all applications for *ex parte* orders must be accompanied by a separate proposed order, complete in itself. It is not sufficient for such order to provide merely that the application has been granted.

3) Special Notice. All applications for *ex parte* orders must contain an allegation that no special notice has been requested, or an allegation that any requested special notice has been waived (with identification of the persons requesting special notice). Any waiver of special notice must be filed with the application.

4) Sales of Property. *Ex parte* petitions for orders for sale of stock or personal property must allege whether or not the property is specifically devised. If so, the consent of the specific devisee must accompany the petition.

(Subd C. amended effective July 1, 2024.)

C. *Nunc Pro Tunc* Correction of Clerical Errors

1) In General. If, through any inadvertence, the minute order or the signed decree fails to state the order that was actually made by the Court, and such inadvertence is brought to the attention of the Court by affidavit or duly- executed declaration pursuant to Code of Civil Procedure §473, then the Court will, on its own motion, make a *nunc pro tunc* order correcting the mistake.

2) Form of The Proposed *Nunc Pro Tunc* Order. The proposed *nunc pro tunc* order must not take the form of an amended order, and must be in substantially the following form:

"Upon consideration of the affidavit or declaration of [name] to correct a clerical error, the [identity of the order to be corrected, giving the title and date thereof] is corrected, on the Court's own motion, by striking the following [here set out the matter to be eliminated] and by inserting in lieu thereof the following: [here set out the correct matter]. This order is entered *nunc pro tunc* as of [here insert the date the incorrect order was signed]."

To prevent further errors, the complete clause or sentence in which the error occurs should be stricken from the original order or decree, even if only one word or figure therein requires correction. Reference should not be made to the page and line number of the corrected language.

3) Presentation to the Court. The proposed order must be submitted to the court clerk along with the affidavit or declaration that brings the error to the Court's attention.

4) Effect of the *Nunc Pro Tunc* Order. The original order will not be physically changed by the clerk, but will be used in connection with the nunc pro tunc order correcting it.

(Subd C. amended effective July 1, 2024.)

Rule 9.06 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:06 effective July 1, 1996; amended effective July 1, 2004; previously renumbered as Rule 9:06 effective January 1, 2022.

9.07 Provisions Relating to the Appointment of Executors and Administrators

A. Special Letters

Petitions for special letters of administration will not be granted without prior notice to the surviving spouse, to the person nominated as executor, and to any other person who, after examination of the applicant by the Court, appears to be equitably entitled to notice. In appointing a special administrator, the Court will give preference to any person entitled to letters testamentary or of administration. If it appears that a bona fide contest exists, the Court will consider appointing a neutral person or corporation as special

administrator.

B. Public Administrator

In all cases where it appears the Public Administrator may have priority to serve as personal representative of an estate, notice to the Public Administrator must be given.

C. The Petition for Probate

1) Allegations Regarding Heirs and Beneficiaries. In addition to the required allegations (set forth in Probate Code §8002) in the petition for letters or for appointment, the petition must include the following information:

(Paragraph 1) amended effective July 1, 2024.)

(a) As to the actual or nominated trustee of a trust that is a beneficiary of the decedent's estate, said trustee must be listed by name and title as a devisee or legatee, and, if a sole trustee is also the personal representative of the estate, the individual beneficiaries of the trust must be listed in the petition and be given notice of the proceedings. [Probate Code §1208.]

(b) When a beneficiary of the estate has died, notice must be given as required by Rule 7.51(e) of the California Rules of Court.

(c) As to contingent heirs, devisees and legatees, all such persons must be listed in the petition for probate or for letters of administration so that each will receive notice by mail of the hearing on the petition. This includes persons provided for in the will offered for probate, but whose legacy has been revoked by a subsequent codicil.

(Subd C. amended effective July 1, 2024.)

D. Subsequent Petitions for Probate

1) Admitting Subsequent Wills and Codicils. Every will or codicil not specifically mentioned in the original petition must be presented to the Court by way of an amended petition or a second petition, and new notice thereof must be published.

2) Noticing Subsequent Petitions. When a petition for letters testamentary or letters of administration with will annexed ("Letters CTA") is filed after the admission to probate of a will disposing of the same decedent's estate, notice is required just as for the original petition.

(Subd D. amended effective July 1, 2024.)

E. Proof of Written Will or Codicil

1) Attachment to Petition. When a petition for probate of will and/or codicil

is filed, a copy of the document(s) being offered for probate must be attached thereto and marked as an exhibit.

2) Proof of Holographic Instrument. If the will or codicil is handwritten and a photographic copy is attached, then a typewritten copy of the text of the document must be attached as well. Holographic instruments may be proved by an appropriate affidavit or declaration setting forth the foundation upon which the declarant bases his/her statement that the handwriting is the decedent's.

3) Proof of Formal Wills. In uncontested will proceedings, if the attestation clause of the testamentary instrument is signed under penalty of perjury, then the will or codicil is deemed to be self-proving and can be admitted to probate without proof thereof by affidavit or declaration. If the attestation clause is unverified, any proof offered by a subscribing witness must be filed on Judicial Council form DE-131.

(Subd E. amended effective July 1, 2024.)

F. Bond of Personal Representative

1) Effect of Bond Waiver. If bond has been waived in the will or codicil, or if it is waived by all beneficiaries of the will by way of duly executed and filed waivers of bond, then the fact that bond has been waived must be alleged in the petition.

2) Reporting Bond in Interim Accountings. Every interim account for an estate in which bond has been posted must include a separate paragraph alleging a) the total amount of the posted bond; b) the appraised value of personal property on hand plus the estimated annual income to the estate from real and personal property; and c) a statement concerning any additional bond thereby required. Whenever appropriate, a prayer for increase or decrease of the posted bond must be included in the petition for settlement of the account.

3) Bond When Independent Powers Granted. When the personal representative is granted independent powers to sell real property or to lease it for a term of more than one year, the Court may require a bond that includes the equity value of the real property.

(Subd F. amended effective July 1, 2024.)

Rule 9.07 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:07 effective July 1, 1996; amended effective July 1, 2013 and January 1, 2019; previously renumbered as Rule 9:07 effective January 1, 2022.

9.08 Appearance of Counsel In Uncontested Matters

A. Required Appearance at Hearing on Guardianship or Conservatorship Petition

The petitioner or the petitioner's attorney must appear at any hearing on a petition for

appointment of a guardian or conservator.

(Subd A. amended effective July 1, 2024.)

B. When Non-Appearance Allowed at Hearing n Petition

1) Except as otherwise provided by law or these Rules, all verified petitions in probate matters will be deemed submitted without an appearance, except that the attorney or petitioner must appear on a petition for confirmation of sale of either 1) real property, or 2) personal property valued in excess of One Hundred Dollars ($100.00). As used in this Rule, "verified" means verified by the petitioner.

2) Before denying any petition where there is no required appearance, the Court, at its discretion, will continue the matter to a future law & motion calendar in order to give the petitioner or counsel an opportunity to appear. If there is no appearance or other response by the petitioner or counsel at the continued hearing, the Court may drop the matter from the calendar. (**Note:** it is the responsibility of the non-appearing petitioner or counsel to determine whether the matter has been approved or continued.)

(Subd B. amended effective July 1, 2024.)

Rule 9.08 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:08 effective July 1, 1996; amended effective July 1, 2001, and January 1. 2019; previously renumbered as Rule 9:08 effective January 1, 2022.

9.09 Contested Matters

The Court will hear contested matters at such dates and times as the Court deems appropriate.

Rule 9.09 renumbered effective July 1, 2024; previously adopted as Rule 15:09 adopted effective July 1, 1996; amended effective July 1, 2004; previously renumbered as Rule 9:09 effective January 1, 2022.

9.10 Orders for Family Allowance

A. Time of Application

Applications for a family allowance order must be made in a timely manner. As a policy, the Court discourages requests for retroactive (*nunc pro tunc*) payment of a family allowance.

B. Duration of Order

The duration of an order for family allowance is limited to six months if no inventory and appraisal has been filed, and to one year if an inventory and appraisal has been filed.

(Subd B. amended effective July 1, 2024.)

C. Estimate of Monthly Income and Expenses

Every petition for a family allowance must set forth estimated monthly income, including

receipt of any available government benefits; and if the petition seeks an allowance in excess of $1,000 per month, it must include an itemized estimate of monthly expenses.

Rule 9.10 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:10 effective July 1, 1996; amended effective July 1, 2001; previously renumbered as Rule 9:10 effective January 1, 2022.

9.11 Probate Letters

A. Form of Letters

Proposed Letters submitted for issuance must be complete in every aspect. Independent powers must be specifically stated on the face of the Letters or in a referenced attachment; and execution of the oath must include date and place.

B. Re-Issuance of Letters

Re-issuance of original Letters is discouraged, and any request for re-issuance of original Letters must be submitted to the Court in writing and must establish valid justification for the request. (This requirement does not apply to requests for certified copies of Letters).

Rule 9.11 renumbered effective July 1, 2024; previously adopted as Rule 15:11 effective July 1, 2001; previously renumbered as Rule 9:11 effective January 1, 2022.

9.12 Required Matters in a Petition for Final Distribution

A. Required in All Petitions for Final Distribution

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

1) A full and complete description of all assets to be distributed. The description must include all cash on hand and must indicate whether or not promissory notes are secured or unsecured. If secured, the security interest must be described. Real property must include a complete legal description. **Note:** descriptions made by reference to the inventory and appraisal are not acceptable.

2) Facts specifically showing the entitlement of each heir to the portion of the estate to be distributed to that heir, including any information concerning predeceased children.

3) A computation of the attorney fees and representative commissions being requested, even if an accounting is waived. Where an accounting is waived and the statutory compensation is based upon receipts during probate, the method of computation must be set forth, together with an allegation that such receipts have been or will be reported on fiduciary income tax returns for the estate. Applications for compensation for extraordinary services will not be considered unless the caption and prayer of the petition, and the notice re distribution, contain a reference to such application for extraordinary compensation.

4) A statement regarding payment of all taxes pursuant to Probate Code §9650(b).

5) An allegation that all legal advertising, bond premiums, probate referee's fees, and costs of administration have been paid. (**Note:** the final account will not be approved, and neither will a petition to terminate proceedings be granted, unless the Court is satisfied that all costs of administration, including charges for legal advertising, have been paid.)

6) A schedule of claims showing the name of the claimant, amount claimed, date presented, date allowed, and, if paid, the date of payment.

   As to any rejected claims, the date of rejection must be set forth; and the original of the notice of rejection, with affidavit of mailing to the creditor, must be filed.

   Even if a claim has not been filed, the Court may approve payment of a debt if the accounting shows that such payment was made in compliance with the requirements of Probate Code §9154. Such approval is discretionary with the Court, and must be justified by appropriate allegations in a verified petition or by testimony in open court. [*Estate of Sturm* (1988) 201 Cal.App.3d 14.]

7) An itemization of costs for which counsel or the personal representative has been paid or is seeking reimbursement. Ordinary overhead items, including but not limited to costs of duplication of documents, long distance charges, and automobile mileage, are not proper cost items.

8) A schedule showing the proration, if any, of taxes, fees, and costs.

9) In all cases where the character of property may affect distribution of the estate, a statement or listing of which assets are separate property and which assets are community property.

10) If distribution is to be made pursuant to an assignment of interest, then the details of the assignment, including the consideration therefore, shall be set forth in the petition; and the acknowledged assignment shall be filed with the Court.

11) The names and current addresses of all persons who are affected by the petition; each such person must be identified as an adult or a minor.

    (a) If property is to be distributed to a minor, the minor's present age must be indicated.

    (b) If a trust is established in which property will be distributed to a beneficiary upon reaching a given age, the petition must allege the present age of the distributee.

12) If the distribution is to be made to a minor or an incompetent, then facts showing compliance with Probate Code §3300, et seq., must be alleged; alternatively, current certified copies of letters of guardianship or

conservatorship of the estate must be filed.

An allegation of compliance with Probate Code §9202 (notice of death to the Director of Health Services); or an allegation that notice is not required because decedent did not receive Medi-Cal services; or an allegation that no claim can be made by the Director of Health Services because decedent a) died before June 28, 1981; b) was under age 65; or c) was survived by a spouse, minor child, or disabled child.

13) A statement that complies with the disclosure requirements of Probate Code §1064(a)(4), or an allegation that no family or affiliate relationship exists between the fiduciary and any agent hired by the fiduciary for probate purposes.

(Subd A. amended effective July 1, 2024.)

B. Unequal Distributions; Distributions Against the Will

If the decree of distribution requires in-kind distribution of assets with the result that all heirs and devisees will not share equally in each asset, and the distribution is other than pursuant to the will or the laws of intestate succession, then an agreement indicating acceptance of the plan of distribution must be signed by each heir and devisee (with the signatures acknowledged) and filed with the Court.

C. Terms Of Testamentary Trust

The terms of any testamentary trust must be set out in full in the petition and in the order or decree, and not merely be incorporated by reference. Because the decree of distribution supersedes the will, the terms of the trust must be set forth in the decree in a manner that will give effect to the conditions existing at the time distribution is ordered. The pertinent provisions must be set forth in the present tense and in the third person instead of by merely quoting the will verbatim, because the will in some instances may be in the future tense and/or the first person, and may contain provisions that are no longer applicable.

D. Distribution to a Trust

If distribution is to be made to a trust, then either an acknowledged statement by the trustee accepting the property under the terms of the trust, or a petition by the executor or administrator for the designation of a substitute trustee, must be filed with the Court.

Rule 9.12 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:12 effective July 1, 1996; amended effective July 1, 2009 and January 1, 2019; previously renumbered as Rule 9:12 effective January 1, 2022.

9.13 Required Form of Accounts in all Probate Proceedings

A. Accounts in General

All accounts filed in probate proceedings, including guardianship, conservatorship, and trust accounts, shall comply with Probate Code §§1060 *et seq.*. A suggested form of summary of account is set forth in Appendix 6 of these Rules, and in Probate Code §1061.

B. Waivers of Accounting

A detailed accounting may be waived when all persons having a valid interest in the matter have consented in writing. Only waivers given by competent adults are effective. All waivers must be filed with the Court or endorsed on the petition. The effect of full waivers is to make it unnecessary to list the details of receipts and disbursements; no other required matters may be waived.

C. Required Verification for Interim Accounts

Interim accounts in decedents estate matters that are filed by individual fiduciaries (as opposed to final accounts, or accounts by institutional fiduciaries) must be supported by original statements verifying the balances of bank or investment accounts on the closing date of the estate accounting period). Balances shown in the estate accounting must be reconciled to the statements from the financial or investment institution.

D. Vouchers

Vouchers supporting accounts are not to be filed with the clerk unless the Court specifically orders them filed.

Rule 9.13 renumbered effective July 1, 2024; previously adopted as Rule 15:13 effective July 1, 1996; amended effective July 1, 2004 and January 1, 2019; previously renumbered as Rule 9:13 effective January 1, 2022.

9.14 Petition to Establish the Fact of Death

A petition to establish the fact of death (to terminate a joint tenancy or life estate) must be verified, and must have the following documents attached as exhibits: 1) a copy of any instrument relating to any interest in the property; and 2) a copy of the death certificate. (**Note:** there is no statutory provision for Court determination of attorney fees in proceedings for termination of joint tenancy or a life estate; no request for fees for services of this type will be considered by the Court.)

Rule 9.14 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:14 effective July 1, 1996; amended effective July 1, 2001; previously renumbered as Rule 9:14 effective January 1, 2022.

9.15 Petition to Set Aside Spousal Property

A. Filing Spousal Property Petition

A petition for determination and/or confirmation of community property must be filed as a separate petition from a petition for probate of will or for letters of administration. If the spousal property petition is filed in a probate proceeding that has already been initiated, the cost for filing will be the amount charged for a subsequent application requiring a

hearing. Otherwise, a full filing fee will be charged.

B. Required Allegations in Support Of Claim

A petition to determine and/or confirm community property must include the following allegations and supporting information:

1) Date and place of marriage;

2) Whether or not decedent owned any real or personal property on the date of marriage (if so, describe the property and state the approximate value on the date of marriage and at present);

3) Decedent's occupation at time of marriage;

4) Decedent's net worth at time of marriage;

5) Whether or not decedent received property after the date of marriage by gift, bequest, devise, descent, or as proceeds from life insurance or joint tenancy survivorship (if so, describe the asset and give approximate date of receipt and approximate value on the date of receipt and at present);

6) If property was received by decedent pursuant to item (5), above, whether or not it is still a part of the estate;

7) The date decedent first came to California;

8) The decedent's net worth upon arrival in California;

9) Any additional facts upon which the community property claim is based; and,

10) If the claim is based on any document, a copy must be attached to the petition, preferably a photocopy showing signatures.

C. Survivorship Restriction

If a spouse's right to take under a will is conditioned on survival for a specified period of time, no property will be set aside or confirmed to the spouse until expiration of the survivorship period.

D. Attorney's Fees

Attorney’s fees for services relating to a spousal property petition are not subject to determination by the Court, but must be arranged between counsel and the petitioner.

Rule 9.15 renumbered effective July 1, 2024; previously adopted as Rule 15.15 effective July 1, 1996; amended effective July 1, 2004 previously renumbered as Rule 9:15.

9.16 Sales of Real Property

A. Appraisals Within One Year

If the death of the decedent occurred more than one year prior to the date of filing of a petition for confirmation of sale of real property, then a reappraisal for the purposes of the

sale must be filed prior to the date of the hearing for confirmation of the sale.

B. When Published Notice of Sale Required

Publication of notice of sale of real property will be required whenever court confirmation of such sale is requested, unless a will and/or codicil specifically directs sale of the property, or specifically grants an executor (as distinguished from an administrator with will annexed) authority to sell the property without notice. This publication requirement applies whether or not the personal representative has been granted Independent Administration of Estates Act (IAEA) powers by the Court.

C. Noticing the Location of the Property

The notice of sale of real property must set forth the street address of the property, if any; if there is no street address then the notice must describe the location of the property in addition to providing the legal description.

D. Compliance With the Terms of the Notice

If notice of sale of real property is published, then any sale of the property must be in accordance with the terms of such notice. If a petition for confirmation of sale is filed alleging that the sale took place prior to the date of sale stated in the published notice, then the sale cannot be confirmed and new notice of sale must be published. Pursuant to Probate Code §10308, any petition for confirmation of sale must allege that the sale was made within 30 days prior to the date on which the petition was filed. The specific date of sale must be alleged in the return of sale and petition for its confirmation.

E. Effect of Publication

The published notice of sale of real property constitutes a solicitation for offers. When the personal representative accepts an offer and files a petition for confirmation of sale, there must not be any variance between the terms of the notice and those described in the petition. If the notice solicits cash offers only, then the Court will not confirm a sale on terms other than cash.

F. Date of Sale Specified in Notice

If a petition for confirmation of sale of real property is filed prior to the date of sale specified in the notice, the Court cannot announce the sale on the date set for hearing, but must deny confirmation without prejudice to a new sale after another notice has been given as prescribed by law.

G. Terms and Conditions of Sale

The terms and conditions of the sale must be stated in the Report of Sale filed with the Court, as specific attachments if necessary. Merely attaching a copy of the sales contract is not sufficient to satisy this requirement and is, in fact, discouraged in most cases.

H. Broker's Commission

The Court will not allow a broker's commission for the sale of residential real property that is in excess of six (6) percent, unless a higher commission is justified by exceptional circumstances. The broker's commission on non-residential real property will be set by the Court on an individual basis. No commission will be allowed to a broker who is a buyer of the subject property.

I. Notice of Abatement Sale to Specific Devisee

If the sale is for abatement, notice of time and place of hearing on the return of sale must be given to the specific devisee of the property; otherwise, his or her consent to the sale must be filed prior to the hearing.

J. Requirement of Attorney's Presence at Confirmation

In the absence of the attorney of record, the Court will not proceed on a petition for confirmation of sale of real property and/or for sale of personal property.

K. Overbids

If the sale returned for confirmation is upon credit, and a higher offer which is made to the Court pursuant to Probate Code §10313 is for either cash or credit (whether on the same or different credit terms), the higher offer will be considered only if the personal representative, prior to confirmation of sale, informs the Court in person or through counsel that the offer is acceptable.

L. Required Evidence of Ability to Pay Overbid

No person will be entitled to appear and bid in a proceeding to confirm a sale unless that person presents to the personal representative, or to counsel for the personal representative, sufficient evidence of that person's ability to pay, forthwith, a deposit of at least ten percent (10%) of the amount fixed by the petition as the overbid price. [Prob.C §10311(a)(1).] Bidding will proceed in such increments from the overbid as the Court deems appropriate.

Renumbered Rule 9.16 effective January 1, 2022; originally adopted as Rule 15.16 effective July 1, 1996. Amended effective July 1, 2005.

9.17 Attorneys Fees

In all petitions requesting attorney fees, both ordinary and extraordinary, a specific sum (not merely a "reasonable amount") must be requested.

Renumbered Rule 9.17 effective January 1, 2022; originally adopted as Rule 15.17 effective July 1, 1996; amended effective July 1, 2001.

9.18 Non-Statutory (Extraordinary) Fees and Commissions

A. Discretion of the Court; and Standards for Consideration

1) The award of extraordinary fees and commissions is within the discretion

of the Court.

2) The standards by which requests for extraordinary fees and commissions will be measured are reasonableness, and benefit to the interested parties. The Court will take into consideration the following:

(a) Nature and difficulty of the services;

(b) Results achieved;

(c) Benefit to the estate, conservatee or ward;

(d) Productivity of the time spent in performing the services;

(e) Expertise and experience of the person requesting the fees;

(f) Hourly rate for the person performing the services; and

3) Total amount requested in relation to the size and income of the estate.

B. Contents of Petition for Extraordinary Fees and Commissions

A petition filed under any provision of the Probate Code which requests fees or commissions in excess of the authorized statutory compensation must include: 1) a declaration by the attorney, personal representative, trustee, or other fiduciary stating the services rendered, or to be rendered, by each of them, itemized by date, time and service rendered; 2) the amount requested for each item of service, together with the total amount requested; and 3) a reference in the caption and prayer to the additional fees. In addition, the request for extraordinary fees and/or commission must be included in the notice of hearing on the petition.

C. Use of Paralegals

Reference to: California Rules of Court, Rule 7.703(e).

Renumbered as 9.18 effective January 1, 20222; originally adopted as Rule 15.18 effective July 1, 1996; amended effective July 1, 2004.

9.19 Guardianship Appointments

A. Agency Investigations

1) Referral. All petitions for appointment of a guardian will be referred by the Court for an investigation, pursuant to Probate Code Sections 1513 and 1513.1.

2) Agency Copies. When a petition for appointment of guardian is filed, the petitioner must provide an additional copy of the petition and of all supporting documents for transmittal by the clerk to the appropriate investigating agency. (**Note:** This requirement does not relieve the petitioner or counsel from the responsibility of personally providing copies of the petition and supporting documents to the agency.)

B. Appointment of Temporary Guardian

1) *Ex Parte* Applications. Applications for appointment of a temporary guardian may be submitted *ex parte* for determination by the Court, with or without an appearance by the petitioner or counsel. If the petitioner or counsel wishes to appear on the *ex parte* application, he or she must calendar and notice the matter pursuant to Local Rule 3.03.

2) Hearings on Temporary Guardianships. After a petition for the appointment of a temporary guardian of the person of a minor is filed, the following hearings may be held, consistent with the intent of Probate Code §2250:

   (a) A noticed hearing on an *ex parte* petition for appointment of temporary guardian. When it sets the noticed hearing, the Court may make other appropriate orders relating to the application.

   (b) A reconsideration hearing to be conducted on the regular guardianship calendar within 30 days from the date of the *ex parte* order granting temporary guardianship, for the purpose of reviewing the merits and the status of the temporary guardianship. At this hearing, the appropriate investigative agency will provide the Court with a recommendation as to whether or not the temporary guardianship should be continued or be terminated. More than one reconsideration hearing may be required.

3) Hearings on Petitions for General Guardian. Petitions for appointment of a general guardian are set for hearing by the clerk of the Court, and normally are calendared for hearing six to eight (6-8) weeks after the petition for general guardianship is filed.

4) Notice Regarding Temporary Guardianships. The order appointing a temporary guardian will identify the agency that will conduct the investigation, and the order will require that the temporary guardian give notice of the reconsideration hearing to the parents of the minor (this notice is in addition to the notice of hearing required by Probate Code §1511).

Renumbered as Rule 9.19 effective January 1, 2022; originally adopted as Rule 15.19 effective July 1, 1996; amended effective July 1, 2013.

9.20 Probate Conservatorship Appointments

When a petition for appointment of a conservator is filed, the petitioner must also submit a fully completed Judicial Council Form GC-330, "Order Appointing Court Investigator", for the Court's approval, and must provide the clerk with an additional copy of that document for transmittal to the Court Investigator after the appointment has been made.

For the same purpose, the petitioner must submit an extra copy of the petition and all supporting documents to the Court Clerk at the time of filing. (**Note:** This requirement does not relieve the petitioner or counsel from the responsibility of personally providing copies of the petition and

supporting documents to the Court Investigator, and from giving the Investigator notice of hearings on the petition.)

Renumbered as Rule 9.20 effective January 1, 2022; originally adopted as Rule 15.20 effective July 1, 1996; amended and/or renumbered effective July 1, 2004; amended effective July 1, 2009.

9.21 Independent Powers in Guardianship and Conservatorship Matters

A. Application of This Rule

This Rule applies whether the request for independent powers is made in the initial petition for appointment or by a subsequent petition.

B. Standard of Proof

The Court will not approve a petition for the grant of independent powers to a guardian or conservator except upon adequate showing that the particular power being requested is necessary and is for the advantage, benefit, and best interests of the estate. In ruling on the request, the Court will consider the circumstances of the case, the qualifications of the guardian or conservator, and the potential expense of further proceedings should the requested independent powers be denied.

C. Sale of Residence

A request for authority to sell the current or former residence of a ward or conservatee must include the information that is required by Probate Code §2540(b).

D. Return and Confirmation of Sale

When the independent power to sell real estate is granted, the sale must be returned to the Court for over-bidding and confirmation.

E. Statement of Powers

Any independent powers that are granted by the Court must be set forth at length in the Order and in the Letters. If the powers are granted by a subsequent order, or if independent powers already granted are withdrawn or limited, new Letters must be issued.

Renumbered as Rule 9.21 effective January 1, 2022; originally adopted as Rule 15.21 adopted effective July 1, 2001; amended and/or renumbered effective July 1, 2004.

9.22 Bond in Guardianships and Conservatorships

The Court ordinarily will fix bond in the amount permitted by Prob.C §2320 for a bond given under that section by an admitted surety insurer. However, upon a showing of good cause, the Court may increase or decrease the bond amount, and, if it appears likely that the conditions of Prob.C §2628(a) will be satisfied for the duration of the estate, the Court may dispense with bond.

Renumbered as Rule 9.22 effective January 1, 2022; originally adopted as Rule 15.22 adopted

effective July 1, 1996; renumbered effective July 1, 2004; amended effective July 1, 2009.

9.23 Conservator's Handbook

A. Purchase and Proof of Purchase

Every conservator appointed by this Court, with the exception of those excluded by Rule 9.23.B, below, must acknowledge that they have received or accessed electronically the conservator's handbook as adopted by the Judicial Council. Each conservator must file an Acknowledgment of Receipt of Handbook form (Judicial Council form GC-362) not later than five (5) days before the scheduled hearing on the petition for appointment of conservator. Failure to meet the requirement may result in the petition for appointment being ordered off calendar, and if the petitioner is the temporary conservator, it may result in the suspension of that person's powers as temporary conservator.

(Subd A. amended effective July 1, 2024.

B. Handbook Purchase Not Required

The Public Guardian, corporate fiduciaries, banks, and other entities authorized to conduct the business of a trust company are not required to purchase the Conservator's Handbook.

Rule 9.23 amended and renumbered effective July 1, 2024; previously adopted as Rule 15.23.B adopted effective July 1, 1996; amended effective July 1, 2004 and January 1, 2019; previously renumbered as Rule 9:23 effective January 1, 2022.

9.24 Responsibility of Parents to Support Ward

Because parents are required by statute to support their children, the Court will not permit the guardianship estate to be used for the ward's maintenance where one or both parents are living, except upon a showing of the parent's financial inability to provide support (preferably evidenced by a Judicial Council Form FL-150 "Income and Expense Declaration") or a showing of other circumstances that would justify the Court's departure from this Rule; any departure must be in the best interests of the ward.

Rule 9.24 amended and renumbered effective July 1, 2024; previously adopted as Rule 15:24 effective July 1, 1996; renumbered effective July 1, 2004; amended effective January 1, 2029; previously renumbered as Rule 9:24 effective January 1, 2022.

9.25 Investments by Guardians

A. Standards

The standard set forth in Probate Code §16040(a), providing for investments by trustees, is the standard applied by the Court in authorizing proposed investments by guardians. The guardian should also consider the circumstances of the estate, the indicated cash needs of the ward, and the date of prospective termination of the guardianship. Investments by guardians must be prudent and in keeping with the size and character of the ward's estate.

B. Unauthorized Investments

Except upon a strong showing of good cause, the Court will not approve investment of the ward's funds in unsecured loans, secured loans to near relatives, or debenture bonds (except those which are part of a large issue and are well-seasoned and listed on an established securities exchange).

1) The Court will not approve investment of the ward's funds in bonds or obligations of foreign governments or corporations, whether payable in dollars or not.

2) In most instances, investment in real estate, either by purchase or encumbrance, will not be approved by the Court unless supported by an appraisal of the property, performed by the probate referee.

Rule 9.25 renumbered effective July 1, 2024; previously adopted as Rule 15:25 effective July 1, 1996; amended and/or renumbered effective July 1, 2004; previously renumbered as Rule 9:25 effective January 1, 2022.

9.26 Blocked Accounts in Guardianships and Conservatorships

A. Time of Establishment

A request to deposit funds of a guardianship or conservatorship estate in blocked accounts, for the purpose of reducing bond or otherwise, may be included in the petition for appointment or made in a subsequent petition.

B. Type of Account

All deposits into blocked accounts must be made into federally insured, interest-bearing accounts, with no maturity date unless otherwise ordered by the Court. If funds are to be placed in an account having a maturity date, the applicant and counsel are cautioned that funds must also be maintained in another account in an amount sufficient to pay reasonably foreseeable expenses (e.g., taxes) without incurring penalties or loss of interest.

C. Maximum Amount of Deposits

The initial deposit into any one blocked account must not exceed Ninety Thousand Dollars ($90,000). In no event may more than One Hundred Thousand Dollars ($100,000) be held in a single federally-insured depository. If it becomes necessary to transfer funds to an additional depository in order to comply with this Rule, prior approval of the Court is required.

D. Proof of Deposit into Blocked Account

Within 30 days after an order for deposit into a blocked account is signed by the Court, the trustee of the account must file a receipt from the depository, evidencing the ordered deposit.

E. Withdrawals From Blocked Accounts

1) Court Order Required. Except when the terms of the order for deposit provide for automatic withdrawal by the minor upon attaining majority, withdrawals of principal or interest may not be made unless ordered by the Court.

2) Supporting Documentation. Every application for an order to withdraw funds from a blocked account must be verified. The following documents must be attached to the application:

   (a) a certified copy of the birth certificate of the minor, and

   (b) either (i) an updated savings passbook or a statement showing all deposits and withdrawals since the account was opened, or (ii) a letter from the depository identifying the account and setting forth the dates and amounts of all deposits and withdrawals, along with the current balance.

3) Consent of Minor. If the minor is fourteen years of age or older, he or she (as well as the guardian or trustee) must sign the petition.

4) *Ex Parte* Requests. A request for withdrawal from a blocked account may be made *ex parte*.

5) Parental Responsibilities; Withdrawals for The Payment Of Taxes. Except for withdrawals to pay taxes on a minor's funds, petitions for withdrawals ordinarily will not be granted if either or both parents of the minor are living and either is financially able to pay the requested expenditure. Except for petitions for withdrawals to pay taxes, a financial declaration by the parents or parent describing his, her, or their income and expenses must be attached to the petition (Judicial Council Form FL-150 is recommended). Also, a statement regarding the minor's employment and income, if any, must be attached to the application. Copies of bills, statements, or letters related to the request also must be attached. If the application is for payment of taxes on the minor's funds, copies of the applicable tax returns must be submitted with the petition, but must not be attached to the petition, and must be marked "confidential".

6) Withdrawal for Purchase of Vehicle. If the requested withdrawal is for the purchase of a vehicle, a copy of the proposed purchase/sale agreement must be attached to the petition; the agreement must show the type of vehicle, year, purchase price, and whether the payment will be made in full or in specified installments. Because the petition may be denied, a binding purchase/sale agreement must not be entered into before a court order is obtained. In addition to the aforesaid agreement, a casualty insurance quote must be attached to the petition; the quote must show that the minimum public liability coverage equals or exceeds the funds that will remain on deposit after the purchase, and the petition must identify the person or persons who will pay for the insurance.

7) Withdrawal for Medical Expenses. If the request for withdrawal pertains to medical care for an accident or other casualty, or for a legal matter, the petition must explain why the expense is necessary and why it is not covered by insurance or other resource.

8) Withdrawals for Reimbursement. If the request is for reimbursement for an expense already paid, then proof of payment (i.e., cancelled check or receipt) must be attached to the petition.

Rule 9.26 renumbered effective July 1, 2024; previously adopted as Rule 15:26 effective July 1, 1996; amended and/or renumbered effective July 1, 2004; previously renumbered as Rule 9:26 effective January 1, 2022.

9.27 Accounts of Guardians and Conservators

A. Form

The form of accounts shall conform to Probate Code §1060, *et seq.,* and to Appendix 6 of these Rules.

B. Multiple Accounts in Guardianships

When a guardian accounts for the assets of more than one ward in the same proceeding, the accounting for each ward must be set forth separately.

C. Final Accounts in Guardianships

The Court does not favor the waiver of final accounts by the ward, and generally will not approve a final report when the account is waived unless the ward is present in court at the time of the hearing.

D. Notice of Death to Director of Health Services

Upon termination of a proceeding due to the death of the ward or conservatee, the final report and account must contain either an allegation that notice of said death was provided to the Director of Health Services (as required by Probate Code §215) or an allegation that no such notice is required.

E. Order Dispensing with Accounting

If it appears likely that the estate will satisfy the conditions of Probate Code §2628(a) throughout its duration, the Court may dispense with an accounting. Application for an order dispensing with accountings may be made at the time of the appointment of the guardian or conservator, or when the interim account is due.

Rule 9.27 renumbered effective July 1, 2024; previously adopted as Rule 15:27 effective July 1, 1996; renumbered effective July 1, 2004; amended effective July 1, 2009; previously renumbered as Rule 9:27 effective January 1, 2022.

9.28 Change of Conservatee's Address

The conservator must notify the Court of any change of the conservatee's residence, within thirty (30) days of the conservatee's move, by filing a notice of change of address with the Clerk of the Court.

Rule 9.28 renumbered effective July 1, 2024; previously adopted as Rule 15:28 effective July 1, 1996; renumbered effective July 1, 2004; previously renumbered as Rule 9:28 effective January 1, 2022.

9.29 Procedures Upon the Death of the Ward or Conservatee

A. Required Notice to Court

The guardian or conservator must notify the court, within thirty (30) days and in writing, of the death of the ward or conservatee.

B. Termination of the Guardianship or Conservatorship Estate

If the ward dies before reaching majority, or upon the death of the conservatee, the guardian or conservator must petition the Court to terminate the estate; and may, in conjunction with that petition, seek allowance for claims against the estate and for disposition of the estate if the estate is valued at less than $60,000 and can be disposed of pursuant to Probate Code Sections 13100 through 13111. If the provisions of §§13100 *et seq.* are utilized, the petition for termination and the final account must include a declaration, pursuant to Probate Code §13101, from each person entitled to distribution of the estate.

Rule 9.29 renumbered effective July 1, 2024; previously adopted as Rule 15:29 effective July 1, 1996; renumbered as Rule 15:19.1 effective July 1, 2005; previously renumbered as Rule 9:29 effective January 1, 2022.

CHAPTER 10: JUVENILE DEPENDENCY RULES

10.01 General Applicability of the Siskiyou County Local Rules of Court to Juvenile Dependency Proceedings

Except to the extent that there may be a conflict with this Chapter, the Local Rules pertaining to civil, family law, probate and criminal actions are incorporated herein by this reference as though fully set forth at length, and are hereby made applicable to all juvenile dependency proceedings in the Siskiyou County Superior Court.

Rule 10.01 amended and renumbered effective July 1, 2024; previously adopted as Rule 16:01 effective July 1, 1997; amended and renumbered effective July 1, 2002; previously renumbered as Rule 10:01 effective January 1, 2022.

10.02 Calendar Matters

A. Dependency Master Calendar

The Court maintains a weekly master calendar for dependency proceedings. However, cases assigned to that calendar may be subject to calendar change.

B. Detention Hearings in Dependency Proceedings

In general, detention matters in dependency cases will be set for hearing at 8:15 AM daily, except on the master calendar day when they will be set at 8:30 AM. It is the responsibility of the detaining agency to give notice to the Court's Calendar Coordinator of any detention matter to be heard on the master calendar, by no later than 3:00 PM on the court day before the hearing.

If a dependency detention matter must be heard at any time other than as set forth in this Rule, the detaining agency must give notice to the Court's Calendar Coordinator by no later than 12:00 PM (noon) on the court day before the proposed hearing, so that the Coordinator can reserve a bench officer, a reporter, and security personnel.

It is the responsibility of the detaining agency to give timely notice of the date and time of any detention hearing to the Supervising Clerk of the Civil/Juvenile Division, as well as to all parties and to all counsel who may have been appointed.

(Subd B. amended effective July 1, 2024.

C. *Ex Parte* Applications in Dependency Proceedings

Local Rule 3.03 regarding *ex parte* applications, including the date, time, and manner of notice, applies to proceedings in the Juvenile Court. Unless otherwise directed by the Court's Calendar Coordinator, *ex parte* proceedings in dependency matters are to be set and noticed for hearing at 8:30 AM or 1:30 PM daily, except on the regularly scheduled master calendar day when *ex parte* matters will be heard during the master calendar. No matter may be presented for *ex parte* consideration by the Court, except on a showing of good cause, without prior notice to, or waiver by, counsel for each party in accordance with these Rules, with the exception of applications by counsel for funding for

investigators or expert consultants, or other matters as may be authorized or required by law.

Rule 10.02 amended and renumbered effective July 1, 2024; adopted as Rule 16.02 effective July 1, 1997; amended effective July 1, 2008 and January 1, 2019; previously renumbered as Rule 10:02 effective January 1, 2022.

10.03 Attorneys Representing Parties in Dependency Proceedings

A. Adoption of Rule

This Rule is adopted to comply with Rule 5.660(a) of the California Rules of Court.

(Subd A. amended effective July 1, 2024.

B. Competency of Counsel; Required Experience And Education; Standards of Representation; and Caseload Guidelines

1) Competency of Counsel**.** Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel as defined by Rule 5.660(d)(1) of the California Rules of Court.

2) Experience and Education of Counsel**.** An attorney seeking appointment as counsel for a party or parties in dependency proceedings must meet the experience and education standards set forth by Rule 5.660(d)(3) of the California Rules of Court.

3) Standards of Representation**.** An attorney representing a party or parties in dependency proceedings, and the agents of that attorney, are expected to meet the standards of representation set forth in Rule 5.660(d)(4) of the California Rules of Court.

4) Caseload Guidelines**.** Pursuant to Rule 5.660(d)(6) of the California Rules of Court, the attorney for a child in a dependency matter must adopt caseload management practices that allow for effective performance of the duties required by CRC Rules 5.660(d)(3) and 5.660(d)(4), referenced above.

C. Appointment of Counsel for Parents and Guardians

1) Applications**.** Applications by parents and guardians who seek appointed counsel in dependency proceedings must be presented by oral request in open court, or by oral or written request to the Supervising Clerk of the Civil/Juvenile Division.

2) Appointment**.** Upon application, or on its own after finding good cause, the Court will appoint either a private attorney or law firm to represent parents and guardians.

D. Appointment and Responsibilities of Counsel for Children

1) Appointment. Pursuant to Rule 5.660(b) of the California Rules of Court,

the Court will appoint either an individual attorney or firm in private practice to represent children in dependency proceedings.

2) Appointment Not Required. An attorney for a child need not be appointed if the Court finds, in any given case, that the child would not benefit from counsel because the circumstances described in CRC Rule 5.660(b)(1) apply to that child. In such case, the record will reflect the Court's findings.

3) Responsibilities of Counsel for Children. An attorney for a child or children in dependency matters is specially charged with the duties and responsibilities set forth in Welfare & Institutions Code §317(e) and Rule 5.660(d)(4) of the California Rules of Court.

E. Other Appointment Matters

1) Appointment Panel. Attorneys for children and other parties in dependency proceedings will be appointed by the Court from a panel or panels maintained by court administration; said panel or panels will be comprised of attorneys or law firms that meet the requirements set forth in CRC Rule 5.660(d)(3) and these Local Rules. At least once every three years, any attorney who has been appointed to the panel must submit satisfactory proof to the Court of his/her compliance with the mandatory training education requirements set forth in CRC Rule 5.660(d)(3). The supervising Judge of the Juvenile Court may, from time-to-time and at his/her discretion, require further evidence of the competency of attorneys who seek to be included on the panel or panels from which dependency appointments are made.

2) Notification of Appointment. The Court will contact appointed attorneys when there is a detention hearing.

Paragraph 2) amended effective July 1, 2024.

F. Special Appearances

Because the qualifications of attorneys who represent parties in juvenile dependency matters are regulated by W&I Code §317.6, and CRC Rule 5.660(d), special appearances on behalf of attorneys who have been appointed pursuant to W&I Code §317(d) are discouraged, especially in contested matters. Special appearances will be permitted in the following circumstances only: 1) with the Court's permission, upon a showing of good cause; or 2) when the matter is calendared only for setting of a future court date (e.g., for setting a continuance or a contested hearing), in which case counsel making a special appearance must know and be prepared to stipulate to the available dates of appointed counsel.

(Subd F. amended effective July 1, 2024.

G. Compensation and Claims

1) Compensation. Appointed attorneys or agencies will be reasonably compensated for their services and expenses, according to rates and

schedules listed in the current MOU signed by the Presiding Judge.

2) Client Complaints. Complaints by or questions from a party in a dependency hearing or the caregiver for a minor party, regarding representation by that party's attorney, will be addressed as follows:

(a) Initial Referral. Complaints or questions will be referred initially, for informal resolution, to the agency, attorney, or law firm appointed to represent the party.

Paragraph (a) renumbered effective July 1, 2024; previously adopted and numbered G.3) effective January 1, 2022.

(b) Formal Resolution. If the party was not represented by an appointed agency, attorney, or law firm, or if the issue remains unresolved after referral to the appointed agency, attorney or law firm, the party may submit his/her complaint or question, in writing, to the Presiding Judge of the Superior Court. In most cases, the Court will utilize one of the following procedures to resolve the matter:

Paragraph (b) renumbered effective July 1, 2024; previously adopted and renumbered G.4) effective January 1, 2022.

- Conduct its own review of the complaint or question, and take appropriate action if required; or

  Reformatted effective July 1, 2024; previously numbered G.4)(a) effective January 1, 2022.

- Appoint a panel of three (3) attorneys, not associated with the particular case, to review and comment on the complaint or question and report its findings and recommendations to the Court. The Court then may accept or reject the recommendations of the review panel, or conduct its own review, thereafter taking whatever appropriate action it determines is necessary.

  Reformatted effective July 1, 2024; previously numbered G.4)(b) effective January 1, 2022.

H. Information Received by the Court Concerning the Child or the Child's Interests

If the Court receives information from some person other than the attorney for a child, regarding any interest or right of the child, the Court may provide that information to the child's attorney and direct the attorney to investigate the matter further and to report his/her findings to the Court. If the child has no attorney and such information is brought to the Court's attention, the Court may appoint an attorney for the child for the purpose of investigating and reporting on the information.

Rule 10.03 amended and renumbered effective July 1, 2024; previously adopted as Rule 16.03 effective July 1, 1996; amended effective July 1, 2008 and January 1, 2019; previously renumbered as Rule 10:03 effective January 1, 2022.

10.04 Court-Appointed Special Advocate Program

A. Designation of the Local CASA

The organization "Youth Empowerment Siskiyou" is designated as the Court-Appointed Special Advocate ("CASA") program for Siskiyou County. This designation will remain in effect until terminated or modified by the presiding judge of the Superior Court. The designated CASA program must report regularly to the Superior Court with evidence that it is operating under the guidelines established by the National CASA Association and by Rule 5.655 of the California Rules of Court. The designated CASA program's mailing address is P.O. Box 1337, Yreka CA 96097.

(Subd A. amended effective July 1, 2024.

B. The Advocate Program

1) Request for Appointment**.** A request for appointment of a child advocate in dependency proceedings may be made orally or by written application in open court, or *ex parte* by any interested person, or by the Court on its own motion. After approval by the Court, the referral shall be forwarded to the CASA program's office for screening and assignment. When an appropriate advocate has been selected by CASA, CASA must submit its selection to the Court for review and appointment.

2) Officer of the Court. An advocate is an officer of the Court and is bound by these Rules. Each advocate will be sworn in by a Superior Court Judge before beginning his/her duties, and must subscribe to the written oath required by the Court. The duties and responsibilities of a child advocate are set forth in Welfare & Institutions Code §356.5.

3) Specific Duties**.** The Court will, in its initial order of appointment and/or in subsequent orders, specifically delineate the advocate's duties in each case. Such duties may include conducting an independent investigation of the circumstances of the case; interviewing and observing the child as well as other individuals where appropriate; reviewing pertinent records and reports; and recommending visitation rights for the child's grandparents, siblings, and other relatives. The advocate shall report the results of his/her specific duties directly to the Court.

4) Required Reporting of Child Abuse. A CASA advocate is a mandated child abuse reporter with respect to the case to which he/she has been assigned. [CRC Rule 5.655(d)(2).]

5) Advocate's Right to Timely Notice. The designated CASA organization shall be given timely notice, by the moving party, of any motion concerning a child for whom a CASA advocate has been appointed.

6) Advocate's Right to Appear and be Represented. An advocate has the right to be present and to be heard at all court proceedings involving the subject child, and to accompany the child into chambers for conferences. The advocate will not be subject to exclusion by virtue of the fact that he/she may be called to testify at some point in the proceedings. An advocate has the right to appear with counsel and to request court-appointed counsel if the need arises.

7) Visitation Throughout Dependency and Delinquency. The advocate must visit the child regularly until the child is in a permanent placement. Thereafter, the advocate must monitor the case, as is appropriate, until it is dismissed.

C. Education Advocacy; Release of Information to Education Advocate

1) Appointment. The Court, upon the request of any interested person or upon its own motion, may order the appointment of a specific suitable person from the CASA Program to serve as an education advocate in a designated juvenile dependency case.

2) Duties. The appointed Education Advocate shall act as an education consultant to the Court and the Human Services Department in the matter of the designated case.

3) Access to Information**.** The appointed Education Advocate shall have access to all information contained in the Court's file, as well as all information in the possession of the Department of Human Services relating to the subject case.

4) Reporting. The Education Advocate shall report to the Court either through the Department or through any CASA who may be appointed as advocate for the subject child.

D. Service of CASA Reports

The CASA Reports required by Welfare & Institutions Code §102(c)(1) must be served as follows:

1) Time and Manner of Service**.** Not later than five calendar days prior to any hearing at which a CASA Report will first be considered, copies of that Report must be served on all counsel of record, on the Department of Human Services/Adult and Children's Services, and on any party to the proceeding not represented by counsel. (**Note:** the Court favors personal service of the Report over service by mail.)

2) Alternative Service of Reports. If a CASA Report cannot be served on an attorney within the time established by this Rule and if the Clerk of the Civil/Juvenile Court maintains a pickup box for that attorney, then CASA may serve the Report by depositing it in the pickup box maintained by the Clerk for that attorney. Service in this manner will not be deemed complete unless CASA has complied with the requirements of the Local Rules. This alternative method of

service is authorized by the Court in consideration of the non-profit and volunteer status of "Choices for Children".

Paragraph 2) amended effective July 1, 2024.

4) Simultaneous Service of Notice by Mail. Whenever CASA delivers a CASA Report to a party's attorney by use of the attorney's pickup box maintained by the Clerk of the Court, CASA must immediately serve upon that same attorney, by postage-prepaid first-class mail, a document entitled "Notice of Filing CASA Report" which states the caption of the cause and its case number, and further states that the Report has been placed in said pickup box. This Notice will be required only if the Report so delivered is filed with the Court.

5) Limitations On the Privilege. The service privilege described by these Rules extends to service of CASA Reports only.

Paragraph 5) amended effective July 1, 2024.

E. Service of W&I Code Section 388 Petitions

If a CASA advocate files a petition pursuant to Welfare & Institutions Code §388, such petition must be served according to the provisions of Code of Civil Procedure §§1011, 1012, or 1013.

(Subd E. amended effective July 1, 2024.

F. Proof of Service of CASA Documents

A proof of service indicating the method of service must accompany any document filed by a CASA advocate in Juvenile Court proceedings, including CASA Reports.

G. Calendar Priority for CASA Matters

Because CASA advocates are providing volunteer services for the benefit of the Court as well as for the children for whom they advocate, proceedings at which the CASA advocate appears will be granted priority on the Court's calendar whenever it is feasible to do so.

Rule 10.04 amended and renumbered effective July 1, 2024; previously adopted as Rule 16:04 effective July 1, 1996; amended effective July 1, 2008 and January 1, 2019; previously renumbered as 10:04 effective January 1, 2022.

10.05 Dependency Mediation

A. A. Designation of Dependency Mediation Program

This Court has established a mediation program for dependency matters. The dependency mediation program operates under Family Court Services, located at 411 Fourth Street, Yreka, CA 96097.

B. B. Mediation Services Provided

Services provided by the Court's mediation program include mediation, as well as

independent meetings when appropriate.

1) Mediator's Review. The Mediator is authorized to review the documents in the Court's file prior to any mediation session. (The Mediator will not draw conclusions of fact during the review process.)

2) Pre-Mediation Session. The Mediator may first meet with agency and party representatives, to begin fact-finding and issue development. These representatives might include attorneys for the parents and children; employees of Adult and Children's Services; Court Appointed Special Advocates; and when appropriate, the child welfare representative for a Native American tribe.

3) Mediation; and Independent Meetings. The Mediator may conduct mediation sessions with the parents and other interested persons who are involved in the case. When appropriate, the Mediator may meet with individual family members, interested persons, and agency representatives. Any such independent meetings will be conducted in a manner that promotes neutrality.

4) Mediation Agreement. When appropriate, the terms and conditions of a mediation agreement may be reflected in a memo from the Mediator, or may be reduced to a writing signed by appropriate parties to the agreement and their respective counsel. Only written and fully approved mediated agreements may be presented to the Court for its approval and issuance of orders in compliance with the terms and conditions of the agreement.

5) No Agreement. If no agreement is reached in mediation, the Mediator may file a memo with the Court indicating failure of the parties to reach an agreement; the memo will include any additional information that the parties have agreed can be made known to the Court. If no agreement has been reached, the Mediator will not make any recommendations to the Court.

C. Referrals to Mediation

1) Referrals in General. Referrals to mediation may take place after the filing of a petition pursuant to Welfare & Institutions Code §301, and/or in any other proceeding pursuant to W&I Code §301, and/or in any other dependency matter that might benefit from mediation. Referrals to mediation will be made primarily by the Judge of the Juvenile Court.

Cases will be referred to mediation along the continuum of the dependency court process, and will remain subject to mediation throughout that process. Cases generally will not be referred to mediation prior to the jurisdiction hearing.

The determining factor for referral of a dependency matter to mediation is not the current status of the case, but whether or not the unresolved issues of the case would benefit from mediation.

2) Party-Initiated Referrals**.** Any party to a dependency action may circulate a "Request for Mediation" form to the interested parties, and arrange a mutually agreeable date to mediate any issue in the

proceeding. The requesting party must notify the Mediator of the requested date and time.

The party who requests the mediation will be responsible for notifying the participants of the date and time assigned by the Mediator. (The Mediator will not be responsible for providing notice of date and time to any of the anticipated participants.)

If an agreement is reached during a party-initiated mediation process, and the agreement creates a change in the relevant circumstances of the case, then the requesting party may file a W&IC §388 petition for the purpose of reporting the agreement to the Court.

3) Additional Participants. Any party who intends to invite additional participants to the mediation (e.g., family members or support persons) must so inform the Mediator no less than twenty-four (24) hours prior to the mediation.

D. Confidentiality

All dependency mediations are strictly confidential. Participants are precluded from making reference, outside of a mediation session, to matters discussed during the course of mediation. All participants in mediation will be required to sign a confidentiality agreement prior to participation.

It is the responsibility of agencies, tribes, and attorneys to advise their representatives, clients, and any other participants in mediation of the confidentiality requirement. [Fam.Code §3177; Ev.Code §§ 1115, 1119.]

E. Special Circumstances

1) Children in Mediation. Children may be involved in the mediation process if the parties to the mediation believe that the children and/or the process would benefit from that participation. Final discretion as to the children's participation lies with the Mediator and the attorney for the children. The children may be involved in the process as part of an independent meeting with the mediator and the children's attorney.

2) Parents In-Custody. Incarcerated parents may attend mediation at the discretion of the Judicial Officer. If the incarcerated parent is not permitted or able to attend the mediation, he/she may contribute his/her comments by submitting an "Issues Form" to the Mediator's office prior to the mediation.

3) Parties as Victims Of Abuse. When a party to mediation is an alleged victim of abuse or violence perpetrated by any other participant, the alleged perpetrator may be excluded from the mediation process. Any request for exclusion on the basis of abuse or violence must be made to the Court at the time the matter is referred to mediation, by the alleged victim or that party's attorney.

The Mediator may meet independently with an alleged perpetrator, depending on the individual circumstances of the case.

A victim of abuse or violence is entitled to attend the mediation sessions accompanied by a support person. The support person may provide moral support, but must not interfere with the mediation process.

Amended effective July 1, 2024, renumbered as Rule 10.05 effective January 1, 2022; originally adopted as Rule 16.05 effective July 1, 2000; amended and renumbered effective July 1, 2008.

10.06 Reserved

Renumbered as 10.06 effective January 1, 2022; originally adopted as Rule 16:06 and deleted effective July 1, 2002.

10.07 Confidentiality

All persons interested in dependency proceedings are hereby notified of the provisions of Welfare & Institutions Code §827, *et seq.,* and of Rule 5.552 of the California Rules of Court, which restrict access to information relating to dependency proceedings. The Court may, from time to time, enact or issue an order to specify local rules and procedures related to access to, and dissemination of, confidential juvenile information.

Rule 10.07 renumbered effective July 1, 2024; previously adopted as Rule 16:07 effective January 1, 2007; previously renumbered as Rule 10:07 effective January 1, 2022.

CHAPTER 11: JUVENILE JUSTICE RULES

11.01 General Applicability of The Siskiyou County Local Rules of Court To Juvenile Justice Proceedings

Except to the extent that there may be a conflict with this Chapter 11, the Local Rules pertaining to civil, family law, probate and criminal actions are incorporated herein by this reference as though fully set forth at length and are hereby made applicable to all juvenile justice proceedings.

Rule 11.01 amended and renumbered effective July 1, 2024; previously adopted as Rule 17.01 effective July 1, 2002; previously renumbered as Rule 11.01 effective January 1, 2022.

11.02 Calendar Matters

A. A. <u>Juvenile Justice Master Calendar</u>

The Court maintains a weekly master calendar for juvenile justice proceedings; however, cases assigned to that calendar may be subject to calendar changes. Interested persons can confirm the date and time of a calendared juvenile justice matter by calling the Court's Calendar Coordinator or the Civil/Juvenile Division.

(Subd A. amended effective July 1, 2024.)

B. B. <u>Detention Hearings in Juvenile Justice Proceedings</u>

In general, detention matters in juvenile justice cases will be set for hearing at 1:15 PM daily, except on the master calendar day when they will be set at 1:30 PM.

If a juvenile justice detention matter must be heard at any time other than as set forth in this Rule 11.02.B, the detaining agency must give notice to the Court's Calendar Coordinator by no later than 3:00 PM on the court day before the proposed hearing, so that the Coordinator can reserve a bench officer, a reporter, and security personnel.

It is the responsibility of the detaining agency to give timely notice of the date and time of the detention hearing to the Supervising Clerk of the Civil/Juvenile Division, as well as to all parties and all counsel who may have been appointed.

(Subd B. amended effective July 1, 2024.)

Rule 11.02 amended and renumbered effective July 1, 2024; previously adopted as Rule 17:01 effective July 1, 2002, amended effective July 1, 2010 and January 1, 2019; previously renumbered as Rule 11:02 effective January 1, 2022.

APPENDICES

APPENDIX 1: RULES FOR DECORUM IN THE COURTROOM

Persons appearing in the courtroom must adhere to the following "Suggestions for Uniformity of Courts and Courtroom Etiquette" approved in 1956 by the Conference of California Judges (now California Judges Association) and modified for use in the Superior Courts comprising the Third Appellate District.

Section 1. PREAMBLE

Fully mindful of our responsibility with regard to courtroom etiquette, these rules are intended to foster a calm and dignified atmosphere in our courts. In all courts there is some formality and the need for courtesy on the part of participants and observers. These matters vary greatly, and there should be an effort toward uniformity and a general guide whereby persons attending our courts may know what is correct courtroom behavior. It is recognized that because of great differences in local customs, thought, climatic conditions and courtroom facilities, complete agreement and uniformity of formality and etiquette may not be immediately obtainable; however, a violation of these rules, without reasonable justification will be sanctionable pursuant to Code of Civil Procedure §177.5.

Section 2. OPENING OF COURT

(a) Court will be formally opened each day at the commencement of the morning session.

(b) The opening formalities and procedure will be as follows: shortly before the scheduled time, the judge will notify the bailiff and other court officers. This will be the signal to court officers and attorneys to terminate conversations, go to their respective positions, discontinue arranging papers, and in general to be prepared. As the judge enters the courtroom, the bailiff will pause and wait until the judge is standing by the bench and facing the flag, and all persons are standing and quiet, and then will say, in a clear and impressive tone, the following:

> "Everyone please stand and come to order. The Superior Court of California for the County of Siskiyou is now in session, Honorable [name], Judge presiding."

> The bailiff will pause until the judge is on the bench and ready to be seated, then rap with the gavel and state: "Please be seated." If a jury panel is present to be sworn, the bailiff may say: "Jurors remain standing for the oath; all others be seated."

(c) Following court recesses, upon opening court it will be sufficient for the bailiff simply to say: "Remain seated and come to order. Court is again in session."

Section 3. CONDUCT OF ATTORNEYS

(a) Except in condemnation proceedings, the side of the counsel table nearest to the jury box will be occupied by the plaintiff or moving party and the attorney for that party, and the other side by the defendant and the attorney for defendant.

(b) Attorneys must rise and remain standing when addressing the Court or a jury, except in the case of an objection or statement of only a few words.

(c) Attorneys must address the Court from their position behind the counsel table or from a lectern.

(d) Attorneys must examine witnesses from their position behind the counsel table, and may properly, at their option, be seated or standing. Where a lectern in provided, counsel desiring to stand must stand at the lectern. With the Court's permission, it is proper for counsel to approach witnesses who are hard of hearing or when counsel is handling exhibits, or to stand at the blackboard when questioning the witness concerning a map or diagram. This procedure will be observed in all proceedings, including default and probate matters.

(e) Attorneys must not, in addressing the jury, crowd the jury box nor address the jury in a loud voice or in an undignified manner. When a lectern is provided, attorneys must address the jury from the lectern.

(f) Attorneys, during trial, must not exhibit familiarity with witnesses, jurors, or opposing counsel; the use of first names must be avoided. During argument, counsel may not address any juror individually or by name.

(g) Attorneys must be respectful towards the Court and must address the Court in the third person, as "The Court will remember the testimony", not, "You will remember". When the judge is on the bench, he or she may be addressed as "Your Honor", but never as "You" or "Judge". Counsel must "invite", not "direct", the Court's attention. The proper form of an opening statement or argument is "May it please the Court", not, "If the Court please".

(h) Attorneys must refrain from interrupting the Court or opposing counsel until the statement being made is completed, except when absolutely necessary to protect the client's rights on the record, and must respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matters. When objection is made to a question asked by an attorney, that attorney must refrain from asking the witness another question until the Court has had opportunity to rule upon the objection.

(i) Objections and arguments must be made to the Court rather than to opposing counsel.

(j) When trial counsel completes examination of a witness, indication shall be made to opposing counsel by stating "You may inquire", instead of, "That is all". (It is found that the latter expression frequently results in departure of the witness from the stand before the examination is concluded.)

(k) During the argument of opposing counsel, other counsel must remain seated at the counsel table and listen respectfully. Counsel must not get up and walk about or make asides to others, so as to divert attention of the Court or jury, or to express feelings.

(l) After a matter has been argued and submitted and the Court has announced its decision, counsel shall gracefully accept the decision and shall not make further comment or argument, unless upon request the Court reopens argument.

(m) In criminal cases, the defendant and attorney for the defendant shall stand

before the bench in waiving arraignment or entering plea, and at the time of passing sentence.

Section 4. BEHAVIOR IN GENERAL, INCLUDING DRESS

(a) Bailiffs must be in uniform. During trial the bailiff must sit properly at the bailiff's desk and must alertly observe the courtroom, so as to be ready at all times to be of assistance or deal with any situation that may require his or her attention.

(b) Attorneys and other officers must always be attired in proper and dignified manner, and abstain from any apparel or ornament calculated to attract undue attention.

(c) Recognizing that the courts belong to the people, judges cannot impose personal preference as to attire of participants in court proceedings and must be mindful and tolerant of changing fashions and reasonable individual idiosyncrasies. However, no witness, litigant, or juror may enter or remain in the courtroom in a condition so dirty, slovenly, bizarre, revealing, or immodest so as to distract from the orderliness and concentration of the trial.

(d) Judges and attorneys must avoid tardiness in court engagements. However, when unavoidably delayed, they will explain the reason for such delay.

(e) Before entering a courtroom where court is in session, all persons must first remove overcoat, hat, and similar items, rather than do these things after entering the courtroom and thereby causing a diversion.

(f) When court is in session, no person may eat, drink, smoke chew gum or tobacco, read newspapers or magazines, knit, attend crying children, converse, or do anything else that might be offensive or distracting to any other person person in the courtroom.

(g) No person in the courtroom may ever, by facial expression of incredulity, shaking of the head, or other conduct, show feeling concerning any testimony that is being given by a witness on the stand or statements made by the judge or counsel.

(h) The judge will at all times endeavor to put witnesses, young attorneys, jurors and others appearing in the court at ease by kindly and friendly demeanor.

(i) The swearing-in of witnesses is not to be conducted as a mere formality, but must be done in a manner that will impress upon the witness the importance of his or her testimony, Witnesses must be sworn individually, except in default cases.

(j) The space behind the bar is normally reserved for court employees and attorneys. Clients and witnesses must not venture beyond the bar except when necessary to confer with counsel. No one may walk between the bench and counsel table unless the construction of the courtroom makes such path necessary.

Section 5. JURORS

(a) It must be remembered that jurors are making a great personal sacrifice to give their time to assist the Court and the community; hence they are entitled to every consideration and courtesy.

(b) The judge shall be careful in reading instructions, to read slowly and with proper emphasis, so as to make them as clear as possible.

(c) The judge shall, and attorneys and court employees must, make every effort to avoid inconveniencing a jury panel by having them called in, or not called off, in the event a scheduled matter will not be tried.

(d) At each recess, the jurors will be allowed to leave the courtroom before the spectators.

(e) When a case is taken from the jury in the event of a non-suit or a settlement, the judge, in dismissing the jury, shall briefly explain the procedure and the reason why a verdict was unnecessary.

Section 6. COURT REPORTERS

For the proper preservation of the record of proceedings in the court, the following procedures must be adhered to:

(a) Witnesses and counsel must face the direction of the court reporter, if one is present, when testifying or addressing the Court.

(b) Counsel must seek permission of the Court for all requests for read back of testimony or other material from the court reporter.

(c) Counsel must not instruct the court reporter that statements are off the record. Counsel desiring to have the proceedings deemed off the record must seek permission of the Court. Unless directed by the Court, all proceedings while the Court is in session are part of the Court's official record and will be reported by the court reporter.

Section 7. IMPLEMENTATION

(a) Attorneys must advise their clients and witnesses concerning court formalities and etiquette, and explain to them that the reasons for such proper behavior are to avoid offense to others and, by their conduct, to show respect for the Constitution and laws of the state and of the Court as an institution.

(b) Judges, upon impaneling and qualifying new juries, shall mention and explain these rules, insofar as they apply to jurors.

(c) Any infraction of these rules, if deemed worthy of notice or admonition, must be dealt with in a kindly and diplomatic manner. If it is a matter for the bailiff, the bailiff must communicate with the person involved as privately as possible. If it is a matter involving counsel, the Court generally shall speak to counsel in chambers rather than causing embarrassment in open court.

NOTE: The foregoing suggestions were presented by the Committee on Courtroom Etiquette and Formalities to the 1956 Conference of California Judges at its annual meeting, and on motion duly made and seconded, the suggestions were approved. These suggestions were subsequently adopted by the Third District Court of Appeal and by the Siskiyou County Superior Court, and most recently amended effective January 1, 2002.

APPENDIX 2: CODE OF ETHICS

CODE OF ETHICS
FOR THE COURT EMPLOYEES OF CALIFORNIA

A fair and independent court system is essential to the administration of justice in a democratic society. Exemplary conduct by court employees inspires public confidence and trust in the courts, and conveys the values of impartiality, equity, and fairness that bring integrity to the court's work. Further, court employees are expected to adhere to a high standard of ethical behavior. To advance these values and to achieve justice we believe certain ethical principles should govern all that we do. We therefore commit ourselves to:

Tenet One	Provide impartial and evenhanded treatment of all persons;
Tenet Two	Demonstrate the highest standards of personal integrity and honesty in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies, or facilities for personal business;
Tenet Three	Behave toward all persons with respect, courtesy, patience, and responsiveness, acting always to promote public esteem in the court system;
Tenet Four	Safeguard confidential information, both written and oral, unless disclosure is authorized by the court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;
Tenet Five	Refrain from any actual impropriety, such as: violating the law, soliciting funds on the job, receiving gifts or favors related to court employment, accepting outside employment that conflicts with the employee's duties, recommending private legal service providers to the public on the job, or using position at court to benefit self, friends, or relatives;
Tenet Six	Avoid any appearance of impropriety that might diminish the integrity and dignity of the court;
Tenet Seven	Serve the public by providing accurate information about court processes that is as helpful as possible without taking one side over the other, or appearing to favor one side of a case;
Tenet Eight	Provide responsible and accountable stewardship of public resources;

Tenet Nine	Provide accurate information as requested in a competent, courteous, and timely manner. Improve personal work skills and performance through continuing professional education and development;
Tenet Ten	Guard against and, when necessary, repudiate any act of discrimination or bias based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation;
Tenet Eleven	Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal choices and characteristics; and
Tenet Twelve	Protect the technological property of the court by preserving the integrity of electronically stored information.

GUIDELINES

The following guidelines are intended to clarify and provide direction for the application of the tenets to which we subscribe:

Guideline for Tenet One **IMPARTIALITY**	All persons coming to the court for assistance are entitled to fair and equitable treatment, regardless of their personal behavior or legal situation. Court employees must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, and sometimes deceitful court users the same level of competent and impartial help that they provide to those who are pleasant and appreciative. While every court employee has the right to freedom of association and political expression, he or she does not have the right to take sides in a legal dispute, interject himself or herself into the legal decision-making process, second-guess a judge's ruling, or give the appearance of partiality on any issue that is likely to come before the court. The procedural integrity of the court must be protected at all times.
Guideline for Tenet Two **PERSONAL INTEGRITY**	The fundamental attitudes and work habits of individual court employees are of vital importance. Honesty is paramount. Employees should set an example for others and must not misuse the court's resources, including, but not limited to, the telephone, facsimile machine, copying machine, e- mail, or internet access. Employees must not abuse their privileges, and must contribute to the integrity of the entire court staff by striving to avoid factionalism and inspire mutual support and trust.

Guideline for Tenet Three **PROFESSIONALISM**	Employment in the court system is a public trust engendered by the citizens' confidence in the professional knowledge and competency and personal integrity of the officers and employees of the judicial branch. A professional knows every aspect of his or her job and can provide complete, understandable answers to the public's questions. A professional presents a businesslike image of methodical and systematic efficiency and does not abuse the position of power that special knowledge affords. A professional never criticizes a co-worker in public nor denigrates a court user at any time. A professional raises conflict resolution to an art form, always seeking to preserve the dignity of the individuals involved in a dispute, thereby preserving the dignity of the court. The word "respect" is never far from the professional's mind
Guideline for Tenet Four **CONFIDENTIALITY**	Sensitive information acquired by court employees in the course of discharging their official duties must never be revealed until it is made a matter of public record. Sometimes breaches of confidentiality do not involve intentional disclosure of official court records but are the result of innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries, any of which could give attorneys, litigants, and reporters confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate court reasons and must handle sensational or sensitive cases with great care.
Guideline for Tenet Five **IMPROPRIETY**	Improprieties can take many forms. A court employee who uses his or her title, badge, court affiliation, or other special access to the judicial system for personal gain or to avoid personal legal consequences is engaged in improper conduct. Examples of improper behaviors include seeking any favor, soliciting any gift, or actually receiving, directly or indirectly, any gift or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality that could be construed as intending to influence the employee in performing his or her duties or as a reward for past or future services; or accepting outside employment that interferes with the employee's effectiveness or conflicts with the proper discharge of official court duties. A court employee must not, for example, seek special consideration for his or her traffic citations, jury duty, or parking violations. In addition, any conduct that casts doubt upon the integrity and impartiality of the legal system is forbidden. For example, a court employee must not improperly intervene in expediting administrative processes, facilitate a favorable disposition to a case, or provide access to confidential case information to benefit self, friends, or family members. Moreover, while on the job an employee must not recommend private legal counsel to a member of the public. While court employees cannot regulate the conduct of others, they can conduct themselves in a manner that inspires public confidence in the role they play in the pursuit of justice. Proper conduct involves daily and scrupulous affirmation of moral principles and observance of all laws, rules, policies, and procedures.

Guideline for Tenet Six **APPEARANCE OF IMPROPRIETY**	Court employees are expected to refrain from engaging not only in improper behavior but also in behavior that others might perceive to be improper. Any activity that gives the impression that court employees can be improperly influenced in the performance of their official duties is prohibited. A court employee must not, for example, openly discuss the merits of cases pending before the court or be overly solicitous to litigants or counsel, which could give the appearance of preferential treatment. Moreover, a court employee must not be involved in the hiring decision of a relative or close friend, as such involvement may give the appearance of an unfair advantage in the hiring process. To gauge the propriety of an action, consider how it would be viewed by the community if the action were made public.
Guideline for Tenet Seven **PROHIBITION AGAINST GIVING LEGAL ADVICE**	Given the experience and visibility of court employees, it is natural for those who deal with the court, including attorneys and litigants as well as the general public, to ask questions such as: "Should I fight this?" "How do I fight this?" "To whom should I go for legal assistance?" "What does the law say?" Court employees can and should provide information that is within their own level of professional training and experience, so long as the information does not compromise the neutrality of the court or the court's appearance of neutrality. For example, court employees can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court's policies attendant to procedural due process and assist self-represented litigants in court self-help centers. They should provide litigants with information about non-profit legal services agencies, certified lawyer referral service programs and court-based self- help assistance. They must not, however, cross the line separating court employees, whether licensed attorneys or not, from attorneys practicing law in the community. Court employees must not give any legal or procedural information that tends to favor one side of a case. Court employees should cite this tenet when pressed by those seeking legal advice.
Guideline for Tenet Eight **PUBLIC RESOURCES**	Court resources must be used for the benefit of the citizens of our state. These resources include staff time, equipment, facilities, information systems, and the money allocated to the court. Court employees must ensure proper accountability of the court's resources. Use of these resources must be transparent to the public and beyond reproach. Resources must not be expended simply for the direct benefit of individual employees or judicial officers. Physical resources must be safeguarded to avoid unnecessary damage or wear. Equipment must be properly maintained and replaced when appropriate. All court employees should constantly look for improved efficiency in job processes. Deficiencies and safety hazards must be reported and addressed in a timely manner. Sound business practices must be employed in managing contracts to avoid waste of court resources.

Guideline for Tenet Nine
SERVICE AND COMPETENCY

A major responsibility of all court employees is to provide accurate and timely information. When providing information, whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoid legal jargon whenever possible. The laws and rules under which the courts operate are continually changing as a result of legislative actions, higher court decisions, and evolving values and technologies. Court employees are encouraged to participate in professional activities and associations. Court employees must participate in educational programs to stay abreast of changes and to improve their personal and professional skills. Court managers at all levels of the California court system should initiate and oversee ongoing professional growth programs for all court employees, including study of ethics-related issues.

Guideline for Tenet Ten

DISCRIMINATION

Each day court employees assist users of court services of many races, religions, national origins, languages, sexual orientations, and varieties of personal abilities and appearance. They may deal with accused felons, child abusers, participants in painful dissolutions, those grieving from an injury or loss of a loved one, or people experiencing any one of numerous kinds of human pain or dysfunction. Court employees are expected to treat each other and each user of court services equally and with compassion.

Equal access to the court system and equal treatment for all are the cornerstones of the administration of justice. Court employees must expose and discourage discrimination wherever it exists.

Guideline for Tenet Eleven
HARASSMENT

All court employees must conduct themselves in a professional manner at all times. Court employees must not engage in inappropriate, offensive, or unwelcome conduct of a sexual nature, or inappropriate or offensive conduct based upon a person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal characteristic, regardless whether it rises to the level of harassment. Court employees are expected to treat all persons with dignity and respect and, by doing so, will foster a work environment that is free from harassment. Court employees should follow their appropriate local reporting procedures in reporting their concerns about inappropriate behavior so that their issues can be addressed.

Guideline for Tenet Twelve

TECHNOLOGY

Information retained in electronic files must be safeguarded like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, court employees must monitor court electronic information and take appropriate steps to ensure that the information is accurate. Great care should be taken in the transmission of electronic data and communications so as not to embarrass the court or the sender if read by an unintended recipient. Court employees may not install personal software or equipment without prior approval, nor may they take copyrighted software outside the court for personal use.

APPENDIX 3: DECLARATION RE *EX PARTE* NOTICE (SC-CV-1)

NAME OF APPLICANT OR ATTORNEY FOR APPLICANT: ADDRESS: TELEPHONE:	(FOR COURT USE ONLY)
SISKIYOU COUNTY SUPERIOR COURT 411 FOURTH STREET YREKA, CALIFORNIA 96097	
IN THE MATTER OF: PETITIONER / PLAINTIFF:	CASE NUMBER
RESPONDENT / DEFENDANT: **DECLARATION RE *EX PARTE* NOTICE**	

I, the undersigned, declare under penalty of perjury that

1. I am: (1) ❒ unrepresented Petitioner/Plaintiff ❒ unrepresented Respondent/Defendant
   (2) ❒ the attorney for: ❒ Petitioner/Plaintiff ❒ Respondent/Defendant
   (3) ❒ other (explain): _____
2. The opposing party is represented by counsel: ❒ Yes ❒ No If you checked "yes", fill in attorney′s name, address and telephone number:
   _____
3. The parties to this action have been involved in **another** Family Law, Domestic Violence, Family Support Div., Paternity, Criminal, Guardianship,
   or Juvenile Court case. ❒ YES ❒ NO.
   If there has been another case, state the County in which it is pending _____, **and** the case number _____
4. I have given notice of this *ex parte* application ❒ YES ❒ NO **(If you answered "No", skip #5 - #9 and complete the rest of the form.)**
5. I gave notice to _____ (*Name*), on _____ (*Date*) at _____ (*Time*)
6. ❒ The notice included the information contained in Attachment 1 of this declaration.
7. ❒ I gave notice to _____ that I would appear for hearing on these orders at _____ (AM) (PM) on _____ in Dept. _____ of the Yreka Courthouse, Superior Court of California, County of Siskiyou, 411 4th St, Yreka, CA 96097.
8. ❒ A copy of these pleadings was given to: _____ **by the following method:**
   ❒ personal delivery ❒ overnight letter or other overnight carrier ❒ fax transmission ❒ other (explain): _____
   _____
9. I have received the following response: _____
   _____
10. ❒ I anticipate that the other party WILL oppose this application. ❒ I anticipate that the other party WILL NOT oppose this application.

11. I have **NOT** given notice of the present application for *ex parte* orders because:
    - ❒ Notice would frustrate the purpose of the orders sought.
    - ❒ Applicant would suffer immediate and irreparable harm before the orders could issue.
    - ❒ This is an application for Domestic Violence Prevention Act (DVPA) restraining orders.
    - ❒ No significant burden or inconvenience to the responding party will result.
    - ❒ The orders requested are those permitted without notice by local rule.
    - ❒ I made reasonable, good faith efforts to give notice, described as follows:

    _____

    _____

    ❒ Other: _____

    _____

EXPLAIN WHY YOU CHECKED ANY BOX IN ITEM 11: _____

_____

_____

12. I believe that the other party's abuse of ❒ alcohol ❒ drugs is a major factor in his/her offensive behavior.

13. If you are asking that anyone else be protected, then his or her name, age, relationship to you, and need for protection must be stated.

	NAME & AGE	RELATIONSHIP	WHY PROTECTION NEEDED	LIVES IN MY RESIDENCE (CIRCLE YES OR NO)
a.				YES NO
b.				YES NO
c.				YES NO
d.				YES NO
e.				YES NO

14. Are you in mediation? ❒ YES ❒ NO If so, have you notified the Court Mediator of this application? ❒ YES ❒ NO.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was signed at _____, California, on _____, 20_____,

Signature of Declarant _____

Print Name: _____

Siskiyou County Court Rule 14.06C(2)

CONFIDENTIAL

CASE PARTY INFORMATION

The Following Information Is Required By Siskiyou County Superior Court For Effective Case Management

PLAINTIFF / PETITIONER / VICTIM:

Legal Name:_____ _____ _____
(Last) (First) (Middle Initial)

AKA:_____ _____ _____
(Last) (First) (Middle Initial)

Mailing Address:_____ Residence Address:_____

_____ _____

_____ _____

Date Of Birth:_____ SSN:_____

List any other Siskiyou County Superior Court cases that exist for you or the other party, by case name **and** case number:_____

_____

_____

* *

The Following Information Is Required By Siskiyou County Superior Court For Effective Case Management

DEFENDANT / RESPONDENT:

Legal Name:_____ _____ _____
(Last) (First) (Middle Initial)

AKA:_____ _____ _____
(Last) (First) (Middle Initial)

Mailing Address:_____ Residence Address:_____

_____ _____

_____ _____

Date Of Birth:_____ SSN:_____

List any other Siskiyou County Superior Court cases that exist for you or the other party, by case name **and** case number:_____

_____

_____

Name:

Address:

IN PRO PER

SUPERIOR COURT FOR THE STATE OF CALIFORNIA,
COUNTY OF SISKIYOU

In the Matter of the Adoption Petition of:

_____
(*specify case name*)
_____

Case No.:

[Pleading Title]

I, _____(*name*), am the _____(*explain relationship to the case*) in this matter.

On _____(*date*), a decree of adoption was entered in this matter, decreeing _____(*name of adopted person*) to be the adopted child of _____(*name of adoptive parent(s)*).

I am requesting to inspect the adoption records for these reasons (*state all reasons why there is a necessity for you to inspect the records, using more than one paragraph*):

Mandatory Form

Wherefore, _____(*your name*) prays for an order directing the clerk of the court to allow inspection and copying by the petitioner of the confidential court records in this

///

///

///

matter, including the names of the birth parents.

Date:_____

(*Signature of petitioner*)

VERIFICATION

I, _____, (*name*), am the petitioner in this proceeding.

I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge, except as to matters therein alleged on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

Date:_____ _____

(*Signature of petitioner*)

Mandatory Form

SUPERIOR COURT FOR THE STATE OF CALIFORNIA,
COUNTY OF SISKIYOU

In the Matter of the Adoption Petition of:

Case No. (*if known*): _____

Order on Petition to Inspect Adoption Records

_____
(*specify case name*)

_____

The Court has reviewed _____(*name of petitioner*) Petition to Inspect Adoption Records, filed on _____(*date of filing*).

Upon consideration, the Court hereby ____Grants/____Denies _____(*name of petitioner*) request to inspect and or copy the following documents:

Dated: _____

_____

Judge of the Superior Court

Mandatory Form

LOCAL RULES OF THE SISKIYOU COUNTY SUPERIOR COURT

APPENDIX 6: FORM OF ACCOUNTS

FORM OF ACCOUNTS

The following information must be included in every financial report that is required pursuant to the Probate Code, and it must appear in substantially the format shown.

The petitioner is chargeable with, and is entitled to credits for, certain items as set forth in this Summary of Account. The referenced supporting schedules are attached hereto, and are incorporated herein by this reference:

SUMMARY OF ACCOUNT

CHARGES

Amount of Inventory and Appraisement (or, if subsequent account, amountchargeable from prior account)..... $_____

Receipts During Account Period
(Schedule "A")
.....$_____

Gain on Sales(Schedule "B") .....$____

TOTAL CHARGES.....$_

CREDITS

Disbursements During Account Period(Schedule "C")
.....$_____

Loss on Sales(Schedule "D") .....$____

Other Credits (property distributed, homestead, or other property set apart)(Schedule "E").....$_____

Property on Hand(Schedule "F") .....$_____

TOTAL CREDITS.....$_

The summary must be supported by detailed schedules. The schedules of receipts and disbursements, unless properly waived, must show the nature or purpose of each item, and the date thereof. The schedule of property currently on hand must describe each item, and must indicate its appraised value.

APPENDIX 7: CITATION TO PARENT (SC-AD-3)

SISKIYOU COUNTY SUPERIOR COURT 411 Fourth St., Yreka, California 96097	(FOR COURT USE ONLY)
IN THE MATTER OF THE PETITION OF _____ *(name of adopting parent)* **To Declare Minor** _____ *(name of minor)* **Free From the Custody and Control of** _____ *(name of parent)*	
CITATION TO PARENT	**CASE NO.** **Date of Hearing:** **Time of Hearing:** **Courtroom:**

FROM: THE PEOPLE OF THE STATE OF CALIFORNIA

TO: _____

By order of this Court you are hereby advised that you may appear before the judge presiding in Courtroom_____of the Court, located at 411 4th Street, Yreka, California, on_____at _____(PM)(AM), then and there to show cause, if any you have, why_____(name of minor) should not be declared free from your custody and control for the purpose of placing said child for adoption.

The following information concerns rights and procedures that relate to this proceeding for the termination of custody and control of_____, as set forth in Family Code Section 7800, et seq..

1. At the beginning of the proceeding, the Court will consider whether or not the interests of the minor require the appointment of counsel. If the Court finds that the interests of the minor do require such protection, the Court will appoint counsel to represent him/her, whether or

not the minor is able to afford counsel. The minor will not be present in court unless he/she so requests or the Court so orders.

2. If the cited parent of the minor appears without counsel and is unable to afford counsel, the Court must appoint counsel for the parent, unless the parent knowingly and intelligently waives the right to be represented by counsel. The Court will not appoint the same attorney to represent both the minor and his/her parent.

3. The Court may appoint either the public defender or private counsel. If private counsel is appointed, he/she will receive a reasonable sum for compensation and expenses, the amount of which will be determined by the Court. That amount must be paid by the real parties in interest (but not by the minor) in such proportion as the Court believes to be just. If, however, the Court finds that any of the real parties in interest cannot afford counsel, the attorney fees will be paid by the Court or County as statutorily appropriate, wholly or in part.

4. The Court may continue the proceeding for not more than 30 days, as necessary, to appoint counsel and to enable counsel to become acquainted with the case.

Date:_____

By:_____

Deputy Clerk

PARTY WIHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO: FAX NO: E-MAIL ADDRESS: ATTORNEY FOR (name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SISKIYOU STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME	
Petitioner/Plaintiff: Respondent/Defendant:	CASE NUMBER:
REQUEST FOR COURT REPORTER BY A PARTY WITH A FEE WAIVER	

A party who has been granted a waiver of court fees and costs may request the services of a court reporter for a proceeding for which a reporter is not normally available and for which an electronic recording is not provided. See policy regarding official court reporters, local rule 2.02.

A request must be made for each proceeding for which a reporter is requested, and must be filed with the clerk at least 10 calendar days before the date set for the proceeding, or at the time the proceeding is scheduled if less than 10 days away, or at such other time as the court may require. Failure to comply with this request procedure may result in the court being unable to provide a court reporter or a continuance of the hearing. Note: The court is not obligated to provide a transcript free of charge to a party who has been granted a waiver of court fees and costs.

If eligible, the court will try to schedule a court reporter for the date/time of the court proceeding but cannot guarantee that one will be available. Given the general unavailability of court reporters, availability of a court reporter will not be given until the day of the trial or hearing.

REQUEST

I_____, had a waiver of court fees and costs approved by the court on (date)_____, and I request a court reporter for ☐ trial ☐ hearing on (date)_____.

Date_____ Signature_____

SC-CV-5
Mandatory Form

REQUEST FOR COURT REPORTER BY A PARTY WITH A FEE WAIVER

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Form Name	Form Number	Effective Date	Mandatory/Optional
Case Party Information	Appendix 4	1/1/2019	Mandatory
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Declaration re: *Ex Parte* Notice	Appendix 3/SC-CV-1	1/1/2020	Mandatory
Form of Accounts	Appendix 6	1/1/2019	Optional
Petition to Inspect Adoption Records	Appendix 5	1/1/2019	Optional

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